

DIRECT  
99-09741

**INFORMATION**

IN THE SEBASTIAN COUNTY CIRCUIT COURT FOR THE FORT SMITH DISTRICT

FILED

FT. SMITH DIST

STATE OF ARKANSAS

VS.

BARRY A. WALKER

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*Simes*  
CIR CLERK SEB CO

CR 99-2131

I, Tom Gean, Prosecuting Attorney within and for the Twelfth Judicial Circuit of the State of Arkansas, of which the Fort Smith District of Sebastian County is a part, in the name and by the authority of the State of Arkansas, on information accuse the defendant BARRY A. WALKER

of the crime of SEXUAL ABUSE IN THE FIRST DEGREE (5-14-108, Class "C" Felony)

committed as follows: The said defendant BARRY A. WALKER

in the County and State aforesaid, on or between January 24, 1999, and February 23, 1999.

did unlawfully and feloniously, being eighteen (18) years or older engage in sexual contact with a person who is less than fourteen (14) years of age

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against the peace and dignity of the State of Arkansas.

TOM GEAN, PROSECUTING ATTORNEY

By: *[Signature]*

Deputy Prosecuting Attorney

Subscribed and sworn to before me this 9

day of March, 1999

NANCY BREWER

Circuit Clerk

By: *[Signature]*

Deputy Circuit Clerk

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FT. SMITH DIST

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CIR CLERK SEB CO

IN THE CIRCUIT COURT OF SEBASTIAN COUNTY, ARKANSAS  
FORT SMITH DISTRICT

AFFIDAVIT

CR 99-213-I

DR. BARRY A. WALKER, DEFENDANT  
2405 Meadow Lane  
Barling, Arkansas

DOB 01\01\64

FACTS CONSTITUTING REASONABLE CAUSE

WHEREAS, appearing before the Court, Affiant states the following facts, to-wit:

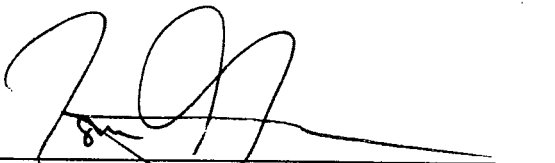
1. That she is a law enforcement officer employed in the capacity of Detective with the Fort Smith Police Department,


2. On February 24, 1999, the undersigned was contacted by [REDACTED] of Fort Smith, regarding the conduct of Dr. Barry A. Walker, age 35. Mrs. [REDACTED] informed the undersigned that her eight (8) year old daughter had told her that Dr. Walker had touched her in ways which made her uncomfortable.

Based on the investigation in this matter, on February 23, 1999, Dr. Walker and his wife came over to the residence of Mr. and Mrs. [REDACTED] in Fort Smith for dinner. At one point in the evening Dr. Walker went into the library to work on the [REDACTED]'s computer. The eight year old came into the library to play a computer game. Dr. Walker was sitting in a chair behind her while she was playing the computer game. Dr. Walker unzipped her shorts and pulled her shorts and underwear down. He unzipped his pants and pulled her against him. The eight year old stated she could feel his penis against her back and bottom. Furthermore, the eight year old stated that Dr. Walker had rubbed her privates on two previous occasions.

Based on the foregoing, Dr. Barry A. Walker was arrested for Sexual Abuse in the First Degree, a Class "C" Felony.

WHEREFORE, PREMISES CONSIDERED, Affiant states that the facts and circumstances demonstrate reasonable cause to believe that the within named Defendant Barry A. Walker, has committed the herein described offense.

  
\_\_\_\_\_  
Tom Gean, Prosecuting Attorney

  
\_\_\_\_\_  
AFFIANT  
Det. Kris Deason

I HEREBY FIND THAT THIS SWORN AFFIDAVIT DEMONSTRATES REASONABLE AND PROBABLE CAUSE FOR THE ARREST FOR THE ABOVE NAMED INDIVIDUAL FOR THE ABOVE STATED OFFENSES .

