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## U.S. Legal Remedies for Minor Victims of Sex Tourism and Sex Trafficking



In 2003, the United States Congress passed a law to fight sex tourism and sexual abuse of children. Congress titled the law the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (“PROTECT”) Act.<sup>1</sup> Under the PROTECT Act, any U.S. citizen or legal permanent resident who sexually abuses or exploits children, anywhere in the world, can be held accountable in U.S. federal courts.

### TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT (18 U.S.C. § 2423(b))

This law makes it a criminal offense:

- for a U.S. citizen or green-card holder to travel abroad for the purpose of raping, molesting, or engaging in prostitution with anyone under the age of 18
- for any person to travel to the United States, or between states within the United States, for the purpose of raping, molesting, or engaging in prostitution with anyone under the age of 18

<sup>1</sup> Pub. L. 108–21, 117 Stat. 650 (2003).



### ENGAGING IN ILLICIT SEXUAL CONDUCT IN FOREIGN PLACES (18 U.S.C. § 2423(c))

This law makes it a criminal offense:

- for a **United States citizen or green-card holder** who travels in foreign commerce or resides, either temporarily or permanently, in a foreign country
- to **rape, molest, or engage** in prostitution with anyone under the age of 18<sup>2</sup>

Defendants can face criminal sentences of up to 30 years in prison for each violation of the law.

In addition, the PROTECT Act created a private right of action for victims to bring civil cases for damages:

### PRIVATE RIGHT OF ACTION (18 U.S.C. § 2255(a))

The law allows any person who was under 18 at the time they were trafficked, victimized in pornography, or sexually abused by a person engaging in interstate travel or sex tourism (among other crimes), and who suffers an injury, to:

- **file** a civil suit in a federal district court in the United States
- **recover** the actual damages the victim sustains or \$150,000 in statutory damages
- **recover** reasonable attorney's fees and other litigation costs
- **recover** punitive damages, as well as other forms of relief

The PROTECT Act has been used to hold U.S. citizens accountable for sexually abusing children in 24 countries around the world. The majority of these cases occurred in Cambodia, Haiti, the Philippines, and Thailand.<sup>3</sup> These cases have included federal criminal prosecutions and a smaller number of federal civil law suits brought by victims.

This Practice Guide provides an overview of criminal and civil liability under the PROTECT Act.<sup>4</sup> The Guide addresses frequently asked questions and provides case examples of criminal and civil PROTECT Act cases. *This guide is not intended to provide legal advice and should not be used for that purpose. Please consult an attorney for questions on specific legal matters.*

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<sup>2</sup> In 2013, Congress amended 18 U.S.C. § 2423(c) to include “or resides, either temporarily or permanently, in a foreign country”. Pub. L. 113–4, title XII, § 1211(b), Mar. 7, 2013, 127 Stat. 142.

<sup>3</sup> See Appendices A, B, and C.

<sup>4</sup> This Practice Guide focuses specifically on criminal and civil liability for U.S. citizens and permanent residents who have sexually abused minors abroad. Several countries have established extraterritorial jurisdiction over their citizens who sexually abuse and exploit children abroad. These countries include Australia, Canada, Denmark, France, Italy, Japan, the Netherlands, New Zealand, Spain, Sweden, and the United Kingdom. For more on extraterritorial jurisdiction for child sexual exploitation, see ECPAT International, Hawke, Angela and Raphael, Alison, *Offenders on the Move: Global Study on Sexual Exploitation of Children in Travel and Tourism 2016* (May 2016).



## 1. Criminal Prosecution Under the PROTECT Act

As of June 2018, federal prosecutors had brought at least 68 criminal cases under the PROTECT Act for actual or attempted sexual abuse of children overseas.<sup>5</sup> Defendants have included missionaries, priests, educators, orphanage staff, U.S. government employees, U.S. government contractors, doctors, Peace Corps volunteers, and non-governmental organization (NGO) staff. Other U.S. citizens and legal permanent residents traveling as tourists have also faced prosecution for abusing children under the PROTECT Act.

### WHAT ARE THE CRIMINAL PENALTIES?

A U.S. citizen or legal permanent resident found guilty of sexually abusing or exploiting a child in a foreign country is subject to a maximum of 30 years of imprisonment per count charged. A federal court may also order the defendant to pay fines to the government and/or pay criminal restitution (compensation) to the victim. For example, in *United States v. Pepe*, the defendant, a retired Marine Corps captain, was convicted on seven counts of traveling to Cambodia for the purpose of engaging in illicit sexual conduct with minors. The defendant was sentenced to 30 years on each count, for a total of 210 years of imprisonment. He was also ordered to pay \$242,213 in restitution to his victims.<sup>6</sup>

Of the 68 federal criminal cases identified, 62 have resulted in criminal convictions, with sentences ranging from 37 months to 330 years in prison. Of the 62 cases ending in criminal convictions or guilty pleas, 19 have resulted in restitution (compensation) for the victims.<sup>7</sup> Under a restitution order, the defendant is responsible for paying the victim for any out-of-pocket losses directly related to the crime. In *United States v. Perlitz*, for example, a U.S.-citizen priest sexually abused multiple male children who attended a residential charity school in Haiti. When the victims came forward, the children lost support from the charity school. The court ordered the defendant to pay restitution to his victims totaling \$48,879.29. The court ordered this amount to cover the shelter, housing, and school fees the children lost after they reported the crimes.<sup>8</sup> In *United v. Abramov*, a federal jury convicted a dual Russian and U.S. citizen of traveling to Russia multiple times to rape minor girls. The court sentenced Abramov to 150 years in prison. The court also ordered Abramov to pay restitution in the amount of \$8,055 to three victims to cover the costs of past, present, and future therapy related to Abramov's sexual abuse.<sup>9</sup>

<sup>5</sup> See Appendix A. This figure does not include prosecutions brought under the PROTECT Act for child sexual abuse cases occurring within the United States.

