THE COURT: If he wants to say something about the objections, I'll hear him.

 DEFENDANT ISIDRO GARZA: Thank you, Your Honor.

 Your Honor, the truth is I'm not here for myself. Furthermore, I seek justice, not leniency for my wife, Martha, my son, Timoteo, and my dear friend, Lee Martin, the three defendants that are before you and for Makateonenodua that just left. Thank you for giving me the opportunity to speak.

My comments directly affect my wife's sentence and directly affect Timoteo, my son, and also Lee Martin. Central to my concern is that the jury has been given flawed accounting numbers by the government and that you at least take it in consideration that the real numbers presented to you by my attorney Mr. Kuchera, represent accounting numbers straight from audited financial statements and not from a politically motivated agenda to get a conviction above all else, including the truth.

On my son's campaign, Your Honor, all of it was financed by me and monies I earned from the ten percent authorized by the Tribal Council. Every penny that was expensed and reported on Timoteo's campaign came from my ten percent. The government has already tallied, and after the government finished tallying it and, in a mistake by Mr. Shuttleworth, a customs agent, he in error flashed to you and to the Court and to the jury a summary that stated that bottom line, money was still owed to me and not that I had drawn more than was authorized by Kickapoo Tribal Council and thus become theft. It includes the amounts that went to both my campaign and my son’s, but today I'm not speaking for myself. 100% of my son's campaign came from my earnings.

In a methodically craft manner to convince the jury, the government comes up here and shows you check after check and then they laboriously show you the back side of the check and then they go to the general ledger show you that same check again, then they go to

the accounts payable/accounts receivable, show it to you again. We do not dispute that those checks were made, what was misrepresented was that I was not entitled to those monies. Again, the Tribal Council approved all of these payments. If it's money that's due to me, should I -- am I not entitled to spend it as I wish?

 In this case it just so happened that the reason that both campaigns took place was for the betterment of the Tribe. I got into politics after Makateonenodua and his Tribal Council were shown disrespect in Washington by Congressman Henry Bonilla. And there's where the politics started.

When my son entered politics, the first bill that he passed, concerned the religious right of Kickapoo to hunt deer year-round. The only purpose for why we got involved in politics was for the good and welfare of Kickapoo. During the hearings on that bill, the only three people that gave testimony were Makateonenodua, Kotachema, and Makateisika, three members of the Tribal Council who, through a coup sponsored by Congressman Bonilla and assisted by Federal Judge Alia Ludlam Moses, had already been forcibly and illegally removed.

If it's money owed to me, how can the conclusion of this whole process be that we stole that money? I don't understand. I don't understand what my son is doing here. I don't understand why my wife -- what my wife is doing here and I don't understand what Lee Martin is doing here.

 Your Honor, the older I get, the more I realize that a man's life is but a blink of an eye. A leaf on a branch. Here today and gone tomorrow. To some of us, which I know includes you, Your Honor, there is God our creator, and there is a divine purpose for each life, and how we live our lives will determine our eternal life. If indeed there is a God, and you and I know there is, and if indeed He knows everything, one can look at the facts concerning this case, but only He can unequivocally determine the intent of our actions and also that of my accusers. I know that in everything that the government has accused me of it was never my intent to cause harm to anyone, to steal from anyone but instead to help those in need, for the Kickapoo, and to be fruitful for their sake.

 Through the many seminars and the endless readings of the subject of authority, I know that the Kickapoo Tribal Council under Makateonenodua had the authority to order all the actions that I undertook in carrying out my responsibility to help them. And for that today I am being sentenced.

Furthermore, I know that this battle is not my family's or mine. I know that today, as is stated in Ephesians 6:12, "For we do not wrestle against flesh and blood but against powers, the rulers of the darkness of this age, against spiritual hosts of witness in the heavenly places." I stand before you not as one who pretends to be without fault for, I closely relate to Apostle Paul when he stated in the first book of Timothy, Chapter 1, Verses 15 and 16: "Christ Jesus came into the world to save sinners and I was the worst of them all". But that is why God had mercy on me so that Christ Jesus could use me as a prime example of this great patience with even the worst of sinners.

 Judge, if God has talked to your soul, follow him for clearly you must know my family, Makateonenodua, and my dear friend Lee Martin are victims of a great injustice. Respectfully I request that you order a complete investigation into the veracity of charges I make today which stretches from the executive, the legislative and even the judicial system.

