



# Freedom Network USA

CRIMINAL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK, PART AR6

-----X  
THE PEOPLE OF THE STATE OF NEW YORK,

- against -

AFFIDAVIT

Docket No.  
\_\_\_\_\_

CLIENT NAME,

Defendant.

-----X

**TO BE FILED UNDER SEAL PURSUANT TO CIVIL RIGHTS LAW § 50-B**

STATE OF NEW YORK

ss.:

COUNTY OF NEW YORK

**CLIENT NAME, being duly sworn, deposes and says:**

1. My name is CLIENT NAME. I am the person prosecuted and convicted in the above-captioned docket. I submit this affidavit in support of the motion to vacate my prior prostitution-related conviction because that conviction is the result of my being a victim of trafficking.

**Childhood in Mexico**

2. I was born on January 3, 1980 in Monterrey, Mexico. I was the youngest of three children. My father left us when I was six years old.
3. Our financial situation was difficult after my father left. My mother never graduated from high school and it was difficult for her to earn enough to support me and my



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brothers. As far as I know, my father my father never sent any money to my family after he left us.

4. I dropped out of school in Mexico when I was sixteen years old. After dropping out, I went to work with my cousin who cleaned houses. I worked as a live-in domestic worker about an hour from home for eight months. After that, I worked in a bakery with a different cousin and lived with her in the same town.

## **Meeting my Trafficker**

5. On a Friday morning in November 1998, as I walked through a park near my cousin's house, a man I did not know began following me. He appeared older, and I later found out he was 32. As he followed me and said nice things to me, I became less nervous and was flattered by his attention. He introduced himself as Ricardo. He then asked me for my telephone number and I gave him the bakery's number.
6. Ricardo and I went on a few dates and after about two weeks he told me he wanted me to meet his family. He told me his family lived in a nearby town and that we would have to take a bus to get there. Ricardo took me to the bus station where he bought tickets to a location unknown to me. About thirty minutes into the ride, I became scared and kept asking him where we were going. He refused to tell me. I insisted to Ricardo that we get off the bus but he kept telling me we were almost there. We were on the bus for three hours without stopping.
7. We arrived in a very small town in an area I'd never been to before around 2PM. We went to a two-story house that was empty when we arrived. Ricardo told me



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his family would arrive shortly and we would have dinner with them. We waited for a long time but no one showed up.

8. Around 8PM, I begged Ricardo to take me back to my cousin's house. He scolded me, saying it would be rude to come all the way to his family's house and not meet them. He would not let me leave, and since I had no idea where I was, I was afraid to leave on my own. I eventually fell asleep, and when I woke up the next morning Ricardo had taken my purse and keys. He refused to take me home and did not let me call my cousin or boss to tell them where I was. Ricardo's parents and four brothers were also in the house when I woke up and I discovered that they all lived in the home together.
9. After a few days at Ricardo's house, I realized that he was never going to take me back home.
10. On the third day in Ricardo's house, I began a sexual relationship with him. I was only eighteen and believed we were going to get married.
11. Soon after we began a sexual relationship, Ricardo became abusive towards me. One time, he came home drunk and wanted to have sex. I told him I didn't want to have sex but he got on top of me anyway. I pushed him off and ran downstairs. Ricardo followed me to the kitchen and punched me, then forced me to have sex.
12. I ended up spending about a month at Ricardo's house. While I was there, Ricardo told me not to leave the house because I would get robbed. While in the house, I cooked and cleaned.



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13. Ricardo allowed me to call my mother one time while I was living with him. I told my mother that I was with him and she cried and asked why I would do that. I told her it was okay and we would visit soon so Ricardo could ask her for my hand in marriage. Ricardo stood next to me the entire time I was on the phone.

## **Trafficked into the U.S.**

14. One night, after that month in the house, Ricardo told me we were going over to his uncle's house for dinner. When we got to his uncle's house, I found out that his uncle was a coyote and that Ricardo planned for the two of us to go to the U.S. Ricardo paid his uncle \$2500 to help us cross the border and get us both fake birth certificates. I did not want to try and cross the border but I had no money and nowhere to turn, so I obeyed what Ricardo said.

15. In January 1999, we crossed into the U.S. We walked from house to house and then got into the back of a van where we drove for hours and hours. I am not sure where we were during that time but we ended up in New York.

16. We stayed in the basement of a house with Ricardo's brother and his girlfriend. A few weeks went by and Ricardo was spending less and less time at the house. I kept asking him about getting a job, but he said I didn't need to work because his brother was lending us money.

## **Victim of Severe Form of Trafficking with Ricardo**



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17. After about two months, in March 1999, Ricardo told me I should engage in prostitution to get money. He said we had to pay back his uncle and that if we saved enough money we could build a house in Mexico. Ricardo told me his brother's girlfriend was already engaging in prostitution and that she was making good money.
18. For a few weeks, I refused to engage in prostitution. I cried all the time and said I wanted to go home. Ricardo told me I had to make money if I wanted to go home. Because I had nowhere to go, spoke no English, and knew no one else in the U.S., I felt like I had no choice but to start engaging in prostitution. I was expected to be at a different brothel each week, for six days a week. If I missed any days, Ricardo would hit me.
19. Ricardo's brother's girlfriend made the arrangements for us. We would take taxis to brothels in neighborhoods all around New York. Ricardo made me give him all the money I made.
20. Ricardo became physically abusive toward me, especially when he drank. He hit my face, punched my arms and legs, kicked me, and locked me in the bathroom. Sometimes I locked myself in the bathroom to escape him but he would force the door open and come in and hit me.
21. When he had been drinking, Ricardo expected me to have sex with him whenever he wanted. On more than one occasion, after drinking, he raped me.
22. Ricardo prostituted me for four years. I often told him that I did not want to engage in prostitution, but he always told me that I had to. I thought that I loved Ricardo



