

**ORGANIZATION OF AMERICAN STATES**



**DEPARTMENT OF PUBLIC SECURITY**

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**EXPLORATORY ASSESSMENT OF HUMAN TRAFFICKING CASES UNDER NON-FEDERAL  
JURISDICTIONS IN THE UNITED STATES OF AMERICA**

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November 2006

The Department of Public Security of the General Secretariat of the OAS works diligently with OAS member State governments to create anti-human trafficking initiatives in various countries in the Western Hemisphere. The Department provides training in various States in the Western Hemisphere, monitors and publishes important research regarding the patterns and trends of trafficking in persons, and sponsors inter-governmental conferences in which States in the Western Hemisphere meet together to share strategies to combat human trafficking.

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## **I. INTRODUCTION**

### **A. Federal and Non-Federal Anti-Human Trafficking Laws in the United States of America<sup>1</sup>**

In 2000, the federal government of the United States of America specifically recognized human trafficking<sup>2</sup> as a crime when the Trafficking Victims Protection Act (“TVPA”) became federal law.<sup>3</sup> Congress reauthorized the TVPA in 2003 and 2005.<sup>4</sup>

As the U.S. movement to combat human trafficking gained momentum federally, victim advocates began to call on non-federal jurisdictions in the United States to pass laws establishing criminal and civil sanctions for acts of human trafficking. Thus, in 2003, Texas and Washington became the first States to establish human trafficking as a crime.<sup>5</sup> Currently, twenty-four States have enacted laws that criminally penalize the trafficking of humans, and eight states have enacted laws that establish either an anti-trafficking in persons (“Anti-TIP”) task force or a commission to research human trafficking.<sup>6</sup> Currently, four state legislatures are considering anti-TIP legislation and/or legislation to establish human task forces or research commissions.<sup>7</sup>

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<sup>1</sup> The federal courts of the United States of America adjudicate cases in which federal law enforcement authorities have charged suspects with violating the federal laws of the United States of America. In contrast, the non-federal jurisdictions adjudicate cases under the authority of the laws of each particular non-federal jurisdiction. Non-federal jurisdictions of the United States include the legal systems of the fifty states of the United States of America and the legal systems of the territories of the United States of America.

<sup>2</sup> This report adopts the definition of “trafficking in persons” as established in Article 3 of the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime.” UN Doc. A/45/49 (Vol. 1), 2001. [hereinafter UN Protocol]. The author interchangeably uses the phrases “trafficking in persons” and “human trafficking.”

<sup>3</sup> Trafficking Victims Protection Act of 2000, 22 U.S.C.A. § 7101 (2000).

<sup>4</sup> Trafficking Victims Protection Reauthorization Act of 2003, H.R. 2620, 108<sup>th</sup> Cong. (2003); Trafficking Victims Protection Reauthorization Act of 2005, H.R.972, 109<sup>th</sup> Cong. (2005).

<sup>5</sup> Trafficking of Persons, Tex. Penal Code §§ 20A.01- 20A.02 (September 1, 2003), available at <http://www.capitol.state.tx.us/tlo/78r/billtext/HB02096F.HTM>; Trafficking, Wa. St. § 9A.40 (July 27, 2003), available at [http://www.leg.wa.gov/pub/billinfo/2003-04/House/1175-1199/1175-s\\_sl.pdf](http://www.leg.wa.gov/pub/billinfo/2003-04/House/1175-1199/1175-s_sl.pdf).

<sup>6</sup> U.S. Policy Alert on Human Trafficking: Summary of U.S. Policy Activity, Polaris Project, July 28, 2006, at [http://www.polarisproject.org/polarisproject/programs\\_p3/PolicyAlert\\_7\\_28\\_06.pdf](http://www.polarisproject.org/polarisproject/programs_p3/PolicyAlert_7_28_06.pdf).

<sup>7</sup> *Id.*

## **B. The Need for Non-Federal Anti-Human Trafficking Laws**

The federal government has used the TVPA and the subsequent reauthorization acts to successfully prosecute and convict human traffickers. Under federal laws, the U.S. federal government filed human trafficking charges against 248 defendants from 2000 to 2005.<sup>8</sup> Of these prosecutions, 140 defendants received human trafficking convictions.<sup>9</sup>

While the federal government has achieved justice on behalf of some victims of human trafficking, the number of incidents of human trafficking is immense. The U.S. Department of State estimates that 14,500 to 17,500 trafficking victims cross international borders to enter the United States every year.<sup>10</sup> The actual number of human trafficking victims in the United States is even greater because the number of victims who do not cross international borders is unknown. The U.S. federal government has a limited capacity for handling human trafficking cases. Thus, there is a need for state and local jurisdictions to pass and implement anti-TIP laws and to assist the federal government in identifying and prosecuting cases of human trafficking.<sup>11</sup>

The close proximity of state and local authorities to incidents of human trafficking makes these authorities ideally situated to encounter and identify human trafficking. Proper implementation of non-federal laws involves the training of state and local authorities to identify the elements of human trafficking. As state and local authorities become familiar with human trafficking as a crime against persons, greater numbers of trafficking cases will surface.

Currently, many state and local authorities are unfamiliar with the elements of human trafficking. As a result, these authorities sometimes mistake victims of human trafficking as

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<sup>8</sup> U.S. DEPARTMENT OF JUSTICE, REPORT ON ACTIVITIES TO COMBAT HUMAN TRAFFICKING: FISCAL YEARS 2001-2005 56 (March 15, 2006), available at [http://www.usdoj.gov/crt/crim/trafficking\\_report\\_2006.pdf](http://www.usdoj.gov/crt/crim/trafficking_report_2006.pdf) (*hereinafter* “U.S. Department of Justice Report”)

<sup>9</sup> *Id.*

<sup>10</sup> *Fact Sheet: Human Trafficking*, U.S. Department of Health & Human Services, Administration for Children & Families, at [http://www.acf.hhs.gov/trafficking/about/fact\\_human.html](http://www.acf.hhs.gov/trafficking/about/fact_human.html).

<sup>11</sup> U.S. Department of Justice Report, *supra* note 5, at 1.

criminals and arrest and prosecute the victims for crimes, such as prostitution, pimping, or pandering. As States implement anti-human trafficking laws through the training of law enforcement personnel and prosecutors, state and local authorities will more readily recognize the elements of human trafficking and will correctly identify victims of human trafficking. The result will be greater protection of the victims, as state and local authorities spare victims from unjust prosecutions and as the victims receive the services they desperately need.

Non-federal laws that criminalize human trafficking provide state and local prosecutors with another tool to ensure that guilty persons are convicted and serve prison time for trafficking. Non-federal anti-TIP statutes also should specifically provide victims of human trafficking with a cause of action to gain civil relief against the human traffickers. Finally, well-written anti-TIP laws recognize the vulnerability of victims of human trafficking.

## **II. PROJECT DESIGN**

### **C. Goals of the Report**

The purpose of this project is to provide information regarding the efforts of non-federal jurisdictions of the United States to identify and adjudicate cases of human trafficking. In that context, the goals of this report were three-fold:

1. Fill the information gap regarding U.S. human trafficking cases in non-federal jurisdictions
2. Enhance the Credibility of Recent Media Attention to the Problem of Human Trafficking
3. Encourage legal jurisdictions within the Western Hemisphere to increase efforts to identify and adjudicate cases of human trafficking

This report provides information about non-federal adjudications of human trafficking cases. Such records are scarce and difficult to find. Thus, this report contributes to a real need for information, where little research exists.

The Department of Public Security of the OAS believes that the examples of human trafficking cases demonstrate the persistent presence of human trafficking incidents in non-federal jurisdictions of the United States of America. As media attention increases and as state legislatures continue to consider legislation to make human trafficking a crime, the need for specific examples of human trafficking increases. This report shows specific incidents of human trafficking, thus enhancing the credibility of anti-trafficking public awareness efforts.

The Department of Public Security hopes that this report's examples of non-federal cases of human trafficking will encourage the implementation of anti-trafficking in persons legislation, the training of law enforcement to recognize signs of human trafficking, and the increased prosecution and conviction of human trafficking crimes in judicial systems.

#### **D. Scope of the Report**

The following report is a sampling of human trafficking cases throughout the United States of America. The cases selected demonstrate the elements of human trafficking, according to the UN Protocol definition of trafficking in persons.<sup>12</sup>

Each case in this report has arisen under a non-federal jurisdiction of the United States. However, some of the cases also are pending in the U.S. federal court system. The report presents primarily criminal cases. However, the report also includes a limited sampling of other legal proceedings that arose from incidents that likely involved human trafficking. These proceedings include administrative hearings and law suits.

An overwhelming majority of the cases in this report arose out non-federal laws other than anti-TIP laws. The prosecutors usually charged the traffickers with crimes such as pimping, pandering, kidnapping, and criminal sexual conduct. However, the report highlights the few cases in which non-federal jurisdictions have prosecuted suspects for the specific crime of human trafficking.

The cases in the report are at all levels of adjudication. Authorities have not filed criminal charges in some of the cases. Victims in some of the cases dropped charges in other cases. Several of the cases have completed adjudication.

The cases are from as early as 1888 and as recent as 2006. They represent contacts and communications with police officers, attorneys, individuals working for NGOs, other heads of anti-trafficking task forces, and any others who have expertise in the area of human trafficking. The extent of these individual's knowledge of human trafficking cases covered the following 39 non-federal jurisdictions of the United States of America: Alaska, American Saipan, American

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<sup>12</sup> UN Protocol, Art. 3.

Samoa, Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, and Wisconsin.

## **E. Research Methodology**

### **1. Phase I**

Initially, the research comprised legal databases for human trafficking cases in non-federal jurisdictions and for news articles that mentioned such cases. This methodology resulted in a few cases and leads. Most of the cases that arose from this search method were older cases. This approach proved to be largely inefficient in the discovery of newer cases due to the novelty of civil and criminal cases that deal specifically with “human trafficking” or “trafficking in persons.”

### **2. Phase II**

Subsequently, various non-governmental organizations (“NGOs”) that actively pursue justice on behalf of human trafficking victims were contacted. This approach yielded few cases because of the predominant preference for federal prosecution over non-federal prosecution of human trafficking cases.<sup>13</sup> However, this stage led to many great contacts and to the initiation of the final and most productive phase.

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<sup>13</sup> Most NGOs currently work with the federal government to prosecute cases under federal law.

### 3. Phase III

Finally, anti-TIP task forces were contacted across the United States. These task forces included recipients of grants from the U.S. Department of Justice, Bureau of Justice Assistance (“BJA Task Forces”); recipients of grants from the U.S. Department of Justice, Office for Victims of Crimes (“OVC Task Forces”); and state legislation-mandated task forces (“Legislative Task Forces”). This methodology proved to be the most profitable in uncovering information about human trafficking cases. The prosecutors, police officers, and NGOs involved in these task forces work closely with state prosecutions of human trafficking.

#### **F. Limitations of the Report**

This report provides a sampling of cases involving human trafficking that have arisen under non-federal U.S. laws. The Department of Public Security does not claim that this report is a comprehensive account of all cases of human trafficking arising in non-federal jurisdictions of the United States. The number of cases in the report was limited by the following constraints: Prosecutors have charged suspects with the specific crime of human trafficking in only a few incidents. Although a large number of cases in non-federal jurisdictions have involved human trafficking, these cases are often untraceable because non-federal prosecutors have charged the suspects with the commission of an alternate crime. Finally, the time constraints of the project prevented the author from finding additional cases.<sup>14</sup>

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<sup>14</sup> This research project continued for a period of ten weeks. With more time, the author would find more non-federal cases by contacting authorities in additional jurisdictions and by further pursuing leads to other cases.

