

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Case No. 1:09-cr-00266-CMA

UNITED STATES OF AMERICA,
Plaintiff,

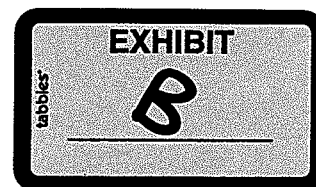
v.

1. DAVID A. BANKS,
2. DEMETRIUS K. HARPER,
a/k/a Ken Harper,
3. GARY L. WALKER,
4. CLINTON A. STEWART,
a/k/a C. Alfred Stewart,
5. DAVID A. ZIRPOLO,
and,
6. KENDRICK BARNES,
Defendants.

AFFIDAVIT BY GWENDOLYN M. SOLOMON

AFFIANT, Gwendolyn M. Solomon, does solemnly affirm under oath, based on his personal knowledge, hereby states as follows:

1. I am of lawful age and have personal knowledge of the matters discussed herein.
2. I am not a party to the above named action.
3. I contacted Ms. Darlene Martinez, court reporter, on November 14, 2011, and requested a copy of the unedited version of the transcripts for trial days, October 11, 2011 and October 12, 2011.
4. Ms. Martinez advised me that the unedited version of the transcripts existed and once she releases the edited version of the transcript that she would not release a copy of the unedited version.



5. I asked Ms. Martinez if there was a policy, requirement, or rule that governs release of the unedited transcripts. Ms. Martinez advised that there was no policy, requirement, or rule that governs release of the unedited transcripts but it was at her discretion.

6. The same day, I then called Charlotte Hoard, Court reporter supervisor and asked her how I could receive a copy of the unedited version of the transcript once the edited version had been released.

7. Ms. Hoard advised that the release of the unedited version would be at the discretion of the court reporter.

8. I confirmed with Ms. Hoard that the unedited version still existed.

9. Ms. Hoard advised that the unedited version could be sold for \$3.05 per page.

10. I asked Ms. Hoard to notify me as to when the unedited version would be made available but I never received that information.

11. On December 12, 2011, I contacted Ed Butler, legal officer of the United States District Court of Colorado and asked how to go about receiving a copy of the unedited version of the transcript.

12. Mr. Butler told me that he talked to Ms. Martinez and Ms. Hoard and they advised him that the unedited version no longer existed.

13. I explained to Mr. Butler that as of November 14, 2011, when I talked to Ms. Martinez and Ms. Hoard, they advised me that the unedited version was available but Ms. Martinez was not releasing the unedited version at her discretion once the edited version was made available. I further informed Mr. Butler that Ms. Hoard advised that the unedited version was available for \$3.05 per page.

14. I asked Mr. Butler had the unedited version now been destroyed. He advised no nothing had been destroyed and suggested I file a motion to request a copy of the unedited version.

I hereby certify that the information I have given is true to the best of my knowledge and belief.

FURTHER affiant sayeth naught.

12/19/11
Date

Gwendolyn M. Solomon
Gwendolyn M. Solomon

COUNTY OF EL PASO)

) ss.

STATE OF COLORADO)

The foregoing Affidavit was subscribed and sworn to before me on this 19 day of December 2011 by Gwendolyn M. Solomon.

Witness my hand and official seal.

My commission expires:

09/08/2015

Hulina Singleton Patrick
Notary Public

