TRULINCS 17627104 - STAPLETON, MICHAEL - Unit: PEM-E-S

FROM: 17627104
TO:
SUBJECT: Reply to governments Brief
DATE: 04/22/2023 01:15:15 PM

IN THE SUPREME COURT OF THE UNITED STATES
WASHINGTON D.C

MICHAEL STAPLETON
PETITIONER

V.

UNITED STATES OF AMERICA
RESPONDANT

CASE NO; 22-6680
DATED; APRIL, 24th, 2023

ON PETITION FOR WRIT OF CERTIORARI FROM THE ELEVENTH CIRCUIT COURT OF APPEALS

REPLY TO SOLICITOR GENERAL RESPONSE

On March 23rd, 2023 the defendant sent via UPS certified mail a Motion in support of the Writ of Certiorari before this Honorable Court. The defendant further sent another filing on April 4th, 2023. The defendant only sent the second filing headed Motion in Default in favor of the defendant because the defendant had not received anything from the Solicitor General or this Court that proved that a response or a request for an extension of time was filed. The defendant had to reply on a third party to provide information on this case to make the appropriate filings, to date no documents has been received by the defendant on anything filed in this case.

The defendant hereby files a reply to the Solicitor Generals response to the defendants Writ of Certiorari.

In viewing the response by the Solicitor General, it is clear that the Solicitor General is not being honest about the findings in this case by distorting the facts about the issues raised by the defendant. If light of the accusations made by the Solicitor General the defendant is forced to provide portions of the record in this case as exhibits that serves as proof that the Solicitor General is NOT being honest with this Honorable Court. See the Appendix filed with this reply brief labeled A-F.

The Solicitor General has provided incorrect facts and answers that conflicts with the questions raised by the defendant.

Question No. (1) as stated in the defendants Writ;

To support the arguments of question No (1) the defendant relied on (2) cases as mentioned in the Solicitor Generals response , United States v. Garcia-Paulin, 627 F.3d 127; (5th Cir 2010), United States v. Singh, 532 F.3d 1053, (9th Cir 2008).

The question raised by the defendant is pertaining to the "defective indictment." The indictment charged the defendant under 2 distinct aiding and abetting statutes but did not identify any of the co-conspirators in the indictment whom the defendant aided and abetted. The defendant complained that the indictment lacked Specificity before the District Court and the Court of Appeals but got no relief. The Court of Appeals and the Solicitor General are both in error because both parties are relying on the fact that the defendant is charged under Title 18 U.S.C & 2 but failed to realize that the defendant is charged under another aiding and abetting statute for alien smuggling as charged in the defective indictment under Title 18 U.S.C & 1324 (V) (II). These 2 statutes are the only two aiding and abetting statutes that exist in America Law that the defendant has found.

On page (3) of the Opinion rendered by the Court of Appeals, the Court listed the alien smuggling statutes as part of the crimes that the defendant is charged with. On page (13) of the same Opinion the Court of Appeals says that the defendant is NOT charged with aiding and abetting. The very Opinion conflicts with the Panels decision and the indictment itself because the defendant is charged with aiding and abetting under both statutes. The defendant challenges this Honorable Court the read the Fifth's Circuit decision in Garcia-Paulin. Garcia-Paulin is charged with the "identical crime" in an indictment that has the "identical" indictment defects. Garcia-Paulin is not charged under both aiding and abetting statutes as the defendant in this case, Garcia-Paulin is only charged under Title 18 U.S.C & 2, where the Fifth Circuit decided that Garcia-Paulin indictment was defective, even though Garcia-Paulin conviction was vacated because his indictment lacked factual basis for the crimes that he

plead guilty to, the Fifth Circuit still found that Garcia-Paulin indictment was defective.

The Fifth and Ninth Circuits both agreed that a defendant cannot aid and abet only an alien, Singh, 532 F.3d at 1059, no co-conspirators are identified in the indictment or factual basis to establish the existence of a principle whom Garcia-Paulin aided and abetted, the same applied in the defendant's case before this Court.

