

**CASE NO. 19-A**  
**MINNESOTA DISTRICT COURT**  
**STATE OF MINNESOTA V. AUBREY**  
***Human Trafficking***

(Includes pretrial hearing materials regarding the 4<sup>th</sup> and 5<sup>th</sup> Amendments)

**BACKGROUND INFORMATION**

In August 2017, former security guard Cameron Aubrey decided to open a restaurant in Cameron's hometown of New Prague, Minnesota. Cameron planned on serving the cuisine of Cuba, a developing country with a struggling economy. Cuba's schools teach English as a mandatory second language. Cameron was new to the food service industry and hired Julian Blake, a friend who had worked as a restaurant consultant, to assist with the process.

In early September, after researching many locations, Cameron and Julian settled on a two-story building located near downtown New Prague. The building had previously been a diner. The main dining area had seven tables and a counter that looked into the kitchen through an open service window. On the ground floor of the building there was an office, pantry, and freezer, as well as restrooms for customers and employees. A door led to a parking lot adjacent to the back of the building. Another door located in the area behind the kitchen led to a stairwell to the second floor. The door at the bottom of this stairwell contained a self-locking double-cylinder deadbolt that required a key on either side to open. The door at the top of the stairwell had no lock at all and led into a small studio apartment.

Julian worked on remodeling the building, and Cameron looked for someone to cook authentic Cuban cuisine. Cameron's cousin, Devin Tyler, suggested that Cameron place an advertisement in the newspapers that circulated in Little Cuba, a small Cuban community two hours' drive from New Prague. In October, Devin helped Cameron place the advertisement, which read:

*Restaurant owner seeking to hire cook for full-time position. Housing provided. Must cook Cuban cuisine. Must speak English. Must be willing and able to work hard in a fast-paced environment.*

Lin Stark saw the advertisement. Although Lin had no professional training as a cook, Lin was born and raised in Cuba and had learned to cook Cuban cuisine at home. Lin responded to the advertisement. Lin had been struggling to find work in Cuba. Without a job, Lin was unable to support Lin's family. In need of money, Lin came to the United States in June 2017 on a TBD-2 temporary work visa for non-agricultural workers, sponsored by a hotel chain for whom Lin worked in housekeeping.

After an interview and a cooking simulation, Cameron offered Lin the position. Cameron informed Lin that the restaurant would be open six days a week. Cameron told Lin that Cameron had furnished the studio apartment on the second floor where Lin would live. When Lin asked Cameron to discuss Lin's pay, Cameron told Lin that Cameron was not yet sure what Cameron could afford to pay. Lin then accepted the position. On November 2, 2017, Lin moved into the apartment and started work at the restaurant in preparation for opening on December 1. Cameron gave Lin employment paperwork to complete. Cameron also asked Lin for Lin's visa and passport, which Lin

provided. Cameron told Lin it was necessary to complete additional paperwork. At the end of November, Cameron paid Lin \$500 in cash for that first month's work.

Taste of Cuba opened on December 1, 2017. The restaurant was open Monday through Saturday for lunch and dinner. Lin worked long hours with no breaks, and on Lin's day off, Lin would work additional hours. The restaurant had several other employees, all part-time, working both in the kitchen and dining area. At the end of December, Cameron paid Lin \$400 in cash for the second month's work.

During Lin's employment, Julian observed many interactions between Cameron and Lin. Julian had a disagreement with Cameron in late December over how the restaurant was being managed. Julian resigned.

In early March 2017, Lin received news that Lin's sister was gravely ill. On March 9, 2017, after the restaurant closed for the night, Lin approached Cameron about taking time off. Lin and Cameron argued about Lin's request. At the end of the argument, Lin walked through the stairwell door. Cameron closed it behind Lin. Cameron left shortly after the argument without unlocking the door. The next morning, Lin went downstairs and attempted to open the door but found that it was locked. Lin intermittently banged on the door until Cameron opened it. Since the restaurant opened in December, a uniformed police officer named Hayden West, would occasionally come in to eat lunch. On March 7, 2017,

Officer West was eating lunch at Taste of Cuba when Officer West saw Cameron yelling at Lin in the kitchen.

**[Outside the restaurant, Cameron approached Officer West and they had a discussion. The discussion escalated, and Officer West ran a warrants check, discovering an outstanding bench warrant for petty theft for one "Cameron Aubrey." West arrested Cameron. While in West's patrol car, West found out the bench warrant was for a different Cameron Aubrey, one with a tattoo. West turned the patrol car back toward the restaurant. West told Cameron it was Cameron's lucky day and that West thought Cameron was "abusive" to Lin. Cameron responded by saying "I don't know who you think you are, but you need to understand something: Everything under that roof is mine."]**

On March 10, Officer West had lunch again at Taste of Cuba. Officer West sat at the counter, in Lin's line of sight. Lin brought Officer West's food to the counter where Officer West was sitting. With the food Lin delivered a note that read, "PLEASE HELP ME. I'M TREATED LIKE A SLAVE." Cameron came over to the counter and told Lin to go back to work.

After this interaction, Officer West obtained a search warrant and conducted a lawful search of the restaurant, Lin's apartment, and Cameron's residence. After the investigation, Officer West arrested Cameron on a charge of human trafficking and a charge of false imprisonment for the incident on the evening of March 9 and the morning of March 10.

Note: The background information is a review aid. It is not evidence and may not be referred to during your trial.

## **CHARGES**

### **Count One**

MINN. STAT. 1243 Human Trafficking

The defendant is charged with human trafficking, a felony, which is the deprivation or violation of the personal liberty of another with the intent to obtain forced labor or services.

### **Count Two**

MINN. STAT. 1242 False Imprisonment

The defendant is charged with false imprisonment, a misdemeanor, which is the unlawful violation of the personal liberty of another.

## **JURY INSTRUCTIONS**

### **Human Trafficking**

The defendant is charged in Count One with human trafficking in violation of Penal Code section 236.1(a), a felony.

To prove that the defendant is guilty of this crime, the People must prove that:

1. The defendant either deprived another person of personal liberty or violated that other person's personal liberty;

AND

2. When the defendant acted, he or she intended to obtain forced labor or services.

Depriving or violating another person's personal liberty, as used here, includes substantial and sustained restriction of another person's liberty accomplished through fear, fraud, deceit, coercion, or duress to the victim or to another person under circumstances in which the person receiving or perceiving the threat reasonably believes that it is likely that the person making the threat would carry it out.

Forced labor or services, as used here, means labor or services that are performed or provided by a person and are obtained or maintained through force, fraud, duress, or coercion, or equivalent conduct that would reasonably overbear the will of the person.

Duress means a direct or implied threat of force, violence, danger, hardship, or retribution that is enough to cause a reasonable person to do something that he or she would not otherwise do.

Duress includes a direct or implied threat to destroy, conceal, remove, confiscate, or possess any actual or purported passport or immigration document of the other person or knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or immigration document of the other person.

Coercion includes any scheme, plan, or pattern intended to cause a person to believe that failing to perform an act would result in the abuse or threatened abuse of the legal process or debt bondage.

When you decide whether the defendant deprived another person of personal liberty or violated that other person's personal liberty, consider all of the circumstances, including the age of the

other person, his or her relationship to the defendant, and the other person's handicap or disability, if any.

### **False Imprisonment**

The defendant is charged in Count Two with false imprisonment in violation of Penal Code section 236, a misdemeanor.

To prove that the defendant is guilty of this crime, the People must prove that:

1. The defendant intentionally and unlawfully restrained, detained, or confined a person;  
AND
2. The defendant's act made that person stay or go somewhere against that person's will.

An act is done *against a person's will* if that person does not consent to the act. In order to *consent*, a person must act freely and voluntarily and know the nature of the act.

False imprisonment does not require that the person restrained or detained be confined in jail or prison.

### **STIPULATIONS**

Both sides stipulate to (and agree and admit) the following as fact:

1. Officer West search warrant was properly obtained.
2. On March 10, there was sufficient probable cause to arrest Cameron Aubrey.
3. All physical evidence and witnesses found in this case, but not made physically available for trial, are unavailable and their availability may not be questioned.
4. Exhibit A is a correct and accurate depiction of the floor plan of Taste of Cuba that was created by the New Prague Police Department. Exhibit B is the note written by Lin Stark and given to Officer West on March 10.
5. Beyond what's stated in the fact situation and witness statements, no other evidence was found in this case.
6. All witness statements were taken in a timely manner.
7. Dana Grey and Addison Frey are qualified expert witnesses and can testify to each other's statements and relevant information they would have reasonable knowledge of from the fact situation, witness statements and stipulations.
8. TBD-2 is a valid visa and its validity may not be questioned.
9. Lin was a salaried employee (not hourly), who received compensation between \$800-\$900 a month which includes room, board, utilities, and cash payment. Minimum wage during Lin's employment was \$9.00 hour.
10. All exterior doors in the restaurant can be locked and unlocked from inside the building without the need of a key. Lin did not have a key to the exterior doors of the restaurant.

**WITNESS STATEMENT  
PROSECUTION WITNESS**

**Lin Stark  
Victim**

1 My name is Lin Stark. I am 25 years old. I am an immigrant from Cuba. I had to drop out of  
2 college where I was studying accounting in order to support my aging mom, sick sister, and young  
3 niece. The economy is so bad in Cuba, I knew there were no real job opportunities for me there, so  
4 in June 2017, I came to the United States. I worked on a TBD-2 temporary work visa as a  
5 housekeeper in a hotel near Little Cuba. The visa came with several other documents, but I did not  
6 read them because I was just happy to have the visa. My goal was to make enough money to  
7 support my family and maybe one day bring them to the United States.

8 Sadly, the hotel became overstaffed, and in October I was laid off. Luckily, I saw an advertisement  
9 for a full-time position as a cook at a new Cuban restaurant. I do not have professional training as  
10 a chef, but I learned to cook from my mother while growing up. So I decided to apply in order to  
11 stay in the United States because going back to Cuba was not an option.

12 I received a call from the restaurant owner, Cameron Aubrey. We arranged an interview and a  
13 cooking simulation at the restaurant. During the interview, I answered many questions about my  
14 background and reasons for coming to the U.S. Cameron also asked me personal questions about  
15 my family and my finances. I told Cameron about my family's poverty and my desperate financial  
16 situation caring for them. I said I would do almost anything to stay in the United States. Cameron  
17 also asked me, "Would anyone in Little Cuba miss you if you were gone?" I responded, "Not really,  
18 I don't have family or close friends here."

19 Cameron offered me the job and told me that I had to live in an apartment on the property rent-  
20 free. I could make and eat all my meals at the restaurant for free. Cameron even told me that  
21 Cameron would help bring my family to the U.S. I immediately accepted.

22 On November 2, I started my new job. Cameron asked me to fill out paperwork and took my visa  
23 and passport. Cameron told me Cameron needed the documents to complete employment  
24 paperwork. I trusted Cameron with the documents. I never got them back.

