

**MODEL STATE ANTI-TRAFFICKING CRIMINAL STATUTE**

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AN ACT relating to criminal consequences of conduct  
that involves certain trafficking of persons and involuntary servitude.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF \_\_\_\_\_:

(A) TITLE \_\_\_\_\_, PENAL CODE, is amended by adding Article XXX to read as follows:

ARTICLE XXX: TRAFFICKING OF PERSONS AND INVOLUNTARY SERVITUDE

SEC. XXX.01. DEFINITIONS. In this Article:

- (1) "Blackmail" is to be given its ordinary meaning as defined by [state blackmail statute, if any] and includes but is not limited to a threat to expose any secret tending to subject any person to hatred, contempt, or ridicule.
- (2) "Commercial sexual activity" means any sex act on account of which anything of value is given, promised to, or received by any person.
- (3) "Financial harm" includes credit extortion as defined by [state extortion statute, if any], criminal violation of the usury laws as defined by [state statutes defining usury], or employment contracts that violate the Statute of Frauds as defined by [state statute of frauds].
- (4) "Forced labor or services" means labor, as defined in paragraph (5), *infra*, or services, as defined in paragraph (8), *infra*, that are performed or provided by another person and are obtained or maintained through an actor's:
  - (A) causing or threatening to cause serious harm to any person;
  - (B) physically restraining or threatening to physically restrain another person;
  - (C) abusing or threatening to abuse the law or legal process;
  - (D) knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person;
  - (E) blackmail; or
  - (F) causing or threatening to cause financial harm to [using financial control over] any person.

- (5) “Labor” means work of economic or financial value.
- (6) “Maintain” means, in relation to labor or services, to secure continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type of service.
- (7) “Obtain” means, in relation to labor or services, to secure performance thereof.
- (8) "Services" means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor. Commercial sexual activity and sexually-explicit performances are forms of “services” under this Section. Nothing in this provision should be construed to legitimize or legalize prostitution.
- (9) “Sexually-explicit performance” means a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.
- (10) “Trafficking victim” means a person subjected to the practices set forth in Sections XXX.02(1) (involuntary servitude) or XXX.02(2) (sexual servitude of a minor), or transported in violation of Section XXX.02(3) (trafficking of persons for forced labor or services).

SEC. XXX.02. CRIMINAL PROVISIONS.

- (1) INVOLUNTARY SERVITUDE. Whoever knowingly subjects, or attempts to subject, another person to forced labor or services shall be punished by imprisonment as follows, subject to Section (4), infra:
  - (A) by causing or threatening to cause physical harm to any person, not more than 20 years;
  - (B) by physically restraining or threatening to physically restrain another person, not more than 15 years;
  - (C) by abusing or threatening to abuse the law or legal process, not more than 10 years;
  - (D) by knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person, not more than 5 years,
  - (E) by using blackmail, or using or threatening to cause financial harm to [using financial control over] any person, not more than 3 years.

- (2) **SEXUAL SERVITUDE OF A MINOR.** Whoever knowingly recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, provide, or obtain by any means, another person under 18 years of age, knowing that the minor will engage in commercial sexual activity, sexually-explicit performance, or the production of pornography (see [relevant state statute] (defining pornography)), or causes or attempts to cause a minor to engage in commercial sexual activity, sexually-explicit performance, or the production of pornography, shall be punished by imprisonment as follows, subject to the provisions of Section (4), infra:
- (A) in cases involving a minor between the ages of [age of consent] and 18 years, not involving overt force or threat, for not more than 15 years;
  - (B) in cases in which the minor had not attained the age of [age of consent] years, not involving overt force or threat, for not more than 20 years;
  - (C) in cases in which the violation involved overt force or threat, for not more than 25 years.
- (3) **TRAFFICKING OF PERSONS FOR FORCED LABOR OR SERVICES.** Whoever knowingly (a) recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person, intending or knowing that the person will be subjected to forced labor or services; or (b) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of Sections XXX.02(1) or (2) of this Title, shall, subject to the provisions of Section (4) infra, be imprisoned for not more than 15 years.
- (4) **SENTENCING ENHANCEMENTS.**
- (A) Statutory Maximum - Rape, Extreme Violence, and Death. If the violation of this Article involves kidnaping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be imprisoned for any term of years or life, or if death results, may be sentenced to any term of years or life [or death].
  - (B) Sentencing Considerations Within Statutory Maximums.
    - (1) Bodily Injury. If, pursuant to a violation of this Article, a victim suffered bodily injury, the sentence may be enhanced as follows:

- (1) Bodily injury, an additional \_\_\_\_ years of imprisonment; (2) Serious Bodily Injury, an additional \_\_\_\_ years of imprisonment; (3) Permanent or Life-Threatening Bodily Injury, an additional \_\_\_\_ years of imprisonment; or (4) If death results, defendant shall be sentenced in accordance with Homicide statute for relevant level of criminal intent).
- (2) Time in Servitude. In determining sentences within statutory maximums, the sentencing court should take into account the time in which the victim was held in servitude, with increased penalties for cases in which the victim was held for between 180 days and one year, and increased penalties for cases in which the victim was held for more than one year.
- (3) Number of Victims. In determining sentences within statutory maximums, the sentencing court should take into account the number of victims, and may provide for substantially-increased sentences in cases involving more than 10 victims.
- (5) RESTITUTION. Restitution is mandatory under this Article. In addition to any other amount of loss identified, the court shall order restitution including the greater of 1) the gross income or value to the defendant of the victim's labor or services or 2) the value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) and [corresponding state statutes if any].

(B) TRAFFICKING VICTIM PROTECTION

1) ASSESSMENT OF VICTIM PROTECTION NEEDS

(A) The Attorney General, in consultation with the [Department of Health and Social Services] shall, no later than one year from the effective date of this statute, issue a report outlining how existing victim/witness laws and regulations respond to the needs of trafficking victims, as defined in XXX.01(8) of the Criminal Code, and suggesting areas of improvement and modification.

(B) The [Department of Health and Social Services], in consultation with the Attorney General, shall, no later than one year from the effective date of this statute, issue a report outlining how existing social service programs respond or fail to respond to the needs of trafficking victims, as defined in XXX.01(8) of the Criminal Code, and the interplay of such existing programs with federally-funded victim service programs, and suggesting areas of improvement and modification. [Such inquiry shall include, but not be limited to, the ability of state programs and licensing bodies to recognize federal T non-immigrant status for the purposes of benefits, programs, and licenses.]

## Explanatory Notes

### Purpose

This Model Law is offered to help criminal law policymakers at the state level address the phenomenon of modern-day slavery, often termed “trafficking in persons.” In the course of researching this proposal, it became clear that many states already have laws on their books that directly address this crime problem. For instance, many trafficking-like crimes may be codified in seemingly-unrelated parts of a state code, such as the kidnaping or prostitution sections. Unfortunately, by being codified in disparate parts of the criminal code, it may unclear to prosecutors that the behaviors are trafficking in persons crimes and may be charged as such. Research into these existing state statutes revealed that they are often archaic, little-known, or underutilized, and do not necessarily reflect the current understanding of slavery and trafficking in persons.