<sup>6</sup> *U.S. v. Pepe*, No. 14-50095 (9th Cir.). As of June 2018, the defendant's appeal is ongoing.

<sup>7</sup> See Appendices A and B.

<sup>8</sup> Restitution Order, *U.S. v. Perlitz*, No. 09-cr-00207 (D. Conn. July 15, 2011); Sentencing Memorandum of the United States, *U.S. v. Perlitz*, No. 09-cr-00207 (D. Conn. Dec. 16, 2010). Perlitz pled guilty to travel with intent to engage in illicit sexual conduct and was sentenced to 235 months in prison.

<sup>9</sup> Restitution Order, *U.S. v. Abramov*, No. 2:14-cr-00241 (C.D. Cal. May 9, 2016); Sentencing Memorandum of the United States, *U.S. v. Abramov*, No. 2:14-cr-00241 (C.D. Cal. Feb. 9, 2016).



Restitution awards cover only out-of-pocket expenses. These orders do not cover pain and suffering, emotional distress, compensation for tort violations, statutory damages, or punitive damages. As discussed below, victims can pursue these additional damages in civil cases in U.S. federal courts. The United States allows victims of crime to recover both criminal restitution and civil damages.

### **CAN A PERPETRATOR WHO HAS BEEN PROSECUTED ABROAD STILL BE PROSECUTED IN THE UNITED STATES?**

Yes. U.S. federal prosecutors may prosecute individuals who have already been subject to prosecution in other countries for the same crimes. In fact, defendants convicted in Cambodia,<sup>10</sup> Thailand,<sup>11</sup> Germany,<sup>12</sup> and the U.K.<sup>13</sup> have faced subsequent prosecution in the United States for violations of the PROTECT Act.

### **CAN SEX TOUR OPERATORS BE PROSECUTED UNDER THE LAW?**

Yes. The law also criminalizes offering sex tourism to travelers. In *United States v. Evans*, for example, the defendant pled guilty to conspiring to operate child sex tours in Honduras and Costa Rica. He was sentenced to more than 20 years in prison.<sup>14</sup>

### **DO THE CHILDREN HAVE TO TESTIFY IN U.S. COURTS?**

In some cases, yes. If the U.S. government brings a child to the United States to testify, it is advisable for the child to have an attorney to represent the child's rights as a criminal victim-witness. Non-governmental organizations in the United States can assist partner organizations in identifying *pro bono* attorneys prior to the child's arrival.

### **HOW CAN CASES BE REPORTED TO U.S. FEDERAL AUTHORITIES?**

If you are aware of a case involving the sexual exploitation of children by a U.S. citizen or legal permanent resident, report the incident to Immigration and Customs Enforcement/Homeland Security Investigations (ICE) by calling the ICE hotline at 1-866-347-2423, or emailing ICE at [predator@DHS.gov](mailto:predator@DHS.gov). In addition to law enforcement, local nonprofit organizations can provide more information on how to report abuse. For example, ECPAT, an international organization working to combat sexual exploitation of children, has members in 92 countries across the globe.<sup>15</sup>

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<sup>10</sup> *U.S. v. Johnson*, No. 6:14-cr-00482 (D. Or.) (convicted in Cambodia of abuse of one or more minors and sentenced to one year of imprisonment).

<sup>11</sup> *U.S. v. Shapiro*, No. 2:15-cr-00224 (C.D. Cal.) (convicted in Thailand of engaging in sexual acts with a child 15 years or younger and taking a child 15 years or younger away from his parents or guardian).

<sup>12</sup> *U.S. v. Pendleton*, No. 1:08-cr-00111 (D. Del.) (convicted in Germany of sexual abuse of persons incapable of resistance).

<sup>13</sup> *U.S. v. Bohning*, No. 0:04-cr-60046 (S.D. Fla.) (Bohning pled guilty in the U.K. to possessing and distributing indecent images and publishing an indecent article and was sentenced to 30 months in prison. He was then extradited to the United States for prosecution).

<sup>14</sup> *U.S. v. Evans*, No. 6:06-cr-00075 (M.D. Fla.).

<sup>15</sup> For more, see <http://www.ecpat.org/where-we-work/>. If reporting abuse in Europe, see <http://www.reportchildsextourism.eu/>.



## 2. Civil Cases for Damages under the PROTECT Act

In the United States, the criminal and civil legal systems are separate. As discussed below, a civil case may be brought without a criminal case, or even after a criminal case. While a civil case alone cannot send a defendant to prison, the court can order compensatory and punitive damages, as well as attorney’s fees. As of June 2018, victims had filed at least 11 federal civil cases under the PROTECT Act for abuses they suffered overseas at the hands of U.S. citizens.<sup>16</sup>

### WHO CAN BE SUED?

Any U.S. citizen or permanent resident who sexually abuses a minor in a foreign country can be sued in federal civil court for damages under the PROTECT Act. It does not matter if the perpetrator did not have the intent to rape, molest, or engage in commercial sex with a child when he traveled to a foreign country.<sup>17</sup> It matters only that the perpetrator did commit these acts while in the foreign country. The law also covers those who operate sex tourism companies.<sup>18</sup>

In *Plaintiffs v. Schair*, for example, four Brazilian women filed a federal civil suit against a U.S. citizen, alleging that the defendant arranged for U.S. citizens to travel to Brazil for child sex tourism. The plaintiffs were all under 18 years of age at the time of their trafficking—one as young as 12 years old. The victims alleged that they, and other girls, were lured onto the defendant’s fishing tour boat, given alcohol and drugs, and coerced into performing commercial sex acts with the defendant and his customers. The case ultimately ended in a confidential settlement.<sup>19</sup>

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<sup>16</sup> See Appendices B and C. The total number of cases filed, 11, does not include lawsuits brought under the PROTECT Act for child sexual abuse cases occurring within the United States. A total of 79 cases have been filed against Douglas Perlitz, a former priest who sexually abused multiple victims in Haiti. These complaints were consolidated into two cases: *Gervil v. Perlitz*, No. 3:13-cv-01132 (D. Conn. Aug. 8, 2012) (consolidating 55 cases with the lead case) and *Jean-Charles v. Perlitz*, No. 3:11-cv-00614 (D. Conn. Jan. 12, 2012) (consolidating 22 cases with the lead case).

