

Honorable Commissioners,

My name is Jessie Ailsworth. Thank you for inviting me to share how acquitted conduct impacted me.

I went to jury trial. I stood with my lawyer and heard “not guilty” over and over. I was only convicted of a few lesser counts. Then I stood in that same courtroom next to my lawyer and heard the judge sentence me to 30 years in prison. It made no sense. The jury just didn’t matter. Those “not guilty” just didn’t matter.”

I was very angry for a long time. I felt like the system failed me. I really believe that the jury did their best. They took their time, wrote notes, asked questions, and reached their verdicts. But, when I was sentenced, the court sent me to prison based on the jury’s acquittals. I felt like the system didn’t just fail me, it also failed my jury. We all knew what the jury was trying to do, and when I was sentenced, I wondered why we had even spent all those days with the jury, if at the end of it all, their verdict didn’t matter.

I can’t say that I was a saint before my trial. I wasn’t. I’d broken the law and I’d been arrested before. But I’d never been in a prison. I didn’t know much about the law, but I thought that a jury verdict mattered. Before I was sentenced, I had no idea that my sentence would be based on anything other than what I’d been found guilty of. But it was, and it crushed me, because it was the conduct that the jury found me not guilty of that that really hurt me. When everyone else that was part of the conspiracy got sentenced to no more than five years, I was sentenced to 30 years.

This sentence took away most of my adult life. All you have to do is look at my family photos to see that I missed so much during those years. My brother, Jimmy, passed in 2011. He was my only brother, and we were only three years apart, so we were close. At the time he passed I was being housed in a BOP camp. I’d been given a greyhound bus ticket at my previous institution and sent to the camp on a bus by myself. I knew I was in custody. I knew I wasn’t free, but I felt like I had a certain level of freedom. When I found out I couldn’t go to his funeral, I was reminded that I didn’t. I was devastated. Missing his funeral is still one of the most painful memories I have. He had been sick for a while, but when I was in Leavenworth, I would see him every now and then. Once I was moved from Leavenworth, I never saw him again.

My family is the most important thing to me. When I was sentenced to 30 years based on “not guilty” verdicts, it shocked us all. My mother was upset I’d gone to trial. My father, who I’d only seen cry once, cried. We didn’t understand why I’d been sentenced to so much time when the jury said, over and over, not guilty.

I was bitter when I started to serve my sentence, but the years, passed and eventually I began focusing on what I was doing on the inside, rather than on what I was missing on the outside. I had gotten so much time, that while other people I knew were counting down the days, I was counting up. I focused on what I could learn, how I'd stay healthy, what I'd do for exercise, how I'd pass the time. I took classes: I completed a course in heating, ventilation, and conditioning, I took a commercial driver's license class, a college course, RDAP, and lots of Spanish classes.

I leaned on the love and support I got from my family. Prison was bad, but I always had my family supporting me. When I was close enough, I'd get frequent visits from my family. When BOP moved me further away, I saw them less, but they supported me and visited me even when I was far away. Everywhere I went, they followed me. When I was furthest away, my mother and sisters would travel to see me two to three times a year. My family did their best, but I missed over two decades worth of graduations, birthdays, holidays, and funerals. So, not only did I miss out, but my family missed out on having me around to celebrate milestones and attend family events and just to be part of everyday life. We were so proud when my baby sister graduated in 1995. But I was not there.

I kept in touch with my stepson, who visited me when he could. Before I was arrested, I wanted to have children of my own. Once I had a 30-year sentence, that never happened. I never had the chance to have children of my own after the judge sent me to prison. I used to be bitter about not having children, but I'm not anymore. I wanted to be an active parent and watch them grow. Now I feel like it's too late for that. I've accepted that I put myself in prison, but three decades have passed and I won't ever get that time back. I've got lots of nieces and nephews who I love though, so I focus on them.

Even after I was released, there were more challenges. My USPO was fair, but supervised release wasn't easy. There were times my employer would get so frustrated because my USPO would make me drive all the way home from work, just so she could see me for a moment, without leaving her car. But still, I'd already decided a few years into my sentence, that I was going to take responsibility for my own actions, so I did. After four years of successful supervision, I won early termination of my supervised release.

I am not the same person today that I was when I was arrested. It took me years to truly change my mindset, but I like where I am today. I don't have to look over my shoulder or worry about if someone told on me. I get up and go to work every day and I like it that way. When I'm not working, I still work. I remodel houses, and fix cars. I'm currently working on a 1956 Chevy. If I'm not working on a

project, I'm watching Netflix with my family. I'm still close with my parents and I'm trying to make up for lost time. Since my release I've attended five graduations.

When people hear what happened to me, they can hardly believe it or understand it. I've learned a lot over the last three decades. I've grown and changed, learned about myself and others. I've learned accountability, which was hard. I learned responsibility, which took some time. But the hardest lesson I've learned is the lesson I learned at sentencing. Because the guidelines allow sentences based on acquitted conduct, trials are all or nothing. Not guilty verdicts are meaningless at sentencing if you have even one guilty verdict. In a system based on justice and fairness, where is the fairness in that?