

Richard P. Matsch
District of Colorado

To be brutally frank, I don't know that fairness and justice have much to do with it. Under the law as it is, with the jury verdict here, and even though you have no criminal record, I have to punish you with great severity because that's what the law requires me to do.¹

Appointed by: President Richard Nixon, 1974.

Military Experience: U.S. Army, 1953-1955.

Law School: University of Michigan, J.D., 1953.

Prior Legal Experience: Assistant U.S. Attorney, 1959-61; Deputy City Attorney, 1961-63.

Prior Judicial Experience: U.S. Bankruptcy Judge, 1965-74.

Background and Reputation in the Legal Community

Judge Matsch was a federal prosecutor and then the Deputy City Attorney for Denver before he was appointed as a U.S. Bankruptcy Judge in 1965. After serving nine years in that position, he was appointed to the federal bench.

Lawyers give Judge Matsch top marks for his legal knowledge and administration of the courtroom. For example, one lawyer stated that “he is a top-rate judge in all categories: intelligence, demeanor, fairness. He’s outstanding.” Lawyers warn that appearing before Judge Matsch can be a rigorous experience. All seem to agree, however, that “he makes the lawyers in his courtroom better lawyers.”

Civil lawyers on both sides say that Judge Matsch is fair: “He is very objective. He shows no bias.” Criminal defense lawyers consider him fair and tough on both sides. On sentencing, defense lawyers believed that Judge Matsch generally stayed within the Guidelines. One said, “It really depends on the case. I guess I’d describe his sentencing as just.” However, another noted, “I’d say he tends to sentence at the middle-to-upper end of the guidelines.”

Nationally, Judge Matsch is known for presiding over the Oklahoma City bombing trials. He upheld the Attorney General’s decision to seek the death penalty for both defendants. Judge Matsch also supervised the Denver public schools for twenty-five years under an anti-discrimination order. In 1995, he terminated the order, finding that the school district had complied with decrees and eliminated the “vestiges of past discrimination” to “the extent practicable.”

Lawrence P. Williams

Offenses: Conspiracy to Distribute & Distribution of Crack Cocaine,
Aiding and Abetting Distribution of Cocaine.

Sentence: 360 Months.

Projected Release Date: October 12, 2020.

Lawrence Williams was born in 1967 and raised in Chicago. His father was disabled while serving in Vietnam and his mother left the family when he was young. Because his father was unable to work, he and his two brothers were raised by their paternal grandmother in what a family member called a gang infested neighborhood.

In 1978, his grandmother relocated the family to Denver, a strategy that at first seemed to have protected her grandsons. While still in high school, Lawrence and his brothers began an anti-street gang society, eventually named TRIPS (“Total Reliance in Personal Success”).² According to news reports, the group ran a variety of legitimate businesses including a pager business, an auto-body repair shop, a recording studio, residential construction and remodeling, and they provided party, club, and security services.³



However, according to the Denver police, by at least December 1989, TRIPS had become a cover for drug dealing and was affiliated with a gang from the Chicago South Side, charges that Lawrence denies. Nevertheless, a long term investigation of TRIPS resulted in a multi-count indictment in which many cooperating witnesses were given reduced sentences and even immunity from prosecution in this case.

The investigation began in earnest in the Fall of 1993, when Fidal Garner, previously a lieutenant in the drug operation of Bond Brye, agreed to cooperate with the police. He claimed that Lawrence had also been involved with Byre, and while wearing a wire, Garner was able to get Lawrence to admit to past dealings with Byre and his current involvement in cocaine trafficking. Then, beginning on December 2, 1993, Garner arranged a series of controlled and tape recorded buys from Lawrence involving multiple ounces of crack and powder cocaine. Later, other members of the conspiracy cooperated and Lawrence and nine others were charged. All of Lawrence’s co-defendants, including his brother Johnnie, were members of TRIPS, except for Robert Stark, who was their alleged supplier.

Lawrence went to trial along with four of his co-defendants. The government’s theory was that Lawrence had been a mid-level supplier for the TRIPS crack cocaine business in Denver for about a four year period. While he was acquitted of some charges, the jury found him guilty of conspiracy to possess crack cocaine with the intent to distribute and several counts of distribution which involved the controlled purchases. Only one co-defendant, Jeff

2

Lawrence claimed that the TRIPS organization was misunderstood by the authorities and was actually a legitimate endeavor. Judge Matsch concluded the jury verdict was correct but he did note at sentencing that the TRIPS group did do some good and positive things in the community. Sent. Tr. at 27, 40.