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and did not want him to leave me. I did not know anyone else in the U.S. but Ricardo and his family and I depended on them. He always told me he loved me, and since he was sometimes kind to me, I believed him. He promised that when we had enough money we would move back to Mexico and build a house. He told me he knew exactly how much we needed to save for flights and construction on a home and that we were getting closer to having enough.

23. I felt helpless throughout this time. I felt I did not have any choice but to engage in prostitution. I never left the house except to make money or when Ricardo took me out. Ricardo told me not to speak to anyone, and I know that his brother's girlfriend reported back to him each morning.

## **Arrest**

24. Ricardo had given me specific instructions as to what I should do if I were arrested. He told me to give the police a fake name. I received additional instructions from the people who ran the brothels. They told us not to provide any information to the police and that they would arrange lawyers for us.

25. I was arrested only one time. I was charged with prostitution and trespassing. The lawyer told me to plead guilty to both charges because I would not have to spend time in jail. I gave both the lawyer and the court a fake name, which is why this conviction is under a different name. I think there were other women arrested at the same time as me because they were at the same brothel that day.

## **Escape from my Trafficker**



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26. One day in the spring of 2003, I woke up and Ricardo was not there. It was not unusual for him to be gone for a few days at a time, and I was not feeling well so I did not go out that day.
27. The next day, I went out to the brothel and when I got home afterwards Ricardo was still not there. Only now, the clothes that I had and the small amount of money I had hidden away were gone.
28. I confronted Ricardo's brother about it and he said he didn't know anything about it. He also told me that Ricardo was with another woman and was not coming back.

## **Return to Prostitution**

29. I was very upset with Ricardo, but also relieved in some way because I thought I would not have to engage in prostitution anymore. A girl I knew from one of the brothels let me stay with her for a few months. I started to look for work to support myself but employment agencies told me I needed work papers. I had no English skills or legal status in the U.S. so I was unable to find work
30. I learned through some of the girls at the different brothels that Ricardo was looking for me. I tried to avoid brothels where his brother's girlfriend engaged in prostitution, but we still ended up at the same places on a few occasions. I had bought a new cell phone and somehow he got the number and started calling me repeatedly. I would answer because part of me still felt like I loved him, but I was too scared to ever meet up with him in person. I was worried he would try to



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prostitute me again and hurt me if I refused. After a few weeks, the calls from Ricardo slowed down to one every few months.

31. I hated that I was still engaging in prostitution but I could not do anything else. My friend got evicted from her apartment so we rented a studio apartment together but it was very expensive and prostitution was the only way I had to support myself because I did not speak English or have the skills to work a different job.

32. I was also very afraid that someone would recognize me. I thought that, even if I could get a job outside of prostitution, I might run into some of the clients I was forced to have sex with. I worried about seeing them outside of the brothel because I did not know what they would say to me or if they would harass me and embarrass me in front of others, especially those in my Mexican community. It would have been horrendous for people to know that I engaged in prostitution, even if they know I was forced to do it.

## **Rebuilding my Life**

33. My roommate was ultimately arrested and she got a lawyer with Legal Aid. Her lawyer connected her with a social worker, and when she felt comfortable with the social worker, she told me I should reach out to that agency as well. I reached out and was linked with a social worker they very next day.

34. With the help of my social service providers, I have moved on and received counseling. I know now that it is okay for me to participate in regular society and that I am worthy of the community. My social worker helped me get out of prostitution. I am doing better now and would never consider entering into





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prostitution again. I have rebuilt my life and get emotional strength from my social worker, my new friends (other women who were also trafficked into sex work from Mexico) and my family.

35. My social worker helped me find employment at a restaurant. I have worked at the restaurant for about three years now and have performed most roles: hostess, dishwasher, and waitress. I am very interested in learning how to cook well and my manager lets me back into the kitchen when it is slow so that I may be able to work as a cook there some day.
36. I worry that my record will hurt my chances of advancing my employment or finding other employment in the future.
37. In addition, it is crucial for me to vacate the convictions for peace of mind. I have been through a lot and wiping the record clean would help me to put the pain of those years behind me.
38. With my record clean, I will also be able to focus on my future. I'd like to learn English and maybe even go to school for cooking. I also dream of buying a home some day and maybe having a child.
39. In light of the above, and based on the arguments of my counsel, I respectfully request that this Court grant this motion and enter an order vacating the judgments of conviction entered in the above-styled cases, and dismissing the accusatory instruments.



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I certify under penalty of perjury that the above statements have been read to me in Spanish and are true and correct to the best of my knowledge.

\_\_\_\_\_  
CLIENT NAME

Dated: December \_\_, 2017  
New York, New York

\_\_\_\_\_  
CLIENT NAME

Sworn to before me this \_\_ day of December, 2017.

\_\_\_\_\_  
NOTARY PUBLIC