<sup>17</sup> 18 U.S.C. § 2423(b) specifically prohibits traveling with the intent to engage in illicit sexual conduct. 18 U.S.C. § 2423(c) does not require the “travel with intent” element.

<sup>18</sup> See 18 U.S.C. § 2423(d): Whoever, for the purpose of commercial advantage or private financial gain, arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 30 years, or both.

<sup>19</sup> *Plaintiffs v. Schair*, No. 11-cv-145 (N.D. Ga. filed June 14, 2011). While this case was brought under federal anti-trafficking statutes, similar fact patterns could also be brought under the PROTECT Act.



## U.S. Legal Remedies for Minor Victims of Sex Tourism and Sex Trafficking

The U.S. federal courts are split on whether victims can bring a civil law suit against parties beyond the perpetrator and child sex tour operators. In *Joseph Jean-Charles v. Perlitz*, a federal court in Connecticut held that the text of the PROTECT Act does not allow courts to hold third parties, such as employers, accountable for a defendant's sexual abuse of children. The court therefore dismissed the claims against the supervisors of the defendant-priest who sexually abused multiple boys in Haiti, holding that they were not liable under the PROTECT Act.<sup>20</sup> But in *Doe v. Liberatore*, a federal court in Pennsylvania stated that third parties may be liable under the PROTECT Act if they have criminally aided or abetted the defendant in the commission of his crimes. The court ultimately dismissed the claims against the third parties, ruling that there was not enough evidence to show that they shared knowledge that the defendant-priest, Liberatore, was sexually abusing a minor.<sup>21</sup>

### WHO CAN FILE A LAWSUIT?

Any victim under the age of 18 at the time of the sexual abuse by a U.S. citizen or legal permanent resident can file a lawsuit. Victims who have reached adulthood can sue their abusers on their own. Victims who are still minors can file a lawsuit through an adult representative, known as a “next friend.” Depending on the case, a counselor, parent,<sup>22</sup> legal guardian, or other individual with a relationship to the child may be eligible to serve as a “next friend.” Courts prefer that the child have a prior relationship with the individual or group before that person enters the case as a “next friend.” But a prior relationship between the child and the representative is not necessarily required.<sup>23</sup>

### DOES A VICTIM HAVE TO FILE UNDER HIS OR HER OWN NAME?

A victim may file a civil claim under the PROTECT Act under a pseudonym or fake name, such as John Doe or Jane Doe, with the permission of the court. Of the 11 civil cases filed in the United States, three civil cases were filed anonymously without a challenge from the defendants.<sup>24</sup> In determining whether to allow a plaintiff to proceed under a pseudonym, the court must weigh the victim's privacy interests against the need for an open judicial proceeding. Potential embarrassment that the plaintiff may suffer is not sufficient to warrant an anonymous filing. In *Zavarov v. Schneider*, for example, the defendant challenged the plaintiff's filing under pseudonym. The court held that the plaintiff only stated that he would suffer

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<sup>20</sup> 937 F. Supp. 2d 276, 281 (D. Conn. 2013).

<sup>21</sup> *Doe v. Liberatore*, 478 F. Supp. 2d 742, 756 (M.D. Pa. 2007).

<sup>22</sup> See, e.g., Complaint at 2, *Boonma v. Bredimus*, No. 05-0684 (N.D. Tex. filed Apr. 7, 2005); cf. *Z.A. v. Oswald*, No. 08-643, 2008 WL 4372736 (E.D. Mo. Sept. 22, 2008) (mother acted as next friend in civil suit under 18 USC § 2255 based on child pornography).

<sup>23</sup> *Sam M ex. Rel. Elliot v. Carcieri*, 608 F.3d 77, 85 (1st Cir. 2010) (the U.S. Supreme Court has not held that a prior relationship is required).

<sup>24</sup> See Appendices B and C.



embarrassment and harm to his career, without specifying concrete harm, and therefore did not adequately demonstrate his privacy and security interests.<sup>25</sup> The court required the victim to file the civil case under his real name.

### CAN A VICTIM FILE A LAWSUIT IF THERE WAS A CRIMINAL CONVICTION?

Yes. A victim may file a lawsuit if their abuser has been criminally convicted in either the United States or the country where the crime was committed. In fact, of the 11 civil PROTECT Act cases filed, six cases had corresponding criminal prosecutions in the U.S.<sup>26</sup> A civil trial following a criminal conviction is far easier for the victim(s) bringing the lawsuit: the criminal court has already established liability, so the civil litigation focuses on damages.