 Like you, I took an oath while serving my country for over 17 years to uphold, protect and defend the constitution of the United States, and my choice to speak today is in fulfillment of this pledge. I pray that this will lead to the start of a sorely needed process of uprooting the corruption that exists in the justice system which goes against the constitutional rights we have sworn to uphold.

 I believe that our case is not unique, and as Martin Luther King stated, "An injustice anywhere is a threat to justice everywhere and we must not remain silent." Every now and then man is presented with a rare opportunity in life where how he or she responds to that moment could have a marked impact on an entire culture. Most of these opportunities for many times are lost simply because they are not even perceived as such.

 Your Honor, in your lifetime you have sentenced thousands of individuals, and it would be presumptuous on my part to think that today is any different than any other sentencing that you have presided over. In your most eloquent voir dire, you acknowledged that our justice system is an imperfect system but that the fate of the defendants lies on two judges. The jury is one and you yourself is the other. I am sure that you agree that there are probably innocent people that are now behind bars. The people that you will be sentencing today and Makateonenodua whom you sentenced earlier are all innocent.

 The jury's conviction is simply an opinion based on what information they were allowed to hear either by design or by circumstances. What I do know is the judge of judges, God, is displeased with injustice.

 In Isaiah 59:15: "So truth fails, and he who departs from evil makes himself a prey. Then the Lord saw it and it displeased him that there was no justice." God goes on to promise that he will intercede, and God's word will always come to pass. My family appeals to your soul and moral convictions as we submit to your authority.

 In this Court you have been presented a small highly distorted glimpse of the facts and the law of our case and the jury heard even less. As a matter of fact, in the government's own testimony, in exhibits, they indicated I drew much less than that which was owed to me. So clearly there was no theft.

When AUSA Bill Harris was making his presentation to the jury, Agent Andy Shuttleworth flashed by mistake a summary that clearly showed, even by their own fuzzy math, that I was still owed money. When Mario Diaz, the accountant was asked, “Who owes who?” he responded, “The Tribe still owes Mr. Garza”. If you had seen Mr. Harris' expression, you would have seen how angry he was at Agent Shuttleworth…that Agent Shuttleworth had made this mistake. He had shown the truth.

Is it not the truth that this Court seeks? Should prosecutors not be compelled to only follow the truth? God has said I will reveal the truth and the truth shall set you free. The jury was shown the truth by the prosecutors themselves, yet they departed from acting on it.

So having by their own admission lost the charge on theft Mr. Harris

turns his argument at authority. Because of rulings by the Del Rio court under Judge Alia Ludlum Moses, the motions had already been made in support of sovereignty and inherent rights of Kickapoo but she Sua spontae denied them. Furthermore, you accepted all her previous rulings even though she was conflicted. Therefore, the authority of the Kickapoo Traditional Tribe of Texas was never litigated.

 It was in and continues to be my opinion that how Kickapoo spend their money rests wholly on the Tribal Council's determination of what they consider is in the general welfare of their tribe. No one outside the Tribal Council, including this Court, with all due respect, can change this. For to do so would be an abrogation of their constitutional and inherent right as expressed in Article I, Section 8 of the US Constitution.

 At one time during our trial when the jury was not in this courtroom you asked Mr. Harris two questions. The first concerned what the basis was for the prosecutor to have told the jury that making political expenditures was illegal. He in his quest for a conviction lied to you by stating that it was not illegal for tribes to make contributions but that it was illegal for tribes to make contributions through their casino, an issue that was heard again today.

 Because of the very limited time that my attorney had to prepare for trial and because of the time constraint placed by this Court, the testimonies were not obtained from knowledgeable government employees from the National Indian Gaming Commission Mr. Phil Hogan and Ms. Marcie Pate which would have cleared this issue and would have been determinant towards a favorable outcome of our trial. So, in all the counts against me that include some form of political contribution Mr. Harris' instructions to the jury, if contributions occurred, you must conclude that we are guilty.

 Furthermore, Makateonenodua's testimony would have shed light to his understanding that they had the authority to make this type of expenditure and he did that today. We did not have the opportunity to speak to him before the Court. That request was denied.

 MR. KUCHERA: I'm going to interrupt here. Actually that request was granted and as your attorney based on the situation at that time I chose to not take up the Court but the Judge did offer in the middle of trial to have him brought.