DATED: 3/2/99

  
\_\_\_\_\_  
CIRCUIT JUDGE  
SEBASTIAN COUNTY

JUDGMENT AND COMMITMENT ORDER  
IN THE CIRCUIT COURT OF SEBASTIAN, ARKANSAS <sup>BOOK</sup> 516 PAGE 1644  
FORT SMITH DISTRICT II DIVISION

On March 29, 2000, the Defendant appeared before the Court, was advised of the nature of the charge(s), of constitutional and legal rights, of the effect of a guilty plea upon those rights, and of the right to make a statement before sentencing. The Court made the following findings:

DEFENDANT'S FULL NAME: BARRY ALAN WALKER  
DATE OF BIRTH: 1-1-64  
RACE: WHITE  
SEX: MALE  
ARREST TRACKING #: 3737609  
SID #:  
DEFENDANT'S ATTORNEY: RON FIELDS  
PROSECUTING ATTORNEY OR DEPUTY: WENDY JOHNSON  
CHANGE OF VENUE FROM:

FILED  
FT. SMITH DIST.  
00 MAR 31 PM 3 37  
CIRCUIT CLERK SEB. CO.

Defendant was represented by  X  private counsel   appointed counsel  
  public defender   himself/herself

Defendant made a voluntary, knowing and intelligent waiver of the right to counsel:  
  Yes  X  No

There being no legal cause shown by the Defendant, as requested, why judgment should not be pronounced, a judgment of conviction is hereby entered against the Defendant on each charge enumerated, fines levied, and court costs assessed. The Defendant is sentenced to the Arkansas Department of Correction (A.D.O.C.) for the term specified on each offense shown below:

TOTAL NUMBER OF OFFENSES: 1

Offense # 1

A.C.A. # of Offense: 5-14-108  
Name of Offense: SEXUAL ABUSE IN THE FIRST DEGREE  
Seriousness Level of Offense: 5  
Criminal History Score: 0  
Presumptive Sentence: RPF/AS  
Sentence is a departure from the sentencing grid.  X  Yes   No.  
Offense is a  X  felony   misdemeanor.  
Classification of offense:   A   B  X  C   D   U   Y  
Sentence imposed:  60  months  
Suspended imposition of sentence:  60  months.  
Defendant was sentenced as an Habitual Offender under A.C.A. 5-4-501, Subsection   (a)   (b)   (c)   (d).  
Sentence was enhanced by A.C.A. \_\_\_\_\_  
Defendant   attempted   solicited   conspired to commit the offense.

X1-4

Offense date: On or between January 24, 1999 and February 23, 1999

Docket #: CR-99-213

Number of counts: 1

Defendant was on N/A probation N/A parole at time of conviction.

Commitment on this offense is a result of the revocation of Defendant's probation or suspended imposition of sentence.     Yes   X   No.

Victim of the offense was   X   under     over the age of 18 years.

Defendant voluntarily, intelligently, and knowingly entered a

  X   negotiated plea of nolo contendere

    plea directly to the court of guilty/nolo contendere.

Defendant

    entered a plea as shown above and was sentenced by a jury.

    was found guilty of said charge(s) by the court.

    was found guilty at a jury trial.

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Indicate which sentences are to run concurrently:

Death Penalty:                      Execution Date:

Total time to serve on all offenses listed above:   60   months.

Time is to be served at:   X   Department of Correction     Regional Punishment Facility.

Jail time credit:   51   days.

The Defendant was convicted of a target offense under the Community Punishment Act. The Court hereby orders that the Defendant be judicially transferred to the Department of Community Punishment (D.C.P.).     Yes

  X   No

Failure to meet the criteria or violation of the rules of the D.C.P. could result in transfer to the A.D.O.C.

Fines \$                      Court Costs \$                      ; to be paid at a rate of \$                      per month beginning the first month following restitution in full.

A judgment of restitution is hereby entered against the Defendant in the amount and terms as shown below:

Amount \$                          Due immediately     Installments of: \$     to be paid starting     and continuing each month thereafter until paid in full.

Payment to be made to:            PROSECUTING ATTORNEY'S OFFICE

If multiple beneficiaries, give names and show payment priority:

Defendant is a Child Sex Offender as defined in A.C.A. 12-12-902

    Yes     No.

Defendant was informed of the right to appeal:     Yes     No.

Appeal Bond: \$

The County Sheriff is hereby ordered to transport the Defendant to   X   the Arkansas Department of Correction     Regional Punishment Facility.

The short report of circumstances attached hereto is approved.

Date: 3-31-00 Circuit Judge: JAMES R. MARSCHEWSKI

Signature: J Marschewski

I certify this is a true and correct record of this Court.

Date: 3-31-00 Circuit Clerk/Deputy: Cindy Gilmer

(Seal)  
Form Revised 7/96

