

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Criminal Action No. 09-cr-00266-CMA-03

UNITED STATES OF AMERICA,

Plaintiff,

v.

3. GARY L. WALKER,

Defendant.

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REPORTER'S TRANSCRIPT  
(Re-Sentencing Hearing)

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Proceedings before the HONORABLE CHRISTINE M. ARGUELLO, Judge, United States District Court, for the District of Colorado, commencing at 3:00 p.m. on the 28th day of June, 2017, Alfred A. Arraj United States Courthouse, Denver, Colorado.

A P P E A R A N C E S

**FOR THE PLAINTIFF:**

MATTHEW T. KIRSCH and JAMES C. MURPHY, U.S. Attorney's Office - Denver, 1801 California St., Suite 1600, Denver, CO 80202

**FOR DEFENDANT WALKER:**

PATRICE B. COLLINS and GERALD J. RAFFERTY, Collins & Collins, LLC, 700 17th St., Suite 1820, Denver, CO 80202

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**JUNE 28, 2017**

(Proceedings commence at 11:05 a.m.)

THE COURT: You may be seated.

Court calls Criminal Case No. 09-cr-00266-CMA-03,  
encaptioned United States v. Gary L. Walker.

Counsel, would you please enter your appearances.

MR. KIRSCH: Good morning, Your Honor, Matthew  
Kirsch and James Murphy for the United States.

THE COURT: Good morning.

MS. COLLINS: Good morning, Your Honor, Patrice  
Collins and Gerald Rafferty for defendant Walker.

THE COURT: Good morning.

All right. Ms. Collins, would you and Mr. Walker  
please approach the podium.

Before we begin, are there any matters that need to  
be brought to my attention?

MS. COLLINS: There is one matter, Your Honor, and  
that is that we are currently preparing a motion to  
restrict transcripts, which will be filed later today.  
And the reason therefore is worry about continual  
harassment of Mr. Walker, his parents, and potentially  
former CSF members.

THE COURT: All right. So I will await to receive  
that, and then make a ruling based on whatever you submit  
and whether you persuade me.

1 All right. In this case, Mr. Walker was charged by  
2 Indictment dated June 9, 2009, with one count charging  
3 violation of 18 United States Code Section 1349,  
4 Conspiracy to Commit Wire and Mail Fraud. After a full  
5 jury trial, on October 20, 2011, he was found guilty and  
6 was convicted of that count.

7 His co-defendants, David A. Banks, Kendrick Barnes,  
8 Demetrius K. Harper, Clinton A. Stewart, and David A.  
9 Zirpolo, were also convicted by the jury of multiple  
10 counts of mail fraud and wire fraud in violation of 18  
11 United States Code Section 1341 and 1343, and Conspiracy  
12 to Commit Mail Fraud and Wire Fraud, in violation of 18  
13 United States Code Section 1349.

14 In a 74-page Opinion, the Tenth Circuit affirmed  
15 Mr. Walker and co-defendants' convictions, finding that  
16 the defendants had failed to establish any error, harmless  
17 or otherwise, in this Court's conduct of the underlying  
18 procedure and trial.

19 Following the Tenth Circuit's affirmance of his  
20 conviction, Mr. Walker was the only defendant to file a  
21 2255 habeas petition.

22 After conducting three days of evidentiary hearings  
23 on Mr. Walker's 2855 petition, the Court found that the  
24 evidence presented by Mr. Walker during the hearing  
25 demonstrated by more than a preponderance of the evidence

1 that one of Mr. Walker's attorneys at the time of  
2 sentencing, Gwendolyn Lawson, had an actual conflict of  
3 interest that adversely affected her representation of  
4 Mr. Walker.

5 In particular, Ms. Lawson was prevented, both by  
6 her duties to her other clients but, more importantly, by  
7 her allegiance to her pastor, Rose Banks, the mother of  
8 David Banks, one of Mr. Walker's co-defendants, from  
9 presenting argument and evidence that would have affected  
10 this Court's determination about whether to assess a  
11 4-level aggravating role enhancement against Mr. Walker  
12 under Section 3B1.1(a) of the United States Sentencing  
13 Guidelines.

14 The only two defendants who received this 4-level  
15 aggravating role enhancement were Mr. Walker and David  
16 Banks. However, David Banks was represented by his own  
17 independent counsel.