25 That same day, I moved into the studio apartment above the restaurant. It had two windows with  
26 security bars on the outside. There was a fold-up single bed in the corner, a small table with a  
27 table lamp and chair, a tiny bathroom with a small shower, a dresser, and a closet. The bathroom  
28 door was missing. The apartment smelled slightly of mildew and the walls had peeling paint. The  
29 carpet was dirty. Cameron said it was my "new humble home." Cameron also showed me a key  
30 attached to a red lanyard under the dresser to open the downstairs door. Cameron said something  
31 about an "automatic lock," and the door had a sign on it to always stay open. After I put my things  
32 away, I took the key and closed the door at the bottom of the stairwell. I went to a nearby store to  
33 buy personal supplies with fifty dollars that Cameron gave me. I didn't have much and I was  
34 grateful that Cameron helped me out. When I returned, I used my key to unlock the stairwell door.  
35 Cameron saw me and told me the door was to remain open always. After that, I never closed the  
36 door and it was always open. I remember putting the key back under the dresser, and I never  
37 used it again.

38 During November, Cameron put me to work getting the kitchen and menu ready. Cameron had  
39 bought used kitchen equipment in decent shape. Initially, my working conditions were bearable. I  
40 would come downstairs to work around 8:00 a.m. and go back upstairs around 7:00 p.m. Cameron  
41 would often work on the menu with me. As a boss, Cameron seemed kind. I thought at first that

42 Cameron liked working with me. Cameron even let me use the phone on occasion in Cameron's  
43 office to call my family back in Cuba.

44 On the day I started, I met Julian Blake and Devin Tyler. I learned that Devin was Cameron's  
45 cousin who managed a hotel, and Julian was helping Cameron remodel the restaurant. During my  
46 time at the restaurant, I would occasionally see Devin. Julian was there more often, usually 4-5  
47 times a week. I didn't speak to either Julian or Devin very often because I knew they were busy.

48 My work conditions worsened once the restaurant opened. Lunch started at

49 11 a.m., Monday through Saturday; I had to start working at around 7:30

50 a.m. doing all the food preparation for lunch and dinner myself. We closed at 10:00 p.m. and I  
51 would do all of the clean-up by myself. I normally finished around 11:30 p.m. or midnight.  
52 Sundays were also busy days. Although I was supposed to be off, Cameron would make me do  
53 inventory and other tasks.

54 Cameron's attitude toward me also drastically changed. Cameron became harsh and merciless,  
55 berating me for every mistake I made. Cameron would often come into the kitchen during the  
56 lunch rush and yell at me to work faster. If I took a break for even five minutes, Cameron would  
57 yell at me for being lazy and threaten to fire me and then I would lose my visa. I am not lazy. I am  
58 a hard worker. During my time at the restaurant, I rarely took breaks. I was working roughly 90  
59 hours per week from Monday to Saturday. I had assumed that working "full time" meant 40 hours  
60 a week, but clearly I had been misled.

61 I needed to get away, even if it was only for a short time. So one day in mid-December, I walked  
62 to a nearby vegetable wholesale market to buy fresh vegetables for some new recipes I wanted to  
63 test. I returned five minutes later than expected, and Cameron had a tantrum. Cameron said that  
64 other employees would go buy vegetables from then on. Up until that point, at least I felt like I  
65 could take a walk from time to time. But after that, Cameron would yell at me whenever I stepped  
66 into the parking lot behind the restaurant to get some fresh air. Cameron would say the kitchen  
67 "never closed during working hours." I even had a fever once, but Cameron forced me to work  
68 anyway, which I thought was unsanitary. Cameron overwhelmed me with so much work that it  
69 became almost impossible for me to leave. After hours, I had not much time to even get a good  
70 night's sleep, and there was nowhere for me to go in that isolated neighborhood, anyway. I was  
71 basically trapped there. I felt like a slave.

72 Luckily I became friends with employee Frankie Lyman, a community college student. I don't think  
73 Cameron liked my friendship with Frankie. Often when I spoke to Frankie, Cameron would  
74 interrupt and tell us to get back to work. Cameron told me I was to keep my "head down" and  
75 "cook the food." But I liked how Frankie cared about my family and asked how they were doing.

76 Frankie even helped me send money to my family. At the end of each month when I was paid,  
77 Frankie and I would walk to the store to wire \$350 to my mother in Cuba using Frankie's ID. These  
78 were the few times after the vegetable incident that I left the restaurant.

79 My pay was another issue. At the end of November, I received my first payment of \$500 in cash. I  
80 did not have a bank account so I was okay with being paid in cash. However, I don't think \$500 is  
81 a fair wage. I worked so many hours and I think I deserved more money. But Cameron said that  
82 was all Cameron could afford and promised to pay me more later. Overall, Cameron did pay me  
83 \$400 for December and another \$400 each for January and February. I thought that was still low.  
84 When I asked Cameron about it at the end of December, Cameron told me I had no choice in the  
85 matter. This was my pay "until further notice." Cameron asked me if I preferred being back in

86 Cuba with no job. I became frightened, thinking Cameron might fire me, which would mean I  
87 would lose my visa and be deported. So I accepted my pay as it was.

88 My living conditions were terrible. My bathroom had a leaking faucet and the hot water was  
89 lukewarm at best. I told Cameron about the plumbing problems in December, but Cameron never  
90 fixed them. I also washed all my clothes in my bathroom sink. I offered to pay rent to solve this  
91 problem to which Cameron laughed and said, "With what money?"

92 In January, I began to suffer mentally and physically. I had endless back, neck, and foot pain from  
93 standing all day, which were magnified by my sleeping on a folding bed. I also began to suffer  
94 from anxiety and depression. I was afraid to ask for any time off. I knew I couldn't continue to live  
95 like this.

96 In early March, I remember talking to Frankie about how upset I was, that I wasn't sure when my  
97 visa might expire and I might be forced to leave the United States. I really needed Cameron to  
98 sponsor my visa so I could stay. Frankie reassured me, but I still felt like Cameron was going to  
99 jeopardize my visa. It was around this time that I also spoke with my mother on the phone, and  
100 she told me my sister was dying. I wanted to go home to see my sister, even if only for a couple of  
101 days.

102 On March 9, 2017, as we were closing up for the night, I told Cameron about my sister's condition  
103 and asked to take a couple of days off to see her. I suggested Cameron might finally hire an  
104 assistant cook who could sub for me while I was gone. I also asked Cameron to give me my visa  
105 and passport so I could travel to Cuba. Cameron became very angry and told me I was not allowed  
106 to leave under any circumstances. In the heat of the moment, I furiously walked away from  
107 Cameron to my apartment. After I walked through the stairwell door, Cameron slammed it behind  
108 me. I heard Cameron say through the door, "You better get comfortable here. It's going to be a  
109 while before you go anywhere!"

110 The next morning, on March 10, I came downstairs at 6:30 a.m. and found the stairwell door was  
111 still closed and locked. When I realized there was no way out, I went to look for the key under the  
112 dresser, but it was gone. I was shocked because the key had been there yesterday morning. I saw  
113 it when I went to pick up a pen that had rolled off the dresser. Cameron had trapped me inside my  
114 apartment to punish me. Sobbing and desperate, I banged on the door and called for help. Finally,  
115 around 7:00 a.m., Cameron came to open the door. Cameron said, "Missing your key?" Then,  
116 Cameron laughed at me and walked away.

117 As the day went on, I felt emotionally overwhelmed. I could not believe Cameron had locked me in  
118 my apartment overnight. At one point, Frankie told me of seeing Cameron the previous day  
119 coming out of my apartment and that Cameron had mentioned my leaking faucet. I thought that  
120 was odd because my faucet was still leaky and I had told Cameron about the faucet way back in  
121 December. I think Cameron took the key from under the dresser.

122 Around 12:30 p.m., I saw through the window Officer West sitting at the counter in full uniform.  
123 Officer West would occasionally come to the restaurant during lunch and we've had a few polite  
124 conversations. I remember sharing a little bit about my family back home and how I was  
125 supporting them. I also told the officer that I lived on the second floor of the restaurant. I was  
126 afraid to go to the police before because I was desperate to keep my job, but I knew it was now or  
127 never. I couldn't go on like this. As I was preparing Officer West's order, I found a piece of paper  
128 and wrote a note that read, "PLEASE HELP ME. I'M TREATED LIKE A SLAVE." I personally gave the  
129 note to Officer West with West's lunch. Immediately, Cameron came over and told me, "Stop  
130 bothering this person and go back to the kitchen."

131 Later in the day, Officer West returned to interview me and search both the restaurant and my  
132 apartment. That same day, Cameron was arrested, and I was finally free. I was taken to a shelter  
133 and the next day, March 11, a social worker by the name of Dana Grey interviewed me. Dana  
134 asked me questions about my working conditions and my relationship with Cameron.

135 A month later I also spoke with another social worker, Addison Frey.

1

CLASSROOM COPY  
DO NOT REMOVE



**WITNESS STATEMENT  
PROSECUTION WITNESS  
Julian Blake**

2 My name is Julian Blake. I am 45 years old. I graduated from culinary school in St. Paul,  
3 Minnesota. I have owned or co-owned several diners and small restaurants in Arizona, Nevada, and  
4 Minnesota. I also work occasionally as a restaurant development consultant. I have been an  
5 acquaintance of Cameron Aubrey since we were in high school together.

6 In early August 2017, Cameron called me about an idea to open a Cuban restaurant. Cameron had  
7 been working as a security guard but had inherited some money and wanted to open a restaurant.  
8 Cameron did not have a background in the restaurant business, so Cameron wanted to hire me as  
9 a consultant. I doubted Cameron's inheritance would cover all the expenses of opening a  
10 restaurant, especially paying for the necessary staff. Cameron was confident that Cameron could  
11 find just the right type of hardworking employees. Cameron explained that in Cameron's previous  
12 position as a guard at a garment factory, the boss there had a lot of foreign workers. Cameron  
13 said, "He got a lot out of them for very little cost." I thought nothing of that comment at the time,  
14 but later I realized it meant something ominous. I agreed to help Cameron with the restaurant in  
15 exchange for reduced fees and a five percent share in the profits.

16 At first, things were going great. We began by scouting locations and, in September 2017, we  
17 found an excellent property located in a business park near Downtown New Prague.

18 I noticed the lock on the stairway door because double-cylinder deadbolts are known to be major  
19 fire hazards. Anyone on the second floor without a key to the deadbolt may become trapped  
20 behind this door. I told Cameron I thought we should remove the deadbolt, but Cameron told me  
21 having a double-cylinder deadbolt on this door could be very useful if Cameron ever wanted to  
22 "lock something away." I thought this comment was strange. Nonetheless, Cameron posted a sign  
23 on the door that said, "FIRE HAZARD – KEEP DOOR OPEN AT ALL TIMES."