 DEFENDANT ISIDRO GARZA: Okay. I was making reference, Mr. Kuchera, to the fact that your intent to try to interview Makateonenodua before today's hearing.

 MR. KUCHERA: Judge Smith had nothing to do with that.

 DEFENDANT ISIDRO GARZA: No. I know. I understand. He was not made available. The repeated requests to obtain Makateonenodua's testimony were denied. However, Tribal Council member Julian Valdez testified that it was the Tribal Council who had the authority and that it was they who directed the business of the Tribe and today Makateonenodua reaffirmed that. Makateonenodua did not need to be coached. He has a clear conscience. He's a good honorable man who happens to be in an orange uniform with chains.

 The overwhelming task of becoming versed in the authority vested in the governing Tribal Council and the tribes throughout the United States in the short period of time that Mr. Kuchera had to prepare for this complex case was impossible. However, Mr. Kuchera did try to allow permission to bring into evidence the Indian Gaming and Regulatory Act and the policy of the National Indian Gaming Commission as was made from a statement from Mr. Phil Hogan, the chairman of the NIGC which clearly gives authority to the Tribal Council to make these types of expenditures.

 In a statement to the United States Senate, I understand that a concern of this committee and the focus of this hearing is the expenditure of tribal funds for political purposes, lobbying expenditures and the making of campaign contributions in state and federal elections. To date the NIGC has not initiated enforcement action against a tribal government for making such campaign contributions because such expenditures were deemed to fall into one or more of three permissible expenditure classifications. They're not even saying that they're trying to fit it into one. They say that they fall under three categories, providing for the general welfare of the Tribe and its members, for moral and tribal economic development and funding tribal government operations. In addition, lobbyists may arguably be engaged and paid for by the gaming operation just like any non-Indian business and not by the tribal government. In other words, lobbyists -- I'm still quoting Mr. Phil Hogan. In other words, lobbyists may also be paid not out of net gaming revenues but as an expense from the gaming operation”, end of quote.

 Mr. Kuchera attempted to get this vital piece of information to the jury and was denied. This Court accepted Mr. Harris' argument, and the only position that the jury heard was that these expenses -- expenditures were illegal. I am sure that if you have researched this issue since our trial that you have come to the conclusion that this was wrong advice. Yet even today these expenditures are the basis for determining my sentence. As a matter of fact, the schedule being used by the charge used to sentence me today is titled "Misapplied Funds." The government has categorized these funds into the following categories: Donations to churches, donations to civic groups such as Little League baseball as today was mentioned a Little League team in Quemado, Texas, help to flood victims, help to victims of fire, assistance to orphanages and various other community related activities. We're being sentenced on these. Expenses made to a semiprofessional baseball team that the Kickapoo Lucky Eagle Casino sponsored. Expenses made in Mexico for assistance to Kickapoo directly relating to their culture and their practice of their religion. These unfortunately were misclassified with the term of firewood though some of the money did go towards that. Expenses made by the chairman of the Kickapoo Traditional Tribe of Texas that according to the testimony of Council member Julian Valdez were approved by the governing authority, the Kickapoo Traditional Tribe of Texas. Contributions that were made in the political arena.

 In order to allow this action as a basis for determining my sentence, it must be determined that my action and intent were criminal in nature, and it must further ignore all the following. As a matter of law: The Kickapoo Traditional Tribe of Texas is a sovereign nation as recognized by the Recognition Act of 1983. It must ignore as a matter of law their constitutional -- constitutionally adopted -- their constitution adopted by the Secretary of Interior in 1989 clearly gives Kickapoo Traditional Tribe of Texas, the Tribal Council the authority to make expenditures. It must also ignore as a matter of law that the Indian Gaming Regulatory Act established the National Indian Gaming Commission. It is absolutely clear that contributions for all of the activities mentioned above are allowed under IGRA. The chairman of NIGC, Chairman Phil Hogen, stated there was -- has never been anyone that has ever been prosecuted in the history of Indian gaming for these type of expenditures. He goes on to underscore the legality of using casino money for political donations to include lobbyists. So how can it be that today some of us are being sentenced for having carried out the will of the Kickapoo Tribal Council, who without question, IGRA, Kickapoo Constitution, and the United States Constitution assert that they do have this authority?