The Eleventh Circuit has made it clear that the sufficiency of a criminal indictment is determined from its face, United States v. Courtnee Nicole Brantly, 461, Fed. Appx 849; (11th Cir 2012), see also United States v. Critzar 951, F.2d 306, 307 (11th Cir 1992). The Court of Appeals and the Solicitor General's facts are misplaced because the defendant challenged the sufficiency of the indictment, not the theory in which he was convicted for aiding and abetting at trial, these are distinct arguments. The Solicitor General also mis-states the facts about Paulin-Garcia, by saying that the Fifth Circuit only addressed the circumstances in which a defendant maybe found guilty, this assertion is NOT supported by the Fifth Circuit decision of Garcia-Paulin.

In Booner v. City of Pritchard, 661, F.2d 1206 (11th Cir 1981) (en banc) the Eleventh Circuit adopted all decisions made by the prior Fifth Circuit, despite the Fifth Circuit vacating the conviction of a defendant for the identical crime and indictment defects, the Eleventh Circuit went against their own precedent and refused to honor their own case laws in the defendant's case. The Eleventh Circuit wrongly concluded that the indictment did not lack Specificity and like wise wrongly concluded that the defendant is not charged with aiding and abetting, as stated by the Solicitor General in their response and the Court of Appeals decision, the indictment charged the defendant with committing the crimes himself, this according to the Solicitor General and the Court of Appeals makes the indictment void of defects.

Question No. 2 as stated in defendants Writ;

The Solicitor General goes on to classify the defendant's case as the same in Martinez v. Court of Appeals, 528 U.S. 152,163, (2000) in their brief. The defendant filed a Motion to Discharge Counsel based on counsel's ineffectiveness on defendant's Direct Appeal, see the defendants Motion in the Court of Appeals docket entry. The Motion to Discharge Counsel is not supported by the Solicitor General's incorrect claims in light of Martinez. The defendant specifically used a case asserted in the Motion to Discharge Counsel by the Seventh Circuit, Indictum by the Supreme Court, see Shaw v. Wilson 721, F.2d 53 (7th Cir 1985). The Motion that the defendant filed under Shaw v. Wilson was not resolved prior to the Court affirming the defendant's conviction. The motion never seek to discharge counsel so that the defendant could represent himself on Direct Appeal, as the Solicitor General claim. The response by the Solicitor General is false and mis-leading.

The Solicitor General made it clear that the defendants conviction was affirmed on July 22nd 2022, see exhibit (A) of the Appendix. The document sent to the defendant by the Court of Appeals, clearly shows that on 09-06-2022 the Motion to Discharge Counsel was still pending. The Motion that the Court referred to was filed prior to the Court affirming the defendants conviction, during the month of June or July of 2022. The Court denied the Motion to Discharge Counsel months after affirming the defendants conviction. Eleventh Circuit case laws enforces the point that the Federal Courts must adjudicate every claim prior to closing out a case, Clisby v. Jones 903 F.3d 1348 (11th Cir 1992). The Court of Appeals and the Solicitor General tries to make it appear that the motion was filed after the defendants conviction was affirmed, the record in this case tells another story. Failing to resolve the Motion to Discharge Counsel prior to affirming the defendants conviction violated the defendants rights to Due Process on Direct Appeal and further violated the defendants rights to have effective assistance of counsel on Direct Appeal.

Question No. 3 as stated in defendants Writ;

The Solicitor General also mis-states the facts that the Court of Appeals did not fail to address any issues in the defendant's Petition to Re-hear his case on Direct Appeal. The defendant again challenges this Court to review the Petition the Re-hear this case before the Court of Appeals, the record in this case will tell another story. The Fifth and Eleventh Circuits both has made it clear that Federal Courts "must" address jurisdictional questions when ever they are raised and further that they are required to consider jurisdiction Sua Sponte if not raised by the parties, S.J. Associates Pathologist P.L.L.C. v. Cigna Health Care of Texas, 964 F.3d 369 (5th Cir 2020), Donna Curling v. Secretary of the State of Georgia, 761 Fed. appx 927; (11th Cir 2019).