The Thirteenth Amendment to the U.S. Constitution mandates that:

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction....

Under the Trafficking Victims Protection Act of 2000, Pub. L. 106-386 (“TVPA”), a “severe form of trafficking in persons” is defined as:

- (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

In the international arena, the United Nations Convention Against Transnational Organized Crime, supplemental Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children defines trafficking in persons as:

[T]he recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs[.]

Federal criminal provisions specific to trafficking in persons are codified at Title 18, United States Code, Chapter 77, Peonage, Slavery, and Trafficking in Persons. Some of these statutes are newly-enacted provisions of the TVPA; some of these statutes date from the Civil War era. All of these federal criminal civil rights statutes are rooted in the 13<sup>th</sup> Amendment's guarantee of freedom. The other federal criminal civil rights statutes, such as 42 U.S.C. §3631 (Interference with Housing Rights) and 18 U.S.C. §242 (Deprivation of Rights Under Color of Law), have corresponding state statutes. E.g., Indiana Code, § 22-9.5-10-1 (criminalizing interference with another's rights) and Texas Penal Code §39.03 (criminalizing official oppression). Such federal/state overlap allows for more prosecutions to be brought and allows local prosecutors to respond most appropriately to crime problems in their own jurisdictions. State prosecutors' increased prosecution of racial violence cases in the last 20 years can serve as a model for increased enforcement of the U.S. Constitution's guarantee of freedom from involuntary servitude.

Many state constitutions mirror the federal constitutional prohibition against involuntary servitude, see, e.g., Arkansas Const. Art. 2, § 27, and some states have involuntary servitude statutes on their books. See, e.g., Cal. Penal Code § 181 (Slavery, infringement of personal liberty; purchase of custody). Other states have similar statutes. North Carolina adopted a state involuntary servitude statute in the wake of several high-profile federal migrant labor prosecutions. See N.C.G.S.A. § 14-43.2. Arizona's criminal code, for example, includes kidnaping for involuntary servitude in its kidnaping statute, A.R.S. §13-1304, and a crime of taking a child for prostitution in its prostitution statutes. A.R.S. §13-3206. It is unclear whether such statutes are well-known by police and prosecutors, and to what extent they are being used to combat trafficking in persons.

The Model Penal Code recommends creation of an involuntary servitude crime as part of its overall kidnaping chapter. MPC 212.3(b), Felonious Restraint (third degree felony for holding a person in involuntary servitude). While the U.S. Department of Justice has not surveyed the field to determine how many states adopted this proposal, Nebraska is an example of one state that has this Model Penal Code provision on the books. See Neb.Rev.St. §28-314.

Certainly, experience at the federal level indicates that more comprehensive trafficking in persons statutes are needed to address the wide range of coercive tactics that traffickers use to obtain and maintain the labor and services of their victims. The proposed Model Law seeks to provide a tool for drafting modern anti-trafficking crimes, based on the Justice Department's experience in investigating and litigating these cases. Additionally, there is a strong need for uniformity in definitions and concepts across state lines to minimize confusion as trafficking victims in state prosecutions begin to seek the victim protections available through the federal Departments of Health and Human Services and of Homeland Security.

States and territories interested in adopting anti-trafficking legislation should survey their existing criminal codes to determine whether they include prohibitions on involuntary servitude, kidnaping, or false imprisonment, which have simply not been brought to bear against trafficking in persons. Such a survey will assist in incorporating relevant portions of a modern anti-

trafficking statute into existing law, and could result in increased use of such statutes. Bundling of appropriate statutes into a Slavery/Trafficking chapter, as in the federal criminal code, will make it more likely that such crimes are recognized and charged.

### **Definitions**

The heart of the concept of “trafficking in persons” is the denial of the liberty of another. Accordingly, the transportation of a person is a secondary inquiry, the apparent meaning of “trafficking” aside. Thus, the definitions section and the criminal provisions focus on the coercive nature of the service, rather than the movement of the victim or the type of underlying service.

The definitions are in alphabetical order.

Section XXX.01(1) defines blackmail in a manner identical to the Model Penal Code’s Criminal Coercion statute, Section 212.5(1)(c).

Section XXX.01(2), “commercial sexual activity,” tracks the definition of commercial sexual activity in the TVPA.

Section XXX.01(3) defines “financial harm” to reflect the TVPA and the UN Protocol’s inclusion of “debt bondage” as a form of trafficking in persons. In order to differentiate a debt that has the effect of coercion, as opposed to simply a bad bargain, the proposal adopts the usury laws of the relevant jurisdiction to illustrate debts that contravene public policy and may thus appropriately be considered to be coercive. On the federal level, an example of this type of law can be found at 18 U.S.C. § 892 (Making Extortionate Extension of Credit).

Section XXX.01(4) defines “forced labor or services” as those obtained or maintained through coercion, and lists the forms of coercion that would, if used to compel forced labor or services, justify a finding that the labor or service was involuntary.

Section XXX.01(5), which defines “labor,” covers work activities which would, but for the coercion, be otherwise legitimate and legal. The legitimacy or legality of the work is to be determined by focusing on the job, rather than on the legal status or work authorization status of the worker.

Section XXX.01(6)’s “maintain” builds upon the Model Penal Code’s definition of “obtain” and incorporates the principle in federal anti-slavery caselaw that a person’s initial agreement to perform a particular activity or type of service is not a waiver of any coercion aimed at keeping that person from leaving the service.

Section XXX.01(7), “obtain” tracks the definition set forth at Model Penal Code’s Theft statute, Section 223.0(5)(b).

Section XXX.01(8), which defines "services," incorporates activities that are akin to an employment relationship but are in market sectors that are not legitimate forms of "labor." Notable in this area is commercial sexual activity, which is criminalized in almost every jurisdiction in the United States. Differentiation between "labor" and "services" makes it clear that this Model Law does not legitimize or legalize prostitution.

The notion that commercial sexual activity or concubinage can be "service" for the purposes of involuntary servitude statutes is reflected in case law. *See, e.g. Pierce v. United States*, 146 F.2d 84, 85-86 (5th Cir. 1944) (upholding conviction for forcing women to commit "immoral acts" at roadhouse to pay off debts); *Bernal v. United States*, 241 F. 339, 341 (5th Cir. 1917) (outlining as a crime when a woman was lured to house of prostitution under false pretenses and required to serve as prostitute or maid to pay debt); and the recent prosecutions, *U.S. v. Cadena* (SD FL 1998); *U.S. v. Kwon* (D. CNMI 1999); *U.S. v. Pipkins* (ND GA 2000); and *U.S. v. Soto* (SD TX 2003). *See also* Neal Kumar Katyal, *Men Who Own Women: A Thirteenth Amendment Critique of Forced Prostitution*, 103 *YALE L.J.* 791 (1993). Non-sexual forms of "service" might include rings that hold children for street begging or petty theft.

Section XXX.01(9) introduces the concept of "sexually-explicit performance." A number of recent federal cases have involved persons being held in servitude for purposes of sexually-explicit performances such as "exotic dancing." Unlike prostitution, which is typically illegal and involves commercial sexual activity, sexually-explicit performance may be legal, absent any coercion. Inclusion of sexually-explicit performance in this Model Law recognizes that such activity can have an impact on victims similar to sexual abuse, and reflects federal experience in which international traffickers are increasingly placing their victims into strip clubs rather than prostitution. The proposed criminal statutes provide expanded coverage for minors who are held in sexual performance as opposed to prostitution.