### **III. CASES OF HUMAN TRAFFICKING UNDER NON-FEDERAL LEGAL JURISDICTIONS OF THE UNITED STATES OF AMERICA**

#### **A. Alaska**

Bell v. State, 668 P.2d 829 (Alaska Ct. App. 1983).

#### **SUMMARY:**

The trafficker (Willie B. Bell, 29 years old, U.S. citizen) procured the victims (two sixteen-year-old females and one fourteen-year-old female, all U.S. citizens) to engage in prostitution. One of the victims began living with the trafficker and engaging in prostitution, after the trafficker promised her that he would marry her and buy her a new car and new clothing. The trafficker assaulted one of the victims, arguing that she had been drinking instead of “working.” After the assault, two of the victims went to the police. The police obtained a search warrant to record telephone conversations between the trafficker and the victims.

#### **PROCEDURAL HISTORY:**

Alaska authorities charged the trafficker with one count of promoting prostitution, in violation of AS 11.66.110(a)(2); one count of promoting prostitution, in violation of AS 11.66.110(a)(1); one count of attempted prostitution in the first degree, in violation of AS 11.66.110(a)(1) and AS 11.31.100(a); and one count of managing, supervising, controlling, or owning a prostitution enterprise other than a house of prostitution, in violation of AS 11.66.120(a)(1). The Superior Court, Third Judicial District, found the trafficker guilty of Counts I and IV. The court acquitted the trafficker of Count II but found the trafficker guilty of the lesser offense of attempted promotion of prostitution in the third degree. The court found the trafficker not guilty of Count III but convicted the trafficker of the lesser offense of attempted prostitution in the third degree. The court sentenced the trafficker to a five-year prison term with two years suspended for Count I, and the court sentenced the trafficker to a four-year prison term with three years suspended for Count IV. Both sentences were to run at the same time. The court did not sentence the trafficker for the convictions under Counts II or III. The trafficker appealed the convictions and the prison sentence. The Court of Appeals affirmed the ruling and sentencing of the lower court. The Court of Appeals held that the lower court was justified in lengthening the trafficker’s prison sentence by one year because the trafficker wrote a letter to a 14 year old girl to arrange a romantic relationship with the girl, while awaiting sentencing for promoting the prostitution of another girl under sixteen years old.

#### **SOURCE:**

Westlaw

## **B. Arizona**

### 1. Phoenix (encompasses 2 cases)

#### **SUMMARY:**

The two victims (both fifteen years old; one white female, one Asian-American female; both U.S. citizens) met the five suspects (ages ranging from 18 years old to 27 years old; five black males, one white male; all U.S. citizens) at Spectrum Mall and/or through a mutual friend. The suspects set up prostitution jobs for the victims through an in-call prostitution service. No interstate trafficking occurred. The suspects subjected both victims to assault, aggravated assault, and sexual assault – either the pimps personally assaulted the victims, or others assaulted the victims during the time that the pimp controlled the victims. Arizona authorities released the two victims to a home.

#### **PROCEDURAL HISTORY:**

Arizona authorities served ten search warrants. Five of the suspects are in custody, and one suspect is outstanding. Prosecution of each of these cases is pending.

#### **SOURCE:**

Sgt. Chris Bray, Phoenix Police Department

### 2. Phoenix

#### **SUMMARY:**

Authorities do not know how the six victims (ages ranging from 14 years old to 16 years old; two black females, two Hispanic females, two white females; all U.S. citizens) met the two suspects (27 years old, black male; 33 years old, black male; both U.S. citizens). The suspects had the victims work as prostitutes on the street and on the internet (cityvibe.com, craigslist.com). The suspects trafficked two of the victims across interstate lines into California, New Mexico, Washington, and Texas. The suspects subjected four of the victims to assault, aggravated assault, and sexual assault - either the pimps personally assaulted the victims, or others assaulted the victims during the time that the pimps controlled the victims. Three of the victims are in juvenile jail in Phoenix, Arizona, or Texas. Authorities released one victim into a home. Two of the victims' locations are unknown.

#### **PROCEDURAL HISTORY:**

Arizona authorities served two search warrants. Two of the suspects are in custody. Prosecution of this case is pending.

#### **SOURCE:**

Sgt. Chris Bray, Phoenix Police Department

### 3. Phoenix

#### SUMMARY:

Nine suspects (ages ranging from 19 years old to 27 years old; two black males, other racial identities unknown; all U.S. citizens) sex trafficked eight victims (ranging in age from 15 years old to 17 years old; three black females, one Hispanic female, three white females, one other; all U.S. citizens). Four of the victims met their pimp at Metro Center Mall. The suspects forced the victims to work as prostitutes on the street and through the internet (cityvibe.com, craigslist.com, backpage.com). The suspects trafficked all eight victims across interstate borders to California, Florida, Nevada, and Washington, D.C. The suspects subjected all eight victims to assault, aggravated assault, and sexual assault – either the pimps personally assaulted the victims or others assaulted the victims during the time that the pimps controlled the victims. Two of the victims are in juvenile jail. Authorities released five victims into home/s. One victim's location is unknown.

#### PROCEDURAL HISTORY:

Arizona authorities served three search warrants. A Grand Jury indicted five of the suspects. Two of the suspects are in custody. The locations of four of the suspects are unknown. Prosecution of this case is pending.

#### SOURCE:

Sgt. Chris Bray, Phoenix Police Department

### 4. Phoenix (encompasses 2 cases)

#### SUMMARY:

Seven suspects (ages ranging from 14 years old to 43 years old; four black males, three black females; all U.S. citizens) sex trafficked three victims (ages ranging from 15 years old to 16 years old; two black females, one white female; all U.S. citizens). One of the victims met one of the pimps on the streets in the area of Maryvale Precinct and Cactus Park Precinct. One of the victims met her pimp at her high school. The suspects had the victims work as prostitutes on the street and through an in-call and out-call prostitution service. The suspects trafficked one of the victims across the interstate border to California. The suspects subjected at least one victim to assault, aggravated assault, or sexual assault – either the pimps personally assaulted the victims or others assaulted the victims during the time that the pimps controlled the victims. Arizona authorities released all three victims to homes.

#### PROCEDURAL HISTORY:

Arizona authorities served two search warrants. Four of the suspects are in custody. The locations of three of the suspects are unknown. Prosecution of each of these cases is pending.

**SOURCE:**

Sgt. Chris Bray, Phoenix Police Department

5. Phoenix (encompasses 3 cases)

**SUMMARY:**

Five victims (ages ranging from 13 years old to 17 years old; one black female, one Hispanic female, three white females; all U.S. citizens) met the three suspects (ages ranging from 21 years old to 30 years old; three black males; all U.S. citizens) on the streets at Metro Center Mall, at Spectrum Mall, and through other pimps. The suspects had the victims work as prostitutes on the street. The suspects did not traffic any victims across interstate lines. The suspects subjected five of the victims to assault, aggravated assault, or sexual assault – either the pimps personally assaulted the victims or others assaulted the victims during the time that the pimps controlled the victims.

**PROCEDURAL HISTORY:**

Arizona authorities served one search warrant. Two of the suspects are in custody, and the location of one of the suspects is unknown. Prosecution of each of these cases is pending.

**SOURCE:**

Sgt. Chris Bray, Phoenix Police Department

6. Phoenix

**SUMMARY:**

Eleven suspects (ages ranging from 21 years old to 35 years old; all black males; all U.S. citizens) sex trafficked eleven victims (ages ranging from 12 years old to 17 years old; one Asian-American female, one black female, three Hispanic females, six white females; all U.S. citizens). The victims met the suspects through friends, on the streets in Arizona, or on the streets in other states. The suspects pimped the victims as prostitutes on the street, through in-call/out-call prostitution services, through local advertisements (The Beat, New Times), and through the internet (hotshots.com). Two of the victims have children that their pimps have fathered. The suspects trafficked four of the victims across interstate lines (California, Nevada, Oklahoma, and Texas). The suspects subjected at least six of the victims to assault, aggravated assault, or sexual assault – either the pimps personally assaulted the victims, or others assaulted the victims during the time that the pimps controlled the victims.

**PROCEDURAL HISTORY:**

Arizona authorities served two search warrants. One of the suspects was in custody but was released without bond. He disappeared after release. Prosecution of this case is pending.

**SOURCE:**

Sgt. Chris Bray, Phoenix Police Department

7. Phoenix

**SUMMARY:**

Two suspects (twenty years old, black male; twenty five years old, black male; both U.S. citizens) sex trafficked two victims (both seventeen years old; one white female; one Hispanic female; both U.S. citizens). The victims worked as prostitutes via the internet. The suspects trafficked the victims across interstate lines to Arizona, California, and Nevada. One of the suspects directly subjected at least one victim to assault, aggravated assault, and sexual assault. Authorities released the victim from juvenile custody and returned the victim to her out-of-state family.

**PROCEDURAL HISTORY:**

Arizona authorities served two search warrants. One of the suspects is in custody, and one suspect is outstanding. The suspect in custody is currently awaiting trial.

**SOURCE:**

Sgt. Chris Bray, Phoenix Police Department

8. Phoenix

**SUMMARY:**

The suspect (33 years old; black male; U.S. citizen) sex trafficked one victim (15 years old; black female; U.S. citizen).

**PROCEDURAL HISTORY:**

Arizona authorities served one search warrant. The suspect is in custody. Prosecution of this case is pending.

**SOURCE:**

Sgt. Chris Bray, Phoenix Police Department

9. Phoenix

**SUMMARY:**

One suspect (25 years old; black male; U.S. citizen) pimped two unknown victims (16 years old and 17 years old; one Asian-American female, one black female; both U.S. citizens). One victim's cousin introduced her to prostitution before the victim first met the suspect.

**PROCEDURAL HISTORY:**

Police have probable cause for the suspect's arrest. However, the suspect is outstanding. Prosecution of the case is pending.

**SOURCE:**

Sgt. Chris Bray, Phoenix Police Department

10. Phoenix

**SUMMARY:**

The suspect (44 years old; black male; U.S. citizen) pimped one victim (16 years old; black female; U.S. citizen) across interstate lines.

**PROCEDURAL HISTORY:**

Police have probable cause for the suspect's arrest. However, the suspect is outstanding. Prosecution of this case is pending.

**SOURCE:**

Sgt. Chris Bray, Phoenix Police Department

11. Phoenix

**SUMMARY:**

The two suspects (23 years old, black male; 30 years old, black male; both U.S. citizens) pimped two victims (15 years old, white female; 16 years old, white female; both U.S. citizens). The suspects advertised the sexual services of the victims online. The sex trafficking crossed interstate lines.

**PROCEDURAL HISTORY:**

Arizona authorities served two search warrants. Police have probable cause for the arrest of both suspects. However, both suspects are outstanding. Prosecution of this case is pending.

**SOURCE:**

Sgt. Chris Bray, Phoenix Police Department

**C. California**

12. *People v. Cimar*, 15 P.2d 166 (Cal. Dist. Ct. App. 1932), *hearing denied*, 16 P.2d 139, Cr. 1227 (Oct. 15, 1932), *rehearing denied* (Oct. 29, 1932), *hearing denied by Supreme Court* (Nov. 14, 1932).

**SUMMARY:**

The trafficker (Lorenzo Cimar, male, U.S. citizen) met the victim (17 years old, female, U.S. citizen), who was working at a restaurant in Sacramento. After seducing her, the trafficker brought the victim to a house of prostitution in Marysville, where she performed acts of prostitution for more than one month. The victim became an associate and partner in the prostitution business. However, the trafficker also gained financially from the victim's prostitution.