As stated in the defendant's Writ, the defendant timely raised the issue that the Court lacked jurisdiction in the Petition to Re-hear the case, the Court of Appeals denied the Petition to Re-hear the case but left the claim unresolved. The brief filed by the Solicitor General makes it clear that the defendant conduct did not violate the charging statutes out lined in counts 25-47. The Solicitor General makes it clear that the defendant was NOT in the United States at the time of the indictment. Seeing that Congress Intent and the way the government choose to charge the defendant made it clear that there was nothing tying the charges in counts 25-47 to the conspiracy, so the defendants conduct did not violate the charging statues of counts 25-47,

leaving the defendants sentence and conviction in violation of the Constitution of the United States because the defendant was sentenced for crimes to which his conduct did not violate. The Solicitor General wish to use a technicality that the Court denied the Petition to Re-hear the case, so the claim that the court lacked jurisdiction is not left unresolved as the defendant claimed. If this asserting by the Solicitor General is correct, this will only gives strength to the question that the defendant asked this court in question No: 4.

Question No. 4 as stated in defendants Writ;

The Solicitor General offers no response to this question. The question presented appears to be the first time impression before the Supreme Court, the defendant has found no cases that this Court has previously decided. The record on Appeal clearly speaks for itself. The timely filed Motion to the Court of Appeals was filed prior to the Mandate being issued in this case, see page 7 of defendant Writ. The Clerk told the defendant that no action would be taken on his Motion for Jurisdiction, this action by the Clerk makes it clear that the defendants Due Process rights on Appeal was violated because if the Clerk had filed the Motion separate from the Petition to Re-hear the case, the Appeal would have had a different result.

Question No. 5 as stated in defendant's writ;

The Solicitor General claims that the defendant has raised a new Double Jeopardy issue premised on another indictment. The Solicitor General says that the defendant has forfeited this claim, the defendant does not share this view. The Double Jeopardy issue was raised in the District Court citing that both indictments was Mutiplicitous. The Double Jeopardy issue was again raised on Direct Appeal. Double Jeopardy is Double Jeopardy no matter the scenario. As stated in the defendants Writ, the defendant told the Court of Appeals that he had already been indicted in the 2013 indictment, see the Statement of Facts in the defendant's initial brief. The Court of Appeals choose to consider the 2013 indictment in error when they considered the 404 (B) evidence and wrongly concluded that the 2013 indictment was a prior conviction. The defendant never used the 2013 indictment to rebut the 404 (B) evidence but the Court Sua Sponte considered the 2013 indictment to justify the decision made in the Court's Opinion that denied the defendant relief. The defendant has filed exhibit (B) in the Appendix which is an Order of Dismissal of the 2013 indictment, this proves that the Court of Appeals was wrong to conclude that the 404 (B) evidence admitted at the defendants trial, was a prior conviction. The same way the Court of Appeals Sua Sponte considered the 2013 indictment to adjudicate the 404 (B) evidence, the Court could have like wise considered the 2013 indictment to adjudicate the Double Jeopardy issue.

Continue on page (4). This document was printed on the weekend, the defendant has no further access to a printer to correct the deficiencies in the preparation of this document. 04-22-2023. The Compound had a total recall because of incoming weather.

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The Court of Appeals based its entire decision on the 2014 indictment, they gave no consideration to the 2013 indictment. The decision made by the Court of Appeals concerning the Double Jeopardy issue failed in several ways. The Court of Appeals erred when they concluded that the crimes took place in separate locations of Florida., see page (9) of the Courts Opinion. This allegation is not supported by the facts in the indictment because the indictment clearly says that the crimes terminated in Palm Beach County, South Florida. The defendant also file in the Appendix exhibit (C). Exhibit (C) is docket entry 99 which is the governments Motion to join both indictments that was filed the one day after the District Court denied the defendants Motion that both indictments was Multiplicitous, which evokes the Double Jeopardy Clause. Docket entry 99 filed by the government outlines ALL of the principles that proves one criminal episode or conspiracy and further proves that the crimes charged were not separate conspiracies.

The Solicitor General goes on to rely on a case by the Supreme Court, Martinez v, Illinois 572, U.S. 833, 840 (2014). There is a distinction between Martinez and the defendants case. The 2013 indictment is not a separate crime that concerned a different conduct. The Solicitor General further contends that because the 2013 indictment was dropped, that Double Jeopardy never attached. The Solicitor General makes it clear that the 2013 indictment was dropped (21) days after the defendant was convicted of the 2014 indictment. The Solicitor General misses the mark because there was no need to charge the same crime in a separate indictment. The Solicitor Generals own brief is contradictive of the Solicitor Generals claims, because the Solicitor General says that there was a plan to smuggle 100 aliens in a total of 12 trips to the United States. This allegation proves that the conspiracies were not separate conspiracies and that this was a continued operation that happened over a period of time with a common scheme or plan to smuggle the 100 aliens to the United States, specifically to Palm Beach County as stated in both indictments and supported by the governments Motion filed in docket entry (99).

