

I am submitting testimony to the Charles Colson Task Force on Federal Corrections in hopes that someone might take action to save families from enduring what we have lived for the past nine years. There is so much broken in our justice system, and with the United States having the highest incarceration rates in the world, and then continuing to make people suffer with supervised release, we never actually let people pay a price and get their lives back. We need reform, we need reduction, and we need real justice.

I will do my best to recount the impact of current federal prosecution, sentencing, release and supervision policies and practices that have impacted and continue to impact our lives and what suggestions we have on reform without so much emotion, but with facts and reason. In December of 2005 our lives changed forever. The FBI broke into our home when we were away and our nightmare started. When we arrived back home our front door was standing open and the FBI agent who had called us on the cell phone and told us he was waiting in our driveway was actually in our home and had been for over 3 hours. He told us we didn't need an attorney because no one was under address he was just trying to gather some information. We talked to him without an attorney because we had nothing to hide, we told him the truth, he took no statements, had us sign nothing, recorded nothing and then left, taking 2 of the 10 computers we had in the house as he asked us which ones Josh used and which ones had received some pictures that our granddaughter, Josh's half niece had sent. This FBI agent lied to us, he lied in court and cost our son his freedom and us everything we had. The FBI agent, one Keith Quigley, first of all was from Lubbock, he was out of his jurisdiction, he had shopped for a warrant, he had waited on us to move from Missouri City, TX to Frisco, TX in December, and he watched our home until he knew we were gone. The warrant he had, was not a no knock warrant, and while we didn't know any of this at the time, did not give him permission to enter our home when he knew we were not home, there was no threat of anything being destroyed and unless he wanted to plant something there was no need for him to break in. He told us and he testified under oath that he entered our home through an open upstairs window. Now we knew that had to be a lie – first of all it was locked, and second of all short of him being able to fly, there was no way he could have gotten in our upstairs window as it is a flat slant – but we had no way to prove this lie at the time. Five years after the fact, and even after our attorney told me it would do not good, I requested the

Frisco Police report from that day – because they were also here when we arrived home. That police report proved the perjury of the FBI agent, as it stated a locksmith was called to open the front door, and it had the time and all detailed, proving he had 3 hours in our home alone, and lied about how he got in. Now while he might have needed to lie to us to get us to trust him enough to talk to him without an attorney, but he had not reason to lie under oath in court during the initial hearing, but he did. He lied about that as well as what we said to him that day. Our attorney said no one would believe us, and if we went to court it would be our word against an FBI agents. We would lose he said. The FBI agent as also a friend of the family, we found that out later as well. We were told the best thing we could do is take a plea – we were told we could not afford to fight this, that they would try to stack charges and give Josh 90 years or more – but that with a plea, probably 5 years maximum and probably probation since this was a first offense, that he had no previous criminal history, no reported incidents even though he tutored kids his entire life, and also taught dance to them for over 10 years with no incident – this was an isolated incident. Then this same person, our granddaughter, his half niece, also said that he tried to have sex with her, when we were in Lubbock for holiday, which was just crazy, because first of all there were 6 of us in the room – my husband, myself, my son, and the 3 grand kids, myself and the supposed victim sharing one bed with the baby, and my son and her brother on a sofa sleeper, and my husband in another bed. There were also hotel issues and reported to front desk, where our room was complimentary because of the noise and no sleeping. But all this aside – regardless – they threatened state charges as well -but would drop those if he took federal plea. So not knowing better and not understanding all the repercussions, we accepted the plea. Josh was sentenced to 10 years in federal prison, a lifetime of supervised release, and a host of other ridiculous restrictions, including having to register as a sex offender. A young man's life ruined. A family destroyed because we had to give up our career jobs to get money to pay a lawyer who did nothing, we lost our retirement, our jobs and our lives. Our credit ruined, and with our age no longer able to get good jobs, so we took 5 jobs each to try and survive. Our son was taken away on Mother's day weekend, not allowed to self surrender even though he had been on PR bond for almost a year, and the judge dismissed over 400 letters of recommendation, and a very upstanding young man. He took a lying FBI agent word and that of a 14 year old which was also filled with lies, and those I was able to uncover as well with Facebook and MySpace records.