Section XXX.01(10) defines "trafficking victim," not for the purposes of the criminal statutes so much as to provide a working definition for state and local agencies who subsequently establish or modify programs to serve victims of these crimes.

### **Trafficking/Servitude Chapter**

The Slavery/Trafficking crimes in this Article are arranged in a particular order that reflects the Department of Justice's experiences and understanding of the interplay between slavery/involuntary servitude and the transportation of persons for illicit purposes.

First, Involuntary Servitude, which focuses on the denial of a victim's liberty, applies to all persons held in compelled service, regardless of age, type of service, and whether they are transported or not. This approach de-links the crime from the nationality of the victim or the underlying morality of the service. All adults in coerced service are protected by this Section.

Second, a provision specific to minors in sexually-related activities sets forth a lesser standard of coercion – recognizing that sexual activities are conceptually different when minors

are involved – by casting as Sexual Servitude those activities which involve minors but are not the result of coercion. This Section is the equivalent of Statutory Rape laws, which obviate the need to prove coercion when a victim is under the age of legal consent. This Section would allow for trafficking prosecutions in cases in which minors are kept in prostitution because of their circumstances but overt force is not used, such as is common in cases involving runaway U.S. citizen youth. As noted above, this provision extends the concept of proving sexual exploitation without a concomitant need to find coercion to include sexually-explicit performance and child pornography, as well as sexual acts.

Finally, Trafficking of Persons for Forced Labor or Services punishes the trade in coerced labor or services, but focuses on the recruiting, moving, and harboring for these practices. Conceptually, these actions are illegal if done for the purpose of the exploitation captured by the servitude offenses previously set forth.

Section XXX.02(1) (Involuntary Servitude) provides a baseline offense that is graded according to the severity of the coercion used against the victim. Rather than the federal approach, in which there are separate crimes based on the level of coercion (a function of the development of the federal anti-slavery laws over the course of almost 200 years), the proposed offense – the obtaining or maintaining another person in service through coercion – outlines different statutory maximums for cases involving force, threats, document confiscation, blackmail, etc. For drafting purposes, jurisdictions that prefer to codify each crime separately could easily do so by referring to Appendix A, Optional Servitude Offenses, which sets the proposed crimes out in a different manner. States with guidelines sentencing may want to adopt a simple involuntary servitude statute with a 20-year statutory maximum and then incorporate gradations by level of coercion within their guidelines instead of adopting a multi-part statute or multiple servitude statutes. Such a statute is set forth in Appendix B, Alternative Servitude Offense.

Statutory maximums are provided as an illustration of a graduated approach based on the type and level of coercion used against the victim. Many jurisdictions simply designate particular levels of a crime as a Class A, B, or C Felony or as a First, Second, or Third Degree Felony, rather than assigning a specific statutory maximum within the actual offense. Statutory maximums are provided in this Model Law as an example of relative culpability. The statutory maximums should be reviewed and incorporated in keeping with the sentencing structure of the criminal code of the particular state or territory.

Each of the crimes punishes attempts as well as completed offenses. Criminalizing attempts allows prosecutors to focus on a defendant's objectively observable intent to use coercion for compulsory service rather than on a victim's subjective response to the coercion. For instance, a victim flees after a beating intended to hold her, rather than staying and submitting to the "master"; in this instance, the enslavement is attempted but not completed. Nonetheless, by criminalizing the attempt, a prosecutor may charge the defendant with his intended enslavement instead of having to wait for the victim actually to be enslaved (or to feel coerced). Such an approach has obvious benefits from the perspective of public safety: no

victim should have to remain in a dangerous situation in order for the wrong done to him or her to be prosecutable. Note that the particular attempt language in the Model Law should be reviewed to ensure that it reflects an individual state's approach to attempts.

### Penalties

The proposal's sentencing section sets forth two main concepts. First, the proposal reflects the notion that statutory maximum sentences should be increased in particularly violent instances of trafficking in persons, especially where the crime involves sexual abuse. Second, the actual sentences should reflect the time the victim was held and the various levels of injury suffered by a victim, as well as the number of victims harmed in a particular case. Additionally, gradation in sentences is appropriate among situations involving minors, especially those involving minors under the age of consent.

In the federal system these offense characteristics are incorporated into the U.S. Sentencing Guidelines, see U.S.S.G. §2H4.1, and have different effects depending on the other adjustments that are applied. Thus, the Model Law sets out offense characteristics which should be considered, but does not assign them values.

All of the offense characteristics offered for particular consideration should be reviewed and incorporated in keeping with the sentencing structure of the criminal code of a particular state or territory.

### Restitution

The proposed measure of restitution tracks the federal restitution provision of the TVPA, codified at 18 U.S.C. §1594. Mandatory restitution allows prosecutors to recover money that the victims can use to assist them in their recovery. Unlike theft cases, there is typically little identifiable out-of-pocket loss in a trafficking case – the victims themselves are the objects that are stolen. Accordingly, this provision fixes the actual loss to the victim as either 1) the value of their services to the trafficker, or 2) the minimum wage for hours worked. The first measure of restitution, the value to the trafficker of the victim's labor or services, not only prevents the traffickers from profiting from their crime, but also avoids the unpalatable situation of assigning a wage valuation to instances of forced prostitution. The second measure of loss, the minimum wage calculation, is a handy tool in cases where victims did not receive any pay for their work, or sub-minimum wage, or in certain sex trafficking cases where the defendants hold their victims in concubinage rather than selling them as prostitutes (in which there is therefore no other identifiable measure of the value of the sexual services to the traffickers).

### Trafficking Victim Protection

Federal experience has shown that prosecution without victim protection is unworkable. At the federal level, there is a variety of benefits and services available to trafficking victims.

**APPENDIX I.**  
***Model State Anti-Trafficking Criminal Statute***

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Accordingly, this Model Law provides a mechanism through which a state could determine how well current state programs serve the needs of trafficking victims. In addition, a state may want to consider optional Model Law language regarding the incorporation of federal T non-immigrant status as a basis through which certain state benefits, programs, and licenses could be accessed by alien trafficking victims.

**MODEL STATE ANTI-TRAFFICKING CRIMINAL STATUTE**  
**APPENDIX A - Optional Servitude Offenses**

[This formulation would also obviate the need for Section (4)(A), statutory maximum sentences.]

SEC. XXX.02. CRIMINAL PROVISIONS.

(1) INVOLUNTARY SERVITUDE OFFENSES.

(A) INVOLUNTARY SERVITUDE. Whoever knowingly subjects, or attempts to subject, another person to forced labor or services by causing or threatening to cause physical harm to any person shall be punished by imprisonment for not more than 20 years; but if the violation involves kidnaping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be imprisoned for any term of years or life, or if death results, may be sentenced to any term of years or life [or death].