The Supreme Courts decision in Broce v. United States supra, 488, U.S. 563 (1988) and Blackledge v. Perry 417, U.S. 21, 30 (1974), makes it clear that the second indictment must fall. The conviction on the 2014 indictment violated the Double Jeopardy Clause. There is a substantial overlap in the crimes outlined in both indictments of (17) days, the defendant is named and was enhanced (4) levels as the leader of both indictments and all of the locations were the same. The (2) indictments were not separate conducts and Martinez does not apply. Twelve boat trips does not make (12) separate conspiracies.

Question No. 6 as stated in defendants Writ;

The Solicitor General brief on this issue is misplaced and misleading. The Solicitor General says that the Petitioner errored for contending for the first time that the District Court violated Aprendi v. New Jersey 530 U.S. 466 (2000). This allegation is false and not supported by the defendants Writ. On page (9) of the defendants Writ, there are no arguments to support the claims made by the Solicitor General. The defendant has made NO claims about the District Court, nor did the defendant raise any issues about a sexual assault. The 404(B) evidence complained about by the defendant was specifically directed at the Court of Appeals that wrongly concluded that the 2013 indictment was the result of a prior conviction. If the Court of Appeals had not made this error, the defendant would have not been stucked with a (12) level enhancement that was derived from the 2013 indictment. The defendant was enhanced (2) levels for a gun, (4) levels as a leader, and (6) levels for smuggling (32) or more aliens into the United States. The error by the Court of Appeals can be viewed on page (17) of the Courts Opinion. The record in this case is VOID of any facts to support the Courts Opinion that the 2013 indictment was in fact a prior conviction. The error by the Court of Appeals violates the very core of Aprendi and Davis and the (12) level enhancement derived from the 2013 indictment should have not been affirmed.

The defendant never raised the sexual assault issue to the Supreme Court because the defendant felt that he had more stronger issues that would have had greater success. The Solicitor General opened the door for the defendant to respond to these allegations, so the defendant is forced to provide evidence that was also included in the defendants Appeal as proof that the allegations of the sexual assault was 100% false. The defendant feels as if the Solicitor General had improper motives by raising this issue in order the sway this Court in thinking that the defendant was a rapist and further that he deserved the sentence he received. The defendant hereby offers Exhibits (D) which is the prosecution's Motion In Limine, Exhibit (E) which is the Sworn Declaration of Geicy Sousa and Exhibit (F) which is the Sworn Declaration of Michelle Pacheco.

Both Michelle Pacheco and Geicy Sousa testified at the defendants trial and were the ONLY two first persons witnesses that testified about the 2013 events charged in the indictment. Both females claimed and pointed out the defendant at trial as the person who raped "both of them at the same time." The government introduced this information about the rapes on the morning

of the defendant's trial. The sworn declaration of Michell Pacheco made in her Asylum, never mentioned anything about being raped. Geicy Sousa made it very clear in her sworn declaration that she was raped two times by a man named Marvin , "prior" to meeting the defendant, but never mentions anything about being raped by the defendant. Despite clear and convincing evidence that proves that the prosecution solicited the use of perjured testimony at the defendants trial, further that the rape allegations was false, the Court of Appeals affirmed the (4) level enhancement for a rape that never existed.

The Solicitor General concludes that this Court should hold the defendants case pending a decision in Hansen (22-179). The claims raised by the defendant does not rely on the Courts decision in Hansen. If this court concludes that the Court of Appeals errored on any of the issues raised by the defendant in his Writ, there would be no need to wait on a decision in Hansen because every issue raised, would vacate the defendants conviction in it's entirety. The Solicitor General is asking this Court to hold the defendant hostage pending a decision in Hansen when the issues raised by the defendant is not supported by Hansen. Yes the defendant may or may not receive a benefit from the Courts decision in Hansen, the defendant has (several) Constitutional violations in his case that would receive better relief than any decision that this Court may render in Hansen.