18 In accordance with Strickland v. Washington, 466  
19 U.S. 668, 1984, this Court found that Ms. Lawson's  
20 representation of Mr. Walker was adversely affected by an  
21 actual conflict of interest and determined that  
22 Mr. Walker's 2255 habeas petition should be granted for  
23 the limited purpose of the sentencing.

24 That is the purpose of today's hearing, to  
25 resentence Mr. Walker. I have reviewed the original

1 presentence investigation report, Document No. 760, dated  
2 April 23, 2012. I have also reviewed the transcripts of  
3 the evidence presented at trial. Document No. 1074, the  
4 defendant's resentencing memorandum. And Document No.  
5 1077, the Government's resentencing statement.

6 This Court has determined that an updated  
7 presentence investigation report is not necessary because  
8 the calculation of Mr. Walker's advisory guideline  
9 sentence under the current 2016 version of the Sentencing  
10 Guidelines would remain the same as it was when he was  
11 originally sentenced, with the possible exception of a  
12 4-level enhancement as an organizer or leader under United  
13 States Sentencing Guideline 3B1.1(a), about which the  
14 parties have some disagreement.

15 Now, as I understand it, Mr. Walker contends that  
16 the evidence he presented during the hearings that were  
17 conducted on his habeas petition support his position that  
18 the 4-level enhancement of United States Sentencing  
19 Guideline Section 3B1.1(a) for a leadership role in the  
20 conspiracy should not be imposed.

21 The Government, on the other hand, believes the  
22 enhancement should still be applied, but concedes that the  
23 additional evidence now a part of the record as a result  
24 of Mr. Walker's 2255 petition, demonstrates that at the  
25 time he participated in the fraudulent scheme for which he

1 was convicted, he faced a unique combination of pressures  
2 that, when combined with his history and characteristics,  
3 reduces his culpability for that fraud.

4 Thus, the Government has no objection to this Court  
5 varying downward from applicable guideline range by 4  
6 levels, which would, in effect, negate the effect of the  
7 otherwise applicable enhancement for the leadership role  
8 of Mr. Walker.

9 For the reasons set forth in detail in this Court's  
10 original sentencing hearing for Mr. Walker, the Court  
11 agrees with the Government that the correct calculation of  
12 the advisory guideline range under the United States  
13 Sentencing Guidelines is as follows:

14 Base offense level of 7 under 2B1.1(a)(2); and an  
15 additional 18 levels because the loss was more than  
16 \$3,500,000 under United States Sentencing Guideline  
17 Section 2B1.1(b)(1)(J); and an additional 2 levels because  
18 the offense involved 10 or more victims under  
19 2B1.1(b)(2)(A)(i); and an additional 2 levels because the  
20 offense involved sophisticated means, and the defendant  
21 intentionally engaged in or caused the conduct  
22 constituting sophisticated means under 2B1.1(b)(10); and  
23 an additional 4 levels because this defendant was a leader  
24 of criminal activity that involved five or more  
25 participants.

1           The Court, however, with respect to this last one,  
2           although it was imposed the for purposes of the variance  
3           motion, the Court notes that although Mr. Walker was in an  
4           executive position with IRP Solutions, as were his  
5           co-defendants, Mr. Walker was charged only in the  
6           conspiracy count.

7           Unlike his co-defendants, Mr. Walker was not  
8           charged with, nor was he convicted of making any specific  
9           false statements in the course of IRP's attempt to sell  
10          its software.

11          Defendant Walker's criminal conduct or criminal  
12          history category remains a I. So his guideline range is  
13          135 to 168 months.

14          The remaining calculations from the original  
15          presentence report about supervised release, the fine  
16          range, and restitution, all remain unchanged.

17          Mr. Walker requests a 6-level variance in offense  
18          level based on the 3553(a) factors, which includes the  
19          4-level downward for the leadership role, and then an  
20          additional 2 levels. The Government has no objection to  
21          the 4-level downward variance in offense level for the  
22          leadership role, and takes no position, as I understand  
23          it, on the additional 2 levels by Mr. Walker, and leaves  
24          that to the Court's discretion.

25          Based on my review of this case, and after

1 consideration of the 3553(a) factors, I am inclined to  
2 grant the defendant's motion for a variant sentence and  
3 vary downward based on the 3553(a) factors and impose a  
4 sentence at the bottom of the adjusted guideline range of  
5 70 months of imprisonment, with 3 years of supervised  
6 release, and the special conditions that I imposed at the  
7 original sentencing hearing, including the restitution.

