

Mr. President:

My name is David Zirpolo, but I am also known as inmate number 36323-013. In 2012 me and my friends were placed in federal prison in Florence Colorado. None of us has criminal records but received harsh sentences; I received 10 years, David Banks (36319-013) received 11 years, Kendrick Barnes (36324-013) received 8 years, Demetrius Harper (36320-013) received 10 years, Clinton Stewart (36322-013) received 10 years and Gary Walker (36321-013) received 11 years. We did nothing wrong, but were convicted of conspiracy and mail and wire fraud.

I was brought up to believe that our justice system was the best in the world and if someone was accused of a crime unjustly they would be exonerated. Through this experience I found that was not true. I have seen, first hand, racism in the system, corruption with attorneys and judges, witnesses that flat out lie on the stand and jury members that do not understand what is happening in the court room. But I still felt that I would be found innocent.

I am the only white man among the defendants and I saw myself treated differently than the rest of my friends. I saw investigators being rude and antagonistic with the black man but polite and accommodating to me. It was so bad at times that I now believe one of the reasons I am included in this case is to give the prosecution deniability when someone accuses them of a racist prosecution. They can say "hey, there is a white guy there too." During my sentencing the judge actually told me that I would not be in these circumstances if I had not gotten involved with "those" men.

There were witnesses in the trial that said I lied to them but there was no evidence of those lies. One witness said he met with me face to face when I supposedly lied to him, but when asked to identify me in court he could not; the only white defendant. There was a point during a hearing that the FBI Agent John Smith made a statement on the stand that was not true and when I showed the evidence of the lie to my government appointed attorney he told me "we do not want to mess with that." I fired him.

We had a judge that when she denied more than one of our witnesses in one day and we had not more witnesses available on that day told the defendants "if we do not put a witness on the stand one of the defendant will have to testify or she will rest our case for us." I still can not believe this happened. The prosecutor would not produce subpoenas for evidence obtained because it would reveal their investigative tactics and the judge allowed that to end the discussion. The jurors, when they could not figure out what was going on (denied witnesses - after being on the stand, defendant on the stand after being told they would not testify, stories from the stand that did not make sense) decided that if the government brought charges these men must have done something.

I testified at the first grand jury, which did not indict, and when I tried to bring forth evidence in our favor the AUS Attorney tried to usher me out of the room. In the end I was able to enter the data into evidence. One of the grand jury members after looking at the evidence and testimonies asked "Is Debt a Crime?". Even former Federal Judge Sarokin, after reviewing the case stated that we were indicted and prosecuted for "failing to pay corporate debts."

The government decided that since we could not pay our bills, we never intended to pay our bills so that is fraud. This pains me. I used my own money and credit to help keep the business running. I signed personal guarantees, but the government said that was in furtherance of a scheme. I believed in the business so much I was willing to put myself in debt to keep it going. We were doing a great thing by developing a case management software for law enforcement and the federal government. The members of the federal government and law enforcement who saw the software said it was the best they had ever seen. Our debt was so low that just one sale of our software would have paid all our bills and put the company in the black.

I joined IRP Solutions to help keep America safe. My sister was supposed to be on one the planes out of Boston on 9/11. Luckily on September 10th she changed the time of her flight so she could take her children to school. The software we wrote was important to me as it could save the lives of others and possibly prevent another disaster like 9/11. How could something this good be something that would send me to prison for 10 years?

We all attend the same church in Colorado Springs, we are not a group of people who would commit a crime. I was the Sunday School Superintendent. Every week I receive cards from the children in the Sunday School. With almost every week in the past 4 years one of the kids asking, "Mr. Dave, when are you coming home?". It breaks my heart to see what this has done to the kids, to the families and the church members. My blood relatives abandoned me after this happened. Most people do not want to associate with someone being investigated by the government let alone having been convicted by the government. Luckily my church family visits me, and encourages me. I also have my friends here with me at the prison and we are now closer than ever.

I have lost respect for our judicial system. I am so disappointed with what I have seen and experienced. The company I worked with could not pay its bills so the executive team was sent to prison. I am not the only one who see this, members of congress, a former attorney for congress, Judge Sarokin and more all saw this case for what it was, a civil case not a criminal one. Then having such harsh sentences, they all felt it was a horrendous miscarriage of justice. It touches my heart to see some people do not just believe the government's narrative that I am a criminal.

Mr. President, you have about 10 days left in your term, I am asking you to show the world that when a wrong is done in the United States we will stand up and correct the wrong. We requested clemency from your administration. That clemency petition has been pending since February 2015. Grant us our request and show the world that the United States is willing to end the unjust suffering of 6 innocent men and their families.

Thank You

David A Zirpolo (36323-013) - 01/07/17