The defendant has placed all of the issues before the Court of Appeals that had the strongest possibilities of success on Direct Appeal. These issues were wrongly decided and could never be relitigated in a Petition of Habeas Corpus before the District Court. The decisions made by the Court of Appeals is strongly contradicted by the record in this case. As stated in the Motion in support of this Writ that was filed on March, 23rd, 2023, the Doctrine of Claim Preclusion, a final judgement forecloses successive litigation of the very same issue.

The Double Jeopardy issue could never be relitigated. The 404 (B) evidence that eventually left in a (12) level enhancement cannot be relitigated. The issue pertaining to the defective indictment could never be relitigated. The issue pertaining to jurisdiction that was not addresses by the Court of Appeals cannot be relitigated. The issue pertaining to the Clerk that participated in an act that violated the defendants Due Process rights on Appeal can not be relitigated. The defendant has no choice but to seek relief from this Honorable Court. A Petition for Habeas Corpus would be inadequate and effective.

The Solicitor General has presented false and misleading responses to the defendants Writ in a bid to deceive this Honorable Court. After one misleading response, how can the Court trust the credibility of the Solicitor General who has presented several misleading responses? The Solicitor Generals credibility fell on the face of the allegations made and is totally contradicted by the record in this case and the Writ filed by the defendant.

CONCLUSION

This case is a very unique case and should be viewed in light of the Supreme Court decision in Silber v. United States 370, U.S. 718 (1962). The same result derived in Silber should be applied in The defendants Writ of Certiorari before this Court.

The decision in Hansen may vacate some of the defendants conviction, as the Solicitor General stated. The questions raised by the defendant could vacate all of his convictions.

The defendant has spent (5) years in prison in violation of the Constitution, how long is too long?

Respectfully Submitted,
Michael Stapleton
17627104
April, 24th, 2023

TRULINCS 17627104 - STAPLETON, MICHAEL - Unit: PEM-E-S

FROM: 17627104
TO:
SUBJECT: Appendix
DATE: 04/22/2023 01:12:21 PM

APPENDIX
FOR WRIT OF CERTIORARI

EXHIBIT (A)	ORDER OF THE COURT OF APPEALS.
EXHIBIT (B)	ORDER OF DISMISSAL OF THE 2013 INDICTMENT
EXHIBIT (C)	DOCKET ENTRY (99) MOTION TO JOIN CASES.
EXHIBIT (D)	DOCKET ENTRY (114) GOVERNMENTS MOTION IN LIMINE
EXHIBIT (E)	SWRON DECLARATION OF GEICY SOUSA
EXHIBIT (F)	SWRON DECLARATION OF MICHELLE PACHECO

A

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 19-12708-BB

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MICHAEL STAPLETON,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida

ORDER:

Before this Court are several *pro se* documents filed by Appellant, including motions to discharge counsel, requests for documents, and documents petitioning this Court for rehearing and rehearing *en banc*. These *pro se* requests for relief are HELD IN ABEYANCE.

Appellant's court-appointed attorney, Richard F. Della Fera, is DIRECTED to respond to this order within 21 days regarding compliance with the "Duties of Appointed Counsel" set forth in 11th Cir. R., Addendum 4(f)(5), as well as what documents have been provided to Appellant regarding this Court's July 12, 2022 decision.

/s/ Kevin C. Newsom
UNITED STATES CIRCUIT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 14-CR-80151-MIDDLEBROOKS/O'SULLIVAN

UNITED STATES OF AMERICA

v.

MICHAEL STAPLETON,
Defendant.
_____/

GOVERNMENT'S SECOND MOTION IN LIMINE CONCERNING THE ADMISSIBILITY OF OTHER BAD ACTS OF THE DEFENDANT

The United States Government, by and through the undersigned Assistant United States Attorney, hereby files this Second Motion in Limine Concerning Prior Bad Acts of the Defendant.