3

John C. Ensslen, *Gang Task Force Bust Big Drug Ring*, Rocky Mountain News, August 27, 1994, at 1A. The probation officer who wrote the PSI visited the TRIPS offices and found a functioning auto body shop and a recording studio (minus equipment seized by the government). However the government contended that none of these businesses were actually profitable and that they were used for laundering drug proceeds. Government’s Combined Sentencing Statement at 14 (copy on file with author). In addition to his TRIPS work, Lawrence’s attorney told the PSI writer that Lawrence had also held positions as a custodian at several public schools and at a federal building, and as a roofer and construction worker during the period in which he was alleged to have been dealing drugs.

McMillan, was also convicted after the trial. Chandra Minter, Frank Moore, and Johnnie White were completely acquitted. Two other co-defendants first pled guilty to a lesser charge, but then were able to withdraw their pleas and get their cases dismissed. Three appeared to have cooperated and were given sentences of just 60 months, 34 months, and 30 months, including Robert Stark, the alleged supplier for the organization.⁴

In its sentencing memorandum, the government admitted that its case had two parts; an investigative component, based on the controlled purchases that began in 1993, and an earlier, historical component that was based upon the testimony of immunized witnesses who were not charged in this case.⁵ According to these witnesses, Lawrence had been involved in drug distribution for several years with them and with Byre (before he was killed).⁶ While Lawrence was acquitted of the distribution counts based on their immunized witnesses' testimony, these transactions became critical to the calculation of his Guidelines range for the conspiracy count under the relevant conduct rules.

The total amount of cocaine seized or purchased during the investigative phase was 279 grams of crack cocaine and 257 grams of powder cocaine. The historical testimony, on the other hand, which dated back to 1989, allegedly involved multiple kilogram transactions of crack and powder cocaine. Thus, even though the jury had acquitted Lawrence and McMillan of the distribution counts involving the historical case (and completely acquitted three of their co-defendants), the government contended there was sufficient proof by a preponderance of the evidence that Lawrence should be held responsible for a minimum of 1.5 kilograms of crack that allegedly flowed through this conspiracy over its entire history.⁷

At the sentencing hearing, Lawrence asserted that the far more culpable witnesses lied about his involvement to help themselves. He also contended that his refusal to "lie on some people I know nothing about" resulted in punishment ten times more severe than others in the

4

Stark got 60 months. McMillan, on whom the jury hung on the conspiracy count, received a 151 month sentence.

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These witnesses included Garner, Greg Hall, Isiah Thomas, Keith McDonald, and Darci Finan. None of these individuals are currently in the custody of the BOP and it does not appear from a PACER search that any of them, with the exception of Greg Hall (although that is a common name), were ever charged in U.S. District Court in Denver.

6

This testimony included allegations that Lawrence and Byre pooled money to buy cocaine which was later cooked into crack, that Lawrence traveled to Portland and Iowa to obtain cocaine, and that Lawrence recruited and then regularly supplied street level dealers with \$500 sacks of crack, and that he supplied crack houses with product as well. See Government's Combined Sentencing Statement at 8-12; *United States v. Williams*, 127 F.3d 1110, 1997 WL 642076 (10th Cir. (Colo.)).

7

The government contended that some of the historical case was corroborated by Lawrence's admissions during recorded conversations. That could account for why the jury convicted Lawrence but not McMillan on the conspiracy count. Government's Combined Sentencing Statement at 10. But, given the jury's split verdicts, it is unclear how much of the historical case was credited. See Government's Combined Sentencing Statement at 2 (admitting that much of the historical case ended in acquittals).

case. He concluded by telling the judge he was “seeking justice and fairness” and that his “life now is in your hands.”⁸

Judge Matsch first expressed no doubt about the verdict. He also held that Lawrence was responsible under the Guideline’s relevant conduct provisions for at least 1.5 kilos of crack cocaine. With enhancements for his leadership role⁹ and for gun possession,¹⁰ his Offense Level was 42. Thus, although Lawrence had no criminal record, his Guideline range was 360 months to life.

