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## San Jose: Former correctional officer sentenced to 12 years in molest case

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A former Santa Clara County correctional officer who was convicted of sexually abusing his young niece was sentenced Monday to 12 years in prison and waived his right to appeal the decision.

Jose Zarate, 40, who last worked at Elmwood Correctional Facility in Milpitas, must serve at least 85 percent of his sentence before becoming eligible for parole, according to prosecutor Ray Mendoza.

Zarate was convicted in January of abusing his niece, who was about 9 when the molestation started, according to police reports. The young girl remained silent for more than a decade until finally sharing the secret last year with her mother, who contacted San Jose police.

Zarate was arrested in June 2009 and eventually convicted of two counts of lewd and lascivious acts on a child by force, violence, duress menace and fear and four counts of lewd or lascivious acts on a child under 14.

Karinah Guzman, the young woman who was sexually abused by Zarate, spoke in court and asked

the judge to sentence her uncle to 12 years in prison, representing "the same amount of time I was held prisoner by him."

A probation report recommended that Zarate receive an 18-year sentence.

"I thought it was only fair," said Guzman, 21, who is speaking publicly about the case in hopes of helping others in similar situations. "I was silent for 12 years. I thought it would be appropriate and it was. I was so relieved.

Before handing down the sentence, Judge

Rise Jones Pichon denied a motion filed by Zarate's recently hired attorney that argued the prosecution did not adequately prove forcible sex crimes were committed. Zarate could have been eligible for probation had the judge ruled in his favor, Mendoza said.

Defense attorney Guy Jinkerson, who was hired by Zarate after the trial, described the handling of his client's case by a previous lawyer as "a blunder of titanic proportions."

After the preliminary hearing, during which Guzman proved herself to be a persuasive witness, Mendoza offered Zarate a three-year sentence as part of a plea agreement. Had Zarate accepted the offer, he likely would have been placed on probation, Jinkerson said. The deal would have required Zarate to register as a sex offender. Mendoza confirmed the offer.

Instead, Zarate took the case to trial.

"It was totally misevaluated, and that's why he's doing 12 years," Jinkerson said.

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According to police reports, Guzman told investigators that the abuse began when she was about 9 and lasted until she was about 13. Guzman told police that Zarate would touch her inappropriately and at times have her touch him in a similar manner. She recalled one event where he "French kissed" her on a bed.

During the investigation, San Jose police detectives had Guzman call her uncle and talk about the incidents. During the conversation, Zarate said he did not remember any specific instance but apologized numerous times for making her "feel uncomfortable" and expressed his wish "to take anything back that I ever said or did."

During the call, Guzman asked Zarate why he acted inappropriately, and he replied "the stresses of life," according to the police report. She asked him if he had ever done it to anyone else, and he quickly replied "no."

Guzman said for years she feared "that if I said anything, the effect it would have on my family would be my fault." She said she now realizes Zarate is to blame for the "strained relationship, the broken heart and the torn family."

Several family members and friends have supported Zarate throughout the court proceedings and attended the sentencing hearing in force. About a dozen of Zarate's friends and family members, including two retired San Jose police officers, wrote letters to the court to ask for leniency.

The letters painted a portrait of a man who is a loving and caring father and husband, a good friend and a devoted law enforcement officer.

Some family members insisted that Zarate was wrongly accused and falsely convicted; they also lobbed personal attacks on Guzman and her mother, Christina Pinedo, whose sister is married to Zarate.

The hardest part, according to Guzman, was that the case caused her to become estranged from her aunt and maternal grandmother.

But there's also a sense of relief.

"It's over," Pinedo said. "We can move on."

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