 So now who are our accusers? They are the same ones who betrayed the lifelong leader of the Kickapoo, Chairman Makateonenodua. In Genesis, because of the greed Jacob betrayed -- Jacob betrayed his brother Esau so that he could get his father's blessings, his inheritance. So too did Joseph's brothers envy him to the point that they plotted to get rid of him. And they thought that they had done so. So they thought.

 In the New Testament the gospel tells us of how Judas betrayed Jesus for 30 pieces of silver which he never got to enjoy.

 Makateonenodua, an honorable, Godly man, who through the efforts -- through his efforts got the Kickapoo out of the blighted life living underneath the International Bridge, who provided everything that they now have, was betrayed because of envy and greed and is at the very heart of my message.

 What has been before you, Your Honor, is a justification concocted by evil people joined by other evil elements to carry out these evil deeds and today Makateonenodua is in prison.

 Who are our accusers? Makateonenodua was the first and only chairman that the Kickapoo had until the coup of October 28th, 2002. He dedicated his entire life to improving Kickapoo life, promoted Kickapoo culture, but most importantly kept his people in the path of righteousness. The path of Kisiata, God, as one of the religious leaders.

 Today the prosecutor mentioned the two witnesses Juan Garza, a man who repeatedly lied in your own courtroom now replaces him. When confronted by Lee Martin's attorney of previous testimony he had given under oath in a Laredo court, he admitted that he had lied in this Court but was upset and asked why he was the one being questioned and not us. Lee's attorney simply stated it is about your credibility. Yet his testimony, proven to be false, was allowed by this Court to stand and no action was taken against him. I do not understand why.

 One may ask what is the relevance of Makateonenodua’s story with our sentencing? Everything. As a matter of law, our entire defense rested on a clear understanding of the constitutional authority we know the Kickapoo Traditional Tribe of Texas Council had and that Makateonenodua as chairman of the Kickapoo Traditional Tribe of Texas had. He represented their sovereignty. This just didn't matter to Judge Alia Ludlum Moses and she denied all motions that asserted their sovereignty. She made these decisions even though her biases for Congressman Bonilla and against us are clearly documented and that her involvement was clearly conflicted.

 Who are our accusers? I served and was awarded an honorable discharge as a Captain for having served over 17 years in the United States Army Reserve. It would be plausible if I would say that not all the accusers had served, but facts reveal that not one of my Kickapoo accusers has ever served their country's military. It was not until recently when Ramiro Jiminez' son joined the United States Marine that a new era has arrived. Ramiro himself is not one of our accusers but one of many supporters of the work of Makateonenodua and was available at this trial to testify on our behalf but our attorney chose not to use his testimony.

 Who are our accusers? Cindy Salazar, a young Kickapoo lady who testified against us who testified in her own selfish character, when she stated that she felt robbed when the Kickapoo Traditional Tribal Council of Texas Under Makateonenodua had assisted flood victims in Texas and in Mexico. She stated, "I didn't get flooded." These floods occurred at the same time that the world was agonizing over the attacks of the World Trade Center on September the 11th, 2001. Incidentally days before she testified in this Court, Cindy had been caught with about 1,000 pounds of marijuana and involved in human trafficking, yet Mr. Harris still uses her as a witness worthy to be in this Court. My attorney did not have the time to prepare for cross-examination that would have impugned her credibility before the jury.

 Who are my accusers? If one takes Juan Gonzalez, Jr.'s testimony where he clearly lied under oath in the Laredo case, there should have been serious concerns by this court concerning his credibility, not to mention his evil intentions, yet his false testimony was allowed to be heard by the jury.

 Because of the complexity of our case and because our attorneys had less than 100 days to prepare, they did not bring this transcript into the record for they would be going into areas that they had no time to prepare and that they were not familiar with.

 Who are our accusers? FBI Agent Linda Debonair became aware of Mr. Shuttleworth's attempt not to carry out justice by overlooking and putting aside the murder of Kickapoo Carlos Trevino because the perpetrator was part of the insurgent government and would not have favored his plot against us. I sent two e-mails describing the incident and offering my assistance to Mr. Harris. He never answered. Ten days later I contacted FBI Agent Linda Debonair who responded immediately by scheduling a meeting at my home. In this murder, Mr. Shuttleworth in the presence of FBI Debonair was shown the murder weapon and every gruesome second of the crushing of Carlos' skull with a two-inch solid pipe jack handle about eight feet long was used -- those used to raise homes. Mr. Shuttleworth documented this interview. Though murder occurred in the reservation on federal land, the case was treated as an offense against state law. Furthermore, allowing the murderer to go to Mexico rather than arresting the perpetrator is a violation of federal procedures, yet Mr. Shuttleworth just let him go simply because the murderer was on the side against Makateonenodua and us. Your Honor, it is this type of unscrupulous people that are now my accusers.