(B) UNLAWFUL RESTRAINT FOR FORCED LABOR. Whoever knowingly subjects, or attempts to subject, another person to forced labor or services by physically restraining or threatening to physically restrain another person, shall be punished by imprisonment for not more than 15 years; but if the violation involves kidnaping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be imprisoned for any term of years or life, or if death results, may be sentenced to any term of years or life, [or death].

(C) LEGAL COERCION FOR FORCED LABOR. Whoever knowingly subjects, or attempts to subject, another person to forced labor or services by abusing or threatening to abuse the law or legal process shall be punished by imprisonment for not more than 10 years; but if the violation involves kidnaping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be imprisoned for any term of years or life, or if death results, may be sentenced to any term of years or life, [or death].

(D) DOCUMENT SERVITUDE. Whoever knowingly subjects, or attempts to subject, another person to forced labor or services by knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person, shall be punished by imprisonment for not more than 5 years; but if the violation involves kidnaping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be imprisoned for any term of years or life, or if death results, may be sentenced to any term of years or life, [or death].

(E) DEBT BONDAGE. Whoever knowingly subjects, or attempts to subject, another person to forced labor or services by blackmail, or by using or threatening to cause financial harm to [using financial control over] any person, shall be punished by imprisonment for not more than 3 years; but if the violation involves kidnaping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be imprisoned for any term of years or life, or if death results, may be sentenced to any term of years or life, [or death].

**MODEL STATE ANTI-TRAFFICKING CRIMINAL STATUTE**  
**Appendix B - Alternative Servitude Offense**

[Use sentencing guidelines to differentiate among levels of coercion and other aggravating factors.]

SEC. XXX.02. CRIMINAL PROVISIONS.

(1) INVOLUNTARY SERVITUDE. Whoever knowingly subjects, or attempts to subject, another person to forced labor or services shall be punished by imprisonment for not more than 20 years; but if the violation involves kidnaping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be imprisoned for any term of years or life, or if death results, may be sentenced to any term of years or life, [or death].

*Appendix*

HUMAN TRAFFICKING CASES  
Fiscal Years 2001 - 2005

The following are summaries of human trafficking cases prosecuted by the Department of Justice between fiscal years 2001 and 2005, many of which are discussed in this report, which highlight the diverse fact patterns found in trafficking prosecutions.<sup>1</sup>

**Fiscal Year 2001**

*United States v. Gasanov* (Texas)

Sardar and Nadira Gasanov, a Russian couple, were convicted on March 15, 2002, of recruiting women from Uzbekistan into the United States under false pretenses, then forcing them to work in strip clubs and bars in El Paso, Texas, in order to pay back an alleged \$300,000 smuggling fee. The defendants confiscated the victims' passports, required them to work seven days each week, and threatened their families in Uzbekistan to coerce compliance with the Gasanovs' demands. On May 17, 2002, the defendants were sentenced to 5 years of incarceration and ordered to pay approximately \$516,000 in restitution.

*United States v. Lee* (Hawaii)

*United States v. Kil Soo Lee* is the largest trafficking prosecution ever brought by the Department of Justice. The Civil Rights Division led a long and difficult investigation resulting in a 22-count indictment against five defendants charged with subjecting workers to involuntary servitude in a garment factory in American Samoa. Specifically, the indictment charged that the defendants brought 250 Vietnamese and Chinese nationals, mostly young women, to work as sewing machine operators in a Daewoosa garment factory. The victims, some of whom were held for up to two years, were forced to work through extreme food deprivation, beatings, and physical restraint. The victims were held in barracks on a guarded company compound, and were threatened with confiscation of their passports, deportation, economic bankruptcy, severe economic hardship to family members, false arrest, and a host of other consequences. One victim had an eye gouged out by a defendant who struck her with a jagged pipe in order to punish her for refusing to comply with the defendants' orders.

Two Samoan defendants who conspired with Lee pled guilty to charges of conspiracy. On February 21, 2002, lead defendant Kil Soo Lee was convicted of one count of conspiracy to violate the civil rights of the worker victims, eleven counts of involuntary servitude, one count of

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<sup>1</sup> An indictment contains only charges and is not evidence of guilt. Any factual allegations in this appendix about defendants who have not been convicted are only allegations. The defendants in these and any other cases cited in this report who have not been convicted are presumed innocent and are entitled to a fair trial at which the government has the burden of proving guilt beyond a reasonable doubt.

extortion, and one count of money laundering. On June 22, 2005, Lee was sentenced to 40 years of incarceration.

*United States v. Ramos (Florida)*

On June 27, 2002, agricultural crew leaders Juan and Ramiro Ramos were convicted of conspiring to commit involuntary servitude, violating the Hobbs Act (which criminalizes extortion by the wrongful use of actual or threatened force, violence, or fear), and illegally transporting Mexican citizens to Florida to work in their fields. Their brother, Jose Ramos, was convicted of a Hobbs Act offense. Upon their arrival in the Ramos's camps, workers were told that they owed money for their transport and they were not free to leave their employment until they had repaid the debt. Juan and Ramiro Ramos created a climate of fear by threatening the workers with violence if they left, and subjecting the victims to constant surveillance. The Ramos brothers brutally beat a van driver and several of his employees in an effort to prevent them from taking workers away. On November 20, 2002, Ramiro and Juan Ramos were each sentenced to more than 12 years of imprisonment, ordered to pay restitution, and ordered to forfeit vehicles, real property, and more than \$3 million in proceeds. Jose Ramos was sentenced to more than 10 years of imprisonment and ordered to pay a \$10,000 fine.

Following sentencing, the Supreme Court of the United States rendered its decision in *Scheidler v. National Organization for Women, Inc.*, 537 U.S. 393 (2003), which held that actions which did not amount to "obtaining" property could not be the basis for a Hobbs Act violation. The Ramos brothers had each been convicted of Hobbs Act violations, but the evidence did not show that the defendants had obtained property during the commission of their offenses. At the government's request, the United States Court of Appeals for the Eleventh Circuit reversed the defendants' Hobbs Act convictions and remanded the case for resentencing against Juan and Ramiro Ramos. They were each sentenced to 15 years of incarceration, ordered to pay \$20,000 in fines, and ordered to pay restitution.

*United States v. Satia (Maryland)*

The defendants recruited a 14-year-old female Cameroonian national to come to the United States with false promises of receiving an American education. Once the young girl arrived here, she was isolated in the defendants' home and forced through threats, sexual assaults, and physical abuse to work for them for several years as their personal servant. On December 20, 2001, the defendants were convicted of involuntary servitude, conspiracy, and harboring the victim for their own financial benefit. On March 27, 2002, the defendants were each sentenced to 9 years of incarceration and ordered to pay approximately \$105,300 in restitution to the victim.

*United States v. Virchenko (Alaska)*

In December 2000, three defendants approached nine young female Russian folk dancers with an offer to perform at cultural festivals in the United States. The defendants also told the women that they might perform in exhibitions similar to the type of dancing done in Las Vegas shows. When the women arrived in Alaska, the defendants took their passports, visas, and return plane

tickets to Russia, and told the women that they had to perform as “exotic” dancers in two strip clubs in Anchorage. The women were not permitted to talk to customers and were always accompanied by one or more of the defendants. On June 13, 2001, the defendants pled guilty to violating the Mann Act and related charges.