### IF A VICTIM HAS RECEIVED CRIMINAL RESTITUTION, CAN HE OR SHE STILL RECEIVE CIVIL DAMAGES?

Yes. A civil action under the PROTECT Act allows a victim to recover additional money damages not included in criminal restitution. These damages include punitive damages, as well as compensatory damages for pain and suffering, as well as mental and emotional distress.<sup>27</sup> In *United States v. Schneider*, for example, a federal jury convicted the defendant of sexually abusing a Russian minor over the course of six years. The defendant was sentenced to 180 months in prison and ordered to pay the victim restitution in the amount of \$35,000.<sup>28</sup> The victim filed a civil case, *Zavarov v. Schneider*, under the PROTECT Act in a federal court in Pennsylvania. The court stayed the case during the criminal proceedings. Following the criminal trial, the federal civil case proceeded. The civil case ultimately settled for a confidential amount.<sup>29</sup>

In *Doe v. Liberatore*, the plaintiff alleged that his former priest sexually abused him when he was a teenager—both in the United States and on a trip to Europe. At the time of filing, the defendant was subject to a related criminal indictment in the state of New York. The defendant pled guilty to attempted sexual abuse stemming from the case and was sentenced to ten years of probation. The Roman Catholic Diocese of Scranton, Pennsylvania eventually agreed to pay a \$3 million settlement to the victim in the civil case.<sup>30</sup>

<sup>25</sup> Order at 2, *Zavarov v. Schneider*, No. 08-cv-03805 (E.D. Pa. filed Mar. 24, 2010).

<sup>26</sup> See Appendix B.

<sup>27</sup> See *Doe v. Hesketh*, 828 F.3d 159, 170 (3d Cir. 2016) (confirming that a victim who has received restitution in a criminal case could file a subsequent civil action).

<sup>28</sup> *U.S. v. Schneider*, 801 F.3d 186 (3d Cir. 2015).

<sup>29</sup> *Zavarov v. Schneider*, No. 2:08-cv-03805 (E.D. Pa.).

<sup>30</sup> Sean D. Hamill, *Scranton Diocese to Pay \$3 Million in Sex Abuse Case*, N.Y. TIMES, Nov. 9, 2007, available at <https://www.nytimes.com/2007/11/09/us/09priest.html>.



In 2010, an American priest pled guilty to travel with intent to engage in illicit sexual conduct, was sentenced to 235 months in prison, and was ordered to pay \$48,879.29 in restitution to his victims. The defendant ran a residential school in Haiti for underprivileged boys. He sexually abused dozens of boys for more than ten years. Following the defendant's conviction, 24 civil cases were filed against the defendant, as well as his religious order, employers, and supervisors, alleging violations of the PROTECT Act and the Trafficking Victims Protection Act. These cases were consolidated under *Jean-Charles v. Perlitz*. The defendants eventually agreed to pay a \$12 million settlement to 24 victims.<sup>31</sup>

### IS A CRIMINAL CONVICTION REQUIRED BEFORE A VICTIM CAN FILE A LAWSUIT?

No. A criminal conviction is not required. A civil action may be commenced at any time.

In *Vang v. Prataya*, for example, the plaintiff, a victim of sexual abuse by a U.S. citizen, filed a law suit in federal court in Minnesota. She brought the case under the PROTECT Act and the Trafficking Victims Protection Act, alleging that the defendant Prataya traveled to Laos and raped her when she was 14 years old. There was no federal criminal prosecution. A federal jury found the defendant liable for violating the PROTECT Act and awarded a \$950,000 judgment to the victim.<sup>32</sup>

A plaintiff may file a PROTECT Act suit even before the defendant is criminally convicted.<sup>33</sup> Indeed, waiting for a conviction may subject a victim to the risk that his or her claim will become time-barred.

<sup>31</sup> Simmons Hanly Conroy, *Simmons Hanly Conroy settles landmark sex abuse case on behalf of 24 Haitian victims for \$12 million* (July 1, 2013), <https://www.simmonsfirm.com/news/item/simmons-hanly-conroy-settles-landmark-sex-abuse-case-behalf-24-haitian-victims-12-million/>. Fifty-five additional civil suits have since been filed and consolidated under *Gervil v. Perlitz*, No. 3:13-cv-01132 (D. Conn. Aug. 8, 2012). This case is ongoing.

<sup>32</sup> *Vang v. Prataya*, No. 12-cv-1847 (D. Minn. 2012).

<sup>33</sup> See, e.g., *Smith v. Husband*, 376 F. Supp. 2d 603, 612-13 (E.D. Va. 2005) (relying on legislative history and "other federal statutes providing for civil remedies to victims of criminal acts" in finding that "Congress did not intend to provide a civil remedy for only those crimes where the perpetrator has been convicted criminally"); cf. *Cisneros v. Aragon*, 485 F.3d 1226, 1232 (10th Cir. 2007) ("[A]ssum[ing] that a criminal conviction is not necessary for a defendant to face civil liability under the statute"); but see *Doe v. City of Waterbury*, 453 F. Supp. 2d 537, 553 (D. Conn. 2006) (denying plaintiff's summary judgment motion in action seeking civil remedies under Section 2255 where the defendant "has not been indicted, tried or convicted" under any of the predicate criminal statutes listed in Section 2255).





### HOW LONG DO I HAVE TO FILE? WHAT IS THE STATUTE OF LIMITATIONS?

The PROTECT Act became law on April 30, 2003 and was later amended in 2013. A different statute of limitations provision will apply depending on when the alleged violations occurred. For alleged violations that occurred before March 7, 2013, the statute of limitations is six years. Any violations that occur on or after March 7, 2013 have a statute of limitations requiring that a case be filed within ten years of the abuse or no later than three years after the victim turns 18.<sup>34</sup> It is always important to consult a lawyer to avoid missing deadlines that may make a civil suit impossible.