 Who are our accusers? A young Kickapoo girl was hung with a belt in the reservation after having been sexually violated. The body was taken to the hospital and again Agent Shuttleworth allowed for this body to be transported into Mexico without having performed an autopsy much less an investigation. No one stood against this injustice because again it pointed towards those who are against Makateonenodua and us. These are now my accusers.

 Judge, if you follow up on these issues, you will know the Mens rea of the federal agents that are now my accusers. They will stop at nothing to carry out their agenda to get a conviction.

 Who are my accusers? The only Kickapoo that spoke against Makateonenodua during his sentencing was Melina Anico. As Makateonenodua would say, she was in Pampers underneath the bridge when he was fighting for their rights. After the illegal takeover she converted what had previously been a playhouse, study hall for Kickapoo students and turned it into her house and a center for drug distribution. Her husband was shot in this house with a .22 rifle and rumored that it was her who killed him yet no investigation. Who is she to attack an honorable man like Makateonenodua? Makateonenodua has never tasted alcohol. And he obtained everything Melina has and everything that the Kickapoo now enjoy.

 Who are our accusers?

 Finally, Your Honor, do you not find it sickening to hear some politicians do whatever it takes to get elected? So too Congressman Henry Bonilla stopped at nothing to carry out this mission to destroy my family because my candidacy for the Congressional seat offered a formidable alternative.

 Bonilla, neither you nor the devil will ever destroy my family.

 **When is it that God steps in?** This is the center of my remarks. Using this question as a backdrop, it is at this point that I would like to switch from an outcry of self-justice and proclaim that there is a need for a complete shakedown of our prosecutorial judicial and legislative process. Though this outcry is not for leniency but for justice. Even when pressed by the search for the truth, it is not easy to openly oppose the policies of one's own government for fear of retaliation. Neither does one's own spirit move easily as I approach you, Judge. Yet thank God this is a task that my convictions have overcome. And though I may appear bold, it is within the utmost respect that I have for you and your Court that I do so.

 Now, Your Honor, I appeal to your conscience. This is a path that is dictated by justice more than to order, better described by Dr. King as a positive peace with the absence of justice rather than a negative peace which is in the absence of tension.

 The easiest action on your part is to proceed with the sentencing as recommended by the government. However, I humbly suggest that you consider ordering a complete investigation into what I have charged before in my statement of May the 17th, 2007 and continue to assert today concerning the deep corruption that took place in our case and is prevalent against people of color. And if it occurred to us, then one can safely assume that it has happened to others as well and will continue.

 In a sealed motion you were apprised of the corruption that took place by Judge Alia Ludlum Moses. Yet she denied motion after motion which included two motions calling for her recusal on issues that were essential for our defense. So, she is determined to deny us a fair trial by transferring our case from Del Rio to Waco instead of recusing herself which is what our motions requested. This order conflicts with the law of the land that clearly states that venue is determined by the location of the charges and to the convenience of the defendants. She denied our motion to prevent this transfer from happening and you accepted all of her decisions and therefore we did not receive a trial by a jury of our peers.

 Furthermore, our defense hinged highly on witnesses that were directly involved. This included Makateonenodua, and I've been corrected. I said he was denied. I think he was denied a couple of times but maybe my attorney erred and chose not to use him. Federal agents from ICE such as Andy Shuttleworth, NIGC Marcie Pate, Chairman Phil Hogan, FBI Agent Linda Debonair, FBI Agent Kevin Catz, AUSA Jose Sepeda, Congressman Henry Bonilla and Congressman Henry Bonilla Congressional liaison Ida Gutierrez Nino, Judge Ludlum Moses, her father and two sisters, IRS Agent Joe Vigil, Secretary of Interior Dale Norton, Bureau of Indian Affairs Dan Deerinwater, recipients of Kickapoo political donations made such as Governor Rick Perry, Senator John Cornyn, Attorney General Greg Abbott, Comptroller Carole Keeton Rylander Strayhorn and others such as Judge Dan Naranjo and Roy Barrera.