**Fiscal Year 2002**

*United States v. Blackwell* (Maryland)

After a three-week trial in June 2003, Barbara Coleman-Blackwell and her husband, Kenneth Blackwell, natives of Ghana, were convicted of conspiring to smuggle a woman from Ghana into the United States to work as an unpaid domestic servant and nanny for their child. Coleman-Blackwell’s mother, Grace Coleman, who at the time was a cabinet minister in the Ghanaian government, brought the woman into the United States under false pretenses, claiming that the victim was her staff assistant and needed to accompany her to meetings at the State Department. Grace Coleman instead delivered the victim to Coleman-Blackwell for use as a servant. The defendants isolated her, confiscated her passport, and repeatedly threatened her in order to keep her working in their home while also performing baby-sitting services for neighbors. The victim provided around-the-clock care for the defendants' child; cooked the family's meals; cleaned the home; did the laundry; and, at Coleman-Blackwell's insistence, performed such duties as removing Coleman-Blackwell's shoes at the end of the work day; cleaning between Coleman-Blackwell’s toes; cleaning up Coleman-Blackwell's vomit; and bringing Coleman-Blackwell a bowl of water at meal time to wash her hands. Grace Coleman, a powerful member of the Ghanaian Parliament, was also charged in the indictment, but has never faced trial because she returned to Ghana and has not been extradited,<sup>2</sup> despite a request presented to the Government of Ghana by the Department of Justice.

*United States v. Garcia* (New York)

Six defendants were charged with conspiring to recruit young undocumented Mexican aliens from the Arizona border and transporting them to New York with false promises of good wages. They transported their victims to Albion, New York, where the traffickers forced them to work in agricultural fields for little or no pay and housed them in overcrowded and filthy conditions.

Prior to trial, the defendants challenged the constitutionality of the Trafficking Victims Protection Act’s criminalization of labor trafficking, codified at 18. U.S.C. § 1589. The defendants argued that it was void for vagueness because it did not define terms such as “obtains,” “threats of serious harm to or physical restraint,” and “means of the abuse or threatened abuse of law or the legal process.” The magistrate judge disagreed, finding that the terms used in the statute to define this criminal act were common words, likely to be understood by anyone, and that the statute ensured that prosecutors will only be successful in proving a case of labor trafficking if they can show that the trafficker knowingly committed the prohibited acts.

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<sup>2</sup> The statements in this appendix are merely allegations as to any defendant who is pending trial or is a fugitive. See n. 1, *supra*.

The magistrate judge denied defense motions challenging the labor trafficking statute as unconstitutionally vague.

Four defendants were subsequently convicted of forced labor and related charges. The two remaining defendants are fugitives as of February 15, 2006.<sup>3</sup>

*United States v. Jimenez-Calderon* (New Jersey)

As a result of “Operation Sonic,” eight defendants were charged on September 26, 2002, with conspiring to lure and transport young Mexican girls into the United States under false pretenses then forcing them into prostitution. The defendants used physical violence and threats to maintain strict control over the victims. In September and October 2002, three defendants entered guilty pleas to sex trafficking by force, fraud, and coercion. In January 2003, two additional defendants entered guilty pleas to conspiracy and sex trafficking. These defendants received sentences ranging from more than 2 years to more than 17 years of incarceration. Significantly, these defendants were held jointly and severally liable for paying restitution in the amount of \$135,240.00 to the victims of their scheme. One other defendant pled guilty in January 2003 to conspiring to obstruct justice. Two defendants remain in fugitive status.<sup>4</sup>

*United States v. Lozoya* (Texas)

On April 25, 2002, Octavio and Joe Lozoya were indicted on immigration charges for holding a Mexican woman as a servant in their trailer home in rural West Texas by using threats and violence against her small child. The Lozoyas abused and neglected the child by separating her from the care of her mother, keeping the child in unsanitary living conditions, making her stand for prolonged periods of time as punishment, physically abusing her, putting her underwear in her mouth as punishment for urinating on herself, denying her food as punishment, binding her legs with duct tape so she would stand for prolonged periods of time, and forcing her mouth shut with duct-tape so she would not cry, as well as forcing her to sleep on the floor. On or about December 17, 1999, the 21-month-old girl collapsed and stopped breathing. The defendants refused the mother’s pleas to take her daughter to the hospital for medical treatment and the baby died. Octavio Lozoya pled guilty in September 2002 to one count of conspiracy to harbor illegal aliens with death resulting, as well as one count of harboring an illegal alien with death resulting. He received a sentence of 15 years of incarceration on these charges, which he is serving consecutively to a sentence of 5 years of incarceration for harboring the mother. Joe Lozoya pled guilty in September 2002 to one count of conspiracy to harbor illegal aliens with death resulting. He was sentenced to 5 years of incarceration.

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<sup>3</sup> The statements in this appendix are merely allegations as to any defendant who is pending trial or is a fugitive. *See n. 1, supra.*

<sup>4</sup> The statements in this appendix are merely allegations as to any defendant who is pending trial or is a fugitive. *See n. 1, supra.*

*United States v. Molina* (Texas)

Nine defendants were charged with conspiring to smuggle and harbor illegal aliens from Honduras to Fort Worth, Texas, under false pretenses that they would be employed as waitresses in restaurants. Once in the United States, the victims were forced to work in bars entertaining men in order to pay off their smuggling and other debts. In September 2002, six of the nine defendants entered guilty pleas. Four defendants pled guilty to conspiring to smuggle and harbor illegal aliens; one defendant pled guilty to smuggling illegal aliens; and another defendant pled guilty to transporting illegal aliens. On January 3, 2003, these six defendants were sentenced to terms of incarceration ranging from 2 years and 3 months to 5 years and 3 months. Three remaining defendants are fugitives.<sup>5</sup>

*United States v. Trakhtenberg* (New Jersey and New York)

Lev Trakhtenberg, his wife, Viktoriya I'lina, and an associate, Sergey Malchikov, were charged in the District of New Jersey with conspiring to commit forced labor, document fraud, and inducing aliens to unlawfully enter the United States. From the summer of 1999 through August 2002, the defendants induced more than 25 women to come from Russia to the United States, ostensibly to perform cultural folk dance shows. Instead, the women were forced to dance nude up to 10 hours a day, six days a week, at strip clubs. The defendants threatened the women with serious harm and physical restraint if they did not perform. The defendants also confiscated the women's passports and return airline tickets.

On August 13, 2004, Malchikov pled guilty to charges of conspiracy to commit forced labor, visa fraud, immigration violations, and extortion. He was sentenced to nearly 4 years of incarceration. In late 2004, Trakhtenberg pled guilty to conspiring to commit forced labor, immigration offenses, and visa fraud in the District of New Jersey, where he was subsequently sentenced to 5 years of incarceration. He also pled guilty in the Southern District of New York to conspiring to commit extortion for having threatened a victim's family in Russia with physical harm unless they paid money owed by the victim, who had escaped from prostitution. He was sentenced to more than 3 years of incarceration for that offense. As part of the joint disposition, Trakhtenberg was ordered to pay approximately \$66,300 in restitution to four of his victims and to forfeit \$25,575. On January 2, 2006, I'lina pled guilty to conspiring to commit extortion and visa fraud. Her sentencing is pending as of February 15, 2006.

