

Tony and Lois Bartolucci
Statement to the Monroe County Court, Judge Winslow Presiding
Re: People vs. Ephrain Lopez-Contreras
Sentencing, February 14, 2017

Thank you for this opportunity to address the court. I have put my thoughts in writing so that I neither be misquoted, nor forget to include those things that my wife, Lois, and I deem important.

First among these is our gratitude for all who have supported us during this incomprehensible time of loss.

We would like to publicly thank the neighbors and citizens who arrived at the crash scene to rescue Giana and me from being burned to death within the inferno of the wreckage.

We wish to thank the first responders who quickly arrived to secure the scene, render aid, and transport us to the hospital.

We wish to thank all of the doctors, surgeons, nurses, therapists, and other professionals that worked hard to bring healing to our broken bodies: first at Strong Memorial Hospital, then, for Giana, the Golisano Children's Hospital, the Golisano Restorative Neurology and Rehabilitation Center, and finally, Monroe Community Hospital.

We wish to thank Ray Benitez and his staff at the Monroe County District Attorney's Office.

We wish to thank our friends and family, some of whom are here this morning.

We wish to thank the great company of Christians around the world who have prayed and wept with us--even though most we had never personally met.

We wish to thank our church family at Clarkson Community. You have stood with us demonstrating what it means to "weep with those who weep." You have given generously of your time and resources to minister to us in our trial - your love is a beacon of light in a dark world.

Lastly, we would like to thank all of those involved in the judicial proceedings, the grand juries, and this court before which I now stand.

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Our lives were forever changed on August 21st of 2001 when our daughter, Giana, was born. Her name means "God is gracious" and gracious He was in granting us this precious gift. We had been previously unsuccessful in having children and how excited we were to have her, our only child.

Our lives were forever changed a second time fourteen years later when Giana and I went to get a Christmas tree on December 24, 2015.

Little did we know when we departed that Christmas Eve that Giana would never come home again. There would be no tree. The gifts we had purchased remain unopened in her bedroom, the closed door a nagging reminder that she won't be back in this life.

I am unable to even entertain the thought of opening her bedroom door for fear of seeing her clothes, trinkets, and valued possessions, including a mountain of stuffed animals lying there, as if patiently awaiting her return.

Lois and I have endured a never-ending nightmare. We have cried until the fountains from which the flood of our tears spring have seemingly exhausted their supply.

As I said in one of the poems I composed last year:

*The injuries I suffered, they were severe.
But not at all worthy to compare
To our girl, so badly broken;
My wounds were but a token.*

We cannot even begin to describe her burned and broken body, fifteen surgeries, and the six months of pain she had to endure. My injuries are but a “token” compared to hers. However, I am daily faced with the ever-present reminders of scars, vision loss, a torn back muscle, and a crippled right hand. But these wounds pale in comparison to the mental anguish I experience every day, exacerbated by the symptoms of PTSD with which I have been diagnosed. I suffer flashbacks, including painful memories of Giana's critical injuries that had us living in various hospitals for half of 2016.

There is nothing worse than the loss of a child, especially when due to the complete disregard of life by another. For us this was wrought by the defendant's inexcusable negligence, multiple illegal reentries into the United States, and driving while severely intoxicated.

The defendant's actions that evening have resulted in innumerable aftershocks that have shaken many. Giana's friends, children and adults alike, have been crushed under the pain of her loss. She was my parents' only grandchild and I have helplessly witnessed a related decline in their health over the past year.

There are times that I don't know if I can survive her loss (I certainly could not apart from the grace of God). She was my frequent partner in “going exploring,” taking trips to thrift stores, or a motorcycle ride around town. The thought of never again hearing those words, “Daddy, can we go for a motorcycle ride or to the thrift store?” literally tear my heart in two.

Lois spent hours every day with Giana in homeschooling, with choir and sports activities, or by just spending special time together as mom and daughter. With my office right next door to our house, Giana would often run over to hang out, read, or work on school assignments. I can no longer study in my office. Lois and I both have a hard time at home with her gone; a part of us has been amputated.

God knows how extremely proud Lois and I are of her. She will always be our daughter. She was beautiful, intelligent and articulate; equally happy holding a toad in her hand, climbing a tree, or getting all dressed up. She loved her mom and dad, her grandparents, her friends, and her Lord. She loved participating in sports, singing, and playing the piano or guitar.