 In preparation for the 2006 trial this Court was presented by Mr. Jason Davis with over 50 witnesses who were relevant and necessary for our defense. We did not use them. In a recent letter an agent of this Court Mr. Richard Racehorse Haynes stated, "Aggie, I know you love your family and that you're a good Christian. I know that you did not profit personally and that you did not do what you are accused of for personal profit. I believe that you permitted your desire to enhance the quality of life for the Kickapoos coupled with your understanding of the rights afforded to a sovereign nation and the politics associated herewith to cause you to put your interest of Kickapoo above your personal interest and obligations."

 Another agent of the Court, Mr. Mike McCrum, teary eyed, stated: "This case has convinced me that there is no justice in our justice system." Another agent of the Court, Mr. Joe Ruiz, recently stated, "Court will not protect the innocent defendant that does not have money."

 Just this past week Actor Wesley Snipes with a cadre of six attorneys was tried on felony charges of fraud and conspiracy on seven million and on failing to file tax returns on at least 58 million in earnings. He admits he deliberately refused to pay IRS taxes from 1999 to 2004. He was acquitted of all felony charges and his convictions were reduced to misdemeanor charges of failing to file tax returns.

 In our case we have clearly shown even canceled checks cashed by the IRS and yet the corresponding amounts comprise part of our felony convictions. What happened to our Fourteenth Amendment right of equal protection act or does this not apply to people who can't afford to pay for their attorneys? A border patrol agent Mr. Randy Clark who is directly involved with Kickapoo throughout the period of in question who will speak with truth to whomever ask him stated, "When someone powerful wants to get you, he will find a way to do so," referring to a case involving what he knows is a wrongly prosecuted agent that is currently serving prison time, all arising from personal vengeance by another agent in a system that succumbs to this evil spirit. Of course, he was telling me this because he knows that we too have been targeted and wrongly prosecuted.

 On the first day of our trial I felt that the Court was finally going to listen to the entire story rather than limiting the jury to only the government's factually incorrect story. Suddenly, this version was replaced by an agenda to convict even if it went against their departmental mission to seek justice. The order for U.S. Attorneys should be an assumption of innocence **unless** proven guilty and not an assumption of innocent **until** proven guilty. Until simply implies that eventually the government charge is to prove guilty even though one is innocent. Those who decide to continue prosecution knowing that their evidence is unsound and based on lies should be dealt with. To my dismay, suddenly the Court issued an instruction to drastically tailor the arguments which resulted in a denial of the necessary and determinant portion of our defense. In the government's final statement, AUSA Gloff, knowing that the process does not allow a rebuttal by defendants, deviously painted a picture to the jury that I had stripped the Tribe of their assets and that the Tribe was broke. The truth was and is asserted through audited financial statements of the Tribe that Mr. Gloff failed to mention that there had been over $13 million in assets invested into the new 106,000 square foot casino. He did not mention that Kickapoo owned over 11,000 acres of land coming from a status of being landless. He did not mention that there were over 40 new conventional homes that in combination with federal and casino funds are valued at over $100,000 each. He did not mention that Kickapoo were then owners of 6,800 pecan farm that deals 450,000 pounds of pecans per year. He did not mention that Kickapoo had bought land that can easily be developed and yield 100 million in assets. And many other things he did not mention which correctly portray Kickapoo as anything other than broke. However, again and openly he endorsed the illegal coup by the insurgents that usurped the legal government of Kickapoo headed by Makateonenodua. This action violates United States policy concerning the government-to-government relationship between two sovereigns because of these devious tactics by our government officials, they should not be allowed to have the last word. I was surprised that AUSA Gloff would take this position since in a face-to-face conversation with my family he stated that if the case had started with him that my wife, my son and Lee Martin would not have been included. How sad.

 The government already has an insurmountable advantage of working with its unlimited resources and therefore justice should side with the defendant. Convictions should not be so marginal that a closing statement by defendant would undermine the charge. If the evidence is so weak and the arguments made by the government throughout the trial are so vulnerable, then the process should not yield a conviction.

 The last word belongs to the defendants for they are innocent unless proven guilty. In our case an investigation into the Secretary of Interior's decision made at least 30 days to intervene and decide in a tribal dispute of the leadership. Clearly this intervention usurped the government-to-government relationship between the United States and a sovereign because government officials dealt with the insurgent group and not with the duly elected Kickapoo government. And further this nation's policy clearly indicates a respect for tribal self-government an inherent right guaranteed by United States Constitution under Article 1 Section 8.