**Fiscal Year 2003**

*United States v. Bradley* (New Hampshire)

Two defendants, who operated a tree cutting business, were convicted of holding two Jamaican immigrants in forced labor and document servitude in Litchfield, New Hampshire. The defendants lured the workers from Jamaica by means of false promises of good work and pay.

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<sup>5</sup> The statements in this appendix are merely allegations as to any defendant who is pending trial or is a fugitive. See n. 1, *supra*.

Once the workers arrived in New Hampshire, their visas and others documents were confiscated. The workers were paid substantially less than promised, housed in deplorable conditions, denied medical treatment, and were routinely threatened. On January 16, 2004, the defendants were sentenced to nearly 6 years in prison, fined \$12,500, and ordered to pay \$13,052 in restitution to their victims. The defendants' case was remanded for resentencing in light of the United States Supreme Court's decision in *United States v. Booker*, 543 U.S. 220 (2005) (holding that federal sentencing guidelines are advisory rather than mandatory). On January 13, 2006, the district court imposed the same sentence.

*United States v. Guzman (Georgia)*

On January 30, 2003, four defendants were charged in a 20-count superseding indictment with conspiring to bring Mexican women to the United States to engage in prostitution, forced prostitution, immigration offenses, and Mann Act violations. The indictment charged that in 2002, the defendants smuggled at least three victims were into the United States and housed them in apartments in the Atlanta area. One of the defendants threatened to kill a victim and her family if the victim refused to engage in prostitution; repeatedly chastised her for not bringing in enough money; and, at one point, physically assaulted her. Each of the victims serviced 25 or more men per night and provided half of their income to the taxi drivers who transported the victims to houses of prostitution. Most of the remaining money was turned over to the defendants. Defendant Samuel Mendez Romero pled guilty on May 1, 2003, to conspiracy, and was subsequently sentenced to nearly 3 years of incarceration. The remaining three defendants are fugitives.<sup>6</sup>

*United States v. Maka (Hawaii)*

The defendant, a landscape maintenance contractor and rock wall builder, transported Tongan males to Hawaii, where he forced them to work in his businesses to repay their transportation expenses. The victims were housed in shacks on the defendant's pig farm and were required to work in excess of 12 hours a day, six days a week, for approximately \$60 to \$100 per week. The defendant used threats and force to maintain the men in his service, including beating them with a fire extinguisher, farm tools, and the blunt end of a machete. On December 14, 2004, following a month-long trial, the defendant was convicted of slavery and harboring offenses. His sentencing is pending as of February 15, 2006.

*United States v. Reyes-Rojas (Georgia)*

On January 27, 2004, three defendants were charged with conspiracy, sex trafficking, importing and harboring aliens for the purpose of prostitution, alien smuggling, and interstate transportation of illegal aliens for smuggling young illegal aliens from Mexico into the United States and forcing them into prostitution. The indictment alleged that the defendants seduced their victims and lured them to the United States with the promise of employment, long-term romance, and

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<sup>6</sup> The statements in this appendix are merely allegations as to any defendant who is pending trial or is a fugitive. See n. 1, *supra*.

marriage. Once the women were in Atlanta, the defendants used physical violence, threats, and psychological coercion to force their victims to have sex with numerous men every night. Defendant Juan Rojas pled guilty to two sex trafficking counts and was sentenced to nearly 6 years of incarceration. Defendant Jose Reyes Rojas pled guilty to one sex trafficking charge and was sentenced to nearly 5 years of incarceration. The third defendant is a fugitive as of February 15, 2006.<sup>7</sup>

*United States v. Russell* (California)

Bernard Lawrence Russell was indicted on December 3, 2003, on charges of traveling in foreign commerce with intent to engage in sex with a juvenile, production of child pornography, and possession with intent to import child pornography. Russell traveled to the Philippines on numerous occasions over a two-year period in order to engage in sexual acts with children and to produce child pornography for the purpose of importation into the United States. At least three Filipino children have been identified as Russell's victims. Russell pled guilty on April 22, 2005, to traveling in foreign commerce with intent to engage in sex with a juvenile, and was sentenced to more than 3 years of incarceration.

*United States v. Soto-Huarte* (Texas)

Eight defendants were charged with maintaining trailers in Edinburg, Texas, as safe houses for illegal aliens newly arrived from the United States-Mexico border. The indictment charged that women aliens were kept at the trailers and were forced to cook, clean, and submit to rapes at the hands of the defendants. In February 2003, local law enforcement encountered two women who had been raped and left for dead as punishment following their attempted escape from the defendants. Federal law enforcement agents identified two additional female victims and rescued them. A joint Bureau of Immigration and Customs Enforcement and Federal Bureau of Investigation initiative dismantled the trafficking operation and arrested the defendants. In 2003, four defendants pled guilty to transporting aliens; two defendants pled guilty to involuntary servitude charges; and one defendant pled guilty to conspiracy to commit involuntary servitude. The defendants received sentences ranging from 4 months to more than 23 years of incarceration. Three of the 5 defendants were ordered to pay restitution to their victims.

*United States v. Trisanti and Nasution* (California)

Between March 1996 and March 2003, Mariska Trisanti and Herri Nasution trafficked two victims into the United States from Indonesia and forced them by threats and physical violence to work as domestic servants against their wills. The defendants were charged with transportation of illegal aliens; Trisanti was also charged with involuntary servitude and visa fraud. On March 25, 2004, Trisanti pled guilty to involuntary servitude. She was subsequently sentenced to more than 3 years of incarceration and ordered to pay \$205,289.85 in restitution to her victims. On

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<sup>7</sup> The statements in this appendix are merely allegations as to any defendant who is pending trial or is a fugitive. See n. 1, *supra*.

May 10, 2004, Nasution pled guilty to harboring an illegal alien and was subsequently sentenced to 6 months of home detention and 3 years of supervised release.

**Fiscal Year 2004**

*United States v. Adaobi and Udeozor* (Maryland)

The defendants, husband and wife Nigerian nationals, were charged with smuggling a teenage girl from Nigeria into the United States, forcing her to work long hours at their home in Maryland and at the wife's medical practice, sexually assaulting her, and regularly beating her. The husband fled to Nigeria prior to trial and as of February 15, 2006, is being sought as a fugitive.<sup>8</sup> The wife's month-long trial in 2004 resulted in her conviction for harboring for financial gain and conspiring to hold the girl in involuntary servitude. Her sentencing is pending as of February 15, 2006.

*United States v. Boehm, et. al.* (Alaska)

On March 19, 2004, an 18-count indictment was returned against Josef F. Boehm, charging him with conspiring to commit sex trafficking of children, possessing a controlled substance with intent to distribute, being a felon in possession of a firearm, and being an unlawful user of a controlled substance in possession of a firearm and ammunition. Each of Boehm's eight victims were United States citizens. A superseding indictment charged three additional defendants with conspiracy to commit sex trafficking, sex trafficking of children, and conspiracy to distribute cocaine and crack to persons under the age of 21. All four defendants pled guilty. In particular, Boehm pled guilty on November 22, 2004, to child sex trafficking and drug charges. As part of the plea agreement, he agreed to forfeit his residence and to provide \$1.2 million in a trust fund for the future benefit of the victims. All four defendants have been sentenced to terms of incarceration ranging from 3 years to more than 13 years.