8 With that being said, Ms. Collins, I will hear from  
9 you, then I will hear from Mr. Kirsch, and then, finally,  
10 Mr. Walker, if you wish to make a statement to me, I will  
11 hear from you.

12 MS. COLLINS: May I have a moment?

13 THE COURT: You may.

14 MS. COLLINS: Your Honor, we -- excuse me. We  
15 recognize it is within this Court's sole discretion and  
16 authority to determine the appropriate resentencing for  
17 Mr. Walker.

18 At this time we would allow Mr. Walker to make a  
19 few words to the Court.

20 THE COURT: All right.

21 THE DEFENDANT: Good morning, Your Honor. I,  
22 first, I'm here to acknowledge the wrong that myself and  
23 my five co-defendants have done. And it has severely  
24 weighed on me for quite awhile. And I am very  
25 appreciative of the opportunity to come before you and to

1 say that what we did was wrong. What we did was immoral.  
2 Was unethical.

3 And although at the time I had my own  
4 justifications for it, they weren't adequate. I was  
5 wrong. What we did was wrong, and it was a crime. And,  
6 unfortunately, my five co-defendants don't see it that  
7 way, but I do.

8 And I can't put that on any person, although I was  
9 under quite a bit of duress at the time. But my actions  
10 and my decisions are my own. And I take responsibility  
11 for them. I have remorse for the companies who that \$5  
12 million came from.

13 I realize that it put some of them in great  
14 hardship and some of the employees of the staffing  
15 companies at great financial hardship because, as I  
16 understand it now, some of those people were paid  
17 commissions under contracts they signed with us and ended  
18 up losing that commission money, and I greatly regret  
19 that.

20 THE COURT: Excuse me, I hate to interrupt you.  
21 Ms. Lawson, are you using a phone? Would you turn your  
22 phone off. There should be no phones on in this  
23 courtroom. Please turn it off, and put it away.

24 ATTORNEY LAWSON: I don't have a purse to put it  
25 in.

1           THE COURT: Put it to the side, then. I don't want  
2 to have it in your hands.

3           I am sorry, Mr. Walker, you may proceed.

4           THE DEFENDANT: And so I am sorry for what we did.  
5 I am sorry for a lot of the things that were done by  
6 myself, my co-defendants, and others within our company,  
7 and within the church. I have had a lot of time to  
8 reflect; 5 years in prison is a long time to think about  
9 things.

10           And, spiritually, this has been a great experience  
11 for me. It might sound unusual, but this has been a great  
12 spiritual journey for me. And, in a way, I gained  
13 something that I lost long ago. I lost my -- the Bible  
14 calls it liberty in Jesus, because I was spiritually  
15 bound. I was in a spiritual condition where I was not  
16 free.

17           And being away from Colorado Springs Fellowship  
18 teaching for awhile gave me a chance to really look into  
19 the Word of God for myself. It gave me a chance to search  
20 the Scriptures and to see what Christianity is about. And  
21 I remember sometimes I would be in Colorado Springs  
22 Fellowship thinking, God, if this is all there is to it,  
23 something is not right. Because I didn't feel the way I  
24 should be feeling according to the Word of God.

25           But, after some time away, as I said, and being

1 able to reflect and really get into the Scriptures and  
2 spend some time with the chaplain there at the prison, my  
3 eyes were opened. And suddenly everything became -- my  
4 whole walk with my Lord became something that I hoped to  
5 have all those years.

6 And it made me -- it made me -- it forced me to say  
7 something to my co-defendants. It made me say it; what we  
8 did was wrong. We shouldn't have done that. And, then,  
9 to inflame that wrong, to say that we were led by God. To  
10 say that our crime, our sin, was somehow mandated from  
11 God, that's a holy being. I told them that makes it  
12 worse. That makes it blasphemy. That makes it against  
13 the very nature and character of God.

14 And so that has freed me. And although I have lost  
15 my family; my wife, who I still love deeply, and my son,  
16 they vilify me. But my liberty is in my Lord. And, as I  
17 told them, we don't owe an oath to Sister Rose. We owe an  
18 allegiance to the one who died and bled for us. That is  
19 who we owe our allegiance to. And I'm grateful to have  
20 regained my spiritual liberty.