 I know that you would pursue the prosecution of those who would intentionally violate this constitutional right irrespective of their position. Some who have gone before me who have opted to speak rather than conform concluded their lives in agony. This comes from agenda greater than one's self, and therefore I must speak.

 I speak of a kingdom on earth that must leave its old evil ways and become more in line with a heavenly kingdom. For this to happen, our government must be replaced with a Godly kingdom. Would this case be in your court, Your Honor, if God's government were in place? Could the overt and covert corruption by the prosecutors who have lost sight of their real purpose have taken place if God were in charge? It is unconscionable that those charged with the grave responsibility to carry out justice in this case have been blinded by their private agendas. The federal government violated the rights of the legitimate Kickapoo government when they did in gestapo fashion and in violation of the Fourth Amendment rights against illegal search and seizure and they took possession of all the records without a properly executed search warrant. Repeatedly FBI Agent Kevin Katz warned Agent Shuttleworth that they were proceeding illegally. Yet Shuttleworth chose to ignore advice.

 When Mr. Harris wrongly presents before the Court a four-corner argument that basically says that the ends justify the means even if the process violated a constitutionally guaranteed right.

 In addition, Shuttleworth unilaterally chose not to take action on a written death threat to the life of my son who was then State Representative elect, to the life of my wife and against me. Are there any consequences to those who blatantly violate their oath as government agents?

These are now my accusers.

 The choice of voting for the Vote of Conscience in 2002 was not a happenstance. It was preceded by my own campaign for the United States Congress in 2000 whose slogan was "Conscience over Convenience." These same types of unscrupulous minds threw it back at me with a purported Vote of Conscience. A close friend of mine Mr. Tieman Skipper Dippel, author of the world-renowned book The Language of Conscience, told me that he felt I would not win the election but encouraged me that hopefully our campaign would turn the direction of our legacy with a new spirit, one of conscience for we see a culture in darkness all around us. Skipper has had input into the sentencing guidelines of our country and in a letter to you he states that what we are charged with is out of character with whom he knows us to be and asks you to take this into consideration.

 Unlike Skipper, some, particularly today, question the wisdom of my ways for speaking out. Yet I must speak. Those who know me are certain that I will speak for this calling comes from a higher order, a positioning for real change for the new kingdom. From a personal perspective, I cannot remain silent when confronted with the cruel and unwarranted treatment that my wife, my son Timoteo, Makateonenodua and my dear friend Lee have received. But I am steadfast with my humble request for there to be ordered a thorough investigation to the particulars of our case, and when you learn the truth that strong measures be taken to keep this type of injustices from reoccurring.

 For the sake of many in our beloved country who are terrified by this government's cruel politically motivated tactics, for the sake of my own government, I pray that you rule on the side of the rights of innocent people and come to the rescue.

 This courtroom is covered by God's mantle, and it is his desire that your decision be in line with His. Though it is not my family's desire, but many will receive the full brunt of His wrath for what they have done, particularly to my beloved innocent wife. Thy kingdom will come.

 MR. KUCHERA: Judge, would you like me to make my comments at the end or make them now? How would you like me to do that?

 THE COURT: Go ahead.

 MR. KUCHERA: Okay. I would just point out to the Court a couple factors that I think ought to take place -- or that ought to play in what you decide to do. One is character. I would just say that -- and I speak for Mr. Garza and his family. I feel like I've kind of gotten to know them, been to their house and they really are good decent folks. I mean, they really are. The other thing I would say is that I think one of the factors that the Court should take into consideration is how it has sentenced similarly situated defendants. I believe the Court sentenced Raul Garza, Sr. to 36 months. I believe based on my reading of the transcripts there had been a plea agreement which the Court didn't feel like it could go along with for probation, but I would ask that you take that into consideration. I would also ask that Mr. Garza be allowed to self-surrender, and I would ask that you would make a recommendation of incarceration, if that's what you choose to do, for Bastrop.

 THE COURT: Would Lee Martin like to exercise the right of articulation?

 MR. FERGUSON: Yes, Your Honor.

 MR. HARRIS: Your Honor, if I may, before we do the changeover, I don't believe the Court made a finding of the applicable guideline range to Isidro Garza.