24 We settled on a December grand opening. While I worked on remodeling the restaurant, Cameron  
25 looked for employees. I offered to help Cameron look for a chef, but Cameron refused. Cameron  
26 told me Cameron was looking for a very particular kind of person. On November 2, Cameron  
27 introduced me to Lin Stark. Cameron told me that Lin was from Cuba and that Lin was an excellent  
28 chef. I asked Lin about Lin's culinary background, and Lin told me that Lin had no restaurant  
29 experience. I was concerned that I had not been consulted about the chef, who is the single most  
30 important employee in a restaurant. I just hoped that Lin's cooking was good.

31 Later that day, I brought one of Lin's suitcases to the apartment. When I walked into the  
32 apartment, I noticed it needed a cleaning and was pretty bare. There was a fold-up cot and a small  
33 table with a chair in the corner and a small bathroom. I asked Cameron if Cameron was going to  
34 give Lin more furniture or help clean the apartment, but Cameron shrugged and said no. Cameron  
35 did not seem to care.

36 When Lin first started working, Lin and Cameron seemed to get along very well. Lin spent most of  
37 Lin's time developing the menu and testing dishes. I tried Lin's cooking and it was excellent. After  
38 the restaurant opened, I saw a drastic change in Cameron's attitude and behavior. Cameron  
39 became extremely harsh toward Lin, often yelling, even threatening to get Lin deported if Lin did  
40 not work faster. I never saw Lin speak up. Lin seemed intimidated by Cameron.

41 Cameron expected Lin to work unreasonable hours without a proper  
42 kitchen staff. After the restaurant had been open for one week, I  
43 approached Cameron about hiring some additional staff to help Lin, but

44 Cameron refused. Cameron told me the restaurant's staff was Cameron's  
45 "proprietary interest" and none of my concern. I was only at the restaurant at this point for a few  
46 hours a day, about three days a week. In those small windows of time, I saw Cameron speak  
47 harshly to Lin and ignore whatever Lin would say. I can only imagine what happened when I was  
48 not there.

49 In late December, I also overheard Lin and Cameron having a conversation about Lin's wages. Lin  
50 asked why Cameron had only paid Lin \$400 for an entire month's work. Cameron angrily  
51 responded that was all Cameron had.

52 Lin walked away silently, looking at the floor.

53 I was concerned about Cameron's treatment of Lin, which I did not know resulted from either a  
54 lack of restaurant experience or from a desire to exploit Lin. After Cameron's conversation with Lin,  
55 I told Cameron about the normal hours, salaries, and benefits of full-time chefs in small  
56 restaurants. I warned Cameron to be careful about burning out Lin or, even worse, violating labor  
57 laws. Cameron yelled at me for "overstepping my bounds as a consultant." I resigned immediately.  
58 I did not want to associate myself with someone who treated employees like property.

59 On March 7, I stopped by the restaurant around lunch time to get the last of my files from  
60 Cameron's office. As I was waiting to talk with Cameron, I saw Cameron get in Lin's face and yell  
61 "What's wrong with you? Work faster!" Lin looked at the floor and didn't respond. Lin looked  
62 broken down.

63 I left without getting my files. I felt like this was not a healthy place for Lin to be but I didn't know  
64 what to do about it. On March 9, I decided to go to the police and tell them everything I knew  
65 about the working conditions at Taste of Cuba. At the station I spoke to Officer Hayden West,  
66 whom I had seen at the restaurant in December. I described for West Cameron's treatment of Lin  
67 and asked if that was potentially illegal. I also mentioned Cameron's strange comment about the  
68 "boss" at the garment factory. Officer West thanked me for the information and told me to keep in  
69 touch.

70 When I heard Cameron was arrested for human trafficking, I was sad but not surprised. I only  
71 witnessed the first two months of Cameron's relationship with Lin. I can imagine the other months  
72 were just as bad, if not worse.

**WITNESS STATEMENT  
PROSECUTION WITNESS  
Officer Hayden West**

2 My name is Hayden West. I am 28 years old and work as a police officer for the New Prague Police  
3 Department. I have been employed with the New Prague Police Department for seven years. On  
4 March 10, 2017, I arrested Cameron Aubrey for human trafficking and false imprisonment, after  
5 conducting an investigation which included a search of Aubrey's restaurant and residence, as well  
6 as Lin Stark's residence.

7 As a police officer, I have attended a daylong training course on human trafficking, which is a  
8 serious problem in Minnesota because of the state's high immigrant population. In the course, I  
9 learned victims of human trafficking often exhibit evidence of poor care, including signs of trauma  
10 and fatigue. I also learned victims are often afraid to communicate with the outside world. They  
11 generally live and work in one place and do not have freedom of movement. Additionally,  
12 trafficking victims generally do not have control over their immigration documents or government-  
13 issued identification. These are some of the factors we were trained to identify as trafficking  
14 indicators.

15 I have been an occasional customer at Taste of Cuba since it opened in December 2017. Over  
16 time, I became acquainted with Lin Stark. The restaurant has a big counter where customers can  
17 sit and see into the kitchen. I usually sat at the counter. Lin was the only cook I ever saw at the  
18 restaurant.

19 On a couple of occasions, Lin and I chatted while Lin cooked the food. Lin always seemed hesitant.  
20 Still, I learned that Lin was an immigrant from Cuba and was supporting family members back  
21 home. I also learned that Lin lived on the second floor of the restaurant.

22 A few times, I did witness Cameron's interactions with Lin. Cameron would often yell at Lin for the  
23 smallest things and would even threaten to dock Lin's pay. Cameron would go into the kitchen to  
24 yell at Lin to work faster or harder, even though Lin appeared very busy. I wondered why Lin  
25 stayed working for Cameron. I don't recall if Cameron yelled at other employees, but it wouldn't  
26 surprise me if Cameron did.

27 On March 7, 2017, I went to Taste of Cuba for lunch. At the end of my meal, I saw Cameron saying  
28 "What's wrong with you? Work faster!" to Lin. Cameron was within inches of Lin's face. Just then, I  
29 received a personal phone call on my cell. I stepped out into the parking lot to take the call.  
30 **[While outside, Cameron approached me and we had a discussion. The discussion**  
31 **escalated, and I discovered Cameron had an outstanding bench warrant for petty theft. I**  
32 **arrested Cameron. While in my patrol car, I found out the bench warrant was for a**  
33 **different Cameron Aubrey, a Cameron Aubrey with a tattoo. I turned the patrol car back**  
34 **toward the restaurant, I told Cameron that it was Cameron's lucky day but that I**  
35 **thought Cameron was abusive to Cameron's cook. Cameron responded by saying "I don't**  
36 **know who you think you are, but you need to understand something: Everything under**  
37 **that roof is mine."]**

38 On March 9, Julian Blake came to the police station and asked to speak with me. Julian told me  
39 that Julian worked as a consultant for the restaurant and had known the owner, Cameron Aubrey,  
40 for many years. Julian said that Julian had witnessed Cameron "mistreating Chef Lin Stark"  
41 (Julian's words). Julian described Cameron constantly yelling at or criticizing Lin Stark. Julian  
42 worried the long hours demanded of Lin might be illegal. Julian said Cameron had made a  
43 comment about seeing firsthand how overworked garment workers were productive. I did not offer  
44 an opinion, but thanked Julian for the information and gave Julian my card. That was the only  
45 conversation I had with Julian.

46 Based on Julian Blake's statements and my prior observations of Cameron Aubrey and Lin Stark,  
47 **[as well as Cameron's statement "I don't know who you think you are, but you need to**  
48 **understand something: Everything under that roof is mine."]**, I went to Taste of Cuba on  
49 March 10, 2017, at 12:30 p.m. to speak to Lin Stark. As usual, I was in uniform. I waited in my car  
50 a short while until I saw Cameron Aubrey leave the restaurant and drive away. I then entered and  
51 sat at the counter. When I looked into the kitchen to get Lin's attention, I noticed that Lin looked  
52 extremely haggard. A waiter took my order, and I waited for my food.

53 Lin brought me my food personally, which was unusual. Tucked under the plate was a note that  
54 read, "PLEASE HELP ME. I'M TREATED LIKE A SLAVE." Immediately, it all began to make sense. Lin  
55 was an immigrant who lived on the property. Lin worked all the time. Lin had a terrifying boss  
56 **[who referred to employees as things]**. Lin looked extremely haggard and tired. Before I could  
57 say anything, Cameron reappeared and coldly told Lin, "Stop bothering this person and go back to  
58 the kitchen."

59 I left the restaurant and obtained a warrant that same day to search Cameron's restaurant and  
60 house, as well as Lin's apartment. In the restaurant office, I found a file folder lying on top of  
61 Cameron's desk. The folder only contained Lin's TBD-2 visa and passport. Later, I asked Lin about  
62 the visa, and Lin said Cameron had held onto the visa since Lin started working at the restaurant.

63 At the restaurant, I examined the stairwell door leading to the stairs to Lin's apartment. The door  
64 contained a double-cylinder deadbolt that needed a key on either side. I learned this door was the  
65 only entrance to Lin's apartment. When I examined Lin's apartment, it was clear this apartment  
66 was in very poor condition. It was dark and dingy with almost no furniture. The bathroom had  
67 plumbing problems. Lin told me Cameron had refused to fix any of the apartment's issues.

68 Furthermore, Lin told me Cameron had locked Lin in the apartment the previous night. Lin told me  
69 that the day before, Lin had seen a key with a red lanyard under Lin's dresser, but today the key  
70 was missing. Lin explained that this key could unlock the door at the bottom of the stairwell. I  
71 searched the entire premises but found no key with a red lanyard. I did find a key on Cameron's  
72 key ring that fit the lock. I interviewed Frankie Lyman and Frankie told me that Frankie had seen  
73 Cameron coming out of Lin's apartment the previous day, hours before Lin had been locked in.

74 Frankie did not see Cameron holding anything. I arrested Cameron Aubrey for human trafficking  
75 and false imprisonment.

**WITNESS STATEMENT  
PROSECUTION WITNESS  
Dana Grey  
Human Trafficking Expert**

2 My name is Dana Grey. I am 46 years old. I received a bachelor's degree in sociology and a  
3 master's degree in social work from Central Coast University. I have been working with victims of  
4 human trafficking for 20 years. I have served on the boards of national anti-trafficking non-profits.  
5 I have taught seminars on identifying and combatting instances of human trafficking for  
6 government agencies. I have testified as an expert witness in 27 human trafficking cases, 15 times  
7 for prosecution and 12 times for the defense. I interviewed Lin Stark on March 11, 2017, the day  
8 after Cameron Aubrey was arrested. I also inspected Lin's apartment that day to help form my  
9 opinion.

10 A modern-day form of slavery, human trafficking is the use of various forms of force, duress, or  
11 deception to make victims do acts or work against their will. The two most common types of  
12 human trafficking are sex trafficking and labor trafficking. Labor trafficking can take place in many  
13 fields, including domestic service, agriculture, and food service. Anyone can be a human trafficker.