### WHAT ARE THE CIVIL DAMAGES AVAILABLE UNDER THE PROTECT ACT?

Under the PROTECT Act, victims can choose to recover their “actual damages” or “presumptive damages” of no less than \$150,000.<sup>35</sup> In most civil cases in the United States, plaintiffs “must show the amount of their damages” by offering proof at a hearing or trial. In contrast, PROTECT Act plaintiffs can “recover [\$150,000] without having to endure potentially damaging damages hearing” under the statute’s presumptive-damages provision.<sup>36</sup> The presumptive-damages figure of \$150,000 is a statutory floor. If the full amount of actual damages exceeds \$150,000, the plaintiff is free to pursue the higher amount.

The PROTECT Act also includes a fee-shifting provision; a successful plaintiff can recover reasonable attorney’s fees from the defendant.

### WHAT IS THE MOST COMMON DEFENSE RAISED BY DEFENDANTS?

Defendants in civil PROTECT Act cases frequently argue that it would be better to litigate the case in the country where the alleged criminal acts occurred, rather than in the United States.

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<sup>34</sup> 18 U.S.C. § 2255(b).

<sup>35</sup> See *Prewett v. Weems*, 749 F.3d 454, 457 (6th Cir. 2014) (“Any victim who proves that her damages against a single defendant exceed the statutory floor [of \$150,000] will recover the full extent of the damages she suffered, not a penny less. The \$150,000 measure of damages assists only victims who have difficulty providing actual damages; it never caps victims who show harm worth more than \$150,000.”); *Doe v. Bruno*, No. 3:17 CV 217, 2017 WL 1424298, at \*3 (D. Conn. Apr. 20, 2017) (“The statute provides plaintiff with two options: she can accept the presumptive floor in the statute of \$150,000 without proving any actual damages, or she can recover greater damages with proof that such damages exceed \$150,000.”); *Shovah v. Mercure*, 44 F. Supp. 3d 504, 510 (D. Vt. 2014) (to recover damages under Section 2255 plaintiff need only show that he or she was a victim of a sex crime under the enumerated statutes).

<sup>36</sup> *Stephens v. Clash*, 796 F.3d 281, 285 (3d Cir. 2005).



### DOES THE VICTIM HAVE TO TESTIFY IN THE UNITED STATES?

It is possible. If the civil suit follows a criminal conviction and focuses on civil damages, there may be no need for a child victim to re-testify as to the defendant's crimes. If the defendant has already been convicted, the conviction may be enough to establish liability in the civil suit. However, if the civil lawsuit addresses issues not directly determined in the criminal prosecution, the client may have to testify about the underlying facts. In addition, testimony may be required on the damages issues.

### ADDITIONAL MATERIALS ON THE PROTECT ACT

There are several helpful resources about the PROTECT Act and child sex tourism. These include:

- **U.S. Department of Justice**, *Report to Congress: The National Strategy for Child Exploitation Prevention and Interdiction* (April 2016), <https://www.justice.gov/psc/file/842411/download>
- **U.S. Department of Justice**, *Citizen's Guide To U.S. Federal Law On The Extraterritorial Sexual Exploitation Of Children*, <https://www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-extraterritorial-sexual-exploitation-children>.

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*This guide is not intended to serve as legal advice and should not be relied upon for that purpose. The Human Trafficking Legal Center does not represent victims directly in PROTECT Act cases. It is strongly suggested that victims considering reporting to law enforcement or filing a civil suit in U.S. courts consult with an attorney with expertise in this field.*

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### APPENDIX A: ALLEGATIONS RESULTING IN A FEDERAL CRIMINAL CASE ONLY

	Case Citation	Country of Abuse	Status (as of June 2018)
1	<i>U.S. v. Rudd</i> , No. 8:07-cr-00163 (C.D. Cal.)	Bangladesh	Sentenced to 78 months of imprisonment, followed by ten years of supervised release; ordered to pay \$15,000 in restitution to the victims.
2	<i>U.S. v. Flath</i> , No. 2:11-cr-00069 (E.D. Wis.)	Belize	Sentenced to five years of imprisonment, followed by ten years of supervised release. No restitution.
3	<i>U.S. v. Clark</i> , No. 2:03-cr-00406 (W.D. Wash.)	Cambodia	Sentenced to 97 months of imprisonment, followed by five years of supervised release. No restitution.
4	<i>U.S. v. Dodd</i> , No. 2:10-cr-00235 (C.D. Cal.)	Cambodia	Sentenced to 104 months of imprisonment, followed by ten years of supervised release; ordered to pay \$9,500 in restitution to the victim.
5	<i>U.S. v. Jackson</i> , No. 2:03-cr-00498 (W.D. Wash.)	Cambodia	Defendant's motion to dismiss indictment on <i>ex post facto</i> grounds granted. The dismissal was affirmed on appeal.
6	<i>U.S. v. Jayavarman</i> , No. 3:13-cr-00097 (D. Alaska)	Cambodia	Sentenced to 18 years of imprisonment, followed by a lifetime of supervised release; ordered to pay a fine in the amount of \$50,000. No restitution.
7	<i>U.S. v. Johnson</i> , No. 6:14-cr-00482 (D. Or.)	Cambodia	Sentencing scheduled for 8/22/18.
8	<i>U.S. v. Mitchell</i> , No. 1:09-cr-00374 (D. Haw.)	Cambodia	Sentenced to 46 months of imprisonment, followed by a lifetime of supervised release; ordered to pay a special assessment of \$100 and restitution in the amount of \$6,500.26.
9	<i>U.S. v. Pepe</i> , No. 2:07-cr-00168 (C.D. Cal.); <i>U.S. v. Pepe</i> , No. 14-50095 (9th Cir.)	Cambodia	Sentenced to 210 years of imprisonment; ordered to pay \$242,213 in restitution to his victims. Defendant has appealed the decision.
10	<i>U.S. v. Page</i> , No. 15-cr-00284 (D. Minn.)	Cameroon	Sentenced to 120 months of imprisonment, followed by 20 years of supervised release; ordered to pay a special assessment of \$100 and restitution in the amount of \$27,011.74.