 THE COURT: I didn't. I meant to express that. The offense level is 36. The criminal history is one. That results in a range of 188 to 235 months.

 Mr. Martin, do you have anything you would like to say in your own behalf or in mitigation of punishment? This would be your opportunity to do that.

 DEFENDANT MARTIN: Thank you, sir.

 Your Honor, if I may, I know the jury has found me guilty and I respect their decision. Today I would like to take the time and tell you why I wish you would consider me for probation. Going through the recommendation letters you'll find that even though I held a prestigious title during my banking career, I never attended college like Mr. Garza thought I did. Never. I have been a good citizen with no criminal record. My life has been dedicated to my family and nothing more. My family consists of six children, my youngest being five years old who needs my full support, Your Honor, and I also have three grandchildren. Please don't let my daughter grow up without her father around. My family means more than anything to me. It is unbelievable that I am going through this situation. This is not how I attempted to live my life. Up until now I have followed the probation guidelines to the letter, and if given another chance I plan to continue doing the same. You're probably thinking that I should have known better, but honestly, Your Honor, I didn't. Honestly. If knowingly doing something wrong meant jeopardizing being with my family, I would have never been in this situation. Now I have learned from my mistakes and have nothing but regrets for my actions. I stand here before you asking for leniency and let God's will be done. Thank you, sir.

 THE COURT: Timoteo Garza, would you like to articulate?

 Mr. Ferguson, did you want to say something, also? We might as well do this the same way.

 MR. FERGUSON: Well, Your Honor, I have -- in my sentencing memorandum there's a section on a variance for probation and I went down through the statutory factors, and I think there's a strong case on each and every one of them for probation for Mr. Martin. And you've read them. I don't need to go through them. And in addition, I gave you a stack of letters which I've been over in this Court for 15 years. I've never seen those kinds of recommendations for a man really with a spotless background, fell into this mess, but if anybody deserved probation, it would be Lee Martin. And I think according to the statutory factors and with the support of the letters that you have I think the Court would be entirely within the bounds of reason to give Mr. Martin probation for up to five years.

 THE COURT: All right, sir.

 Timoteo Garza?

 DEFENDANT TIMOTEO GARZA: Thank you, Your Honor.

 I will be brief. Today irrespective of the outcome is not a sad day for myself or my family. Today is a day that the Lord has made and He's perfect irrespective of where we end up. Today is a sad day for the judicial system. It's a sad day for the process. When I and Mr. Deivanayagam sat across the table from Mr. Gloff and he said if this had come across my desk, you and your mom and Mr. Martin would never be a part of this. It wouldn't even have gone to a grand jury yet because it's his job he had to continue and prosecute me. Five minutes before I was going to testify, Mr. Harris and Mr. Gloff pulled my attorney aside and said, Mr. Martinez, we don't have a case against your client. Tell him not to testify. I was ready to testify. I've always said I'm ready to testify and clearly, I didn't. I don't understand how the greatest nation that has ever been, could allow such an injustice, that the process would not work. I stand before you. I chose public service. I chose it. It was my choice. And because I chose to serve the people of District 80, that is the reason that I am here before you today. I would ask you, Judge, as much as it hurts me to be away from my daughter that any sentence that you wish to impose on my mother that you please add it to me. Thank you.

 THE COURT: Mr. Martinez?

 MR. MARTINEZ: I don't think I have anything further to add, Your Honor.

 THE COURT: All right. Martha Garza, would you like to speak?

 DEFENDANT MARTHA GARZA: Judge, I'm blessed. You've heard from my family, and the picture that has been painted of us is not who we are. Unfortunately, that's what you see and I accept whatever decision you make. I am truly, truly sorry that by not filing those returns in question contributed to painting such a distorted picture of who we are, but that's just how it was for -- I can't think of excuses, but it just happened that way. We were too busy. We didn't meet our obligations. And it painted such a horrible picture of our family. I thank my family for their love and support. I apologize to them because it's not only us that are going through this. It's my entire family and they've been steadfast in their love and support and prayers, my family, and friends. And of course, it goes without saying that my God is the one that has kept us going and will continue to keep us firm, and no matter what happens I know that He has something in store for my family. It's been awful what we've gone through, but like I said, I accept responsibility for not filing those returns that I should have filed. That we should have filed. Thank you, Judge.