*United States v. Carreto* (New York)

On April 5, 2005, defendants Josue Flores Carreto, Gerardo Flores Carreto, and Daniel Perez Alonso pled guilty, just prior to trial, to charges arising from forcing young Mexican women into prostitution in brothels throughout the New York City metropolitan area, including Queens and Brooklyn. The three defendants pled guilty to multiple counts of conspiring to engage in sex trafficking, conspiring to import aliens for immoral purposes, sex trafficking, attempted sex trafficking, forced labor, violating the Mann Act, importing an alien for immoral purposes, and alien smuggling. Additionally, on November 12, 2004, Edith Mosquera de Flores pled guilty to conspiring to force the young Mexican women into prostitution; co-defendants Eloy Carreto Reyes and Eliu Carreto Fernandez entered guilty pleas on November 16 and December 22, 2004, respectively, to one count of sex trafficking. Three other co-defendants are presently incarcerated in Mexico on Mexican federal charges related to their role in this human trafficking

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<sup>8</sup> The statements in this appendix are merely allegations as to any defendant who is pending trial or is a fugitive. See n. 1, *supra*.

conspiracy.<sup>9</sup> On February 2, 2006, Mosquera was sentenced to more than 2 years in prison and ordered to pay \$29,950 in restitution. Sentencing of the remaining convicted defendants is pending as of February 15, 2006.

*United States v. Clark* (Washington)

Michael Clark was arrested in June 2003 in Cambodia for sexually abusing two Cambodian boys, ages 10 and 13. Clark was subsequently indicted in the United States on September 24, 2003, and charged with attempting to engage and engaging in illicit sexual conduct after travel in foreign commerce. The case is believed to be the first such prosecution under the new provisions of the PROTECT Act. Clark pled guilty on March 17, 2004, and was sentenced on June 25, 2004, to more than 8 years of incarceration. On January 25, 2006, the Ninth Circuit Court of Appeals affirmed the conviction, upholding the constitutionality of the statute.

*United States v. Du Preez* (Georgia)

Five defendants were charged with conspiracy, visa fraud, false statements, and immigration offenses in connection with a scheme to bring aliens from other countries, most often South Africa, into the United States illegally and to employ them at their granite and marble business. Once in the United States, the aliens resided in apartments leased by the granite company and were induced to provide labor for cash or for credit against the cost of their rent, furniture, utilities, and visa applications. The defendants threatened to report the aliens' illegal status to immigration officials as a means to keep the aliens under their employment. Between October 25 and November 8, 2005, all 5 defendants entered guilty pleas to conspiring to harbor aliens. Sentencing is pending as of February 15, 2006.

*United States v. Gates* (District of Columbia)

Defendants Gary Gates and Tamisha Heyward were charged with multiple counts of sex trafficking and violating the Mann Act. The defendants operated a sex trafficking and Internet prostitution business from their home, at times using girls as young as 14, to perform sexual acts. Each of the victims was a United States citizen. Gates beat the women who disobeyed him, sexually assaulted many of the women, and provided drugs to support some of the women's addictions. In mid-2004, Heyward pled guilty to child sex trafficking and unlawful possession of a firearm while Gates pled guilty to child sex trafficking and first degree child sexual abuse. On September 8, 2004 Gates was sentenced to nearly 15 years of incarceration. Heyward was sentenced to 9 years of incarceration.

*United States v. Kang* (New York)

The Kangs, a Korean couple, lured Korean women to New York City with promises of good jobs as hostesses in their nightclub, but then subjected them to rapes and physical abuse, held them for

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<sup>9</sup> The statements in this appendix are merely allegations as to any defendant who is pending trial or is a fugitive. See n. 1, *supra*.

repayment of a debt of approximately \$10,000, and attempted to force them into prostitution. On November 18, 2005, the Kangs pled guilty to forced labor. In October 2005, five other defendants, including two Department of Homeland Security employees, pled guilty to alien smuggling, conspiracy to obstruct justice, and obstruction of justice. Sentencing of all seven defendants is pending as of February 15, 2006.

*United States v. Mubang* (Maryland)

Between November 1996 and December 1998, Theresa Mubang forced an 11 year old Cameroonian national to work against her will as a domestic servant after she was brought into the United States illegally and under false pretenses. The victim was forced to care for Mubang's two children and to perform all the household chores without pay at Mubang's home in Chevy Chase, Maryland. Mubang forced the victim to comply by beating her with a broken metal broom stick and a cable cord, forbidding her from speaking of her conditions to anyone, forbidding her from leaving the house or opening the door to anyone, and interfering with her mail. Mubang was convicted after a jury trial in November 2004 on charges of involuntary servitude and harboring an alien. Mubang fled the country soon after her conviction. On February 28, 2005, Mubang was sentenced in absentia to 17 ½ years of incarceration. In May 2005, with the assistance of the Cameroonian Government, Mubang was returned to the United States and is now serving her sentence.

*United States v. Sims* (Georgia)

Pimp Maurice Sims transported a 16-year-old American girl from El Dorado, Arkansas, to Atlanta, Georgia, for purposes of prostitution. Along the way he beat and raped the girl. In September 2004, Sims was convicted of kidnaping, trafficking, transportation across state lines for criminal sexual purposes, and persuading an individual to travel interstate for a criminal sexual purpose. Sims was sentenced to life imprisonment in December 2004. A co-defendant, who testified against Sims at trial, was sentenced to 5 years of imprisonment.

The Stormy Nights Cases: *United States v. Parsons*, *United States v. Thomas*, *United States v. Washington*, *United States v. Williams and Southwell*, *United States v. White*, *United States v. Sutherland*, *United States v. Scott*, *United States v. Phillips* (Oklahoma)

Nine pimps in eight cases were indicted on charges arising from "Stormy Nights," a child prostitution investigation. Each of the minor victims in this case were United States citizens. Michael Wayne Thomas pled guilty to transporting a juvenile to Pennsylvania for purposes of prostitution on two occasions and to committing an act of violence in furtherance of a prostitution enterprise. Thomas was sentenced to 17 ½ years of incarceration. Jermaine Dion Washington pled guilty to transporting a juvenile to Denver for purposes of prostitution and was sentenced to nearly 9 years of incarceration. DeCory Williams and Tiffone Southwell pled guilty to transporting a juvenile to Miami for purposes of prostitution. Williams was sentenced to 10 years of incarceration, while Southwell was sentenced to more than 3 years of incarceration. Jacinto White pled guilty to interstate travel to Pennsylvania in furtherance of a prostitution enterprise and was sentenced to 6 months of incarceration. Greg Phillips pled guilty to coercing

a person under age 18 to engage in a sexual act and was sentenced to more than 10 years of incarceration. Kelvin Scott pled guilty to transporting for immoral purpose and was sentenced to 10 years of incarceration. Greg Parson pled guilty to transporting a person under age 18 with intent to engage in criminal sexual activity and was sentenced to nearly 5 years of incarceration. Troy Sutherland was convicted on charges of child sex trafficking. His sentencing is pending as of February 15, 2006.