## U.S. Legal Remedies for Minor Victims of Sex Tourism and Sex Trafficking

### APPENDIX A: ALLEGATIONS RESULTING IN A FEDERAL CRIMINAL CASE ONLY

	Case Citation	Country of Abuse	Status (as of June 2018)
11	<i>U.S. v. Jordan</i> , No. 3:13-cr-00160 (W.D. Wis.)	Canada	Sentenced to 120 months of imprisonment, followed by ten years of supervised release; ordered to pay a special assessment of \$100. No restitution.
12	<i>U.S. v. Benavides</i> , No. 1:05-cr-00223 (D.D.C.)	Chile	Sentenced to 88 months of imprisonment, followed by 120 months of supervised release. No restitution.
13	<i>U.S. v. Barragan</i> , No. 2:18-cr-00053 (C.D. Cal.)	China	Trial scheduled for 8/21/18.
14	<i>U.S. v. Orjuela</i> , No. 1:12-cr-00281 (D.D.C.)	China	Sentenced to 30 years of imprisonment, followed by a lifetime of supervised release. No restitution.
15	<i>U.S. v. De Jesus</i> , No. 0:14-cr-60270 (S.D. Fla.)	Colombia	Sentenced to 15 years of imprisonment, followed by 25 years of supervised release; ordered to pay a special assessment of \$500. No restitution.
16	<i>U.S. v. Obert</i> , No. 5:04-cr-20107 (N.D. Cal.)	Costa Rica	Sentenced to 51 months of imprisonment, followed by three years of supervised release; ordered to pay \$100 special assessment. No restitution.
17	<i>U.S. v. Symonds</i> , No. 1:17-cr-20836 (S.D. Fla.)	Dominican Republic	Sentencing scheduled for 7/6/18.
18	<i>U.S. v. Pendleton</i> , No. 1:08-cr-00111 (D. Del.)	Germany	Sentenced to the statutory maximum of 30 years imprisonment, followed by a lifetime of supervised release. No restitution.
19	<i>U.S. v. Arbaugh</i> , No. 5:17-cr-00025 (W.D. Va.)	Haiti	Sentencing scheduled for 7/23/18.



**APPENDIX A:**  
ALLEGATIONS RESULTING IN A FEDERAL CRIMINAL CASE ONLY

	Case Citation	Country of Abuse	Status (as of June 2018)
20	<i>U.S. v. Bollinger</i> , No. 3:12-cr-00173 (W.D.N.C.)	Haiti	Sentenced to 25 years of imprisonment, followed by a lifetime of supervised release; ordered to pay \$6,000 in restitution to the victims.
21	<i>U.S. v. Carter</i> , No. 1:11-cr-20350 (S.D. Fla.)	Haiti	Sentenced to 165 years of imprisonment, followed by a lifetime of supervised release; ordered to pay restitution in the amount of \$20,560.
22	<i>U.S. v. Pye</i> , No. 1:17-cr-20205 (S.D. Fla.); <i>U.S. v. Pye</i> , No. 18-10277 (11th Cir.)	Haiti	Sentenced to 40 years of imprisonment, followed by 25 years of supervised release. No restitution. Defendant has appealed the decision.
23	<i>U.S. v. Bryant</i> , No. 5:15-cr-00184 (N.D. Ohio)	Honduras	Sentenced to 90 months of imprisonment. No restitution.
24	<i>U.S. v. Glenn</i> , No. 1:15-cr-20632 (S.D. Fla.)	Honduras	Sentenced to life imprisonment. No restitution.
25	<i>U.S. v. Maurizio</i> , No. 3:14-cr-00023 (W.D. Pa.)	Honduras	Sentenced to 200 months of imprisonment, followed by a lifetime of supervised release; ordered to pay a \$50,000 fine, and a total of \$20,000 in restitution (\$10,000 each to two victims).
26	<i>U.S. v. McGrath</i> , No. 4:14-cr-00566 (S.D. Tex.)	Honduras	Sentenced to 84 months of imprisonment, followed by five years of supervised release. No restitution.
27	<i>U.S. v. Dishman</i> , No. 4:17-cr-00066 (S.D. Tex.)	Indonesia	Sentencing scheduled for 9/7/18.
28	<i>U.S. v. Peacock</i> , No. 3:17-cr-00562 (N.D. Cal.)	Jamaica	Sentencing scheduled for 8/8/18.



## U.S. Legal Remedies for Minor Victims of Sex Tourism and Sex Trafficking

### APPENDIX A: ALLEGATIONS RESULTING IN A FEDERAL CRIMINAL CASE ONLY

	Case Citation	Country of Abuse	Status (as of June 2018)
29	<i>U.S. v. Ott</i> , No. 1:13-cr-00092 (D.D.C.)	Kenya	Sentenced to 20 years of imprisonment, followed by a lifetime of supervised release. No restitution.
30	<i>U.S. v. Campbell</i> , No. 7:15-cr-00235 (W.D. Tex.)	Malawi	Sentenced to 200 months of imprisonment, followed by a lifetime of supervised release; ordered to pay \$40,000 in restitution to the victim.
31	<i>U.S. v. Adelman</i> , No. 3:17-cr-3580 (S.D. Cal.)	Mexico	In progress.
32	<i>U.S. v. Bigler</i> , No. 3:17-cr-02509 (S.D. Cal.)	Mexico	Sentencing scheduled for 9/24/18.
33	<i>U.S. v. Rangel</i> , 6:17-cr-02085 (N.D. Iowa)	Mexico	Sentenced to 240 months of imprisonment, followed by seven years of supervised release; ordered to pay a special assessment of \$10,200. No restitution.
34	<i>U.S. v. Robinette</i> , No. 1:13-cr-00003 (E.D. Cal.)	Mexico, Costa Rica	Sentenced to 35 years of imprisonment, followed by a lifetime of supervised release. No restitution.
35	<i>U.S. v. Perez</i> , No. 2:17-cr-00427 (W.D. Tex.)	Mexico	Sentencing scheduled for 9/13/18.
36	<i>U.S. v. Evans</i> , No. 6:06-cr-00075 (M.D. Fla.)	n/a— sting	Sentenced to 250 months of imprisonment, followed by a lifetime of supervised release. No restitution.
37	<i>U.S. v. Sensi</i> , No. 3:08-cr-00253 (D. Conn.)	Nicaragua	Sentenced to 85 years of imprisonment, followed by a lifetime of supervised release. No restitution.
38	<i>U.S. v. Benjamin</i> , No. 3:18-cr-1282 (S.D. Cal.)	Philippines	In progress. Arrest warrant returned executed on 5/04/18.