We tried to appeal after we started to uncover stuff and we tried to get all this info back to court – but we were denied at every turn and then told we were time barred and then we were told that the FBI agent's perjury which we finally had proof of was not important because no one cared. We were also told not to try to appeal again or Josh would suffer more. Threats to not pursue justice and just accept it and go on. We do not understand how an FBI agent who lied – created a situation that should not have been has cost us our life, and how we have no recourse to get justice for our family.

Prosecution that allowed this to happen, a judge who allowed this to happen, and an appeal court who also allowed this to happen. While child porn charges are the new 'drug' witch hunt, they do everything to incarcerate people for this, and destroy lives that should not be. Something needs to be done to stop all this ridiculous prosecution. Now it is not over for us, while our son has served 8 years, and will be released to a half way house in a few months, we face the lifetime of supervised release, insane restrictions for this day and age, and of course registration as a sex offender. All we want to do is leave this country and start our lives over, get somewhere we can live on little money and rebuild a business and try to get on – because here in this country we have to work multiple jobs to survive, Josh will have trouble finding work, and we have no quality of life left. The government has taken everything we have – we lost everything based on their lives, and no one cares.

Our Bureau of Prisons experience has been no less a series of abuse. Josh has endured persecution by being threatened for money because of where he was placed in the BOP facilities, and then because of scams that we believed to be legit ways to help our son, he was shuffled and moved to various BOP facilities, and we moved with him every time simply to try and survive this nightmare. Josh was extorted for money and the BOP then punished him because of it, because he would not snitch on who or what – then he did tell and he was still punished – they find every reason to do the dumbest things to people – he has been on enhanced monitoring for years because of the scam – why because a BOP official allowed some scammer to talk to people in prison, and we lost \$250k of our money to these scammers, yet they tried to say we were involved and of course put the blame on Josh yet again, and then there was the fact he got beat because of his charges, and warned the officer

it was going to happen, but they didn't care yet again- and let it happen, then he was given email through CorLinks which all inmates should be able to have – because it is not like it is internet - and he never had any issues or caused any issues – and yet it was taken away from him because he and his girlfriend mentioned the word “tinkerbell” and as an adult that should not happen – according to psychology he should not be using those words, with his charges. REALLY – can we not get some intelligence inside the BOP. As my son has said there are some very sick people who do have problems and they need to be watched – but those people have email through corr links – those people cut kiddie pics out of magazines and those people are not on enhanced monitoring, it is people that do not have issues that the BOP focuses their efforts on.

I know I have rambled and maybe it makes sense and maybe it doesn't. I can only tell you that it is a emotional subject and one that really needs to be addressed. First time offenders deserve chances, they deserve more than 10 years in prison and lifetime of supervised release with restrictions that limit life – no computer use – counseling and psychology evaluation by a government psychologist, someone paid to not find good results – because why should they – they are being paid by the government and so to keep that breadline coming you have to find issues. Our family deserves better. Our son deserves better, and so do so many others who are in this same situation. They returned our computers because they found nothing on them – they found one deleted image on a flash drive that we told them was there – they found a ton of images on her computer – but the FBI those folks who know everything – they admitted she sent pictures to many people on the internet – but they could not determine who she sent to first and refused to admit that she sent to others prior to Josh – which easily could be determined by dates on the email – but then they are not that smart are they? They did exactly what they wanted – they took the easy target – they destroyed our lives because they could.

We have been through so much and you can summarize it in 5 pages, I can't tell you in so many words what we have endured or what we have yet to endure. I have boxes of documents that prove our son's innocence, and the governments' lies, I have research and all transcripts of our case, and I have everything highlighted, all facts and records, all examples of why you need to help reform and challenge so many of the issues. Between the justice department and the bureau of prisons we have experienced undue hardship in many forms, and there are

people who should be in prison, that we know for a fact, there are people who harm children, murderers, thieves and drug dealers, there are folks who sell porn, make porn and transfer porn, but our son was not any of these. While many folks will spend less time in prison, not face near the supervised release issues that we face, they will be guilty, and they might deserve exactly what they get, or they may not. Sentencing is harsh, some more so than others, our judge certainly was one of the worst and he didn't care anything about who Josh really was or the lives they were destroying. All he cared about was listening to lies in his courtroom, ones that were brought there by an FBI agent, and a supposed victim, and encouraged by a prosecutor who also didn't care, and presented to a judge that looked at everything by justice.

The Zuniga family – Cathy – Mingo – Josh – one family of many who has been wronged by the Justice Department and Bureau of Prisons and faces more.