21 I thank Chaplain Henderson for the many hours he  
22 spent with me, pulling me out of a very bad condition,  
23 where I was torn. I was torn, reading what I read,  
24 knowing that it was true. But, at the same time, all  
25 those years of teachings that this woman is a prophet of

1 God. I was torn.

2 And he helped me to realize the truth. He never  
3 told me what to do. He never told me what to think. But  
4 he pointed me to Scriptures that told me what to do and  
5 what to think.

6 And, so, this has been a great spiritual journey  
7 for me. And on the spiritual side, I have to address  
8 Ms. Lawson, a long-time friend of mine in the church. And  
9 if there had been other church members, I would want to  
10 address them, is that we owe our allegiance to the Lord  
11 Jesus Christ.

12 The Bible says -- Pastor Rose says she is a prophet  
13 of God, and God has put her in her a place to communicate  
14 from Him to us. But the Bible says there is one  
15 intersection between God and man, and that is the Lord  
16 Christ Jesus. It is not Sister Rose. It is the Lord  
17 Christ Jesus, who died for us. That's our intersection.

18 He has given us the Holy Spirit to convict us of  
19 wrong, to guide us in the truth. That is the Holy  
20 Spirit's job. It is not Sister Rose's job. And she told  
21 us one time, we were in jail, we were in prison, so that  
22 we could learn to be better Christians. That is not God's  
23 tool. God's tool for Christians is the Holy Spirit that  
24 indwells us, Gwen. He indwells us. He leads us to the  
25 truth and into righteousness.

1           So I am free. And I thank God I came to a place,  
2 probably a year ago, where I could thank God for  
3 imprisonment because of what it did for me. It freed me.  
4 And I thank Him for that.

5           Going on, I look forward to living a life of  
6 liberty, to be a law-abiding citizen, and to pay whatever  
7 restitution I can. That is my responsibility. We took \$5  
8 million from those companies, from those people. And my  
9 intention is to pay every bit of it as I can. And I am  
10 going to do that.

11           I am going to live an upstanding life. And, Judge,  
12 hopefully the next time you hear my name, it will be  
13 something good about what I am doing in the community,  
14 what I am doing for people. How I am encouraging  
15 Christians who have fallen into a place where they are no  
16 longer following the Lord, but they are following a  
17 person. I hope you hear my name in that context.

18           And, my parents, who went through so much because  
19 of my position in this church, who were denied a full  
20 relationship with their grandson, my only son, and I  
21 apologize for that. I love you. They have sacrificed  
22 greatly. Paid for my defense when I didn't have the money  
23 to do it. I wouldn't be here today looking at this  
24 reduction in sentence if it weren't for their love; their  
25 unconditional love. Unconditional love.

1           And Sister Rose would always say, those people  
2 aren't saved. That's an example of Christ's love. That  
3 is what Christ wants us to do, is forgive.

4           And I know this message will go back to Colorado  
5 Springs Fellowship. That is why she is here; to report  
6 what she sees. To be obedient to her leader. But we owe  
7 our obedience to God. That is who I am going to follow.

8           So, having said all these things, Judge, I thank  
9 you for your mercy. I know God has forgiven me long ago  
10 because I repented. And I appreciate you extending mercy  
11 to me. Thank you.

12           THE COURT: Mr. Kirsch, does the Government wish to  
13 make any statement?

14           MR. KIRSCH: No, Your Honor. Thank you.

15           THE COURT: All right. Mr. Walker, if you and  
16 Ms. Collins would please re-approach the podium.

17           As a result of the United States Supreme Court's  
18 rulings in United States v. Booker and United States v.  
19 Fanfan, the United States Sentencing Commission Guidelines  
20 have become advisory to this Court. While this Court is  
21 not bound to apply those guidelines, it has consulted them  
22 and taken them into account along with the sentencing  
23 factors set forth at 18 United States Code Section  
24 3553(a).

25           For the reasons previously stated on the record,

1 the Court finds that the evidence presented at trial  
2 proved by at least a preponderance of the evidence that  
3 the loss in this case was \$5,018,959.66. Therefore, the  
4 18-level upward adjustment is appropriate.