Judge Matsch then addressed Mr. Williams comments by saying

You know, Mr. Williams, how can I respond to you when you say what you are seeking is fairness and justice? To be brutally frank, I don’t know that fairness and justice have much to do with it. Under the law as it is, with the jury verdict here, and even though you have no criminal record, I have to punish you with great severity because that’s what the law requires me to do. And my discretion here is limited to whether there should be any punishment greater than 360 months, and I’m not going to impose any punishment greater than that. That is a very great punishment all in and of itself. And the purpose of all of that, as I’ve already indicated, is to try to warn other people away from it, principally, and I’ve sentenced a lot of people and more keep coming. So I don’t know. But that’s what I must do here.¹¹

Lawrence’s prison reports are good. He has been working, taking classes, and immersed himself in the sports program which he explained helps relieve stress and ease his mind to make the time go faster (when he was younger, he played semipro football in Portland and spent a year with the BC Lions in the Canadian football league).¹² Lawrence was also

8
Sent. Tr. at 40.

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The probation officer responsible for the PSI believed that Lawrence should have received a four level enhancement for his leadership role because the indictment and evidence at trial suggested that more than five participants were involved in the offense. This would have raised Lawrence’s Guidelines range to a mandatory life sentence without parole. The government, however, deferred to the court on the amount of the role increase, asking for no more than a two level upward bump. The government’s stated reason was that crack conspiracies tended to be more loosely knit than “some tightly integrated organizations.” Sent. Tr. at 35. This position, however, seems at odds with the government’s claim that all the conspirators were part of TRIPS and that there had been several “TRIPS only” meetings (with more than five attendees) at which the drug business was discussed. The court imposed only a two level increase without much discussion (Sent. Tr. at 37-38), suggesting that perhaps all participants (except the probation officer) sought to prevent the imposition of a mandatory life sentence.

10
After his arrest, a gun was seized from his car and the court credited other testimony that Lawrence had possessed a firearm at different points during the conspiracy. Sent. Tr. at 36-37.

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Sent. Tr. at 41. In discussing the Guidelines range for co-defendant McMillan, sentenced the same day, Judge Matsch also expressed his disagreement with Tenth Circuit law that required the use of acquitted conduct if the preponderance of the evidence standard was met, saying “I know that’s the law, hard as it is to accept.” Sent. Tr. at 16.

12
Brian Forbes, *Recreation as Religion*, The Courier (undated copy on file with author).

deeply involved with an at risk youth counseling program called “The Jericho Road.” This program was founded at FCI Englewood, Colorado by inmate Peter Ninemire, who was pardoned by President Clinton in 1995. Unlike predecessor programs like “Scared Straight,” Jericho Road counselors seek to build rapport and trust with at risk youth. Quoted in a newspaper article on the program, Lawrence stated, “It’s about showing a child someone cares and seeing life through their eyes. . . . We try to match their realities and show them we’ve been down that path that they are going, and that it’s a dead end.”¹³

Lawrence’s father died in 2001 of cancer which may have been the result of exposure to Agent Orange during the Vietnam War. Lawrence does have several children and in his writing from prison, he talks about them and his hope of returning to them before the expiration of his thirty sentence. He wrote to Judge Matsch about this subject in 1999, stating “I’m having a very difficult time dealing with the pressure [sp] of watching them grow up out there in that world without there [sp] father. I know I have made some very selfish decisions in my life to even be in a situation such as this one. Then, although I am responsible, I was not aware of the consequence. Not only am I sentenced to 30 years. My family is doing the time with me. My children are doing the time with me.”¹⁴ He concluded with a request for a sentencing adjustment based on his post-sentencing rehabilitation. Judge Matsch replied in a brief note that he was legally unable to change his sentence because the Court of Appeals had affirmed his conviction. Lawrence does have a commutation petition pending.

Although Lawrence is doing the best he can under the circumstances, he is still resentful about the disparity between his sentences and his co-defendants and the disparity between crack and powder cocaine. He writes that if he had been convicted under the powder guidelines, he would have received a five year sentence.¹⁵

Compiled from Sentencing Transcript, PACER docket sheet, PSI, appellate opinion, letters from inmate, news articles.

13

Keith Miller, *Rerouting a Dead-End Path*, The Courier (undated copy on file with author).

14

Undated letter to Judge Richard Matsch from Lawrence Williams at 1 (copy on file with author).

15

December 25, 2003 letter from Lawrence Williams to author at 1 (on file with author).