

This book shares the testimony and grief of one family going through the struggles of unexpected incarceration. Those struggles involved losing family members, losing dignity and a sense of self, and finding faith when it seemed impossible. It was written with the hope of helping others going through those same struggles - or any profound struggle.

31 Days of Silence: Was It Justice or Just Us?

by J.C. FOSTER

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31 DAYS *of* SILENCE

WAS IT JUSTICE OR JUST US?



J. C. FOSTER

VOLUME 1

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This is a true story based on real events. Discretion is advised: Certain Names, Places, Dates, have been changed.

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Jury Trial: Day 10

Thursday, January 22, 2010, 12:41 p.m.

The jury entered the courtroom. Silence.

“The jury has reached a verdict.” Silence.

“We, the jury, in this case unanimously find the verdicts as to defendants: Count one of the indictment, that the defendants are guilty.

“Count two: guilty.

“Count three: guilty.”

And so on.

My husband and I were found guilty on multiple charges. I went into a trance.

Guilty.

Why me, God?

*

We located various Disney distributors from overseas who were selling on eBay. They were Asian-distribution products from a host of producers of video Disney DVDs. These people represented to us that they were lawful. They had the Asian-distribution approval and claimed that they lawfully got them through Disney and other companies. They would sell them to us, and we could then distribute in the United States.

Lawfully.



The Arrest

On June 28, 2008, they showed up. They took us all down in a real dramatic way. It all changed in an instant. Guns pointed at our heads, coming from every direction.

FBI agents, ICE representatives, special agents, local police officers, child protective services, Social Security agents, SWAT, postal inspectors, MPAA—they all arrived. It looked like a war zone, like a platoon, just to go and collect Disney DVDs.

There was no need for anyone to draw their guns.

We took Matthew Junior and Sarah to school that morning. Then we came home, and the guys—my brother, David; Ricky, a friend of the family for over thirty years; and Zack, our neighbor— were already working packaging the DVD orders for shipping.

I walked into the kitchen and poured myself a cup of coffee with extra creamer. I came outside and reached over and turned on my CD, just like I always did then. I walked toward the front of the two-car garage, where Matthew was standing. David was kind of to the side, and Ricky, my brother's best friend, was standing toward the back of the garage.

I took a sip of coffee and admired the warm, fresh air. "Let It Be" came on the stereo.

While I looked out toward the road of our property, past the half-circle drive, I saw several vans coming down the street. I thought that the road was unusually busy right before they began to pull in to our driveway. At the same time, several men and women with weapons charged at us

from every direction, coming from the almond orchard surrounding our home.

I heard screaming and yelling.

“Put your f——n’ hands up in the air!” one shouted. “Or we will blow your f——n heads off!”

I looked to the left, and I could see Matthew. He’d been tearing down some cardboard boxes to put in the recycling. Zack was standing right next to me.

I asked him with wide eyes, “What the heck is going on?”

The agents were about ten feet away from us, still screaming and yelling at us to put our “f——n’ hands up in the air.” We hadn’t complied yet, in shock. It didn’t register to any of us what was actually happening.

My heart was beating so fast because I thought they were robbing us.

Then one agent turned slightly to the right. I could see the back of his vest.

The big, bold letters.

It said FBI.

They called us out, one by one. Matthew was first. They patted him down, put handcuffs on him, and led him toward the orchard.

Then they called David and did the same thing to him.

Then I was next.

“Rose. Rose, look at us. Keep your hands up in the air. Come towards us. Walk this way. Slowly, slowly.”

It was like they were talking to a strange dog, unsure if it would understand its commands.

They patted me down and walked me to the orchard on the other side of the home. They told me to look straight ahead, don’t look behind me, and keep my mouth shut.

“What’s going on?” I asked. “Why are you here? Why are you doing this to us?”

They just said, “Keep your mouth shut.”

I didn’t know where they took David or Matthew. I kept looking, and I couldn’t see them.

I heard the FBI agents yelling and screaming, “Where’s little Matthew? Where’s little Matthew?” I yelled

out, “He’s in school!” That was their final cue.

They screamed, “Enter!” and rushed into our home—shouting, screaming, yelling.

“FBI agents! Put your hands in the air!”

But we were all outside and detained already. I was handcuffed, and spent hours standing in the orchard until finally the FBI agent in charge said, “You’re being put under arrest for selling counterfeit DVDs.”

*

“Where’s the burner?”

“I don’t know what you’re talking about,” I said. “What kind of burner are you talking about?”

“Where’s the burner, lady?”

I told them again, “I don’t know what you’re talking about.”

He said, finally, slowly, “The burner for the DVDs that you’re burning and selling.”

I told him we don’t burn DVDs. That we bought our DVDs from a supplier.

“We have all the receipts. You’ve made a mistake,” I said, thinking it would be over then as soon as I cleared it all up. “I could show you all the receipts. Every single one of them. They all passed through customs. We don’t have a burner.”

I was ready for them to apologize and uncuff me, ready to step back into normal life after having been yanked out of it for some nightmarish hours.

They didn’t.

Two women approached me next, and one said, “Rose, where are Sarah and Matthew Junior?”

I told her again, “At school. Who are you?”

“We’re child protective agents.”

“Why are you here?”