14 In choosing their victims, traffickers often look for vulnerable people who have emotional issues,  
15 financial issues, unstable living situations, or all of the above. Immigrants are often targets of  
16 human trafficking. Traffickers also often target people who have lower levels of education, who  
17 may not be able to understand an employment agreement. Conversely, some victims may be  
18 aware that they are being taken advantage of but accept their jobs anyway because of the  
19 promises made by the traffickers. Traffickers may promise their victims better lives, stability,  
20 education, a high-paying job, or a loving relationship. For example, a trafficker may target  
21 someone who needs money to get out of debt or support a family. While certain people are more  
22 vulnerable than others, anyone can potentially be a victim of human trafficking.

23 Victims of human trafficking are controlled by their traffickers, often through money, threats of  
24 violence, or physical force. Traffickers may also threaten victims with deportation, deny victims  
25 their wages, or take away their government identification documents.

26 There are many signs that point to instances of human trafficking. Victims often communicate in a  
27 manner that sounds rehearsed. They often live with their traffickers or on the site of their  
28 employment. They are psychologically manipulated or controlled by their traffickers. They have no  
29 access to their government documents. They have little communication with the outside world.  
30 They have poor living conditions. They work extremely long work hours with little to no pay.

31 In my professional opinion, Lin Stark exhibits many factors consistent with those of a human  
32 trafficking victim. Lin was vulnerable: Lin was young, unemployed, and desperate for money to  
33 support a family. Lin was promised a stable income, a place to live and an opportunity to bring  
34 family members to the United States. Although Lin was moderately educated, Lin was new to the  
35 culture and customs of the United States, not aware of its laws, and in desperate need of full-time  
36 work, making Lin susceptible to exploitation. In my March 11 interview with Lin, Lin told me that  
37 Lin was afraid of being deported.

38 Lin told me Lin's story about working at Taste of Cuba. Cameron had withheld Lin's immigration  
39 documents, making it virtually impossible for Lin to find other work. Cameron overwhelmed Lin  
40 with work and prohibited Lin from taking breaks, preventing Lin from being able to come and go as  
41 Lin pleased.

42 Cameron also paid Lin a total of \$1,700 over a four-month period, which breaks down to  
43 approximately \$425 per month. Even adding room and board, the total would be about \$2.29 per

44 hour for 90-hour work weeks, which Lin told me was normal for Lin. This number may be high  
45 compared to many other trafficking cases where victims may make less than \$1.00 per hour if they  
46 are paid at all. But Lin's wages are still extremely low compared to the minimum wage. And the  
47 hours Lin worked are grossly out of line with state labor and wage laws establishing 40-hour  
48 weeks, overtime, and a minimum wage.

49 The apartment that Cameron provided to Lin was somewhat unusual in that Lin had Lin's own  
50 room. Traffickers often provide housing for their victims typically in a dormitory-like setting with  
51 limited access to adequate showers or toilets. Lin's furnished apartment does not fall into this  
52 typical category. But Lin's apartment was dark and isolated with only one means of entry and exit  
53 into the restaurant itself. The camp-style bed was inadequate for comfortable long-term living. Lin  
54 appeared to have tried to clean the place and to keep it livable. But because of Lin's restricted  
55 access to the outside world, the room seemed not very different from a well-furnished prison cell.

56 The fact that Lin was a talented cook does not mean that Lin could not be a victim of human  
57 trafficking. Victims of human trafficking can be skilled or unskilled workers in any industry, and are  
58 commonly found in the food service industry, whether in large-scale or small-scale businesses.  
59 Lin's case is consistent with several of the human trafficking cases I have seen over the years.

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**WITNESS STATEMENT**  
**DEFENSE WITNESS**

Witness Statement  
Defense Witness  
Cameron Aubrey (Defendant)

2 My name is Cameron Aubrey. I am 43 years old. I recently left my job as a security guard in a  
3 garment factory in Southern Minnesota because I inherited a hundred thousand dollars from an  
4 aunt who passed away. I always wanted to open a restaurant back home in New Prague. I feel a  
5 deep connection to Cuban culture since my cousin Devin Tyler and I spent several summers there  
6 doing humanitarian relief work as teenagers with the New Prague Community Church youth group.  
7 Cuban food is also my favorite cuisine. There were no Cuban restaurants in New Prague, so I knew  
8 I had a niche.

9 I had no idea how to start a restaurant. My cousin Devin has a background in hotel management,  
10 so I asked Devin for help. Devin told me Devin could provide me some tips with handling the  
11 employment paperwork and suggested I hire Julian Blake, an old friend with restaurant experience  
12 to be a consultant. Devin said Julian would help me get things running. Julian and I discussed  
13 plans. Julian was concerned about my ability to finance the business. I said money would be tight  
14 for a while, but I was confident I could make it work. I told Julian in my previous job, I saw people  
15 working hard with a lot of motivation to reach the American Dream.

16 Julian and I found a great property in an industrial area of New Prague that had already been a  
17 diner. The rent seemed high to me, but Julian assured me it was reasonable. I used my inheritance  
18 and also took out huge loans to remodel the restaurant and furnish the kitchen and cover the  
19 overhead costs for a whole year.

20 I also used the loans to pay for Julian's services. If the restaurant made as much money as Julian  
21 thought it would, then it would take me about five years to make all my money back and pay off  
22 the loans. In the meantime, Julian estimated there would be a small margin of profit to live on. I  
23 would turn a larger profit later on. I needed to be very careful about my own expenses, including  
24 the mortgage on my house. It was a lot for me to juggle.

25 Julian oversaw the remodeling of the restaurant, and I worked on hiring a staff. At first, Julian  
26 insisted on helping me find people. Julian was quite pushy about being involved in every part of  
27 the development process. I wanted Julian to focus on remodeling so that we could meet our goal of  
28 opening on December 1. I strongly felt the key to the success of the restaurant was hiring a chef  
29 who knew Cuban cuisine. Devin suggested I put an advertisement in all the local newspapers that  
30 circulated in Little Cuba.

31 I received a few responses from the ad and interviewed all the candidates. Among them was Lin  
32 Stark, who came to the restaurant for an interview and cooking simulation.

33 During the interview, I learned that Lin had no professional cooking experience. However, Lin's  
34 food was delicious and authentic and Lin spoke English well, so I offered Lin the job. I was up front  
35 with Lin about the fact that I did not yet know how much I could afford to pay Lin. It depended on  
36 sales, I said. I also offered to do what I could to help bring Lin's family to the U.S. sometime in the  
37 future, but I didn't make any promises.

38 Lin moved in on November 2, 2017. To make Lin feel welcome, I gave Lin money to buy toiletries.  
39 I also showed Lin the apartment and told Lin to do whatever Lin wanted to make it feel like home.  
40 I told Lin that Lin could use my office phone to call Lin's family every other week, as long as the  
41 calls were not too long. Later that day I saw that Lin had closed the door to the staircase. I

42 reminded Lin about the key and told Lin that the door always needed to remain open and Lin  
43 looked like Lin understood.

44 During our first month working together, everything was going smoothly. Lin and I worked every  
45 day on the menu. I knew when we opened, we would have very little time off. I warned Lin that  
46 the first few months would be rough, but that I hoped to eventually hire an assistant cook to make  
47 it easier.

48 Once the restaurant opened, Lin worked very slowly. I always had to go into the kitchen to remind  
49 Lin to work quickly, especially during the lunch rush. I could tell Lin was struggling to keep up. I  
50 was also stressed about the restaurant's part-time staff. I had hired several part-time workers,  
51 mostly college students, to work in the dining area. Julian thought I needed more employees, but I  
52 could not afford to hire more. The restaurant had so many expenses already.

53 Either Frankie Lyman or I always went to buy wholesale supplies. Soon after the restaurant  
54 opened, Lin insisted on going out to buy the vegetables from the wholesaler. I had no objection to  
55 Lin doing that, but Lin stayed away too long — taking more than the hour Lin had promised. I  
56 realized I could not afford to have Lin take time doing errands. Lin and I had a brief argument  
57 about it, and I told Lin how important it was for Lin to leave the errands to Frankie and me. But I  
58 never forbade Lin from leaving the premises for any reason.

59 Come to think of it, I thought it odd that Lin seemed to rarely take a break or even step outside. I  
60 admit I was stressed out, heavily in debt to keep the restaurant going, and snapped at Lin  
61 sometimes. I demanded a lot from Lin, but I had warned Lin that the first few months would be  
62 rough. I was right. I felt overwhelmed. Even so, I would often check on Lin in the kitchen to see if  
63 Lin had enough supplies and was feeling all right.

64 Julian and I began to have problems. Julian had always been extremely opinionated and always  
65 criticized my decisions. Julian told me I

66 "micromanaged" employees. Julian also said I worked Lin too hard and if I wasn't careful, everyone  
67 would quit. I was furious. At the end of December, Julian confronted me about Lin's pay. I made it  
68 clear that if Julian had a problem with the way I ran my business, Julian was free to leave. I had  
69 no desire to work with someone who criticized my every move. Julian immediately resigned.

70 Lin often came to complain to me about different things, like pay and hours.

71 Other than a leaky faucet, I don't recall Lin ever complaining to me about the apartment. As for  
72 pay, I paid Lin \$500 for Lin's work in November and \$400 each month for work in December,  
73 January and February. I figured this was a fair amount. If you took the value of room, board and  
74 utilities, Lin was making between \$800-900 a month. It was all I could afford. I always paid Lin in  
75 cash so Lin would not have to pay high check-cashing fees. I also set aside money to pay the  
76 appropriate tax withholdings and was planning to forward them once I figured out the employment  
77 paperwork. I wanted to do all I could to remove Lin's financial burdens so Lin could send money to  
78 Lin's family.

79 When Lin complained to me about the number of hours Lin worked, I told Lin that I worked even  
80 more hours than Lin did. I don't know how many hours Lin worked, but I know Lin was very busy  
81 when the restaurant was open to customers. I worked about 15 hours a day. We didn't keep time  
82 sheets; Lin was a salaried employee. Working long hours is part of working at a restaurant,  
83 especially in its first year of business. At the time, there was nothing more I could do to help Lin. I  
84 was afraid Lin would quit. I never threatened to have Lin deported.

85 As time went on, Lin continued to struggle in the kitchen. I had taken a risk hiring a chef who had  
86 no professional cooking experience. The restaurant was not doing as well as I hoped. I was barely



87 making enough money to cover my personal expenses. At this rate, it was going to take me many  
88 years to make back my initial investments. I needed to cut costs as much as possible.

89 On March 7, Lin was having an especially slow day in the kitchen. Many people were waiting to  
90 receive their food. I came into the kitchen and saw Lin not working. Lin told me that it was too  
91 stressful. After hearing that, I got very close to Lin, looked Lin square in the eye, and told Lin this  
92 was no time to give up. We were going to make it through the day and be successful.