**PROCEDURAL HISTORY:**

The trial court found the trafficker guilty of pandering, and he appealed. The Court of Appeals affirmed the lower ruling, finding that the trafficker did not have to force the victim into prostitution to be guilty of the crime of pandering – only that the trafficker had to have induced the victim into trafficking.

**SOURCE:**

Westlaw.

13. *People v. Lewis*, 77 Cal.App.3d 455 (Cal. 3<sup>rd</sup> Dist. Ct. App. Feb. 8, 1978), *hearing denied* (April 6, 1978).

**SUMMARY:**

In 1971, Lewis picked up a 17 year old girl, Susan, and took her to his apartment. She began living with Lewis and agreed to help him pay rent. He began arranging opportunities for her to prostitute herself. For five years, Lewis lived with Susan and took all of her earnings from prostitution. Lewis drove Susan to locations for prostitution, instructed her on choosing clients and charging fees, installed a telephone service to solicit customers, and obtained a false identification for Susan in the name of his ex-wife because Susan was a minor. Lewis beat Susan, whenever she tried to keep any of her profits.

**PROCEDURAL HISTORY:**

The people charged Lewis with four counts of pimping. The trial court convicted Lewis of all four counts. Lewis appealed. The appellate court affirmed, but modified, the trial court's judgment, holding that Lewis was guilty of only one count of pimping because Lewis' actions constituted one continuing incident of pimping, rather than four separate pimping incidents.

**SOURCE:**

Westlaw.

14. *People v. Hill*, 163 Cal. Rptr. 99 (Cal. 3<sup>rd</sup> Dist. Ct. App. March 19, 1980), *hearing denied* (May 14, 1980).

**SUMMARY:**

An advertisement for nude photos was titled "warm, wet and wild." An undercover police officer, Peter Waack, telephoned "Don" at the number listed on the advertisement. During their phone conversation, Donald Alex Hill asked Waack if he wanted a 15-year-old boy for \$300. Waack expressed interest in obtaining the boy. After Hill brought the boy, Eugene Griswald, to a hotel to meet with Waack, Waack refused to pay Hill the \$300, saying that he wanted to be sure that Hill would not rip him off. Hill told Waack that Griswald knew what to do sexually but that he did not like "S & M" (sadism and masochism). After Hill left, Griswald told Waack that he would perform felatio and an act of sodomy. Police arrested Hill and Griswald. Griswald was actually 17 years old at the time of the incident.

**PROCEDURAL HISTORY:**

The People charged Donald Alex Hill with one count of pimping and one count of pandering. A jury found Hill guilty on both counts. The court granted Hill probation for three years subject to specific conditions, which required Hill to spend 90 days in jail. Hill appealed the trial court's verdict, claiming that the trial judge did not adequately instruct the jury that posing for nude photographs is not an act of prostitution and that procuring an individual to pose for nude photographs does not violate the pimping or pandering statute. Hill argued that the trial judge's failure to so instruct the jury was prejudicial to Hill's case. The Appellate Court of the Second District reversed the trial court's ruling.

**SOURCE:**

Westlaw.

15. *People v. Daniel*, 241 Cal. Rptr. 3, (Cal. 3<sup>rd</sup> Dist. Ct. App. Oct. 19, 1987).

**SUMMARY:**

In April of 1985, Alan Daniel allowed Susan and Ronald Miulli to take his 17-month-old daughter into their home. The girl lived with the Miullis until November 21, 1985, when Susan Miulli's mother brought the girl to visit Daniel. At this meeting, Daniel requested to meet with Ronald Miulli. Daniel told Ronald Miulli that Daniel was going to allow the Miullis to adopt Daniel's daughter, but that Daniel would not return the girl to the Miullis unless the Miullis gave Daniel the \$90,000 profit that they would receive from the sale of their home.

**PROCEDURAL HISTORY:**

The People charged and convicted Daniel of attempting to sell a person, in violation of Cal.Penal Code § 181. § 181 is an anti-slavery, anti-involuntary servitude statute that prohibits ownership of a person, sale of a person, purchase of a person, or any attempts to commit the aforementioned behaviors. Daniel appealed the lower court's ruling, claiming that the court should have instructed the jury that § 181 does not prohibit a natural parent from receiving money in consideration for agreeing to allow the adoption of his or her child. The Court of Appeal rejected Daniel's arguments and affirmed the lower court's ruling, finding that a person who demanded money in exchange for giving consent to adoption had violated § 181's proscription against selling a person.

**SOURCE:**

Westlaw.

16. *People v. Bell*, 248 Cal. Rptr. 57, (Cal. 2<sup>nd</sup> Dist. Ct. App. June 10, 1988) (No. B022295), *review denied* (Aug. 18, 1988).

**SUMMARY:**

In mid-June 1985, the trafficker (Kerry v. Bell, male, U.S. citizen) offered to pay a prostitute \$200 if she could find him a girl of about five years old, "preferably [one]

that ... had been fucked before,” for him to go on a “date” with the girl. After this conversation, the prostitute contacted the police and began working with the police. During another conversation with the prostitute, the trafficker expressed his desire to obtain a girl six to nine years old to engage in sexual intercourse and mutual felatio. An undercover police officer met with the trafficker and told the trafficker that obtaining a girl would cost \$300. The officer showed the trafficker pictures of nude or partially nude children, and the trafficker expressed interest in two seven year olds, but asked if the undercover police officer had any younger girls.

#### PROCEDURAL HISTORY:

After a non-jury trial, the trial court found the trafficker guilty of solicitation to commit a sexual assault and pandering. The court sentenced the trafficker to a six-year prison term. The trafficker appealed. The Court of Appeals affirmed the lower court’s ruling.

#### SOURCE:

Westlaw.

17. *People v. DelValle*, 31 Cal. Rptr. 2d 725 (Cal. 4<sup>th</sup> Dist. Ct. App. July 8, 1994.) (No. B072276), *review denied* (Oct. 13, 1994).

#### SUMMARY:

The mother walked her four-year-old daughter to and from school every day. On July 14, 1992, the mother saw the trafficker (Luis Alberto Molina DelValle, male, U.S. citizen) for the first time. He was sitting in his car outside of the school. The trafficker called to the mother of the four-year-old girl, specifically asking her, “Could you give me the girl?” asking whether the mother would sell the girl to him, and offering the mother money for the girl. The mother said “no” to all of these offers and kept walking. The trafficker followed the mother and daughter home and asked the mother to sell the girl to him two or three more times. On July 16, 1992 and on July 20, 1992, the trafficker again tried to get the mother to sell or give her daughter to him. The mother reported the matter to the police, and on July 23, 1992, sheriff’s detective Elizabeth Smith walked home with the mother and daughter. When the trafficker drove next to them and slowed to talk to them, the mother pointed out the trafficker to Smith. Authorities shortly arrested him.

#### PROCEDURAL HISTORY:

Authorities charged the trafficker with five counts of attempting to buy a person. The trial court convicted the trafficker of two counts of attempting to buy a person, in violation of § 181. The trial court dismissed Counts 2, 3, and 4, finding that these counts arose from one continuous course of conduct that Count I embodied. The trafficker appealed the lower court convictions. However, the Court of Appeals affirmed the lower court’s ruling.

#### SOURCE:

Westlaw.

18. Oakland (2004).

**SUMMARY:**

The victim (14 years old, Hispanic female, Guatemalan citizen, illegally in the U.S.) did not have a prior relationship with the trafficker (26 years old, Hispanic male, Guatemalan citizen, illegally in the U.S.) and knew him only as someone from her neighborhood. The trafficker, Benjamin Jimenez, telephoned the victim and told her that he would pay for her to illegally enter the United States. Jimenez promised the victim opportunities for employment and education in the United States. The victim's family was poor, and her mother was bedridden. The victim agreed to Jimenez's offer, despite the victim's mother's objections, because the victim wanted to work in the U.S. and send her family money. Jimenez sent the victim \$1500 to pay for her smuggling into the U.S. The victim traveled alone from Guatemala to Mexico. Human smugglers took the victim across the Arizona desert and drove her to San Leandro, California, to meet Jimenez. Jimenez paid the smugglers and "took the victim to [his] house," where he brutally raped the victim. For the next one and a half years, Jimenez beat and raped the victim daily. Jimenez provided the victim with false documents to obtain a job in a hotel and took 100% of the victim's profits from this job. Jimenez did not allow the victim to have friends, go to parties, go to church, or go to the store alone. Jimenez threatened the victim's life and the lives of her family members. Although the victim had a brother living in Oakland, he did not intervene in the situation because he was afraid of Jimenez. One day, Jimenez severely beat the victim and pushed her out of his car at the hotel where she worked. The victim came to work crying, and her coworkers called the police. The police arrested Jimenez for domestic violence. The victim cooperated with police, but initially only reported that Jimenez had beaten her. However, during a three-hour taped statement, the victim disclosed the rapes, the human trafficking, and the human smuggling.

**PROCEDURAL HISTORY:**

Authorities charged Jimenez with numerous counts of forcible rape. At the close of trial, a jury found Jimenez guilty of several counts of rape. He received a 14 year sentence. Following his state sentence, the U.S. Attorney's office will proceed with a federal case. After serving his federal time, Jimenez will be deported to Guatemala. Because this case involved federal crimes, the victim received assistance from the government including a temporary visa, counseling, and job training. The victim was placed in a foster home where she began going to high school and learning English.

**SOURCE:**

Mario Bermudez, Oakland Police Department, Special Victims Unit.

19. Ruiz v. Jackson (L.A. County Super. Ct. August 26, 2004).

**SUMMARY:**

James Jackson, the former vice president of legal affairs for Sony Pictures Entertainment, and his wife, Elizabeth Jackson, (both U.S. citizens) asked the victim

(Nena Ruiz, 58 years old, female, Phillipines citizen) to come to the United States to work as a traveling companion and caretaker for Elizabeth Jackson's mother. Ruiz entered the U.S. legally on a work visa. After Ruiz arrived in the U.S., she lived with James and Elizabeth Jackson, rather than with Elizabeth Jackson's mother. The Jacksons seized the victim's passport, threatened to report her to immigration authorities, forced her to sleep in a dog bed, and forced her to work up to 18 hours a day for a year's pay of \$300. Elizabeth Jackson also hit the victim and pulled her hair. When a neighbor reported that Elizabeth Jackson was hitting the victim with a water bottle, the victim would not tell the police about the abuses. However, the victim ran away from the Jacksons the next day. The victim received assistance from U.S. Immigration and Customs Enforcement and the Coalition to Abolish Slavery and Trafficking (CAST).

#### PROCEDURAL HISTORY:

The victim sued the traffickers for damages. On August 26, 2004, a Los Angeles jury ruled in favor of the victim, holding both Jacksons liable for involuntary servitude, false imprisonment, invasion of privacy, negligence and fraud and holding Elizabeth Jackson liable for assault and battery. The victim received \$825,000, which included back wages and punitive damages.

#### SOURCES:

*Ex-maid speaks out against slavery*, INLAND VALLEY DAILY BULLETIN, Sept. 3, 2004, available at LEXIS, News & Business Library.

Elizabeth Santoro, *Woman Forced into Slavery Wins Jury Verdict against California Couple*, LAW REPORTER, November 2004, at [http://www.findarticles.com/p/articles/mi\\_qa3898/is\\_200411/ai\\_n9462798](http://www.findarticles.com/p/articles/mi_qa3898/is_200411/ai_n9462798).