“Because you’re going to jail, you and Matthew. We need to know what school Matthew Junior and Sarah are at.”

I told her Matthew was in elementary school and Sarah was at the high school.

“We’re going to pick them up. Do you know of anyone who can take care of the children while you’re in jail?”

“Lucy,” I managed to say, numb. “My oldest daughter. Lucy. She works at the school district. You can reach her there. She’ll take them.”

They questioned me then. They asked if Matthew ever hurt me. I said no.

They asked “Did Matthew ever hit you?” I said no.

“Do you do drugs?”

“No. Never in my life. “

“Do you drink alcohol? You or Matthew?”

“No, we don’t drink alcohol, and we don’t do drugs,” I said. “Why are you asking me this?”

*

Lucy came to the house after CPS called her workplace. I was sitting on the porch in handcuffs then. They wouldn’t allow her to talk to me. They only allowed her inside to get Matthew Junior and Sarah some clothing, but the agents took her the back way, through the orchard to the back of the house and in through the back door. They told her not to speak to me, but I could feel the horror she must have been feeling. She’d been crying. My vision has never been good. But I knew my daughter. I knew the set of her shoulders, the change in her step. The way she held herself as she did what she had to do, as they made her walk past her handcuffed mother. She’d been crying.

Then there was yelling from across the road. It was my son Luke. Lucy had called him after she was contacted and told him, “Something terrible’s happened to Mother and Matthew.”

Luke got in his car and drove as fast as he could to the home. He said, afterward, that he could remember about seventy-five agents, all with guns on them. And he could see me, sitting on the porch with handcuffs.

Luke yelled out from across the street. I just heard his voice.

“Mama, I love you!” he shouted. “You’re gonna be okay. Lawyer up, Mama! Don’t tell them anything. Don’t talk to them.”

I said, “I’m okay, son! Just take care of Matt and Sarah!”

Moments later, FBI agents yelled at Luke, telling him to get out of there before they decided to arrest him too.

“Don’t say any more to your mother!” they shouted.

He didn’t stop, though.

I heard Luke saying to the agents, “Why do you have my mother in handcuffs? She won’t hurt anyone. She can hardly see! She’s legally blind. At least let her handcuffs be in the front of her. You’re hurting her!”

After that, three FBI agents took me in the house and sat me down in my living room. They read me my Miranda rights, after hours and hours of standing in the orchard, of sitting on the hard ground, of being shouted and cursed and called a liar, after being told my children were being taken from me. It was almost funny, in that moment, to think that they were taking the time now to tell me I had rights, as a person, as an American citizen. It felt like a joke. I didn’t feel much like either of those at the moment.

They asked me if I was willing to talk.

I said yes.

Maybe then they’d let me clear it all up.

The postal inspector came in and started yelling at me, cursing me again. I asked him not to.

“Please, you’re scaring me,” I said.

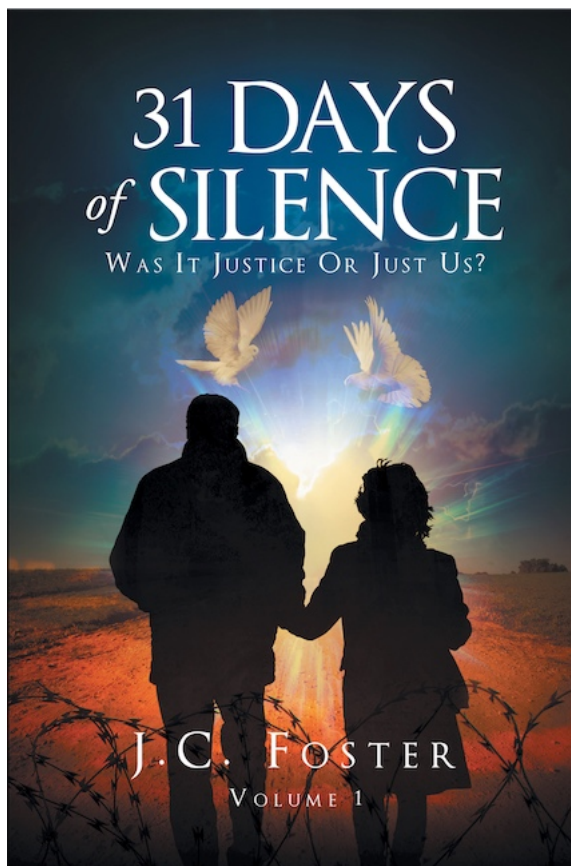
All he and everyone else kept saying was, “Where’s the burner, Rose? Where’s the burner?”

FBI agents and ICE agents started to tear my home up right in front of me. They threw everything on the floor, flipping mattresses upside down. They dug through my children’s room, tore everything out of the hallway linen closets, and ripped the cabinet doors off their hinges. It looked like a bomb went off in my home.

U-Haul trucks came next.

They loaded our furniture, our personal belongings, anything of worth. My televisions were torn off the walls. Everything we worked hard for all our lives, they took it from us. Our vehicles were loaded onto trucks that arrived after the U-Hauls.

It was all gone in an instant.



This book shares the testimony and grief of one family going through the struggles of unexpected incarceration. Those struggles involved losing family members, losing dignity and a sense of self, and finding faith when it seemed impossible. It was written with the hope of helping others going through those same struggles - or any profound struggle.

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