5 The offense level involved 42 victims, thus there  
6 is 2-level upward adjustment in offense level based on  
7 2B1.1(b)(2)(A). The offense involved sophisticated means.  
8 Thus, the 2-level upward adjustment for sophisticated  
9 means is appropriate pursuant to 2B1.1(b)(10)(C). And the  
10 defendant's aggravating role in this criminal conduct  
11 justifies the 4-level enhancement pursuant to United  
12 States Sentencing Guideline 3B1.1(a).

13 Neither the Government nor the defendant have  
14 challenged any other aspects of the presentence report,  
15 therefore, the remaining factual statements and guideline  
16 applications are adopted without objection as the Court's  
17 findings of fact concerning sentencing.

18 The Court finds that the total offense level is  
19 33. The Defendant's Criminal History Category is a I.  
20 That results in an advisory imprisonment range of 135 to  
21 168 months, and a fine in the range of \$17,500 to 10  
22 million plus dollars. The supervised release range is 1  
23 to 3 years.

24 Regarding the defendant's motion for a variant  
25 sentence, for the reasons previously stated by this Court,

1 and which I will address also after the sentence, the  
2 Court finds that when the history and characteristics of  
3 the defendant, as well as the nature and circumstances of  
4 this offense are juxtaposed with the goals of sentencing,  
5 pursuant to 18 United States Code Section 3553(a), a  
6 variant sentence is warranted in this case.

7 The Court thus grant the defendant's request for a  
8 variant sentence.

9 Pursuant to the Sentencing Reform Act of 1984, it  
10 is the Judgment of the Court that the defendant, Gary L.  
11 Walker, is hereby committed to the custody of the Bureau  
12 of Prisons to be imprisoned for a term of 70 months.

13 Upon release from imprisonment, he shall be placed  
14 on supervised release for a term of 3 years. Within 72  
15 hours of release from the custody of the Bureau of  
16 Prisons, he shall report in person to the probation office  
17 in the district to which he is released.

18 While on supervised release, he shall not commit  
19 another federal, state or local crime; shall not possess a  
20 firearm, as defined in 18 United States Code Section 921;  
21 and shall comply with the standard conditions that have  
22 been adopted by this Court.

23 The defendant shall not unlawfully possess a  
24 controlled substance. He shall refrain from any unlawful  
25 use of a controlled substance.

1           The Court waives the mandatory drug testing  
2 requirements of 18 United States Code Section 3583(d)  
3 because the presentence report indicates a low risk of  
4 future substance abuse by the defendant.

5           The defendant shall cooperate in the collection of  
6 DNA as directed by the probation officer.

7           The defendant shall also make restitution in the  
8 total amount of \$5,018,959.66 to the victims identified by  
9 the probation office in the amounts provided by the  
10 probation office to the Clerk of the Court under separate  
11 cover.

12           Each victim shall receive an approximately  
13 proportional payment based on victim's share of the total  
14 loss. Any disbursements returned to the Clerk of the  
15 Court as unclaimed or undeliverable shall be deposited  
16 into the Court's registry and disbursed to the remaining  
17 victims on a pro rata basis.

18           Restitution of this amount is ordered jointly and  
19 severally with co-defendants Demetrius K. Harper, David A.  
20 Banks, Clinton A. Stewart, David A. Zirpolo, and Kendrick  
21 Barnes.

22           The Court has determined that the defendant does  
23 not have the ability to pay interest, and it is ordered  
24 that the interest requirement is waived for the  
25 restitution.

1           The Court finds that the following special  
2 conditions of supervision are reasonably related to the  
3 factors set forth at 18 United States Code Section 3553(a)  
4 and 3583(d). Further, based on the nature and  
5 circumstances of this offense and the history and  
6 characteristics of this particular defendant, these  
7 conditions do not constitute a greater deprivation of  
8 liberty than reasonably necessary to accomplish the goals  
9 of sentencing.

10           The defendant shall not incur new credit charges,  
11 open additional lines of credit, or obtain or enter into  
12 any finances agreement or arrangement without the approval  
13 of the probation officer unless he is in compliance with  
14 the periodic payment obligations imposed pursuant to this  
15 Court's judgment and sentence.

16           As directed by the probation officer, the defendant  
17 shall apply any moneys received from income tax refunds,  
18 lottery winnings, inheritances, judgments, and any  
19 anticipated or unexpected financial gains to the  
20 outstanding court-ordered financial obligations in this  
21 case.