20. Oakland, Docket # 515682 (2005).

#### SUMMARY:

In December 2005, the suspect, Leo Delmar Logwood (26 years old, black male, U.S. citizen), met the victim (18 years old, Hispanic female, U.S. citizen) outside of a home for troubled children. Upon meeting, the suspect expressed romantic interest in the victim, they exchanged numbers, and the suspect and the victim began a consensual sexual relationship. After the victim became romantically attached to the suspect, the suspect recruited the victim to prostitute for the suspect, and the victim agreed to give the suspect 50% of her profits. After the victim prostituted for a few days, she wanted to stop. The "suspect became upset and told" the victim that he was a pimp and that she would have to pay him a fee if she wanted to stop prostituting. When the victim did not pay the fee, the suspect kidnapped the victim, drove her to a remote area, and severely beat her in the presence of another prostitute (a juvenile). After this beating, the suspect drove "the victim to an associate's home," forced the victim to take off her clothes, and asked an associate to rape the victim. "The rape did not occur." Then, the suspect took the victim to a hotel room, where the victim text-messaged her best friend, who called the police. The police responded and

arrested the suspect. Two other prostitutes in the room denied that any assaults had occurred “and denied that the suspect was their pimp.”

**PROCEDURAL HISTORY:**

Authorities charged the suspect with kidnapping for ransom (Cal Pen Code § 209), false imprisonment (Cal Pen Code § 236), and human trafficking (Cal Pen Code § 236.1). Suspect is in custody. After the preliminary hearing in March, the judge found enough evidence for the case to go to trial. The original trial date of August 9, 2006 was vacated. The new trial date is set for October 23, 2006.

**SOURCES:**

Mario Bermudez, Oakland (CA) Police Department, Special Victims Unit.

Shara Mesic, District Attorney.

21. California v. Terrence Hall (2006).

**SUMMARY:**

The trafficker (33 years old, black male, U.S. citizen) met the victim (18 years old, Hispanic female, U.S. citizen) at a hip hop club called “The Boogie.” The trafficker sneaked the victim into the VIP lounge. The trafficker and the victim traded phone numbers and drank alcohol together. The next day, the victim tried to convince her friend to meet the trafficker with her. The victim’s friend did not want to go meet the trafficker, so the victim went alone. The trafficker picked up the victim and drove her to San Diego. He immediately started talking to her about the prostitution business. While in the vehicle, the trafficker gave the victim a water bottle, and the victim lost consciousness. The next day, the victim woke up naked in a hotel room. The hotel was located in Hotel Circle in San Diego, California. The trafficker and a co-conspirator (adult female), Misty, were both in the room when the victim regained consciousness. The trafficker threatened the victim with a handgun and forced the victim to allow the trafficker and Misty to take partially nude photographs of the victim. The trafficker posted these photographs online on Craig’s List. The trafficker forced the victim to prostitute herself through an advertisement on Craig’s List. That day, the victim performed three sex acts with three different men. Misty took all of the profits and handed the money to the trafficker in the presence of the victim. The trafficker planned to have the victim prostitute herself that night. However, the trafficker did not come to the hotel room again, so the victim did not prostitute that night. The next morning, the victim woke up, escaped to a nearby hotel, and called the police.

**PROCEDURAL HISTORY:**

California authorities charged the trafficker with pimping, pandering, and human trafficking (Cal Pen Code § 236.1). The District Attorney was Gretchen Means. The trafficker pled guilty to human trafficking and received a four year state prison term. Additionally, the judge ordered the trafficker to submit his fingerprints and a DNA sample to crime databases. Finally, the judge issued a 12021 Advisal, which

prohibits the trafficker from carrying a firearm in California at any time in his life. Violation of the 12021 Advisal would be a felony.

**SOURCE:**

Detective Jeff Miller, San Diego Police Department.

22. San Diego (2006).

**PROCEDURAL HISTORY:**

The authorities originally charged the trafficker with human trafficking (Cal Pen Code § 236.1). Mark Skeels is the district attorney who prosecuted this case. The trafficker plead guilty to pimping, and the state dropped the 236.1 charge. The trafficker received a three year state prison sentence.

**SOURCE:**

Detective Jeff Miller, San Diego Police Department.

23. San Diego (2006).

**SUMMARY:**

The trafficker forced the victim into prostitution.

**PROCEDURAL HISTORY:**

The authorities charged the trafficker with human trafficking (Cal Pen Code § 236.1). Terrance Charlotte is the district attorney prosecuting this case. The case is going to trial on November 15, 2006.

**SOURCE:**

Detective Jeff Miller, San Diego Police Department.

**D. Commonwealth of the Northern Mariana Islands**

24. Case # 1

**SUMMARY:**

The victim (42 years old, Asian female, Chinese citizen) worked for the suspect (Jian Hua Zhang; 34 years old; Asian female, Chinese national) for one month in China. After this time, the suspect offered the victim a babysitting job in Saipan, at a wage of \$400 U.S. each month. The suspect legally brought the victim into the CNMI on a Non-Resident Workers permit to work as a waitress on the island of Tinian. After the victim arrived in the CNMI, the victim worked as a babysitter on the island of Saipan. The suspect manages a karaoke nightclub and worked with several other individuals to bring the victim into the CNMI.

**PROCEDURAL HISTORY:**

Superior Court of the Commonwealth of the Northern Mariana Islands  
FCD-FP Civil Action No. 05-0226.

The Superior Court of the Commonwealth of the Northern Mariana Islands issued an Order of Protection against the suspect. This order of protection expired on May 11, 2006.

Superior Court of the Commonwealth of the Northern Mariana Islands  
CNMI vs. Jin Hua Zhang, Criminal Case No. 05-0254A, Department of Public Safety  
No. 05-04787.

On August 3, 2005, the CNMI charged Zhang with one count of assault and battery. On June 14, 2006, the court issued a bench warrant for the suspect. However, the suspect did not appear for the status conference, and the case was pending. Finally, the suspect returned to the CNMI and the criminal trial is now scheduled for February 2007.

United States District Court for the Northern Mariana Islands  
Jiang Li Rong vs. Hong Kong Entertainment (Overseas) Investment, LTD, a CNMI corporation doing business as Tinian Dynasty Hotel and Casino, New Echo Entertainment., Inc., a CNMI corporation doing business as Echo Karaoke, Alfred Yue, Zhang Jian Hua, Zhang De Ming, Zhang Jian Gang, Li Li, Li Feng and Does 1-10; Case No. CV 05-0048

**SOURCE:**

Catholic Social Services, Karidat, Saipan.

25. Case # 2

**SUMMARY:**

The two suspects (husband and wife; Edward C. Cabrera, 49 years old, Chamorro descent, male, U.S. citizen; Xiuhong Luo "Jenny," 38 years old, Asian female, Chinese "national") promised the two victims (21 years old and 23 years old; Asian women; Filipino citizens) jobs as waitresses in Saipan, at a wage of \$400 U.S. each month. The suspects legally brought the victims into the CNMI on tourist entry permits. The suspects forced the victims into prostitution on the day that the victims arrived into the CNMI.

**PROCEDURAL HISTORY:**

Superior Court of the Commonwealth of the Northern Mariana Islands  
CNMI vs. Edward C. Cabrera and Xiu Hong Luo; Criminal Action No. 05-0311B.

The CNMI charged each suspect with one count of assisting illegal entry, one count of conspiracy to promote prostitution, one count of document fraud, one count of employment of illegal aliens, one count of immigration fraud; one count of permitting prostitution, and one count of promoting prostitution. Bench trial commenced on July 24, 2006 and concluded on August 9, 2006. The Court returned a Guilty verdict on the following counts against defendant Edward Frank C. Cabrera: Counts I and II, Assisting Illegal Entry; Counts III and IV,

Conspiracy to Commit Assisting Illegal Entry; Counts VII and VIII, Immigration Fraud; counts IX and X, Harboring Illegal Aliens; Counts XI and XII, Promoting Prostitution in the Second Degree; Counts XIII and XIV, Conspiracy to Commit Promoting Prostitution; and Counts XV and XVI, Permitting Prostitution as charged in the First Amended Information. The Court returned a not guilty verdict on the charge of Aiding, Abetting and encouraging Illegal Entry in Counts IV and V as charged in the First Amended Information. The Court adjudged the Defendant, Edward Frank C. Cabrera, guilty of the crimes listed above as charged in the First Amended Information. Sentencing was set for January 19, 2007.

The Court returned a Guilty verdicts on the following counts against defendant Luo Xiu Hong aka “Jenny”: Counts V and VI, Aiding, Abetting, and Encouraging Illegal Entry; Counts IX and X, Harboring Illegal Aliens; Counts XI and XII, Promoting Prostitution; and Counts XV and XVI, Permitting Prostitution as charged in the First Amended Information. The Court dismissed the charges of Conspiracy to Commit Assisting Illegal Entry in Counts III and IV and Immigration Fraud in Counts VII and VIII as to Luo Xiu Hong as charged in the First Amended Information. Defendant, Luo Xiu Hong was not charged with Assisting Illegal Entry in Counts I and III. The Court adjudged the Defendant, Luo Xiu Hong, guilty of the crimes listed. Sentencing was set for January 19, 2007.

**SOURCE:**

Catholic Social Services, Karidat, Saipan.

26. Case # 3

**SUMMARY:**

The suspects (David M. Atalig, sixty-two years old, Chamorro descent, male, U.S. citizen; Corazon R. Atalig, forty-eight years old, Filipino descent, U.S. citizen; Nilda Maniego, 39 years old, P.I. citizen; Priscilla D. Rulloda, forty-four years old, P.I. citizen; Maritess Sambo, age unknown, P.I. citizen; unknown female; Stardust Corporation; Stardust Club) brought eight victims (three nineteen years old, two twenty years old, one twenty-two years old, two twenty-three years old; all Asian females; all Filipino citizens) into the CNMI legally under Non-Resident Workers permits. The suspects brought seven additional victims (one sixteen years old, three seventeen years old, one eighteen years old, one twenty years old; all Asian females; all Filipino citizens) into the CNMI illegally using fraudulent identification (false names, dates of births, and Philippine passports). The suspects had promised the victims a half a million Philippine pesos (~\$10,000 U.S.) for one year of work as nude dancers in Saipan. However, the victims participated in acts of prostitution.

**PROCEDURAL HISTORY:**

Superior Court of the Commonwealth of the Northern Mariana Islands

CNMI vs. Atalig Corazon R., Atalig, David M., Maniego, Nilda, Rulloda, Priscilla D., Sambo, Maritess, Jane Doe, Stardust Corporation, Stardust Club. Criminal Case No. 06-0098, Department of Public Safety Case No. 06-02510.

CNMI officials charged the defendants with a total of 226 counts including: aiding, abetting, and encouraging illegal entry; employment of an illegal alien; harboring of an illegal alien; human trafficking for involuntary servitude; immigration fraud; involuntary servitude; sexual servitude of a minor; unlawful exploitation of a minor; solicitation; conspiracy; transporting a person for purposes of prostitution; and promoting prostitution in the first degree.

Commonwealth of the Northern Mariana Islands, Department of Labor, Division of Administrative Hearing

Nonresident Dancers (EE) employed by Star Four Corp. and David Atalig v. Star Four Corp. dba Starlight Night Club David Atalig, dba Stardust Night Club and Corazon Atalig.

This hearing is pending the outcome of the criminal case.

**SOURCE:**

Catholic Social Services, Karidat, Saipan.

