

For over 40 years I have owned and operated my own businesses in 4 different states, California, Hawaii, Oregon and Nevada, and in a foreign country, Costa Rica. During that time, I worked with thousands of customers and clients, and hired hundreds of employees. I have never had any legal problems, never had a customer sue me, and the only interaction with law enforcement, other than an occasional traffic matter, was when I hired police officers as part-time real estate agents in my office.

I have always also been heavily involved in charity work. Over the past 30 years I have personally raised over *two million dollars* for various charities that I've supported and worked with.

There were several years during which I was not required to file income taxes. In '95 I changed businesses and became liable. I got together with the IRS agents in 2001 to get things straightened out. They helped me fill out the 1040s and after I signed them they filed them for me. I owed them about \$60K including all the interest and penalties. I told them I was just starting a new business and I would get back to them as soon as I could start paying them. They agreed to this.

In 2002 I opened my real estate office on a shoestring. By 2005 it was doing very well, and I was opening a new office in Costa Rica for my and my wife's retirement, and building a vacation home on an acre we had in Hawaii. I contacted the IRS to get caught up on all our taxes...past due and present. (I contacted them...they weren't looking for me).

They assigned me to two agents. I explained the situation and told them if they would help determine out how much I owed, including everything, I would start paying them \$5,000 a month from my business until I was caught up.

All I asked is that they leave my business alone, so I could keep making money and start paying them. They agreed to this, and I attended several meetings with them over the following year and supplied all my records for their inspection.

During this time, I was dividing my time between Clovis, where my main office was, and Costa Rica, where I was getting businesses started for our retirement.

After almost two years, the IRS agents hadn't contacted me with the amount owed or a plan to start payments.

Then the main agent I was working with retired. They turned my case over to a young IRS "gunslinger" named Eric. Eric was out to make a name for himself (as it turned out, my conviction gave him a huge promotion!).

When he saw wire transfers to Costa Rica (*offshore bank accounts*) he turned

my settlement case into a full-blown criminal tax evasion case. They started messing with the business, so I had the choice to sell it for about one-third what it was worth, or watch it die before my eyes. I sold it. Then they took that money, leaving us broke and without any means of income.

Now it was about 2007. One day while I was home from Costa Rica they came storming into our house and raided us! They took box after box of records, computer hardware, and lots of personal stuff, including our passports.

They continued the criminal investigation for another three years, and I was arrested in 2010.

They never found one dime that wasn't accounted for. In real estate, everything is paid through escrow companies and banks; NO CASH! There was never any money to hide even if I wanted to!

Since they took all our money, they had to assign me a free "lawyer", who was a 30-year friend of the judge and did not want to represent me or help me in any way.

During the trial, I was not allowed to show any proof that I had previously filed. I asked the lawyer several times to subpoena the IRS agents who prepared the '95 through 2001 tax returns for me, so they could testify that I had worked with them, and that I had done everything in cooperation at that time, and that I was following through on my word when I contacted the new agents to start paying.

The lawyer refused to even *talk* to those agents. They never came to court to testify.

During a pre-trial hearing I asked the judge to appoint me a different lawyer. I told him that this one had been lying to me, arguing with me, and would not discuss my case with me or file motions I had asked him to file.

The judge's response was to tell me that this lawyer had been his friend for over 30 years, was one of the best lawyers around, and his clients love him

Later I filed papers to fire the lawyer and the judge refused to let me. Then a couple weeks later the lawyer filed papers saying he wanted to withdraw from the case. The judge also denied his request!

During the trial, the IRS agents stated at least *11 times* that I was cooperating with them, and they were helping me to get settled and caught up. The original IRS agent I was working with testified that he had promised to help get my paperwork done, but never completed it, and had never asked me to start paying, right up to the time he retired.

Then, during his closing statement to the jury, the prosecutor lied *at least 8 times*, telling the jurors that there was *no agreement* or deal between myself and the IRS agents; that I was lying!

My lawyer never objected once to his lies.

AFTER THE TRIAL:

“On **July 19th** I filed a complaint against the judge for “Judicial Misconduct”, in the hopes that if I had a legal action against him personally for denying me a different effective lawyer, he would have to recuse himself for “conflict of interest”, (so I would get a different judge who might give me a fair chance).

On the following day, **July 20th**, the judge filed a “Notice to depart upward”, meaning that he was going to increase my sentence above the normal guidelines and recommendations of the court.

This was a month before the sentencing hearing and allocution, and he had already decided to “throw the book at me” because I filed against him! When I brought up the complaint and conflict of interest to him during our next hearing, he just smiled and said “*Mr. Laubly, I’m not going anywhere!*”

When the court services did the “pre-sentencing report”, after a complete evaluation of my past history (never in trouble in my life...100% clean record), their recommendation was a maximum of 33 months. The judge read that, then smiled and sentenced me to 8 years in prison...

Since I had absolutely no criminal record...over 60 years, with my only contact with law enforcement had been a couple traffic tickets, instead of prison they put me in a “camp” ...no locked doors or gates. It was very casual. I spend my entire time there teaching real estate classes and business classes to the other “detainees”.

While I was in the camp my wife became ill. We had no money and I was unable to care for her. After my being in for 4 ½ years, my wife died. We had been married for 35 years.

I incurred over two million dollars in property and business losses because of this. I am in the process of getting the conviction overturned due to prosecutorial misconduct, judicial misconduct, concealment and/or destruction of evidence, ineffective assistance of counsel, and attorney malpractice. Then I will be able to recover my financial losses.

I will never recover those years in camp, or my wife.