

# Data Demonstratives

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# Pushing the Federal Boundaries

- **We are not aware of any similar prosecution under any federal statute.**
  - 18 prosecutions under 18 U.S.C. § 1591.
  - 170 prosecutions under 18 U.S.C. § 2422(b).
  - 170 prosecutions under 18 U.S.C. § 2423(b).
  - None of the 358 prosecutions is like this case.
- **Federal prosecution on these facts would be unprecedented.**

# Sex Crimes Unit: Prosecutions

- Palm Beach County's Sex Crimes Unit actively pursues sex crimes, including those involving minors.
- Over the last 20 months, it has prosecuted more than 150 cases:
  - 27 cases of solicitation/sexual activity with a child;
  - 77 cases of lewd or lascivious battery;
  - 10 cases of lewd or lascivious battery with a child; and
  - 46 cases of sexual battery with a child.

# Sex Crimes Unit: Sentences

- When the Sex Crimes Unit deems conduct to be serious in nature, it pursues harsh sentences.
- Of its 150 prosecutions in the last 20 months:
  - 11 resulted in sentences of 10 years or more for charges involving sexual activity with a child;
  - 11 resulted in sentences of 5 years or more for charges involving lewd or lascivious battery with a child;
  - 6 resulted in sentences of 5 years or more for charges involving sexual battery (victim over 12); and
  - 1 resulted in a sentence of 10 years for charges involving unlawful sexual activity with a minor.

# **This Office's Prosecutions in 2007**

- **All 12 sex crime prosecutions by this Office in 2007 are distinguishable.**
  - **4 involve the creation, distribution or possession of child pornography (perhaps including sexual abuse).**
  - **2 involve sex trafficking of a minor where minors were forced into prostitution.**
  - **2 involve classic Internet predators who used the Internet to entice minors.**
  - **2 involve sex tourism where the defendants traveled to foreign countries to engage in sex with minors.**
  - **2 involve violations of the Adam Walsh Act where defendants failed to register as convicted sex offenders.**

## Section 1591: Precedent

- All 18 prosecutions under § 1591 are distinguishable.
  - 11 involved prostitution rings where defendant was profiting from the enterprise.
  - 5 involved international sex trafficking.
  - 2 involved rape or physical abuse and intimidation.
- No § 1591 prosecution is similar to this case.

# Trafficking Cases Generally

- Of 555 federal trafficking cases between 2001 and 2005:
  - 63 involved peonage/involuntary servitude;
  - 155 involved sale into involuntary servitude;
  - 16 involved transportation into slavery;
  - 134 involved forced labor;
  - 49 involved trafficking slaves; and
  - 129 involved sex trafficking of children.
- No trafficking case is similar to this one.

## Section 2422(b): Precedent

- All 170 prosecutions under § 2422(b) are distinguishable.
  - 160 involved the Internet.
  - 3 involved pimps of prostitution rings and did not specify the relevant interstate facility.
  - 7 involved the telephone, but of those:
    - 4 involved foreign travel and sex tourism;
    - 2 involved pimps and drugs or violence; and
    - 1 involved inducement where defendant *made* phone call and *knew* victim was underage.
- No § 2422(b) prosecution is similar to this case.

## Section 2423(b): Precedent

- All 170 prosecutions under § 2423(b) are distinguishable.
  - 138 involved defendants who traveled for the *specific purpose* of unlawful sex, *i.e.*, classic sex tourism.
  - 31 involved defendants who traveled *with* the victims across state lines.
  - 1 involved defendant who traveled internationally, molested Thai children, and videotaped/photographed.
- No § 2423(b) prosecution is similar to this case.

## **Section 1591: *Boehm***

- Defendant purchased and distributed large quantities of crack cocaine and cocaine manufactured outside of Alaska;
- Defendant used several locations, including hotels frequented by interstate travelers, to purchase drugs and distribute them to underage girls;
- Defendant supplied drugs to underage girls;
- Defendant arranged for the girls to have sex with members of the enterprise in exchange for drugs;
- Defendant was in possession of illegal firearms; and
- Defendant knew that the girls were underage.

## **Section 1591: *Evans***

- Defendant operated a child prostitution ring for commercial gain.
- Defendant's use of the telephone was a critical part of the enterprise.
  - He supplied the women with cell phones.
  - He contacted the women using the phones.
  - He distributed their phone numbers to clients.
- Defendant used several locations for his enterprise, including hotels frequented by interstate travelers.
- Defendant was aware that one of the women had contracted AIDS and induced her over the phone to keep working.