**E. Delaware**

Bridgeville, Delaware; Frankford, Delaware; Seaford, Delaware; Wilmington, Delaware (2006) (several legal cases).

**SUMMARY:**

Moises Dominguez-Cruz (53 years old, Hispanic male) and his son, Juan C. Dominguez-Piedra (26 years old, Hispanic male), operated a prostitution ring that spanned New York, New Jersey, and Delaware. Every Sunday, the father would pick up prostitutes from New York and bring them to his home in Newport Gap Pike, Wilmington, Delaware. Then, the father and son would divide the group of women, sending some prostitutes to New Jersey and some prostitutes to various Delaware locations. Police surveillance at the New Jersey location revealed that the brothel served mostly Mexican migrant workers. The women served so many customers that the men would wait in the garage until it was their turn. The women received from \$10 to \$13 for each job. The traffickers deducted the cost of condoms, food, board, travel expenses, and other job essentials from the victims' minimal income. Dominguez-Cruz allegedly forged documents in order to deceive governmental officials. According to Detective Jerry Martinez, of the Hammonton, New Jersey Police, the women were likely smuggled into the United States.

**PROCEDURAL HISTORY:**

On May 18, 2005, Delaware police raided a home in Bridgeville, Delaware, where they found evidence of prostitution. Dominguez-Cruz owned the home. The police continued surveillance of the prostitution ring's other locations for the next ten months. On March 19, 2006, police raided suspected brothels in Hammonton, New

Jersey; Newport Gap Pike outside of Wilmington, Delaware; Seaford, Delaware; and the Frankford area of Delaware. As a result of the four raids on March 19, 2006, Delaware and New Jersey police arrested almost 30 people.

During the raid on Dominguez-Cruz' Newport Gap Pike, Wilmington, Delaware home, police arrested Dominguez-Cruz and Dominguez-Piedra. Delaware authorities charged Dominguez-Cruz with organized crime and racketeering, three counts of promoting prostitution, two counts of forgery, three counts of criminal nuisance and one count of conspiracy. Delaware authorities charged Dominguez-Piedra with organized crime and racketeering, two counts of promoting prostitution and two counts of criminal nuisance. Dominguez-Cruz and Dominguez-Piedra are currently imprisoned in the Sussex Correctional Institution. During the Wilmington, Delaware raid, police confiscated \$9,374 in cash, four vehicles, and business records.

As a result of the Seaford, Delaware raid, Delaware police arrested several people. Delaware police charged these suspects with the following crimes. Police charged Pedro Cruz Gonzalez-Ayala (48 years old, male, resident of Seaford, Delaware) with promoting prostitution, possession of a deadly weapon during the commission of a felony, conspiracy, possession of marijuana and possession of drug paraphernalia. Police charged Antonio Avila-Nava (29 years old, male, resident of Seaford, Delaware) with promoting prostitution, possession of a deadly weapon during the commission of a felony, conspiracy, possession of marijuana and possession of drug paraphernalia. Police charged Hortencia Marcos-Orozco (23 years old, female, resident of Queens, N.Y.) with prostitution, possession of marijuana and possession of drug paraphernalia. Police charged Imanda Rodriguez-Duran (22 years old, female, resident of Seaford, Delaware) with prostitution, possession of marijuana and possession of drug paraphernalia. Police charged Cindy Quintinilla (21 years old, female, resident of Seaford, Delaware) with prostitution, possession of marijuana and possession of drug paraphernalia. Police charged Evelio Ramirez-Santos (28 years old, male, resident of Ellendale, Delaware) with patronizing a prostitute. Police charged Isaijh Lopez-Perez (31 years old, male, resident of Georgetown, Delaware) with patronizing a prostitute. Police charged Adomal Velasquez-Roblero (18 years old, resident of Georgetown, Delaware) with patronizing a prostitute. Police charged Amilca Augusto-Roblero (20 years old, Guatemalan citizen) with patronizing a prostitute and resisting arrest. During this raid, police seized \$1,452 in cash and business records.

The Frankford, Delaware raid resulted in arrests and the following criminal charges. Police charged Elizabeth G. Cabrera (25 years old, female, Mexican citizen) with one count of prostitution. Police charged Silvia L. Martinez (27 years old, female, Mexican citizen) with one count of prostitution.

The Hammonton, New Jersey raid resulted in several arrests. Hammonton New Jersey Police charged two females with prostitution, two males with promoting prostitution, and 12 individuals with patronizing a prostitute. The police seized \$3,550 in cash from this location.

The arrested prostitutes denied that anyone had forced them to prostitute. However, some, if not all, of the arrested prostitutes were likely victims of human trafficking. Two of the women were from Mexico. Cecilia Cardesa-Lusardi, of Voices Without Borders, helped one of suspected victims obtain legal representation. A Delaware-based anti-TIP coalition is assisting women arrested in the Seaford, Delaware raid and the Frankford-area, Delaware raid.

After Delaware has completely adjudicated the criminal charges, Federal Immigration and Customs Enforcement (ICE) will begin investigating the Delaware cases in the context of human trafficking.

#### SOURCES:

Kye Parsons, *Father and Son Charged with Operating Prostitution Ring*, WBOC16, March 21, 2006, at <http://www.wboc.com/Global/story.asp?S=4660286&nav=MXEF>.

Terri Sanginiti & James Merriweather, *Raids reveal possible human trafficking: Del. prostitution arrests may have found victim*, THE NEWS JOURNAL, April 3, 2006, at <http://www.delawareonline.com/apps/pbcs.dll/article?AID=/20060403/NEWS/604030346/1006&template=printpicart>.

## F. District of Columbia

### Washington

**GENERAL SUMMARY:** (These facts apply generally to the following twelve cases.) The following twelve cases are cases involving sex trafficking in the District of Columbia. They are all domestic cases, in which all the victims and all the defendants were legal citizens of the United States of America. All of the defendants were pimps who trafficked women and/or girls into forced prostitution. Most of these traffickers lured the victims into prostitution by offering money, love, security, and stability. After the victims agreed to prostitute for the traffickers, the traffickers began to control the victims through emotional coercion, physically beatings and other violence, threats to the victims with guns and other weapons, taking the victims' clothes, isolating the victims from their families, imposing strict rules on the victims, and other types of typical pimping behavior. Most of these victims worked for the traffickers for less than one year. Some of the victims escaped from forced prostitution after the police arrested them for prostitution. Others escaped with the help of non-governmental organizations, victim/witness advocates, and therapists.

1. Cases # F3304-05 and # F3327-05, Superior Court of the District of Columbia (2004).

#### SUMMARY:

Defendants Jeffrey Strickland (male, U.S. citizen) and Teresa Fernanders (female, U.S. citizen) recruited the victims (one 12-year-old female, one 16-year-old female,

both U.S. citizens) into prostitution. The defendants did not use force to control the victims.

**PROCEDURAL HISTORY:**

Assistant U.S. Attorney Kim Herd prosecuted the two cases, charging each defendant with two counts of pandering. The court sentenced Strickland to 19 months imprisonment followed by 5 years of supervised release, \$500 fine, and registry as a sex offender. The court sentenced Fernanders with 12 months incarceration (execution of sentence suspended), 3 years of probation, 250 hours of community service, and registry as a sex offender.

**SOURCES:**

Kim Herd, Assistant U.S. Attorney, District of Columbia.

Sharon Marcus-Kurn, Assistant U.S. Attorney, District of Columbia.

2. Case # F7493-04, Superior Court of the District of Columbia (December 2004).

**SUMMARY:**

Defendant Julius Myers (male, U.S. citizen) recruited the victim (14-year-old female, U.S. citizen) into prostitution. The defendant used some mild force to control the victim.

**PROCEDURAL HISTORY:**

Assistant U.S. Attorney Sharon Marcus-Kurn prosecuted the case, charging the defendant with pandering. The defendant pled guilty to pandering.

**SOURCE:**

Sharon Marcus-Kurn, Assistant U.S. Attorney, District of Columbia.

3. Case # F-2132-05, Superior Court of the District of Columbia (April 2005).

**SUMMARY:**

Defendant Lee Harris (male, U.S. citizen) recruited the victim (17-year-old female, U.S. citizen) into prostitution. The defendant did not use force to control the victim.

**PROCEDURAL HISTORY:**

Assistant U.S. Attorney Laura Bach prosecuted the case. The defendant pled guilty to pandering and received a sentence of twelve months imprisonment.

**SOURCE:**

Laura Bach, Assistant U.S. Attorney, District of Columbia.

Sharon Marcus-Kurn, Assistant U.S. Attorney, District of Columbia.

4. Case # F3503-05, Superior Court of the District of Columbia (June 2005).

**SUMMARY:**

Defendant David Wilson (male, U.S. citizen) recruited the victims (two adult females, both U.S. citizens) into prostitution. The defendant used force to control the victims.

**PROCEDURAL HISTORY:**

Assistant U.S. Attorney Laura Bach prosecuted the case. The defendant pled guilty to pandering, felony threats, and obstruction of justice. The defendant received a sentence of nine years imprisonment.

**SOURCE:**

Sharon Marcus-Kurn, Assistant U.S. Attorney, District of Columbia.

5. Case # F4314-05, Superior Court of the District of Columbia (July 2005).

**SUMMARY:**

Defendant Victor Adams (male, U.S. citizen) operated an internet escort service. Adams recruited the victim (adult female, U.S. citizen) to engage in acts of prostitution. The defendant did not use force to control the victim.

**PROCEDURAL HISTORY:**

Assistant U.S. Attorneys Kim Herd and Laura Bach prosecuted the case. The Defendant pled guilty to attempted pandering. The court sentenced the defendant on June 19, 2006.

**SOURCE:**

Laura Bach, Assistant U.S. Attorney, District of Columbia.

Sharon Marcus-Kurn, Assistant U.S. Attorney, District of Columbia.

6. Case # F5508-04, Superior Court of the District of Columbia (September 2005).

**SUMMARY:**

Defendant David Atkins (male, U.S. citizen) recruited the victim (14-year-old female, U.S. citizen) into prostitution. The defendant used force to control the victim.

**PROCEDURAL HISTORY:**

Assistant U.S. Attorney Alex Grant prosecuted the case. The defendant pled guilty to pandering and enticing and received a sentence of three years imprisonment.

**SOURCE:**

Sharon Marcus-Kurn, Assistant U.S. Attorney, District of Columbia.

7. Case # F3849-05, Superior Court of the District of Columbia (September 2005).

**SUMMARY:**

Defendant Harvey Washington (male, U.S. citizen) recruited the victims (three adult females, one 17-year-old female, all U.S. citizens) into prostitution. The defendant used force to control the victims.

**PROCEDURAL HISTORY:**

Assistant U.S. Attorney Alex Grant prosecuted the case. The defendant pled guilty to ADW and pandering. The defendant received a sentence of four years imprisonment.

**SOURCE:**

Sharon Marcus-Kurn, Assistant U.S. Attorney, District of Columbia.

8. Case # F5658-05, Superior Court of the District of Columbia (September 2005).

**SUMMARY:**

Defendant Dontae Reed (male, U.S. citizen) recruited the victims (two adult females, both U.S. citizens) into prostitution. The defendant used force to control the victims.

**PROCEDURAL HISTORY:**

Assistant U.S. Attorney Alex Grant prosecuted the case. The defendant pled guilty to pandering and procuring. The defendant received a sentence of three years imprisonment.

**SOURCE:**

Sharon Marcus-Kurn, Assistant U.S. Attorney, District of Columbia.