22           The defendant shall make payment of the restitution  
23 obligation that remains unpaid at the commencement of  
24 supervised release. Within 60 days of release from  
25 confinement, he shall meet with the probation officer to

1 develop a plan for the payment of restitution.

2 He shall document all income or compensation  
3 generated or received from any source, and provide such  
4 information to the probation officer as requested.

5 The plan of payment will be based upon the  
6 defendant's income and expenses, with the restitution  
7 amount to be paid in monthly installment payments. Such  
8 monthly installment payments shall be at least 10 percent  
9 of the defendant's gross monthly income. The plan for  
10 payment shall be reviewed with the probation officer  
11 semi-annually.

12 Because this sentence imposes restitution, it is a  
13 condition of supervision that he pay in accordance with  
14 this order and the schedule of payment sheets that is  
15 developed.

16 The defendant shall not engage in any business  
17 activity unless the activity is approved first by the  
18 probation officer.

19 He shall pay a special assessment of \$100. The  
20 Court finds that he does not have the ability to pay a  
21 fine, so the Court waives the fine in this case.

22 It is ordered that the payment of the special  
23 assessment and restitution obligation shall be due  
24 immediately. Any unpaid restitution balance upon release  
25 from incarceration shall be paid in the monthly

1        installment payments ordered herein.

2                Now, Mr. Walker, at your original sentencing I told  
3        you, and I will tell your parents, since they are here  
4        now, that I do take my task of sentencing very seriously,  
5        because I understand how it impacts your life, whatever  
6        sentence I impose. And I want to be fair to you. I want  
7        to be fair to everyone in meting out the justice that is  
8        required for the crime that you committed.

9                On the other hand, I also have an obligation to the  
10       public and to society to protect them from further crimes,  
11       to promote respect for the laws of the United States, to  
12       provide a just punishment, but one that will deter you and  
13       others from committing similar criminal conduct.

14               Now, you indicated to me that it took you more than  
15       2 years to break your allegiance from Pastor Banks and the  
16       Colorado Springs Fellowship and to accept full  
17       responsibility for your actions and your conduct and to  
18       appreciate the economic harm that you caused others by  
19       your conduct.

20               And, I agree with you, you were really fortunate  
21       that you came to see the light and that your questioning  
22       of the morality of the conduct of your co-defendants and  
23       the others involved in this conspiracy, caused Pastor  
24       Banks to put you out of the church and to cut you off from  
25       everyone associated with Colorado Springs Fellowship,

1 because that was the way you were able to escape her  
2 exercise of pervasive influence over all aspects of your  
3 life.

4 And I know it came at a heavy price, in that you  
5 lost your wife and your son and your entire social group,  
6 including the camaraderie of your co-defendants and the  
7 other parishioners, because Pastor Banks forbade them to  
8 have any contact with you.

9 Now, during the evidentiary hearing, there was  
10 evidence demonstrating the extent of the coercion that you  
11 and others were subjected to by Pastor Banks, and your  
12 inability to challenge or evade the directions received  
13 from her as a result of the duress that was imposed.

14 Now, this Court finds it hard to fathom how  
15 someone, who holds yourself out as a prophet of God and as  
16 a Christian, could be as vindictive and mean-spirited as  
17 Pastor Banks. But it is clear that she was doing all she  
18 could to retain her hold on you.

19 In the letter that she wrote to you after you  
20 questioned the authenticity of her claims to have provided  
21 the IRP-6 with directives from God and the morality of  
22 what you and your co-defendants had done, Pastor Banks  
23 wrote that you were a "traitor" and "the king of [her]  
24 enemies." She excommunicated you from the only community  
25 you had known for the past 30 years, and she

1 unconditionally alienated you from your wife and son. She  
2 also went on to vilify and "prophecy" cancer on your  
3 parents, and indicates that she dreams of life in a  
4 wheelchair for you. That is not something that somebody  
5 who is Christian would do or say.

6 She says, "Your dad has cancer in his mouth because  
7 of all the lies he talked about to whoever would listen.  
8 Your mom and dad are quick to believe evil about people  
9 because they are evil. Watch it, your dad and mom will  
10 suffer with cancer and pay the price for what they have  
11 said against me, our family and our church."

12 With respect to you, she says, "The muscle disease  
13 will bring you down and you will acknowledge that you  
14 lied." "God is going to bring you down and people will  
15 look at you and pity you. The muscle condition will  
16 continue to get worse every day. The dream will come  
17 true; you will be in that wheelchair." That is not  
18 something that a Christian person would ever wish on  
19 anyone.