**APPENDIX A:**  
ALLEGATIONS RESULTING IN A FEDERAL CRIMINAL CASE ONLY

	Case Citation	Country of Abuse	Status (as of June 2018)
39	<i>U.S. v. Shultz</i> , No. 6:16-cr-10107 (D. Kan.)	Philippines	In progress.
40	<i>U.S. v. Clemans</i> , No. 2:15-cr-00227 (E.D. Cal.)	Philippines	Sentenced to life in prison. No restitution.
41	<i>U.S. v. Herschell</i> , No. 2:13-cr-00006 (W.D. Pa.)	Philippines	Sentenced to 144 months of imprisonment, followed by a lifetime of supervised release. No restitution.
42	<i>U.S. v. Lindsay</i> , No. 3:12-cr-00873 (N.D. Cal.)	Philippines	Sentenced to eight years of imprisonment, followed by five years of supervised release. No restitution.
43	<i>U.S. v. Lynch</i> , No. 8:17-cr-00037 (M.D. Fla.); <i>U.S. v. Lynch</i> , No. 18-10809 (1st Cir.)	Philippines	Sentenced to 330 years in federal prison, followed by 15 years of supervised release. No restitution. Defendant has appealed the decision.
44	<i>U.S. v. Mathias</i> , No. 0:09-cr-60292 (S.D. Fla.)	Philippines	Sentenced to 20 years in prison and five years of supervised release; ordered to pay \$200,000 in restitution to the victims.
45	<i>U.S. v. Pavulak</i> , No. 1:09-cr-00043 (D. Del.)	Philippines	Sentenced to life plus ten years in prison. No restitution.
46	<i>U.S. v. Reed</i> , No. 0:17-cr-00216 (D. Minn.)	Philippines	Sentenced to 72 months in prison, followed by 15 years of supervised release; ordered to pay a \$100 special assessment and \$6,000 in restitution.
47	<i>U.S. v. Rosenow</i> , No. 3:17-cr-3430 (S.D. Cal.)	Philippines	In progress.



## U.S. Legal Remedies for Minor Victims of Sex Tourism and Sex Trafficking

### APPENDIX A: ALLEGATIONS RESULTING IN A FEDERAL CRIMINAL CASE ONLY

	Case Citation	Country of Abuse	Status (as of June 2018)
48	<i>U.S. v. Russell</i> , No. 3:03-cr-03283 (S.D. Cal.)	Philippines	Sentenced to 37 months of imprisonment, followed by three years of supervised release; ordered to pay a \$100 penalty assessment. No restitution.
49	<i>U.S. v. Sara</i> , No. 1:17-cr-00054 (E.D. Va.)	Philippines	Sentenced to 168 months of imprisonment, followed by a lifetime of supervised release. No restitution.
50	<i>U.S. v. Schmidt</i> , No. 1:04-cr-00052 (D. Md.)	Philippines; Cambodia	Sentenced to 15 years in prison, followed by a lifetime of supervised release. No restitution.
51	<i>U.S. v. Seljan</i> , No. 8:03-cr-00232 (C.D. Cal.)	Philippines (attempt)	Sentenced to 20 years of imprisonment, followed by a lifetime of supervised release. Special assessment of \$600. No restitution.
52	<i>U.S. v. Stokes</i> , No. 6:12-cr-03091 (W.D. Mo.)	Philippines	Sentenced to 120 years of imprisonment, followed by a lifetime of supervised release. No restitution.
53	<i>U.S. v. Williams</i> , No. 2:13-cr-00302 (C.D. Cal.)	Philippines	Sentenced to 60 months of imprisonment, followed by ten years of supervised release; ordered to pay \$25,000 in restitution to seven minor victims.
54	<i>U.S. v. Abramov</i> , No. 2:14-cr-00241 (C.D. Cal.)	Russia	Sentenced to 150 years of imprisonment; ordered to pay a special assessment of \$500, a fine of \$25,000, and ordered to pay a total of \$8,055 in restitution for three victims (\$2,685 per victim).
55	<i>U.S. v. Osmun</i> , No. 3:12-cr-00142 (D. Conn.)	South Africa	Sentenced to 15 years of imprisonment, followed by ten years of supervised release; ordered to pay \$10,000 in restitution. In addition to that initial payment of \$10,000, the defendant was ordered to pay, on a monthly basis during his term of supervised release, 15% of his gross income as restitution to the victims of his offense.