9. Case # 2006-CF1-1391, Superior Court of the District of Columbia (October 2005).

**SUMMARY:**

Defendant Francis Washington (male, U.S. citizen) recruited the victims (one adult female, one 15-year-old female, one 16-year-old female, all U.S. citizens) into prostitution. The defendant used force to control the victims.

**PROCEDURAL HISTORY:**

Assistant U.S. Attorney Alex Grant prosecuted the case, charging the defendant with pandering, procuring, and enticing from home. The case is pending.

**SOURCE:**

Sharon Marcus-Kurn, Assistant U.S. Attorney, District of Columbia.

10. Case # F6154-05, Superior Court of the District of Columbia (March 2006).

**SUMMARY:**

Defendant Kevin Browne (male, U.S. citizen) recruited the victims (four adult females, all U.S. citizens) into prostitution. The defendant used force to control the victims.

**PROCEDURAL HISTORY:**

Assistant U.S. Attorney Alex Grant prosecuted the case. The defendant pled guilty to obstruction of justice, pandering, and procuring. The defendant received a sentence of ten years imprisonment.

**SOURCE:**

Sharon Marcus-Kurn, Assistant U.S. Attorney, District of Columbia.

11. Case # 2006 CF 32136, Superior Court of the District of Columbia (February 2006).

**SUMMARY:**

Defendant Michael Cristwell (male, U.S. citizen) is a pimp who prostituted the victims (one adult female, one 16-year-old female, both U.S. citizens). The defendant assaulted the victims and used force to control the victims.

**PROCEDURAL HISTORY:**

Assistant U.S. Attorneys Kim Herd and Laura Bach prosecuted the case, charging the defendant with two counts of pandering, threats, simple assault, and two counts of contempt. The case is pending.

**SOURCE:**

Laura Bach, Assistant U.S. Attorney, District of Columbia.

Sharon Marcus-Kurn, Assistant U.S. Attorney, District of Columbia.

## **G. Florida**

1. Barber v. State, 397 So. 2d 741, (Fla. Dist. Ct. App. April 29, 1981) (No. 79-377).

**SUMMARY:**

The trafficker (male, U.S. citizen) posted bond for the victim (14 years old, female, U.S. citizen), who was in jail for prostitution. The victim worked as a prostitute for the trafficker for three days. Six months later, the victim again worked as a prostitute for the trafficker.

**PROCEDURAL HISTORY:**

The trial court convicted the trafficker of one count of procuring for prostitution an unmarried female under the age of sixteen and of one count of procuring for prostitution any person under the age of sixteen years. The trafficker appealed the trial court's ruling, but the Court of Appeals affirmed the lower court's ruling.

**SOURCE:**

Westlaw.

2. Grady v. State, 701 So. 2d 1181, (Fla. Dist. Ct. App. Oct. 24, 1997) (No. 96-2589), *rehearing denied* (Dec. 9, 1997).

**SUMMARY:**

The trafficker procured a minor for prostitution.

**PROCEDURAL HISTORY:**

The trial court convicted the trafficker of procuring for prostitution a person under the age of 18 (a second degree of felony), in violation of § 796.03, Florida Statutes (1995). The trafficker appealed, claiming that he was lacking the necessary mens rea because he was unaware that the victim was under 18 years of age. The Court of Appeals rejected the trafficker's argument, holding that the state of Florida has a compelling interest in protecting minors from sexual exploitation and that proof of knowledge that a prostitute is under 18 years of age is unnecessary for violation of this statute. Therefore, the Court of Appeals affirmed the lower court's conviction of the trafficker.

**SOURCE:**

Westlaw.

3. Pine Hills, Orange County (2006).

**GENERAL SUMMARY:** (These facts apply to the following five legal cases.)

Alfredo Perez, Miguel Herrera, Manuel Lopez-Tino (males, Guatemalan citizens, illegally in the U.S.) prostituted two victims (11 years old, Asian-American female, U.S. citizen; 12 years old, Asian-American female, U.S. citizen) to a variety of men from an apartment complex in Pine Hills, Florida. The men often came over to the sisters' house, took the victims to their apartment, engaged in sex acts with the victims, paid the victims, and brought them back home. The 11-year-old victim reported having sex more than 100 times with different people. The mother and stepfather of the victims were aware of the abuses.

**PROCEDURAL HISTORIES:**

Case # 48-2006-CF-001239-O.

Florida authorities arrested Miguel Gabriel Herrera on January 27, 2006 and charged him with one count of sexual battery of a child under 12 years, one count of lewd or lascivious battery, two counts of procuring a person under 18 years for prostitution, and two counts of contributing to the delinquency of a minor. Trial is pending.

Case # 48-2006-CF-001231-O.

Florida authorities arrested Alfredo Sandoval Lopez Perez on January 27, 2006 and charged him with three counts of sexual battery of a child under 12 years. The case is at a pre-trial status.

Case # 48-2006-CF-001235-O.

Florida authorities arrested Manuel Lopez Tino on January 27, 2006 and charged him with one count of lewd or lascivious battery, one count of procuring a person

under 18 years for prostitution, and one count of contributing to the delinquency of a minor. Trial is pending.

Case # 48-2006-CF-001272-O.

Florida authorities arrested the victims' father in late January 2006 and charged him with one count of lewd or lascivious molestation of a child under 12 years of age. The case is closed because the victims dropped and/or abandoned the case.

Case # [unknown].

The State of Florida terminated the mother's parental rights. The mother did not contest the hearing.

#### SOURCES:

Commander Matthew J. Irwin, Orange County Sheriff's Office, Sex Crimes Unit, Orlando, Florida.

Orange County Clerk of Courts, at <http://orangeclerk.ocfl.net/eNACTWeb64/Logon.jsp>.

*Police Allege Child Porn Ring Sold Girls From Apartment*, January 28, 2006, INTERNET BROADCASTING SYSTEMS AND LOCAL6.COM, at <http://www.local6.com/news/6516355/detail.html?rss=orlpn&psp=news>.

## H. Illinois

People v. Wiler, 545 N.E. 2d 1014, (Ill. App. Ct. Oct. 16, 1989) (No. 1-88-0208).

#### SUMMARY:

According to police reports, the following situation occurred: The trafficker (Warren Wiler, male, U.S. citizen) and the victim (15 years old, female, U.S. citizen) approached Detective Leonard Bajenski. The trafficker asked Bajenski if he was interested in felatio with the victim. Bajenski replied that he was interested in sexual intercourse, and the trafficker said that sexual intercourse would cost \$50. The trafficker and Bajenski agreed to meet at a tavern so that Bajenski and the victim could have sexual intercourse in Bajenski's car. When Bajenski drove to the tavern, Bajenski met the trafficker and the victim outside of the tavern. Bajenski and the trafficker then entered the tavern. The trafficker said that the victim could not enter the tavern because she was only 15 years old. The trafficker and Bajenski agreed that Bajenski would have sex with the victim in a motel rather than a car. The trafficker asked Bajenski for \$50, which Bajenski paid. When the trafficker left the bar, Bajenski's partner, Officer Bunge, caught the trafficker and arrested him.

#### PROCEDURAL HISTORY:

The Cook County Circuit Court found the trafficker guilty of pandering and juvenile pimping in violation of Ill.Rev.Stat.1987 §§ 11-16(a)(2) and 11-19.1(a) of the Criminal Code of 1961. (Ill.Rev.Stat.1987, ch. 38, pars. 11-16(a)(2), 11-19.1(a).). Afterward, the trial court acquitted the trafficker of the juvenile pimping charge and

sentenced the trafficker to 24 months of probation for the pandering conviction. The trafficker appealed the lower court's conviction, but the Appellate Court affirmed.

SOURCE:  
Westlaw.

## **I. Iowa**

State v. Gilmour, 522 N.W. 2d 595 (Iowa Oct. 19, 1994) (No. 93-679), *rehearing denied* (Nov. 21, 1994).

### **SUMMARY:**

The victim's boyfriend introduced her to the trafficker (male, U.S. citizen) at a bar. At their initial meeting, the trafficker, who is a professional photographer, and the victim (17 years old, female, U.S. citizen) discussed the possibility of the trafficker taking nude photographs of the victim. The trafficker also told the victim that he could arrange for the victim to dance at bachelor parties and to prostitute herself at those bachelor parties. The trafficker took nude photographs of the victim and her boyfriend engaging in sexual acts. The victim later asked the trafficker for the pornographic photographs and the negatives of the photographs. The trafficker told the victim that he would give the photographs and the negatives to the victim if she would seduce a pizza delivery man and have sex with him. The victim complied. However, the trafficker then told the victim that he would not give her the photographs and the negatives unless she also had sex with the trafficker. The victim complied, but the trafficker still refused to give all of the photographs to the victim.

### **PROCEDURAL HISTORY:**

The trial court convicted the trafficker of one count of sexual exploitation of a minor, in violation of Iowa Code § 728.12(1) (1991), and one count of pandering, in violation of Iowa Code § 725.3 (1991). The trafficker appealed the trial court's ruling, claiming that he had tried to verify that the victim was not a minor. However, the Supreme Court held that mistake-of-age is not a valid defense, and the Supreme Court affirmed the lower court's conviction of the trafficker.

SOURCE:  
Westlaw.

## **J. Maine**

1. State v. Sampson, 387 A.2d 213 (Me. June 1, 1978).

### **SUMMARY:**

The trafficker (male, U.S. citizen) met the victim (14 years old, female, U.S. citizen) at a night club in Portland. The trafficker asked the victim to meet him for dinner the

next night, but she gave a non-committal answer and did not show up for dinner. After a day or two, the trafficker encountered the victim again and told her that she owed him \$15 as reimbursement for the meal. The trafficker mentioned a \$50 “trick” that she could do to earn the money to reimburse him. However, the victim said that she would pay him back later. After he persisted, the victim finally agreed to go with the trafficker. The trafficker took the victim to a hotel, told her to take off her clothes, and told her that she had to pay him \$500 because he was a pimp. The victim agreed to prostitute herself on the street and to pay the trafficker \$500. The trafficker and the victim then had sexual intercourse and stayed together in the hotel room for the remainder of the night. In the morning, the trafficker told the victim to leave \$150 for him at the front desk at the end of the night. At trial, the victim said that she agreed to prostitute herself because she was afraid and that she did not intend to prostitute herself.

**PROCEDURAL HISTORY:**

The Superior Court, Cumberland County, convicted the trafficker of aggravated promotion of prostitution, in violation of 17-A M.R.S.A. §§ 851(2)(G), 852(1)(B). The trafficker appealed, but the Supreme Judicial Court of Maine refused the appeal and affirmed the lower court’s ruling.

**SOURCE:**

Westlaw.

**K. Minnesota**

27. St. Paul.

**SUMMARY:**

The suspects illegally transported the estimated twenty to thirty victims (females, no known minors) from South America into the United States through Mexico. The traffickers forced the victims into prostitution and kept the victims from escaping by threatening the victims.

**PROCEDURAL HISTORY:**

The case is currently under investigation. Minnesota authorities have not yet filed criminal charges against the suspects.

**SOURCE:**

Sgt. John Bandemer, St. Paul Police Department, Vice Unit/Human Trafficking.

28. St. Paul.

**SUMMARY:**

The victim (mid-thirties, female, Russian citizen) met the suspect (male, U.S. citizen) through a marriage broker service. The victim legally entered the U.S. to marry the

suspect. After the victim arrived in the United States, the suspect abused the victim and forced her to perform domestic labor not typically associated with marriage.

**PROCEDURAL HISTORY:**

The case is currently under investigation. Minnesota authorities have not yet filed criminal charges against the suspect.