20 Your personal history and the characteristics that  
21 you presented demonstrate that although you have been on  
22 this earth for 54 years, you have lived, with the  
23 exception of this crime, a law-abiding life. You have no  
24 criminal history whatsoever.

25 At your original sentencing, I told you that I

1 found it very sad that you were in this position, because  
2 you are a very bright, intelligent, and personable man who  
3 exhibits a lot of charisma and leadership. And, as I told  
4 you then, based on your representation of yourself at  
5 trial, it is clear to me that you would have made a great  
6 lawyer.

7 Yet, instead of using your God-given gifts and  
8 talents to advance yourself legally, you chose to use them  
9 in a way that was fraudulent and criminal.

10 But after your hearing, I have a better  
11 understanding of why you did what you did. I could see  
12 the hold Pastor Banks had on you. And despite all she has  
13 done to you, to try to control you by isolating and  
14 alienating you from anyone outside the church, including  
15 your parents for 10 years, then after you began to slip  
16 out from under her control when you were in prison, she  
17 sought to punish you by isolating you from your son and  
18 wife and your fellow church members and your co-defendants  
19 when you raised the slightest question about the morality  
20 of the conduct in which you were all involved with in this  
21 fraud.

22 Yet, during your testimony here, you continued to  
23 refer to her in a very respectful and almost reverent  
24 manner, despite all of that. So I advise you to be very  
25 careful.

1           I believe that a sentence of 70 months of  
2 imprisonment and 3 years of supervised release does  
3 reflect the seriousness of this offense and is a  
4 sufficient, but not greater than necessary, sentence to  
5 achieve the purposes of sentencing.

6           Now, Mr. Walker you are advised that you have the  
7 right to appeal this conviction -- appeal the conviction  
8 and sentence. If you desire to appeal, a Notice of Appeal  
9 must be filed with the Clerk of the Court within 14 days  
10 after entry of Judgment or your right to appeal will be  
11 lost.

12           If you are not able to afford an attorney for an  
13 appeal, the Court will appoint one to represent you. And,  
14 if you request, the Clerk of the Court must immediately  
15 prepare and file a Notice of Appeal on your behalf.

16           Is there anything further that needs to be brought  
17 to my attention?

18           MS. COLLINS: No, Your Honor. Not from us.

19           MR. KIRSCH: No, Your Honor. Thank you.

20           THE COURT: All right. Mr. Walker, best of luck to  
21 you.

22           PROBATION OFFICER: I am sorry, Your Honor, I have  
23 one quick clarification. Since the time of the original  
24 judgment, the standard conditions of supervision have  
25 changed. And so I wanted to inquire of the Court whether

1 or not you wanted us to use the standard conditions that  
2 were imposed originally or the ones that are presently  
3 under the local rule.

4 THE COURT: We will put the one that are presently  
5 under the local rules.

6 PROBATION OFFICER: The only suggestion I would  
7 have is to add a special condition one of the deletions,  
8 that was that the defendant shall provide all requested  
9 financial information. That is no longer a -- that is no  
10 longer a standard condition. I would recommend putting  
11 that as a special condition.

12 THE COURT: I did put that as a special condition.  
13 He is to provide all financial information to you.

14 PROBATION OFFICER: Thank you.

15 THE COURT: All right. Mr. Walker, best of luck to  
16 you.

17 THE DEFENDANT: Thank you, Your Honor.

18 THE COURT: And I don't expect that I will ever see  
19 you in courtroom again. And I do hope that I read good  
20 things about the works you are doing in the community.

21 THE DEFENDANT: Thank you.

22 THE COURT: I hereby remand you to the custody of  
23 the United States Marshal for the District of Colorado.

24 Court will be in recess.

25 (Proceedings conclude at 11:38 a.m.)

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R E P O R T E R ' S C E R T I F I C A T E

I, Darlene M. Martinez, Official Certified  
Shorthand Reporter for the United States District Court,  
District of Colorado, do hereby certify that the foregoing  
is a true and accurate transcript of the proceedings had  
as taken stenographically by me at the time and place  
aforementioned.

Dated this 31st day of July, 2017.

\_\_\_\_\_

s/Darlene M. Martinez

RMR, CRR