**Fiscal Year 2005**

*United States v. Babaev* (New York)

In July 2005, Alex Babaev and Asgar Mammedov pled guilty to sex trafficking in connection with bringing young women from Azerbaijan into the United States to work as prostitutes in New York between March 2003 and March 2004. The men maintained the women in prostitution through threats and force, including beatings and rapes, and threats against their families in the Caucasus region. Mammadov was sentenced in December 2005 to 10 years of incarceration and ordered to pay \$325,000 in restitution to his victims. In early 2006, Babaev was sentenced to 20 years of incarceration.

*United States v. Kaufman* (Kansas)

A 35-count superseding indictment charged defendants Arlen and Linda Kaufman with conspiracy, forced labor, and involuntary servitude, as well as several other violations including health care fraud, mail fraud, making a false representation and writing, obstructing a federal audit, and forfeiture. The defendants operated "The Kaufman House," a residential treatment group home for mentally ill adults. For nearly 20 years, beginning in 1986 and lasting through October 2004, the defendants engaged in a conspiracy to hold mentally ill residents in involuntary servitude and forced labor. The defendants forced the residents to engage in nudity and sexually explicit acts, and to preform acts of labor and services for the defendants' entertainment and benefit. Each of the defendants' victims were United States citizens. On November 7, 2005, the Kaufmans were convicted by a jury of the bulk of the charges, including conspiracy, involuntary servitude, forced labor, and multiple health care fraud counts. Arlen Kaufman was sentenced to 30 years of incarceration, Linda Kaufman was sentenced to 7 years of incarceration.

*United States v. Pallas* (Maine)

On December 15, 2004, Russell A. Pallas pled guilty in the District of Maine to conspiracy to transport individuals in interstate commerce with the intent that such individuals engage in prostitution. The time period in the Information covers November 2001 to June 2004. Pallas was the manager of the Kittery Health Club, Inc. (d/b/a the Danish Health Club), where prostitution activities involving women from Massachusetts and New Hampshire occurred. Pallas was sentenced November 21, 2005, to 10 ½ months imprisonment.

*United States v. Maksimenko and United States v. Prokopenko (Michigan)*

Following the escape of several exotic dancers who sought the assistance of federal law enforcement, Aleksandr Maksimenko and Michail Aronov were indicted in February 2005 on charges of forced labor. The defendants had recruited Russian and Ukrainian women to travel to the United States, only to hold them in a condition of servitude in strip clubs in southeastern Michigan. Investigation revealed at least nine women who were held in forced labor by the defendants since 2001 through threats, force, and rape. On September 8, 2005, Aronov pled guilty to a criminal information charging him with conspiracy to violate the 13<sup>th</sup> Amendment's prohibition against slavery, immigration conspiracy, and money laundering conspiracy. As part of his guilty plea, Aronov agreed to forfeit over \$500,000 in proceeds of the slavery conspiracy. Maksimenko's wife, mother, and stepmother pled guilty to conspiracy to obstruct justice in the wake of the men's arrest.

Two Ukrainian men, Evgeny Prokopenko and Alesander Bondarenko, pled guilty to visa fraud for their involvement in the trafficking scheme. In 2004, Prokopenko and Bondarenko, who were diversity visa holders, agreed to engage in false marriages with two of the dancers in order to smuggle them into the United States on behalf of Maksimenko and Prokopenko. In February 2006, Bondarenko was sentenced to 4 months incarceration for his limited involvement in the scheme. Sentencing for the remaining defendants who have pled guilty<sup>10</sup> is pending as of February 15, 2006.

*United States v. Medrano (New Jersey)*

Sixteen defendants were charged with conspiracy to commit forced labor and multiple counts of forced labor and alien smuggling. Beginning in April 2003, the defendants allegedly recruited Honduran women and girls to come to the United States with promises of restaurant jobs. Once the women were smuggled into the United States, they were brought to New Jersey, where the defendants confined them in safe houses, forced them to dance with men in bars, and encouraged them to engage in prostitution to pay inflated smuggling debts. On November 16, 2005, defendant Xochil Nectalina Rosales Martinez entered a guilty plea to conspiring to commit forced labor based on her involvement in this matter. Sentencing of Rosales Martinez, and trial of the remaining defendants,<sup>11</sup> is pending as of February 15, 2006.

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<sup>10</sup>As of February 15, 2006, defendant Aleksandr Maksimenko was awaiting trial. The statements in this appendix are merely allegations as to any defendant who is pending trial or is a fugitive. *See* n. 1, *supra*.

<sup>11</sup>The statements in this appendix are merely allegations as to any defendant who is pending trial or is a fugitive. *See* n. 1, *supra*.

*United States v. Okhotina* (California)

In January 2003, Alana Okhotina smuggled her eighteen year old niece into the United States from Russia and forced her to work as a prostitute to repay her smuggling debt. The defendant threatened to kill the victim and her family if she did not comply and told her that she would be arrested if she went to the police because she was here in the United States illegally. On December 6, 2005, Okhotina entered a guilty plea to trafficking into slavery. Okhotina's sentencing is pending as of February 15, 2006.

*United States v. Salazar* (Texas)

Six defendants were charged with conspiring to sex traffic young Mexican women and girls. The defendants allegedly lured young Mexican girls and women into the United States under false pretenses then forced them into prostitution, using physical violence and threats to maintain strict control over them. As of February 15, 2006, four of the six defendants have pled guilty to conspiring to commit sex trafficking. Trial for defendant Ivan Salazar is currently set for November 2006. The alleged ringleader, Gerardo Salazar, remains a fugitive as of February 15, 2006.<sup>12</sup>

*United States v. Zavala and Ibanez* (New York)

On November 5, 2004, defendants Mariluz Zavala and Jorge Ibanez pled guilty to conspiracy to commit forced labor, document servitude, and recruiting, harboring, transporting, and housing undocumented workers; engaging in extortionate credit transactions; and transferring false alien registration cards. Between June 1, 1999, and June 21, 2004, Zavala and Ibanez orchestrated a scheme to illegally obtain visas for Peruvian aliens seeking to come into the United States. The defendants charged the aliens a smuggling fee ranging from \$6,000 to \$13,000. By confiscating their passports and threatening to turn them over to authorities, the defendants compelled the aliens to perform work for them and other employers. The defendants kept most of their paychecks, leaving the aliens with approximately \$50 or less per week on which to live and support their families. More than 60 Peruvian illegal aliens, including 13 children, who were living in cramped and squalid conditions were granted continued presence and are receiving services through a non-governmental organization. As part of their guilty pleas, the defendants agreed to forfeit a residence valued at \$175,000 and bank accounts containing approximately \$30,000 generated through their crimes. On November 9, 2005, Zavala was sentenced to 15 years of incarceration. Ibanez's sentencing is pending as of February 15, 2006.

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<sup>12</sup>The statements in this appendix are merely allegations as to any defendant who is pending trial or is a fugitive. See n. 1, *supra*.

# HUMAN TRAFFICKING IS ILLEGAL



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TRAFFICKING IN  
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FORCED LABOR AND  
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