**SOURCE:**

Sgt. John Bandemer, St. Paul Police Department, Vice Unit/Human Trafficking.

29. St. Paul.

**SUMMARY:**

The victim (mid-twenties, female, Vietnamese citizen) met the suspect (male, U.S. citizen) through a marriage broker service. The victim legally entered the U.S. to marry the suspect. After the victim arrived in the United States, the suspect abused the victim and forced her to perform domestic labor not typically associated with marriage.

**PROCEDURAL HISTORY:**

The case is currently under investigation. Minnesota authorities have not yet filed criminal charges against the suspect.

**SOURCE:**

Sgt. John Bandemer, St. Paul Police Department, Vice Unit/Human Trafficking.

**L. New Jersey**<sup>15</sup>

**M. New York**

30. People v. De Leon, 109 N.Y. 226 (N.Y. 1888).

**SUMMARY:**

The trafficker (male, U.S. citizen) convinced the victim (female, U.S. citizen) to leave New York on a steamer to work as a governess for a family in Aspinwall, Panama. The trafficker actually intended to place the victim in a house of prostitution in Panama, an environment in which other traffickers would detain the victim against her will. Before the victim arrived in Panama, passengers on the steamer informed the victim that the woman she was to meet in Panama actually ran a house of prostitution. The victim's fellow passengers helped her to return safely to New York.

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<sup>15</sup> see Delaware cases *supra* III.E.

**PROCEDURAL HISTORY:**

The trial court convicted the trafficker of kidnapping. The trafficker appealed. The Court of Appeals of New York affirmed the lower court's ruling.

**SOURCE:**

LexisNexis.

31. *Nizamuddowlah v. Bengal Cabaret, Inc.*, 399 N.Y.S.2d 854 (N.Y. Sup. Ct. 1977).

**SUMMARY:**

The plaintiff (Saleh M. Nizamuddowlah, male, citizen of Bangladesh at the time of events, a U.S. citizen at the time of the lawsuit) met the defendant (Shamsher Wadud, male) in August 1972, in Bangladesh. The defendant offered the plaintiff employment at the defendant's restaurant in New York City. The plaintiff agreed to work for the defendant for a period of three months without pay. Defendant agreed that, after this three-month apprenticeship, he would pay the plaintiff a waiter's salary and ultimately would make the plaintiff a manager of the restaurant. The defendant agreed that he would help the plaintiff obtain a resident visa in the United States. The defendant paid for all of the plaintiff's travel expenses to the United States. The plaintiff entered the United States on a visitor's visa on September 17, 1972. The plaintiff began working for the defendant and continued to work for the defendant until May of 1974. Initially, the plaintiff stayed in the defendant's house for two to three months. He, then, stayed in the restaurant for another two months. After the defendant failed to pay the plaintiff for several months, the plaintiff began to request payment from the defendant. Eventually, the defendant paid the plaintiff a total of \$450 for all of the plaintiff's work as a waiter in the defendant's restaurant. The defendant stalled on acquiring a resident visa for the plaintiff, so the plaintiff eventually acquired a resident visa on his own behalf.

**PROCEDURAL HISTORY:**

The plaintiff filed suit against the defendant to recover payment for services rendered in the defendant's restaurant. The Supreme Court of Queens County ruled in favor of the plaintiff, finding that the defendant's deceptive behavior toward the plaintiff overshadowed the plaintiff's illegal conduct of working in the United States while possessing only a visitor's visa.

**SOURCE:**

Westlaw.

32. *People v. Simone-Taylor*, 539 N.Y.S.2d 171 (N.Y. App. Div. 1989).

**SUMMARY:**

The trafficker committed crimes against three victims. One victim (female, U.S. citizen) initially went to the trafficker's home voluntarily. However, the trafficker (male, U.S. citizen) then restrained the victim and forced her to stay in his home for one week. The trafficker used threats and fear of physical violence to control the victim. During the week-long detainment, the trafficker raped the victim numerous

times, forced her to perform felatio, and solicited her to work as a prostitute. The trafficker also solicited two other victims (17 years old, females, U.S. citizens) to work for him as prostitutes. These victims refused to engage in prostitution for the trafficker.

**PROCEDURAL HISTORY:**

The Monroe County Supreme Court convicted the trafficker of three counts of kidnapping (first degree felony) and of third-degree promotion of prostitution. The trafficker appealed the lower court's decision. The Appellate Division of the Supreme Court rejected the trafficker's arguments and affirmed the lower court's ruling.

**SOURCE:**

Westlaw.

**N. Ohio**

Newark

**GENERAL SUMMARY:** (These facts apply to the following five criminal cases.)

Several traffickers (four adult males, one adult female, all U.S. citizens) participated in a prostitution ring of one victim (13 years old, female, U.S. citizen). The victim's father sold the sexual services of the victim to his friends. The victim received money and candy in exchange for the rapes. The father raped the 13-year-old victim and another daughter who was 17 years old at the time.

**PROCEDURAL HISTORIES:**

Ohio v. Saunders, Case # 2005 CR 00657 (2005).

Authorities charged Joseph Saunders (DOB 03/28/1937) of Reynoldsburg, Ohio with three counts of compelling prostitution and three counts of unlawful sexual conduct. Saunders pled guilty to all charges. Licking County Common Pleas Judge John Spahr sentenced Saunders to 24 years imprisonment, payment of court costs and attorney fees, and registry as a sex offender.

Ohio v. Bly, Case # 2005 CR 00654 (2005).

Authorities charged Garry Bly (DOB 10/13/1939) of Columbus, Ohio, with ten counts of compelling prostitution, ten counts of unlawful sexual conduct with a minor, and one count of illegal use of minor in nudity oriented material or performance. Bly pled guilty to all charges. Judge Jon Spahr sentenced Bly to 14 years imprisonment, payment of court costs and attorney fees, and registry as a sex offender.

Ohio v. Coss, Case # 2005 CR 00662 (2005).

Authorities charged Thomas Coss (DOB 08/27/1977) of Buckeye Lake, Ohio, to two counts of unlawful sexual conduct with a minor. Coss pled guilty to both

counts. The court sentenced Coss to two years imprisonment, payment of court costs and attorney fees, restitution, and registry as a sex offender.

Case # 2005 CR 00652 (2005).

Authorities charged the victims' father with three counts of rape (a first-degree felony) and three counts of gross sexual imposition (a third-degree felony). The father admitted to raping his two daughters and pled guilty to all counts. The court sentenced the trafficker to 18 years imprisonment, payment of court costs and attorney fees, registry as a sex offender, and five years of post-release probation.

Ohio v. Smith (2006).

Authorities charged Joseph Saunder's girlfriend, Trudy Smith, 26, of Reynoldsburg, Ohio, with two counts of unlawful sexual conduct with a minor. The court found Smith mentally ill in April, 2006 and ordered her to undergo six months of treatment at a medical facility.

#### SOURCES:

CourtView@2000, available at <http://www.lcounty.com/pa/pa.urd/pamw6500.display>.

Kimberly Dick, *Family, Victim Supports Dad Sentenced to 18 Years*, ADVOCATE REPORTER, June 8, 2006, at <http://www.newarkadvocate.com/apps/pbcs.dll/article?AID=/20060608/NEWS01/60608004>

Ken Lawson, Columbus Police Department.

*Man Gets 24 Years For Role In Prostitution Ring, Victim's Relative Still Faces Charges*, THE COLUMBUS DISPATCH, April 18, 2006, at <http://www.dispatch.com>.

Russ Simeone, *Five charged in alleged selling of girl for sex*, ASSOCIATED PRESS, December 1, 2005.

*Third man sentenced for having sex with girl*, ASSOCIATED PRESS, April 19, 2006.

## O. Oregon

State v. Wood, 579 P.2d 294 (Or. Ct. App. 1978).

#### SUMMARY:

The trafficker (Vernon Dale Wood, male, U.S. citizen) traveled with the victim (17 years old, female, U.S. citizen) from Yakima, Washington, to Ontario, Oregon. The trafficker and the minor victim then met another woman, Roth, who let them stay in her apartment for a night. That night, the three parties planned prostitution activities to earn money to travel to Arizona. The minor and Roth engaged in prostitution the next day and gave the trafficker half of their profits. Two days later, Roth contacted the police and informed them about the trafficker's plans for the minor and the adult female to engage in prostitution again that night. Roth and the trafficker met two undercover police officers, Officer Thompson and Officer Buchtel, later that night. The officers accompanied the trafficker and Roth to Roth's apartment. After Officer Thompson and Roth went into a bedroom for 15 minutes, Officer Thompson came

out and said that it was not worth \$20 and that he would not pay. The trafficker said that Roth would “make good,” so Officer Thompson and Roth returned to the bedroom. When Officer Thompson and Roth reentered the living room, Thompson paid Roth \$20. In response to Officer Buchtel’s questions, the trafficker said that the minor’s services cost \$20. Officer Buchtel and the minor then went into another bedroom, and he paid the minor \$20. Officer Buchtel then began an argument with the minor, complaining that the minor’s services had not been worth the \$20. The trafficker began arguing with the prostitute and burned two five dollar bills, saying “I’ll show you what my half means to me.” The trafficker threw two ten dollar bills at Officer Buchtel as a refund. After the argument, the trafficker and Officer Buchtel left the apartment to purchase more beer. Upon return to the apartment, another officer stopped the trafficker and arrested him.

**PROCEDURAL HISTORY:**

The Circuit Court convicted the trafficker of promoting prostitution and compelling prostitution. The trafficker appealed. The Court of Appeals affirmed the lower court’s ruling.

**SOURCE:**

Westlaw.

**P. Texas**

33. *Waggoner v. State*, 897 S.W.2d 510 (Tex. App. 1995).

**SUMMARY:**

The trafficker (Waggoner, male, U.S. citizen) met with Charlene Wright, an escort service owner, who was working with the police as an informant. The trafficker told Wright that he had a young girl available for prostitution. The trafficker and Wright arranged a meeting between the victim (13 years old, female, U.S. citizen) and Wright’s “client.” The trafficker drove the victim to the meeting point. On the way, the trafficker stopped to purchase condoms, and he gave one condom and a cell phone to the victim. Shortly after the trafficker and the victim arrived at the meeting point, police arrested the trafficker.

**PROCEDURAL HISTORY:**

The 147<sup>th</sup> Judicial District Court of Travis County convicted Waggoner of compelling prostitution. Waggoner appealed. The Court of Appeals rejected Waggoner’s arguments and affirmed the lower court’s ruling.

**SOURCE:**

Westlaw.

34. Laredo (2001).

**SUMMARY:**

Human smugglers illegally transported the victim (12 years old, female, Mexican citizen) into the United States. In March 2001, the victim worked as a maid for the trafficker (Sandra Bearden, female, Mexican origin). The trafficker, a homemaker and mother, kept the victim chained to a pole in the back yard when the victim finished her work. The trafficker beat the victim, deprived the victim of food, and sprayed pepper spray in the victim's eyes when she fell asleep. When Texas authorities rescued the victim, the victim's skin was cut and bruised and burned from several days in the sun. The victim received treatment in the intensive care unit at a local hospital for dehydration and for skin and eye infections.

**PROCEDURAL HISTORY:**

In May 2001, Texas authorities arrested the trafficker on charges of aggravated kidnapping. The trial court convicted the trafficker of charges including injury to a child and aggravated kidnapping. In October 2001, the trafficker received a sentence of life in prison.