Older and younger kids gravitated to Giana, even though she was the type that didn't like to be the center of attention. She looked out for those who were troubled in some way, or who were outcasts. Ever sensitive to their plight, she entered, at times too deeply, into their sorrows taking them on as if

her own. It was fitting that perhaps her last act of encouragement be the donation of healthy organs to those suffering and in desperate need of the last thing she had to offer: the gift of life.

But first and foremost, she was a born again believer in Jesus Christ who persevered in Him through her own adversity and the often confusing, not to mention difficult, transition of becoming a young woman.

Shortly before the accident that ultimately claimed her life, Giana was challenged by a counselor who gave her this assignment: come back next week prepared to answer the question of whether you want to live for the temporary pleasures of this world, or for the glory of God. The following week, Giana answered without hesitation, "I want to live for whatever God chooses to do in my life that will bring Him glory."

Little did she know the ramifications of those words, "*Whatever God chooses to do in my life . . .*"

As her race has now been run, that challenge becomes ours: "Will we live for God's glory no matter what He has done, or will do, in our lives?"

In keeping with that challenge, Lois and I want to be clear that we have forgiven Ephrain for what he has done. We harbor no hatred or hostility toward him.

This act of forgiveness is no mere expression of religiosity; it flows from our own forgiveness and as testimony to our union with Christ in His death, burial and resurrection.

It also flows out of our conviction that God is in sovereign control over all creation. He was neither asleep nor negligent that fateful evening. Therefore, we are compelled to believe that the book of Giana's life was not left unfinished. By God's design, the book of her life was complete with fourteen chapters--fourteen years that were ordained for her by her Lord who loved her, bought her with His blood, and called her home.

Our forgiveness, though, is temporal in nature and does not obviate judicial punishment for criminal acts. For Ephrain, this will include many years of his life spent in prison along with the knowledge that he was responsible for the death of a fourteen year old girl. We are sympathetic to how the events that unfolded on December 24, 2015, have affected those whom he loves, as well.

There is a forgiveness, however, that is eternal in nature. Our hope is that as a result of this chapter in Ephrain's life, he receives forgiveness for crimes against the God who created him, a forgiveness that brings more freedom in prison than he could ever experience outside of it: namely, to know Jesus Christ as His Savior and Lord, a gift received by faith alone. Our prayer, therefore, is that he not languish in prison or join a gang, but that he be transformed from a felon to a beloved brother in Christ.

If I may close with an abridged version of a poem I wrote less than a month after Giana went home:

An Ode To Daddy's Girl

T. Bartolucci - July 4, 2016

Sorrow upon sorrow;
As within the epicenter of an earthquake great.
Piercing like an arrow,
The shakings come violently,
Refusing to abate.

Will the tower that is my life,
Withstand the rolling thunder.
Will it totter and fall,
Will it be torn asunder?

The tower will suffer and groan, tis' true,
Bearing such heavy a load.
Many a crack in many a wall
Yet the foundation rests on the Lord;
And upon Him it refuses to fall.

In time the great quake will still.
But until we are reunited with our precious girl,
The aftershocks and the tears
Will lurk within the shadows of life,
Till the One who quiets our fears,
Gathers His church together
The Bridegroom and wife.

*Is all the pain
Truly suffered in vain?*

The answer is nay;
For in another day,
The One who came to die,
Will wipe away the tears,
That fell through the years,
From each and every eye.

But only if you know Him true,
And by faith have been made anew.
Jesus Christ the One who died,
With Whom Giana was crucified.

The Father's wrath He bore,
That those who believe may reach
That sweet and Golden Shore
Where pain is felt no more.
Where Jesus we gain
Forever to love and adore.

To love is to feel great pain,
When the one we love has gone.
Giana we'll see again;
Gathered around the Throne
In praise and song.

Until that day, may you know
How much your mommy and daddy loves you.
Each tear that falls, like mourning dew,
Flows from hearts broken low,
By Him with Whom we live and do.

*Is all the pain
Truly suffered in vain?*

Not in all the world.
For this is true and will not change
You will always be our little girl
And we shall see you again.