93 **[That same day, I stopped Officer West outside the restaurant. We had a discussion and**  
94 **the next thing I knew, I was arrested on a bench warrant that I knew was a mistake.**  
95 **The officer started to drive me to the station and then pulled over and asked to see my**  
96 **forearms. The officer was looking for a tattoo. I don't have any tattoos. As the officer**  
97 **turned the patrol car back toward the restaurant, the officer said to me "Your lucky day.**  
98 **But I still think you're abusive to your cook." I blurted out, "I don't know who you think**  
99 **you are, but you need to understand something: Everything under that roof is mine." I**  
100 **meant the restaurant is my business, not West's. I was offended that West would say**  
101 **such a thing and outraged West arrested me for nothing.]**

102 On March 9, I went to Lin's apartment to check on the leaking faucet that Lin had told me about  
103 back in December. I realized I ought to do something to make Lin's life a little better. I intended to  
104 fix the faucet myself either that day or the next. Other than that day, I don't recall ever going into  
105 Lin's apartment.

106 Later that night, Lin and I were closing up the restaurant when Lin approached me about taking a  
107 vacation. I was frustrated by the events of recent days and knew there was no way the restaurant  
108 could afford to go without its chef, even for a couple of days. When Lin suggested I hire a new  
109 assistant chef immediately, I feared that business would only get worse. Lin didn't tell me any  
110 special reason for the vacation and did not ask for Lin's visa or passport. I refused Lin's request.  
111 After hearing this, Lin became extremely upset and started yelling at me. It was startling.

112 Lin then turned and went upstairs. I was so upset and exhausted that I angrily slammed the door  
113 behind Lin. I never thought that Lin was stuck behind the self-locking door because there was that  
114 key with a red lanyard under the dresser I had mentioned to Lin when Lin moved into the  
115 apartment. Just before I left, I yelled to Lin that we both needed to get comfortable here and  
116 neither of us could take a vacation.

117 The next day, I arrived at the restaurant at 6:45 a.m. I walked to the cash register to reconcile  
118 receipts from the previous day, and I did not see Lin. I didn't even think to look at the stairwell  
119 door. About 7:00 a.m., I heard a banging coming from the rear of the restaurant. I went back and  
120 saw the stairwell door was closed. I opened it and found an angry Lin standing there. I asked Lin if  
121 Lin was missing Lin's key. I couldn't imagine why Lin wouldn't use it. Lin did not answer me and  
122 walked away. Lin never told me the key was missing, and the last time I saw the key was when I  
123 showed it to Lin when Lin moved in. I had the only other key to that particular door, which I kept  
124 on my keychain.

125 In the early afternoon, I saw Lin talking to a customer while many people were waiting for their  
126 food. I rushed over to remind Lin about the customers who were waiting, and I told Lin to get back  
127 to the kitchen. I did not notice that the person Lin had been speaking to was Officer West. When  
128 Officer West came with a search warrant later in the afternoon, I was completely confused. I  
129 thought maybe one of my employees had done something wrong. When Officer West searched my  
130 office, Officer West asked me why I had Lin's visa and passport. I told Officer West that I was  
131 holding onto the papers because I was in the process of finding out how to sponsor Lin for Lin's  
132 visa, and to bring Lin's family here. Of course, I would have given it back to Lin if Lin had asked for  
133 it, but Lin never did. Officer West then arrested me for human trafficking. I was shocked and felt

134 betrayed by Lin who I treated like a member of my own family. Lin is not a victim of human  
135 trafficking.

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**Witness Statement  
Defense Witness  
Devin Tyler**

2 My Name is Devin Tyler. I am 41 years old. I am Cameron Aubrey's cousin I graduated from New  
3 Prague College with a bachelor's degree in hotel management, and I now manage a boutique hotel.  
4 I am also a volunteer youth counselor at New Prague Community Church.

5 When Cameron told me about Cameron's inheritance and Cameron's plan to move back home and  
6 open a Cuban restaurant, I wanted to do all I could to help. I fondly remember our summer trips to  
7 Cuba with the church youth group.

8 Because of some similarities between hotel management and restaurant management, I offered  
9 Cameron advice. I told Cameron that it is extremely difficult for someone with no experience to  
10 open a new restaurant. It is also extremely costly. I recommended that Cameron hire a consultant  
11 to teach Cameron the basics of restaurant management and help Cameron get the restaurant off  
12 the ground. I suggested that Cameron talk to our old friend,

13 Julian Blake, who was a successful restaurant developer.

14 At first, Cameron and Julian seemed to work well together. Before the

15 restaurant opened I would visit several times a week to see how Cameron was doing. I could see  
16 that Julian was doing a great job remodeling the property, while Cameron began searching for  
17 employees.

18 Cameron asked me about the best way to find a Cuban cook. I suggested Cameron place an  
19 advertisement in the local newspapers that circulated in Little Cuba. I hoped the advertisement  
20 would attract people who had experience with Cuban cuisine. A few weeks after the advertisement  
21 was posted, Cameron told me about Lin Stark, the person Cameron had hired for the job. From  
22 what Cameron said, it seemed like Cameron and Lin really connected during Lin's interview.  
23 Cameron told me that Cameron loved hearing about Lin's life in Cuba, and that Cameron desired  
24 to help Lin's family. I was not surprised at all when Cameron told me how well they connected  
25 because I know how much Cameron has always loved Cuba.

26 I was concerned after Cameron informed me that Lin had never worked in a restaurant before. I  
27 was worried Lin would not be able to keep up with the number of customers, especially during the  
28 lunch rush. I have seen many good cooks lose their jobs simply because they could not manage  
29 the pressure of working in a restaurant. Cameron told me that Cameron wanted to give Lin a  
30 chance despite Lin's lack of experience because Cameron really wanted to help support Lin.  
31 Cameron planned to cover almost all of Lin's expenses so Lin could send as much money as  
32 possible back to Lin's family. Cameron wanted Lin to save enough money to eventually bring Lin's  
33 family to the United States. Cameron truly cared about Lin not only because Lin was Cameron's  
34 employee but also because Lin was a person in need.

35 In the month before the restaurant opened, I was impressed by how well Cameron and Lin worked  
36 together. I would watch them spend hours working on the menu, laughing and dreaming about  
37 the future success of the restaurant.

38 But once the restaurant was open, Cameron's relationship with Lin became strained. I often dined  
39 at the restaurant and witnessed Lin working very slowly. I also saw Cameron's interactions with  
40 Lin. Lin seemed to have a hard time accepting Cameron's constructive feedback and argued with  
41 Cameron. I wondered if there was a cultural barrier between Lin and Cameron, where Lin could not  
42 understand what Cameron wanted.

43 Cameron often told me how frustrated Cameron was with Lin, especially because Cameron had  
44 given Lin so much. Cameron gave Lin a job that helped Lin stay in the United States, as well as  
45 free room and board. Lin was adding to Cameron's stress when Cameron already had so much to  
46 worry about, especially considering Cameron had loans and invested Cameron's life savings in the  
47 restaurant.

48 During December, Cameron also started having problems with Julian. One day, I was at the  
49 restaurant and I overheard Julian ranting to Cameron about all the things Cameron was doing  
50 wrong. I heard Julian tell Cameron that Julian's way of doing things was the best way, and if  
51 Cameron wanted to succeed, Cameron needed to follow all of Julian's directions. Julian also  
52 criticized how Cameron treated Lin. I have no idea what Julian meant by this.

53 I thought Julian was too aggressive and opinionated. It seemed like Julian was trying to bully  
54 Cameron into doing things that Cameron did not want to do. Maybe Julian was trying to earn more  
55 fees. When Julian resigned, I was relieved for Cameron. I also thought without Julian's fees, some  
56 of Cameron's financial pressure would be gone. Unfortunately that was not the case. About two  
57 months after the restaurant opened, Cameron confided in me that things were not good. Between  
58 the loans, payroll, and Cameron's personal expenses, I'm not sure how much longer Cameron  
59 could keep the restaurant open. All the revenue Cameron made was barely enough to keep the  
60 restaurant going.

61 Although Cameron is inexperienced in the restaurant business, Cameron wants to be the best  
62 possible restaurant owner and will do whatever it takes to do so. Cameron asked me for advice on  
63 how to properly handle Lin's work-visa a couple of times, as well as how to file taxes for all  
64 Cameron's employees. Visas are very complicated and each visa has unique rules employers must  
65 follow. I told Cameron to contact an immigration attorney for more details, but I don't think  
66 Cameron ever did.

67 For what it is worth, Cameron is the hardest working person I know. More importantly, Cameron  
68 has a good heart. Cameron would never intentionally hurt an employee, especially not one that  
69 comes from a country that Cameron so deeply loves.

1

**Witness Statement**  
**Defense Witness**  
**Frankie Lyman (Restaurant Employee)**

2 My name is Frankie Lyman. I am 19 years old and currently attend New Prague Community  
3 College. In October 2017, I was hired by Cameron Aubrey to work at Taste of Cuba. I saw a  
4 posting on campus that there were job openings at Taste of Cuba. I started part-time work on  
5 November 2, 2017, the same day Lin began working there.

6 I did a little bit of everything at the restaurant. For example, I ran errands, like buying meat and  
7 vegetables, as well as restaurant supplies. That is much of what I did during November. After the  
8 restaurant opened, I washed dishes, waited tables, and sometimes did a little food prep, like  
9 chopping vegetables.

10 Shortly after the restaurant opened, Lin approached Cameron and insisted that Lin go buy the  
11 "right vegetables." Cameron agreed. Lin walked to the wholesale market and when Lin didn't come  
12 back for a while, Cameron appeared nervous. When Lin finally arrived, I could hear Cameron ask,  
13 "Where were you? We're on a tight schedule! You know better than that." I heard Lin reply, "None  
14 of your business." After that, all I know is Lin didn't go out on errands again.

15 I liked working at the restaurant when it opened. The customers were friendly and seemed to  
16 really enjoy the food. We had a lot of regular customers like Devin, Cameron's cousin. Often I  
17 would see Devin, Julian and Cameron talking at the restaurant. I knew Julian was responsible for  
18 setting up and designing the restaurant's interior. In late December, Cameron told the staff that  
19 Julian no longer worked at Taste of Cuba.

20 As a boss, I would say that Cameron was strict but fair. If I did something slightly different from  
21 what Cameron wanted, Cameron would immediately give me constructive feedback. Cameron was  
22 always extremely direct when speaking to me. Cameron never sugar-coated anything.

23 I could tell that Cameron cared about all the employees. From when I was first hired, Cameron  
24 made an effort to get to know me. Cameron knew about my family, school, friends, and hobbies. I  
25 would say that Cameron made an effort to have a personal connection with every employee.