**SOURCES:**

Stephanie Armour, *Going Backwards: Some Foreign Household Workers Face Enslavement*, USA TODAY, Tuesday, November 20, 2001, available at <http://www.usatoday.com/money/general/2001/11/19/cover.htm>.

*Police: Woman chained 12-year-old maid to backyard pole*, CNN.COM, May 14, 2001, at <http://archives.cnn.com/2001/US/05/14/chained.girl/>.

35. Hidalgo County (2005, 2006).

**SUMMARY:**

Two Guatemalan cousins, Maria de Jesus Batres and Floridalma Sales Flores, met Juan Ramos and Ellilian Ramos in Matamoros. The women agreed to allow the Ramos to pay \$250 to illegally transport the women into the United States so that the women could work as maids or cooks and send money back to their families. The Ramos told the women that they would provide them with room and board and that after they had finished working off the \$250 debt, the Ramos would pay the women \$125 a week. However, after Batres and Flores arrived in the United States, the Ramos gave the women inadequate food and water, insufficient breaks from their work, and essentially no pay. After Flores repeatedly insisted that the Ramos pay the victims, Ellilian Ramos finally wired one payment of \$200 to one of the victim's parents in Guatemala.

The Ramos and various relatives of the Ramos forced the women to work up to 21 hours a day in the Ramos' home and Papisisto's Adult Daycare Center, a business run by Ellilian Ramos' sister, Dora Dealejandro. The Ramos forced the victims to do household chores, care for children, and use their feminine appeal to persuade elderly men to come and live in the adult care facility. The victims endured "sexual

harassment and battery, and emotional and physical abuse” and could not contact any family or friends. The perpetrators kept the women from attempting to leave by threatening to report the women to the immigration authorities or to the police. After two months of detainment and more than 1,300 hours of forced labor, a sympathetic employee of the Adult Daycare Center helped Batres and Flores escape out of an open window on Jan. 11, 2005. The women found help at La Union del Pueblo Entero (LUPE), which directed the women to the police.

#### PROCEDURAL HISTORY:

Texas v. Ramos, District File Number: CR3076-05-G, 370th State District, Judge Noe Gonzalez (2006).

On October 14, 2005, the Mission, Texas, police arrested Juan Carlos Ramos and his wife, Ellilian De Leon Ramos. The state of Texas charged the Ramos with two counts of human trafficking, under Texas’ 2003 human trafficking law. The Ramos faced no federal charges. Assistant District Attorney Joseph Orendain prosecuted the case, and Fernando Mancias presented the Ramos’ defense. A jury acquitted the husband of all charges and, on May 5, 2006, convicted the wife of one count of human trafficking. On May 8, 2006, a jury, in District Judge Noe Gonzalez’s court, sentenced the wife, Ellilian De Leon Ramos to four years probation and a \$10,000 fine. Judge Noe Gonzalez, of the 370th District, formally sentenced Ellilian Ramos on June 28, 2006, adding 60 days of jail time and \$2,000 of restitution to the jury’s sentence. Ellilian Ramos has appealed the verdict. As of July 19, 2006, the appeal is pending.

Case number: C-1559-05-C, 139th State District Court of Texas, Judge Bobby Flores (2006).

On July 12, 2005, Batres and Flores filed a lawsuit against the Ellilian Ramos, Juan Ramos, Ellilian Ramos’s sister Dora Dealejandro, Ellilian Ramos’s brother-in-law Hector Dealejandro, Ellilian Ramos’ sister Hayde Estrada, and Papisisto’s Adult Daycare Center. The plaintiffs allege that the defendants subjected the plaintiffs to “false imprisonment, intentional infliction of emotional distress, sexual battery, offensive physical contact, threat of bodily injury, theft of service, breach of contract, and fraud.” The plaintiffs seek compensation for their work, their mental suffering, their emotional suffering, statutory penalties, attorney’s fees, and punitive damages. The original amended petition was filed 4-13-06. The case is pending and is currently stalled because the defendants’ whereabouts are unknown. In April and May of 2006, authorities’ citations to defendants Dora Dealejandro, Hector Dealejandro, and Hayde Estrada returned unserved because the defendants’ whereabouts were unknown. Authorities also attempted to serve Juan Ramos three times, without success. The lawsuit is pending.

#### SOURCES:

Brittney Booth, *Couple charged with human trafficking*, THE MONITOR, April 30, 2006.

Brittney Booth, *Witness testifies in slavery trial*, THE MONITOR, May 02, 2006.

Brittney Booth, *Woman convicted, husband cleared of charges in slavery trial*, THE MONITOR, May 06, 2006.

Brittney Booth, *Woman Receives \$10,000 Fine, Four Years Probation In Slave Trial*, THE MONITOR, May 09, 2006.

Cari Hammerstrom, *Protests for Justice*, THE MONITOR, June 29, 2005.

Joseph Orendain, Assistant District Attorney.

*PRESS RELEASE: South Texas TCRP Office Sues on Behalf of Victims of Human Trafficking and Forced Labor*, July 13, 2005.

## **Q. Washington**

### Seattle

#### **SUMMARY:**

The trafficker (Gary Charles Tanner, male, U.S. citizen) prostituted more than one victim.

#### **PROCEDURAL HISTORY:**

Initially, the U.S. Attorney's Office in Seattle charged the trafficker with the federal crime of transportation in furtherance of prostitution, and the State of Washington (King County) charged the trafficker with promoting prostitution and assault. The state case involved victims other than the victim of the federal case. After the trafficker pled guilty to an additional state charge of promoting prostitution involving the victim of the federal case, and after the trafficker agreed to pay the victim restitution for her financial loss, the U.S. Attorney's Office dismissed the federal case against the trafficker. The state prosecutor was Charles Sergis.

#### **SOURCE:**

Ye-Ting Woo, Deputy Supervisor, Criminal Enterprises Unit, Assistant United States Attorney, Seattle, Washington.

#### **IV. FINDINGS**

##### **G. Non-Federal Jurisdictions Rarely Prosecute Human Traffickers under Non-Federal Anti-Human Trafficking Statutes.**

Currently, only two state cases have resulted in human trafficking convictions.<sup>16</sup> Why is this number so low? One obvious reason is that fewer than half of the States in the United States of America have laws that specifically prohibit human trafficking. Therefore, some non-federal jurisdictions simply do not have the option of prosecuting cases of human trafficking under state anti-TIP laws.

However, twenty-four States in the United States currently have anti-TIP laws on the books.<sup>17</sup> Why are authorities in these jurisdictions not prosecuting human traffickers under these non-federal laws? One reason is that these anti-TIP statutes only recently have become state laws. The oldest state anti-TIP statutes became law in 2003,<sup>18</sup> and state legislatures approved all but four of the twenty-four comprehensive anti-TIP statutes during or after 2005.<sup>19</sup> In many states, law enforcement bodies are just beginning efforts to implement the new laws.

In other States, law enforcement continues to be unaware of the legislative branch's enactment of anti-TIP legislation. For example, the police department was contacted in Texas, one of the first states to enact an anti-TIP law, where police officers were not knowledgeable about human trafficking or about that police department's efforts to combat human trafficking.

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<sup>16</sup> See *supra* California, Case #1 and Texas, Case #1.

<sup>17</sup> US Policy Alert: Graphical Map Snapshot, Polaris Project, July 28, 2006, at [https://mail.cwru.edu/attach/US%20Policy%20Alert%20Map\\_7\\_28\\_06.pdf?sid=eVtYm8vIgfA&mbox=OAS%20%20TIP&charset=escaped\\_unicode&uid=190&number=4&filename=US%20Policy%20Alert%20Map\\_7\\_28\\_06.pdf](https://mail.cwru.edu/attach/US%20Policy%20Alert%20Map_7_28_06.pdf?sid=eVtYm8vIgfA&mbox=OAS%20%20TIP&charset=escaped_unicode&uid=190&number=4&filename=US%20Policy%20Alert%20Map_7_28_06.pdf).

<sup>18</sup> Trafficking of Persons, Tex. Penal Code §§ 20A.01- 20A.02 (September 1, 2003), available at <http://www.capitol.state.tx.us/tlo/78r/billtext/HB02096F.HTM>; Trafficking, Wa. St. § 9A.40 (July 27, 2003), available at [http://www.leg.wa.gov/pub/billinfo/2003-04/House/1175-1199/1175-s\\_sl.pdf](http://www.leg.wa.gov/pub/billinfo/2003-04/House/1175-1199/1175-s_sl.pdf).

<sup>19</sup> U.S. Policy Alert: Summary of U.S. Policy Activities, Polaris Project, April 27, 2005, at [http://www.polarisproject.org/polarisproject/programs\\_p3/PolarisPolicyAlert\\_4\\_27\\_05.pdf](http://www.polarisproject.org/polarisproject/programs_p3/PolarisPolicyAlert_4_27_05.pdf).

States need to ensure that police officers receive training about the elements of human trafficking according to the state's anti-TIP laws.

Another explanation for the low rate of prosecutions and convictions under non-federal laws is that state anti-TIP laws are often weaker than the federal anti-TIP laws. For example, the TVPA and its successors often provide longer criminal sentencing possibilities and greater protections for the victims of human trafficking than do non-federal anti-TIP laws.<sup>20</sup> The disparity between non-federal anti-TIP laws and the federal anti-TIP laws often results in the state prosecutors turning over human trafficking cases to the district's federal U.S. Attorney for prosecution under the federal laws. Otherwise, the state prosecutor may choose to prosecute human trafficking cases under other non-federal laws because proving the elements of an alternative crime, such as pimping or pandering, is less cumbersome than proving the many elements of the human trafficking crime.

#### **H. A Lack of Awareness Prevents Non-Federal Law Enforcement from Readily Identifying and Assisting Victims of Human Trafficking.**

Some non-federal jurisdictions are still unfamiliar with the characteristics of human trafficking. One consequence is that state and local law enforcement personnel and prosecutors sometimes mistake the victims of human trafficking for cohorts in the crimes committed against them. Thus, the victims again suffer for their unfortunate roles in human trafficking.

#### **I. Information Regarding Non-Federal Cases of Human Trafficking is Scarce.**

Finding information about non-federal cases that involve human trafficking is difficult. For the reasons previously discussed, only a small handful of cases of human trafficking have

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<sup>20</sup> The TVPA allows the victim to apply for a T-Visa so that the victim may remain in the United States. Most state anti-TIP laws do not provide methods for the victim to stay in the United States. However, California's law allows a state agent to endorse the trafficking victim's application for a T-Visa from the federal U.S. government.

resulted in convictions under state or territorial anti-TIP laws. However, identifying cases that state authorities have prosecuted under other state laws is also challenging for various reasons. Some non-federal authorities are not aware of the characteristics of human trafficking. Therefore, these authorities do not recognize human trafficking when it occurs and may not remember the specific cases of human trafficking that they have handled in the past. In contrast, some non-federal authorities are so overrun with cases that possess traits of human trafficking that they cannot possibly recount every case and its details. Regardless of the reason for a case's obscurity, unearthing each case would require searching the records of every non-federal court of the United States to find all the cases in which the elements of human trafficking were present.

## **V. CONCLUSION**

This report is the beginning of an ongoing process to learn more about human trafficking cases under non-federal jurisdictions of the United States. The General Secretariat of the Organization of American States recognizes the importance of this research and will continue to update its database of legal cases. The Department of Public Security has achieved the first two goals of its research by contributing to diminish the information gap regarding non-federal adjudications of human trafficking. The Department of Public Security hopes that the information in this report will encourage non-federal jurisdictions in the United States of America and in other countries to efficiently identify and adjudicate cases that involve human trafficking.