**APPENDIX A:**  
ALLEGATIONS RESULTING IN A FEDERAL CRIMINAL CASE ONLY

	Case Citation	Country of Abuse	Status (as of June 2018)
56	<i>U.S. v. Al Maliki</i> , No. 1:13-cr-00121 (N.D. Ohio)	Syria	Sentenced to 292 months of imprisonment, followed by ten years of supervised release. No restitution.
57	<i>U.S. v. Burgess</i> , No. 1:08-cr-00225 (S.D. Ala.)	Thailand	Each defendant was sentenced to 78 months in prison. No restitution.
58	<i>U.S. v. Corliss</i> , No. 2:08-cr-00807 (D.N.J.)	Thailand	Sentenced to 20 years of imprisonment, followed by a lifetime of supervised release; ordered to pay a \$5,000 fine. No restitution.
59	<i>U.S. v. Evers</i> , No. 1:16-cr-00040 (S.D. Ala.)	Thailand	Sentenced to 27 years of imprisonment, followed by a lifetime of supervised release; ordered to pay \$50,000 in restitution and a \$5,000 fine.
60	<i>U.S. v. Shapiro</i> , No. 2:15-cr-00224 (C.D. Cal.)	Thailand	Sentenced to ten years of imprisonment, followed by 20 years of supervised release; ordered to pay a special assessment of \$200, and ordered to pay \$20,000 in restitution.
61	<i>U.S. v. Wrenshall</i> , No. 2:08-cr-00590 (D.N.J.)	Thailand	Sentenced to 180 months of imprisonment, followed by three years of supervised release. No restitution.
62	<i>U.S. v. Bohning</i> , No. 0:04-cr-60046 (S.D. Fla.)	United Kingdom	Sentenced to 240 months of imprisonment; ordered to pay restitution in the amount of \$4,950, a special assessment of \$400, and a fine of \$100,000.
63	<i>U.S. v. Park</i> , No. 18-3017 (D.C. Cir.)	Vietnam	Defendant's motion to dismiss the indictment on constitutional grounds was granted on 2/28/18. The U.S. has filed an appeal, which is pending.



## U.S. Legal Remedies for Minor Victims of Sex Tourism and Sex Trafficking

### APPENDIX B:

#### CASES RESULTING IN BOTH A FEDERAL CRIMINAL & CIVIL CASE

	Defendant	Country of Abuse	Criminal Case Citation	Criminal Outcome (as of June 2018)	Civil Case Citation	Civil Outcome (as of June 2018)
1	Bianchi	Cuba, Moldova	<i>U.S. v. Bianchi</i> , No. 2:06-cr-00019 (E.D. Pa.)	Sentenced to 25 years of imprisonment, followed by a lifetime of supervised release, ordered to pay a fine of \$50,000, restitution to the victims in the amount of \$47,951.20, and a \$1,000 special assessment.	<i>Gusin v. Bianchi</i> , 192 F. Supp. 3d 580 (E.D. Pa. 2016)	Confidential settlement.
2	Perlitz	Haiti	<i>U.S. v. Perlitz</i> , No. 09-cr-00207 (D. Conn.)	Sentenced to 235 months of imprisonment, followed by 120 months of supervised release; ordered to pay \$48,879.29 in restitution to the victims.	<i>Jean-Charles v. Perlitz</i> , No. 3:11-cv-00614 (D. Conn. Jan. 12, 2012)	\$12 million settlement for 24 victims.
3	Perlitz	Haiti	<i>U.S. v. Perlitz</i> , No. 09-cr-00207 (D. Conn.)	Sentenced to 235 months of imprisonment, followed by 120 months of supervised release; ordered to pay \$48,879.29 in restitution to the victims.	<i>Gervil v. Perlitz</i> , No. 3:13-cv-01132 (D. Conn. Aug. 8, 2012)	In progress.
4	Schneider	Russia	<i>U.S. v. Schneider</i> , No. 2:10-cr-00029 (E.D. Pa.)	Sentenced to 180 months of imprisonment, followed by three years of supervised release; ordered to pay \$35,000 in restitution to the victim.	<i>Zavarov v. Schneider</i> , No. 2:08-cv-03805 (E.D. Pa.)	Confidential settlement.
5	Bredimus	Thailand	<i>U.S. v. Bredimus</i> , No. 02-cr-00064 (N.D. Tex.)	Sentenced to 66 months of imprisonment, followed by three years of supervised release; ordered to pay a fine in the amount of \$30,000.	<i>Boonma v. Bredimus</i> , No. 05-0684 (N.D. Tex. July 29, 2005)	Dismissed.
6	Lovaas	Thailand; Mexico	<i>U.S. v. Lovaas</i> , No. 3:03-cr-00300 (N.D. Cal.)	Sentenced to 53 months of imprisonment, followed by three years of supervised release.	<i>Roe v. Estate of Thomas White</i> , No. 3:03-cv-04035 (N.D. Cal.)	Confidential settlement.



**APPENDIX C:**  
CASES RESULTING IN A FEDERAL CIVIL CASE ONLY

	Case Citation	Country of Abuse	Status (as of June 2018)
1	<i>Doe v. Liberatore</i> , 478 F. Supp. 2d 742 (M.D. Pa. 2007) <sup>38</sup>	Belgium	\$3,000,000 settlement.
2	<i>Vang v. Prataya</i> , No. 12-cv-1847 (D. Minn. 2012)	Laos	Jury verdict and judgment for plaintiff in the amount of \$950,000.
3	<i>Martinez v. White</i> , 492 F. Supp. 2d 1186 (N.D. Cal. 2007)	Mexico	Dismissed.
4	<i>Trujillo v. White</i> , No. 3:06-cv-2322 (N.D. Cal. 2006)	Mexico	Dismissed.
5	<i>Doe v. Singer</i> , No. 14-cv-03530 (C.D. Cal. 2014)	United Kingdom	Dismissed (voluntarily).

<sup>38</sup> The defendant was subject to a related criminal indictment in the state of New York. The defendant pled guilty to attempted sexual abuse stemming from the case and was sentenced to ten years of probation.



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