26 Cameron especially cared about Lin Stark. Everyone that worked at the restaurant knew that  
27 Cameron really wanted to help Lin. Cameron treated Lin more like a family member and less like  
28 an employee. For example, Cameron tried to cover many of Lin's expenses by letting Lin live rent-  
29 free and eat as much food as Lin wanted. The rest of the employees were only allowed one meal  
30 per shift. Cameron also always seemed to pay close attention to Lin during the day to make sure  
31 Lin was okay and doing well. Lin was a hard worker. I would always see Lin there, whether I  
32 worked the morning or evening shift.

33 Lin and I got to know each other pretty well. When business was slow, Lin and I spent a lot of time  
34 talking about our lives. Lin told me about Lin's family back in Cuba and how Lin really wanted to  
35 bring them to the United States. One day soon after we started working together in November, I  
36 went up to Lin's apartment where Lin showed me pictures of Lin's family. The apartment was not  
37 luxurious, but seemed comfortable. Lin often told me about Lin's plans to one day become a U.S.  
38 citizen. Two or three times I helped Lin wire money to Lin's mother in Cuba. I think it was \$300 or  
39 \$350 each time. Lin explained that Cameron had Lin's ID for employment purposes, which made  
40 sense to me.

41 When the restaurant became more popular, I saw that Lin was always swamped with orders and  
42 obviously had a hard time keeping up. Whenever the restaurant got really busy, Lin would become  
43 really flustered. Lin's anxiety often prevented Lin from working quickly in high pressure situations.

44 Whenever Cameron came into the kitchen to give Lin constructive feedback, Lin seemed to ignore  
45 Cameron. It was obvious that Lin was having a hard time adjusting to such a fast-paced work  
46 environment.

47 However, as the restaurant gained more customers, Cameron became more and more stressed.  
48 Cameron sometimes snapped at employees, yelled, or slammed doors. I have been yelled at by  
49 Cameron sometimes for improperly prepping food or not completing my responsibilities. Cameron  
50 was often in the kitchen making sure orders were timely. Cameron did not like to keep customers  
51 waiting. I have seen Cameron get frustrated with Lin and yell a few times when Lin couldn't keep  
52 up with the orders. I never felt scared or offended by the yelling. I knew Cameron was just blowing  
53 off steam. Cameron had a lot to manage from the restaurant. All the employees needed to pull  
54 their weight.

55 One especially busy day in early March, Lin confided in me that Lin was afraid that Lin would lose  
56 Lin's job and that Lin's visa might be expiring. Tears were running down Lin's face. I told Lin that  
57 Cameron would never fire Lin and that Lin was the best cook in New Prague. Lin then told me that  
58 Lin would do anything to stay longer in the United States. Lin seemed desperate.

59 On March 9, in the early evening while Lin was dumping trash out back, I noticed Cameron coming  
60 out of the stairwell to Lin's apartment. Cameron told me Cameron was going to fix Lin's leaking  
61 faucet. I did not see anything in Cameron's hands. I made a mental note to tell Lin about this good  
62 deed.

63 The only time I ever witnessed something really unusual between Cameron and Lin was the next  
64 day, on March 10, 2017. I came in to the restaurant in the morning to prep for lunch. As I started  
65 my shift and walked toward the employee restroom, I saw Cameron open the stairwell door with a  
66 key. I knew that the stairwell door was never supposed to be closed, so I wondered what had  
67 happened. In fact I don't recall ever seeing the door closed before. I know the door leads to Lin's  
68 apartment. When Cameron opened the door, Lin came out. I heard Cameron tell Lin something  
69 about a key. Lin just stood there, looking angry. Cameron stepped away. That's when I told Lin  
70 that Cameron had checked on the leaking faucet and would probably fix it soon. I left before the  
71 restaurant opened for the day.

72 Later I learned from other employees that Cameron was arrested, I was completely shocked. In all  
73 my time working at the restaurant, I never suspected that Cameron was treating Lin unfairly.  
74 Cameron was trying hard to encourage us to make the restaurant successful. I never imagined  
75 that Cameron could be accused of human trafficking. I always pictured a human trafficker as  
76 someone who forced people to do things while sitting back and doing nothing. That was not  
77 Cameron. Cameron worked harder than anyone at the restaurant. Cameron never took a break or  
78 a day off. Cameron was not always the best boss, but Cameron always gave 100 percent effort and  
79 expected everyone else to do the same. It's too bad the restaurant's now closed. I now work at the  
80 bookstore at my college.

1

**WITNESS STATEMENT  
DEFENSE WITNESS  
Addison Frey  
Human Trafficking Expert**

2 My name is Addison Frey. I am 49 years old. I received a bachelor's degree in Psychology from the  
3 University of Minnesota and a master's in social work from Northwestern University. I completed  
4 my residency hours at the Hennepin County Medical Center, where I often counseled victims of  
5 violent crime as well as trafficking victims. I then worked in private practice as a therapist and  
6 consultant, often being contracted by the New Prague Police Department for work in interviewing  
7 victims and witnesses of violent crime. During the last 15 years of practice, I have testified in  
8 about ten trials as an expert witness in human trafficking cases, six trials on behalf of the defense  
9 and four trials on behalf of the prosecution. I have also testified in many more sentencing and  
10 post-conviction hearings.

11 I was hired by the defense to reevaluate Dana Grey's findings from the case files. I interviewed  
12 Cameron Aubrey about two weeks after Cameron's arrest. I was also given an opportunity to  
13 interview Lin Stark about a month after the arrest of Cameron Aubrey to determine whether Lin  
14 exhibited indicators of a victim of human trafficking. I agree with Grey's definition of human  
15 trafficking, however, not all trafficking situations are the same. Hence, my analysis of the case  
16 differs.

17 Typically, labor traffickers target unskilled workers to do menial jobs in industries like domestic  
18 service and food service. Traffickers often target multiple workers at one time. These victims are  
19 generally subjected to inhumane working and living conditions due to deception or threats of  
20 physical violence. Less frequently, traffickers will target a single worker, and when they do, it is  
21 almost always in domestic labor, or maid services. Labor trafficking victims are often paid pennies  
22 per hour. Some are not paid at all. It is also common for victims of labor trafficking to be  
23 financially indebted to their traffickers; traffickers will exploit their victims with the excuse that the  
24 victims need to "pay their debt."

25 Cameron's behavior and interactions with Lin do not reflect the actions and attitudes of a human  
26 trafficker. Cameron was looking for a skilled laborer to work in a business into which Cameron had  
27 invested significant amounts of money. Cameron did choose to hire an immigrant from Cuba, but  
28 this immigrant had some education.

29 Additionally, Cameron and Lin had a legitimate employment relationship, where Cameron paid Lin  
30 every month. Cameron and Lin also worked together on a daily basis, sharing the same workload.  
31 Cameron never directly restricted Lin's movements or coerced Lin to perform an action. Cameron  
32 also paid Lin significantly higher than the typical human trafficker, which is usually about \$1.00 per  
33 hour or even less, as Dana Grey also states.

34 Based on my interview with Lin, I do not think that Lin exhibits the signs of human trafficking  
35 victims that I have seen over the years. In our interview, Lin told me that Lin had experienced a  
36 number of negative symptoms that affected Lin's physical and emotional health. It was clear to me  
37 that Lin suffered from anxiety and depression as well as chronic physical pain from Lin's work at  
38 the restaurant. However, I believe that Lin's symptoms have more to do with the type of work and  
39 less to do with Lin's working conditions. As a young, inexperienced employee with no professional  
40 training in food service, Lin was bound to suffer from enormous amounts of stress brought on by  
41 the fast-paced nature of the restaurant. Lin's lack of experience as a professional cook would have  
42 clearly exacerbated Lin's stress and would have pushed Lin toward bouts of anxiety and  
43 depression.

44 Lin's lack of familiarity with American culture and the American workplace may also be contributing  
45 factors to Lin's struggle in the workplace. It is plausible that Lin merely misinterpreted Cameron's  
46 feedback as yelling and threats to Lin's job. Such a communication barrier may have been highly  
47 detrimental to Lin's and Cameron's working relationship, giving Lin the mistaken belief that  
48 Cameron was acting as a slave-driver rather than merely a demanding and perhaps unrealistic  
49 employer.

50 Lin had Lin's own apartment, which I was able to inspect. It was spartan but habitable. Lin told me  
51 Lin was not expressly forbidden from cleaning it or decorating it. I have never seen a human  
52 trafficking case in my experience in which a victim had such adequate living quarters with  
53 unrestricted access to the outside world.

54 Lin's inability to readily adjust to the pace and pressure of the U.S. foodservice workplace led Lin to  
55 suffer many symptoms caused by stress. Lin's mental and physical ailments were magnified by the  
56 negative interactions that Lin had with Cameron, leading Lin to believe that Cameron was  
57 threatening Lin. Lin's ailments were consistent with overworked employees that I've seen in  
58 private practice, none of whom were victims of human trafficking.

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## PHYSICAL EVIDENCE

Only the following physical evidence may be introduced at trial. The prosecution is responsible for bringing:

