

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
U.S. MAGISTRATE GORDON P. GALLAGHER PRESIDING

Criminal Case No. 20-PO-7016-GPG  
Date: January 12, 2022

Court Deputy: A. Barnes  
Recorder: Grand Junction

UNITED STATES OF AMERICA,  
Plaintiff,

v.

**1. DAVID LESH,**

Defendant.

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Court Minutes and Orders: Sentencing

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10:04 a.m. Court in Session

Defendant David Lesh appeared out of custody via VTC; his Defense Attorney, Barrett Weisz and his Defense Attorney, Jared McClain, also appeared via VTC. Likewise, AUSA Peter Hautzinger appeared via VTC; and US Magistrate Judge Gordon P. Gallagher also appeared via VTC.

This matter proceeds under the CARES Act and Local court directive 2020-4 and its iterations.

Defendant requested to proceed via VTC, as did the Government, and all confirmed this choice on the record.

The Government made sentencing statements and argument; as did Defense Counsel. Defendant waived his right to address the Court. A member of the public, Jon J. Franklin, made a statement to the Court on behalf of Defendant

ORDERED: The Court, having considered the file and the record as reflected on the docket, and including the letters set forth therein, as well as having considered the argument of counsel and the sentencing statements, hereby sentences the Defendant as follows:

1) For both Count One and Count Two of the Superseding Information, the Court Orders that Defendant shall pay a \$5,000.00 fine for each count, plus the special assessment fee of \$25.00 per count. [In open court, the courtroom deputy erred in thinking the amount was \$30.00 for the special assessment; it is actually \$25.00 as Judge Gallagher had opined.] These amounts shall be payable to the: Clerk of the US District Court, 901 19<sup>th</sup> Street, Denver CO 80294.

2) Additionally, for the violation of these Counts, the Court Orders Defendant to perform 160 hours of Useful Public Service (that is a cumulative amount for the offenses), with the additional condition that 80 of the hours are to be served such that they are to be a benefit to the White River National Forest.

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3) Finally, as part of the sentence, the Court Orders that Defendant shall perform a six-month period of Supervised Probation - under the usual and standard conditions for same.

The Court did not order a jail sentence nor a prohibition from national forest lands.

Defense Counsel then moved for a stay of the Court's sentence during the pendency of the appeal litigation which Defense Counsel stated would be forthcoming within 14 days; the Government objected.

ORDERED: The sentence set forth above shall be stayed for 14 days. If an appeal is not filed, the stay is automatically lifted.

FURTHER ORDERED: If the Defendant files an appeal within 14 days, then the stay shall be in place during the pendency of the appeal litigation and until the conclusion of the appeal litigation.

Hearing concluded at: 10:52 a.m.

Hearing duration: 48 minutes