1. Exhibit A, Diagram of the floor plan
2. Exhibit B, Note From Lin to Officer West

EXHIBIT A  
Taste of Cuba Floor Plan

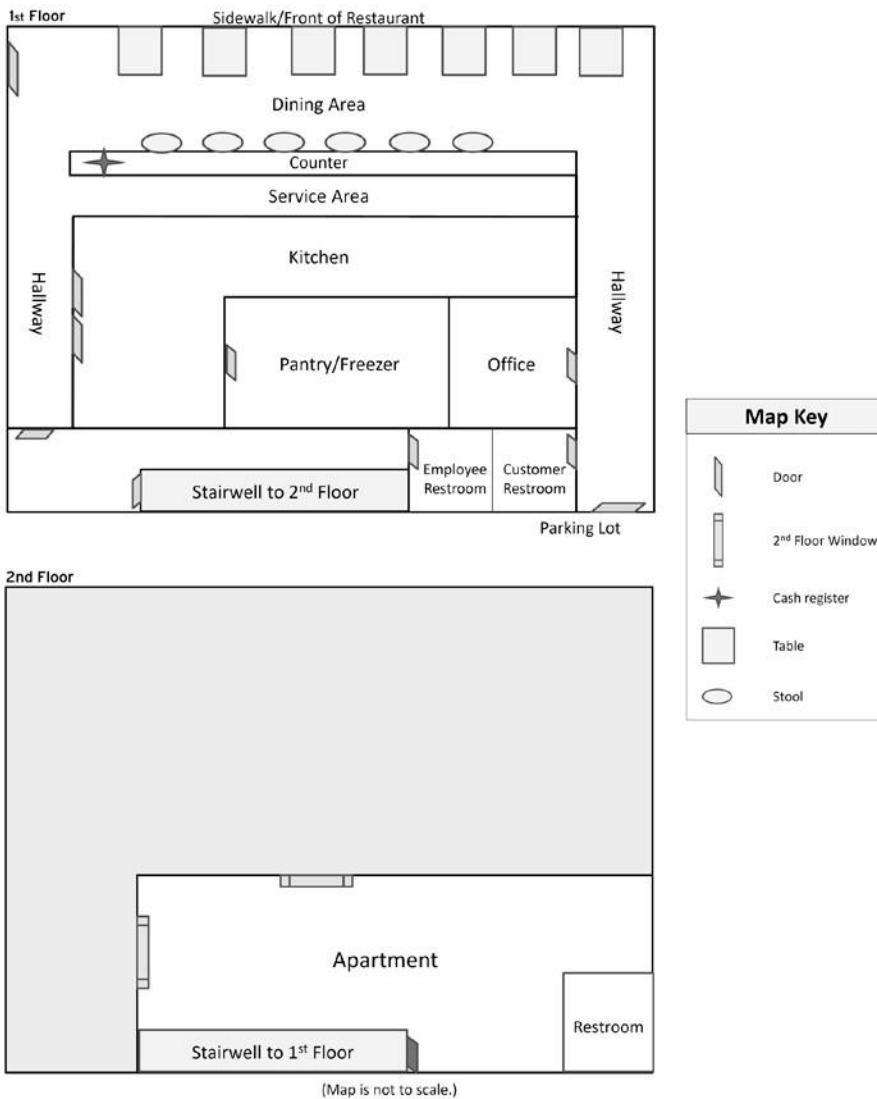


EXHIBIT B

Note From Lin to Officer West

PLEASE HELP  
ME  
I'M TREATED  
LIKE A  
SLAVE

## PRETRIAL MOTION AND CONSTITUTIONAL ISSUES

### Introduction

This section contains materials and procedures for the preparation of a pretrial motion on an important legal issue. The judge's ruling on the pretrial motion will have a direct bearing on the admissibility of certain pieces of evidence and the possible outcome of the trial.

In the area of criminal due process, the Fourth Amendment protects individuals from federal government intrusions on their privacy by prohibiting unreasonable searches and seizures. These rights are extended to the states by the due process clause of the 14<sup>th</sup> Amendment. Law enforcement officers often must search or seize persons or their property when investigating crimes or apprehending suspects. The tension between personal freedom and governmental power has created numerous debates and court decisions over the years. The key issues for both the defense and prosecution are (1) whether there was a search or seizure; and (2) whether the particular search or seizure was lawful.

The Fifth Amendment provides that "no persons shall be compelled to be a witness against themselves." In *Miranda v. Arizona*, the court held that before police may question people in custody, they must inform them of their rights. Suspects that are in custody must be put on notice about their rights against self-incrimination before they are interrogated.

The exclusionary rule is a special remedy created by the courts to compel police to respect the constitutional rights of suspects. Under this rule, illegally obtained evidence—whether papers, objects, or testimony—may not be presented in court to convict a defendant whose Fourth and/or Fifth Amendment rights have been violated. The exclusionary rule is based on two theories: the theory of judicial integrity and the theory of deterrence. Under the theory of judicial integrity, courts are supposed to uphold the law. If they allow illegally obtained evidence to be used at trial, they fail to uphold the law. They condone, even encourage, illegality. How can citizens respect our judicial system if the system accepts illegal practices? Under the theory of deterrence, excluding tainted evidence is the only effective way to prevent police from abuse constitutional rights. If illegally obtained evidence may not be introduced in court, police will not resort to illegal searches and seizures.

If the police find evidence in an illegal search that leads to the discovery of new evidence, the court has held that the new evidence must be excluded because of the doctrine of "fruit of the poisonous tree." Under this doctrine, if an illegal search or seizure (the poisonous tree) leads police to new evidence (the fruit), this evidence may not be used in court because it stems from evidence collected in a manner that violated the defendant's constitutional rights. Courts have recognized several exceptions to this doctrine, including the attenuation doctrine. Under this doctrine, if the connection between the illegal action and the new evidence is weak, then the new evidence will be allowed at trial.

The pretrial motion challenges the admissibility of the statement Cameron Aubrey made:

*"I don't know who you think you are, but you need to understand something: Everything under that roof is mine."*

The outcome of the pretrial motion will have a direct bearing on the admissibility of Cameron's statement. If the presider excludes the statement, then attorneys and witnesses may not refer to or discuss it during the subsequent trial.

The text affected by this motion can be found in the witness statements of Officer West and Cameron Aubrey, as well as in the Fact Situation, within brackets, e.g., **[text]**.

IMPORTANT: The only facts from the Pretrial Facts section below that are potentially admissible at trial following the pretrial hearing are those within brackets. All other facts from the Pretrial Facts section are inadmissible at trial and are provided solely for use in the pretrial hearing.

#### PRETRIAL FACTS

On March 7, 2017, Officer West, in uniform, went to the Taste of Cuba.

While eating lunch, West observed Cameron Aubrey yelling at Lin Stark. West then received a phone call. West stepped outside to answer the call. As West was finishing up the phone call, Cameron exited the restaurant. Cameron approached West, and asked how the food was. West told Cameron, "I like the food, all right, but I hate how you treat your employees." Taken aback, Cameron started yelling at West.

West argued with Cameron, told Cameron to calm down, and even told Cameron to "shut up." Cameron ignored West and kept yelling at West. West got very close to Cameron's face and said "You won't yell at me that way. Do you know who I am?" West demanded Cameron's ID and told Cameron to "wait here." West walked to West's patrol car and made a radio call to the clerk at the station to do a name check for Cameron Aubrey in the police database. West discovered Cameron had an outstanding bench warrant for petty theft, a misdemeanor. In addition to Cameron's name, dispatch provided the height and weight of the suspect. Cameron was the approximate height as described in the warrant but appeared about 20 pounds less than the weight provided.

West arrested Cameron and put Cameron in West's patrol car. There were no door handles on the inside rear doors of the vehicle where Cameron sat. Cameron could not physically leave the vehicle without the officer opening the door. West began driving to the police station. While in the car, Cameron insisted that there was no warrant for Cameron's arrest.

On the way to the station, about 10 minutes after West's demand for Cameron's ID, West received a call over the police radio. Dispatch provided an additional detail about the suspect identified in the warrant. Dispatch said, audibly for both West and Cameron to hear, "Warrant for someone with American flag tattooed on left forearm. Does your suspect have tattoo?" West responded, "Copy." West pulled the car over and asked Cameron to show Cameron's left forearm. Cameron complied, and West could see Cameron did not have any tattoos on Cameron's arms. West then made a U-turn to head back to the restaurant. **[West said to Cameron, "Your lucky day. But I still think you're abusive to your cook." Cameron blurted out, "I don't know who you think you are, but you need to understand something: Everything under that roof is mine."]** When they arrived at the restaurant, West then clearly stated, "Lucky you didn't have that tattoo" before opening the back door of the police car, letting Cameron go.

#### PRETRIAL ARGUMENTS

Prosecution will argue that the statement made by Cameron Aubrey is admissible primarily because the connection between the illegal investigatory stop and Cameron's statement was attenuated. A significant amount of time passed between the stop and the statement. The outstanding warrant was an intervening circumstance between the unlawful stop and the statement. Although it was later discovered that the warrant was invalid, Officer West was acting in good faith and not committing any misconduct so that excluding the evidence doesn't serve the deterrence purpose of the exclusionary rule. Cameron's statement was voluntary because Cameron was no longer under arrest and not in custody when Cameron made the statement, and the officer was not interrogating Cameron at the time. When the statement was made, Cameron had heard the radio call and knew that Cameron was no longer in custody. Furthermore, when the statement was made, Cameron knew Officer West made a U-turn and headed back in the direction of the

restaurant. This means Cameron was free to leave at Cameron's request and no longer under arrest.

Defense will argue that the statement made by Cameron must be excluded because it is the fruit of the poisonous tree. Officer West clearly unlawfully detained Cameron, and Cameron's statement was sufficiently linked to that unlawful stop. The defense will argue that the erroneous warrant does not attenuate the connection between the unlawful stop and Cameron's statement. The officer's actions in detaining Cameron are the kind of conduct that the Fourth Amendment was designed to prevent (officers acting in bad faith). This is the reason why the exclusionary rule was developed (to deter officer misconduct and maintain judicial integrity). Officer West's conduct was retaliatory for Cameron's yelling. Cameron cooperated by waiting, but the officer was merely trying to punish Cameron for Cameron's behavior without good cause. Furthermore, the description of the suspect did not completely match Cameron's appearance, so the officer acted in bad faith when the officer arrested Cameron. Lastly, the defense will argue that after Officer West discovered the warrant was invalid, Officer West continued to hold Cameron in custody and interrogate Cameron, which led to Cameron's statement. Cameron had no understanding that the warrant was erroneous until the two arrived back at the restaurant, so Cameron's response to West's continued questioning about treatment of Lin was involuntary.

### **INFORMATION AND PROCEDURES FOR THE PRETRIAL MOTION HEARING**

#### **Preparation**

1. Prior to the opening of the pretrial motion arguments, the judge will have read the pretrial materials provided in the case packet.
2. Be as organized as possible in your presentation. Provide clear arguments so the judge can follow and understand your line of reasoning.
3. Arguments should be well substantiated with references to any of the pretrial sources provided with the case materials and any common sense or social-interest judgments. Do not be afraid to use strong and persuasive language.
4. Use the facts of your case in your argument. Compare them to facts of cases in the pretrial materials that support your position, or distinguish the facts from cases that contradict the conclusion you desire.
5. Review the legal arguments in the legal materials to assist you in formulating your own arguments.
6. Your conclusion should be a short restatement of your strongest arguments.

#### **Procedure**

The hearing is called to order.

1. The judge calls the hearing to order.
1. The judge asks the defense to summarize the arguments made in the motion. The judge may interrupt to ask clarifying questions. There is no time limit on arguments (other than the judge's patience).

3. The judge asks the prosecution to summarize arguments made in its opposition motion.
4. The judge offers the defense an opportunity for rebuttal. The rebuttal should be used to counter the opponent's arguments, not to raise new issue.
5. The judge offers the prosecution an opportunity for rebuttal.
6. At the end of the oral arguments, the judge will rule on the motion and decide which charges will be in contention during the trial.

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## LEGAL SOURCES FOR PRETRIAL HEARING

The sources for the pretrial motion arguments are a “closed library,” which means that Mock Trial participants may only use the materials provided in this case packet. These materials include: excerpts from the U.S.

Constitution, the Minnesota Constitution, Minnesota statutes, edited court opinions, and Pretrial Facts. Witness statements found in Pretrial Facts are admissible in the pretrial hearing without corroborative testimony for the purposes of the pretrial motion only.

The U.S. Constitution, U.S. Supreme Court holdings, and Minnesota Supreme Court and Minnesota Appellate Court holdings are all binding and must be followed by Minnesota trial courts. All other cases are not binding but are persuasive authority. In developing arguments for this Mock Trial, both sides should compare or distinguish the facts in the cited cases from one another and from the facts in *People v. Aubrey*.

### LEGAL AUTHORITIES FOR PRETRIAL ARGUMENTS

#### U.S. Constitution

##### *Amendment IV*

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

##### *Amendment V*

No person . . . shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law . . .

##### *Amendment XIV*

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

#### Minnesota Constitution [modified]

##### *Article I, Section 13*

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches may not be violated; and a warrant may not issue except on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

#### Minnesota Statutes (Minn. Stat.)

##### Human Trafficking (Minn. Stat., § 236.1(a))

Any person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services, is guilty of human trafficking . . . .

## False Imprisonment (Minn. Stat., §§ 236)

False imprisonment is the unlawful violation of the personal liberty of another.

### Case Law

*Utah v. Strieff*, 579 U.S. \_\_\_\_ (2016)

*Facts:* A detective received an anonymous tip that drug sales were occurring in a particular house, so he surveilled the house over a short period of time and speculated that drug activity was taking place. The detective saw Defendant leaving this house. The detective stopped Defendant and questioned him, during which time the detective discovered an outstanding arrest warrant for Defendant for a traffic violation. The detective lawfully searched Defendant incident to the lawful arrest "only minutes after the illegal stop" and discovered illegal drugs and an illegal pipe.

*Issue:* Should evidence seized incident to a lawful arrest on an outstanding warrant be suppressed because the warrant was discovered during an unlawful detainment?

*Holding:* No. The "fruit of the poisonous tree" rule applies where its deterrence benefits (detering unlawful police behavior) outweigh the substantial social costs (guilty people going unpunished). Evidence from the search is admissible when the link between the unlawful stop and the lawful search or seizure is attenuated. To determine attenuation, the court must look at three factors. First, the court must look to the amount of time between the unlawful stop and the discovery of the evidence; the closer the events are together, the stronger the link between them. Second, the court must look to the presence of intervening circumstances between the unlawful stop and the lawful arrest. The valid warrant in this case, unconnected to the illegal stop, qualifies as an intervening circumstance. Third, the court must analyze the degree of police misconduct in the unlawful stop, analyzing the purpose and flagrancy of the misconduct. The misconduct must be more severe than mere absence of proper cause for the stop. In a dissent, Justice Sotomayor wrote that "unlawful 'stops' have severe consequences" and allow police to "target pedestrians in an arbitrary manner."

*Brown v. Illinois*, 422 U.S. (1975)

*Facts:* While investigating a murder, police broke into and searched Defendant's apartment without a warrant, then arrested Defendant at gunpoint. Defendant was given a *Miranda* warning and taken to the police station. Defendant made incriminating statements during an interrogation. Defendant was then indicted for murder. Defendant moved to suppress the incriminating statement made during the investigation, claiming that his arrest was unlawful.

*Issue:* Are the Defendant's incriminating statements made after an unlawful arrest admissible if the defendant has been given a *Miranda* warning? *Holding:* No. *Miranda* warnings do not guarantee that the statements are admissible because they do not automatically protect a person's Fourth and Fifth Amendment rights. Under the Fifth Amendment, the statements must be voluntary and not coerced. Under the Fourth Amendment, the statements must be a "sufficient act of free will to purge the primary taint" of the illegal arrest. Although the presence of *Miranda* warnings is an important factor to determining the admissibility of the statements, the court must determine whether the *Miranda* warnings attenuated the connection between the unlawful arrest and the Defendant's statements. The court makes this determination on a case-by-case basis, looking to the facts of each case. Factors the court uses include, but are not limited to, (1) the time between the arrest and the statement, (2) the presence of intervening circumstances, and (3) the purpose and flagrancy of the police misconduct.

*Wong Sun v. U.S.*, 371 U.S. 471 (1963)



*Facts:* Police arrested a suspect for drug possession. The suspect set police on a trail to find the drug supplier. Police found Defendant A in his home and arrested him and others. The police did not have a warrant or probable cause for the arrests. The police conducted a search where they discovered evidence that led to Defendant A's conviction on federal narcotics charges. Defendant A also made verbal statements that led to the arrest of Defendant B. The police prepared written statements for Defendants A and B to sign, but they refused. The trial court admitted evidence of Defendant A's verbal statements at the time of arrest and the unsigned statements.

*Issue:* Are the statements gathered through police misconduct admissible at trial?

*Holding:* No, as to Defendant A. The verbal statements Defendant A made at the time of arrest were fruits of the poisonous tree and inadmissible, as was Defendant A's unsigned statement, which lacked corroboration. Defendant B's unsigned statement, however, was admissible because the court determined that the connection between Defendant B's unlawful arrest and his unsigned statement was attenuated. Defendant B made the statement voluntarily, days after his arrest and release from jail on his own recognizance (release without bail), and Defendant B made no allegation of police misconduct in the interrogation leading to the drafting of the unsigned statement.

*Terry v. Ohio, 392 U.S. 1 (1968)*

*Facts:* A plain-clothes police officer observed Defendant and two others acting suspiciously in a manner that resembled "casing" a store (watching it in preparation to rob it). The officer stopped the three men and searched them ("stop and frisk"), finding weapons on two of them. Defendant was convicted of carrying a concealed weapon.

*Issue:* Was the police officer's investigatory stop-and-frisk search of the three men a violation of their Fourth Amendment rights?

*Holding:* No. The officer did "seize" the persons of the Defendants and "searched" their outer clothing for weapons. The search and seizure did not violate Defendants' Fourth Amendment rights because a reasonable officer in this case would have believed his safety or the safety of others was endangered, and that belief warrants a reasonable search for weapons. A reasonable officer must act on more than an inarticulate "hunch" and must be able to point to specific and articulable facts that warrant the brief intrusion on the Defendants' constitutional rights.

*Taylor v. Alabama, 457 U.S. 687 (1982)*

*Facts:* Police arrested Defendant for robbing a grocery store based on an uncorroborated tip. The police had no warrant or probable cause for the arrest. They did give the Defendant *Miranda* warnings. During Defendant's interrogation, police told the Defendant that his fingerprints were found on grocery items handled by the robber. Six hours after the arrest, Defendant signed a written confession.

*Issue:* Is the Defendant's confession obtained after an unlawful arrest admissible at trial?

*Holding:* No. Defendant's confession must be excluded because it is the fruit of an unlawful arrest. A confession obtained after an unlawful arrest must be excluded unless intervening circumstances break the causal connection between the arrest and the confession so that the confession occurs apart from the unlawful arrest. In this case, there were no meaningful intervening circumstances between the initial arrest and the Defendant signing the confession.

*Segura v. United States, 468 U.S. 796 (1984)*

*Facts:* Police began surveilling Defendants after receiving information that they were probably trafficking cocaine from their apartment. After arresting one of the defendants in the lobby of the apartment building, police conducted a limited search of the apartment 19 hours before they secured the search warrant. While waiting for the warrant to issue, they saw various drugs in plain view. After the police secured a search warrant, they searched the entire apartment and found cocaine and records of narcotics transactions.

*Issue:* Was the evidence found in the second search the fruit of the poisonous tree?

*Holding:* No. Evidence will not be excluded as fruit of the poisonous tree unless the illegality is *at least* the "but for" cause of the discovery of the evidence (i.e., *but for* the initial illegal search, the discovery of evidence in the second search would not have occurred). Here, the threshold (initial) "but for" requirement was not even met. There was an independent source for the challenged evidence from the second search in the fact that it was discovered after the police secured a valid warrant. The connection, however, between the illegal search and the discovery of the evidence in the second search was attenuated so that the evidence from the second search is not fruit of the poisonous tree.

*Herring v. United States, 555 U.S. 135 (2009)*

*Facts:* A police officer learned that Defendant had come to the police station to retrieve something from his impounded vehicle. The police officer asked the clerk to check if Defendant had any outstanding warrants. The clerk found one, and the police officer arrested Defendant. The officer conducted a search incident to arrest, where he found drugs and a gun. Since

Defendant was an ex-felon, it was illegal for him to carry a gun. It was later discovered that there was no outstanding warrant for Defendant's arrest. *Issue:* Is evidence gathered due to an invalid arrest admissible at trial if the police officer is acting on the reasonable belief that an arrest warrant exists? *Holding:* Yes. Evidence gathered due to an unlawful arrest is admissible if the police officer is acting in good faith. The exclusionary rule was created to serve as a deterrent for police misconduct. In this case, the officer's reliance on the erroneous warrant was isolated negligence and "not systemic error or reckless disregard of constitutional requirements." The officer is acting in good faith and there is no police misconduct that needs to be deterred if the officer has "objectively reasonable reliance" on the erroneous warrant.

*Thompson v. Keohane, 516 U.S. 99 (1995)*

*Facts:* Defendant was convicted of murdering his former wife and sought to suppress a confession he made to officers when he voluntarily came into the police station after identifying the wife's body. He was not read his *Miranda* rights.

*Issue:* Was the Defendant's confession admissible?

*Holding:* It depends on whether Defendant was in custody and thus entitled to *Miranda* warnings. The Court remanded (sent back) the case to state court to determine whether Defendant was in custody. The court ruled that there are two essential inquiries needed to determine whether a person is in custody: "First, what were the circumstances surrounding the interrogation; and second, given those circumstances, would a reasonable person have felt he or she was not at liberty to terminate the interrogation and leave."

*Rhode Island v. Innis, 446 U.S. 291 (1980)*

*Facts:* Defendant was arrested for the robbery and murder of a taxi driver. The driver was killed by a shotgun, but the shotgun was not found by the time Defendant was arrested. Defendant was arrested with *Miranda* warnings and then put into the backseat of the police car. Defendant

invoked his right to speak with a lawyer. The police discussed amongst themselves that the shotgun used to kill the taxi driver might be found by a child. Defendant was moved by the discussion enough to tell the officers the location of the shotgun.

*Issue:* Did the conversation between the police officers in front of Defendant constitute an interrogation under *Miranda*?

*Holding:* No. The conversation was not considered an interrogation and therefore did not violate Defendant's Fifth Amendment rights. Interrogation, for *Miranda* purposes, refers to "any words or actions on the part of the police, other than those normally attendant on arrest and custody, that the police should know are reasonably likely to elicit an incriminating response from the suspect." The court stated that defendant was not subjected to interrogation or its functional equivalent of questioning because "it could not be said that the officers should have known that their brief conversation [that consisted of a few off-handed remarks] in [Defendant's] presence was reasonably likely to elicit an incriminating response and there was nothing in the record to suggest that the officers knew that [Defendant] would be susceptible to an appeal to his conscience concerning the safety of children and would respond by offering to show the officers where a shotgun was buried."

#### **CREDITS**

Materials adapted from *People v. Awbrey*  
Constitutional Rights Foundation, California