On January 26, 2019, several out of town witnesses, including migrants referenced in the indictment, arrived and were interviewed by the undersigned. During the interviews, several migrants indicated that they were repeatedly raped by the defendant, Michael Stapleton, while he was acting as their "coyote" in the Bahamas. These are different migrants than were referenced in the prior disclosure concerning the Defendant's sexual assault. The recently disclosed sexual assaults were first used as punishments when the migrants left the dwelling where Mr. Stapleton housed the migrants. The migrants tried to escape again, and Mr. Stapleton threatened that he would make them disappear as another female migrant had recently disappeared. At times, Mr. Stapleton raped the migrants in front of each other, to enforce their terror. Mr. Stapleton also allowed the man who captained the migrants' boat to the United States to rape the migrants with Mr. Stapleton, prior to their departure. The government intends to argue that this was part of the captain's payment for the smuggling venture.

The Government submits that this evidence is relevant and admissible as evidence of the charges crimes (specifically Count 2) and is necessary to complete the migrant/witnesses testimony. The witnesses may have a significant emotional or physical reaction to seeing the defendant for the first time since they left the Bahamas, and this testimony would help the jury to understand this reaction. It is part of the crimes charged, and not extrinsic. Furthermore, the evidence will not extend the trial as the migrant who provided this information were already counted among the Government's witnesses and the migrants are specifically referenced in four substantive counts in the indictment. While the testimony concerning the assaults is admittedly prejudicial, the prejudice does not substantially outweigh its probative value. Fed. R. Evid. 403. *See United States v. Fortenberry*, 971 F.2d 717, 721 (11th Cir. 1992).

For all the foregoing reasons, the Government respectfully requests that the Court rule that the above-described testimony be admissible at the trial of this matter.

Respectfully submitted,
ARIANA FAJARDO ORSHAN
UNITED STATES ATTORNEY

By: /S/ Stephanie D. Evans

Stephanie D. Evans
Assistant United States Attorney
Fla Bar No. 255180
500 S. Australian Blvd. Suite 400
West Palm Beach, Florida 33401- 6235
Tel. No. (561) 820-8711
Fax No. (561) 659-4526
Stephanie.d.evans@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2019, the undersigned electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

s/ Stephanie D. Evans
Assistant United States Attorney

DECLARATION OF GEICY VIEIRA SOUZA IN SUPPORT OF HER I-589 APPLICATION

[redacted] } S.S.
}

I, Geicy Vieira Souza, was born to Hermelino de Oliveira Souza and Ereni Vieira Souza on November 16, 1983 in Ouro Preto do Oeste, Brazil. I am now writing in support of my I-589 application to detail how I became a trafficking victim and as a result will be in great danger if I ever return to Brazil.

Admittedly, I initially wanted to come to the United States to make a better life. Brazil's economy is struggling with an astronomical unemployment rate. Moreover, the country is plagued with violence combined with police and political corruption. I first got the idea to travel to the US when I spoke to a man name Matteus on December 31, 2012. We met at a New Year's Eve party at a mutual friend's house. He told me about the great opportunities in the US and that life would be much better there. He also said he knew of the best route, as well as the people to execute the plan. He explained that I would travel to the Bahamas and then coyotes would help me arrive to the US. The whole operation was incredibly expensive, but he promised it would be worth it. All I had to do was pay $6,000.00 USD to start the process, and $9,000.00 USD for the second half.

In June of 2013, I decided that I was ready to make the journey. I coordinated with Matteus who put me in touch with Silas, the ring leader of the whole operation. He told me that the process would be fairly simple in terms of payment. All I needed to do was get to Panama and his group would buy the ticket for me to the Bahamas. Once I arrived in the Bahamas, my brother would wire the $6,000.00 to one of Silas' partners in the US and after I made it to the final destination, I would pay the rest. Nervous and excited, I bought a plane ticket out of Minas

Gerais, Brazil and met up with Silas, who informed me that I was financially responsible for purchasing my flight to the Bahamas, contrary to what I had been told previously. He said I needed to ask my brother for more money to buy the ticket immediately, otherwise I would have to wait in Brazil for another week. I called my brother and he quickly wired money to my account to cover the ticket. Thankfully, this pleased Silas and I flew to Panama on June 21, 2013 and got my connecting flight to the Bahamas the following day.

I arrived in Nassau, Bahamas on June 22, 2013. I was instructed to call someone in the coyote's group to meet up, but when I called, the number was unavailable. I later received a message saying I needed to buy a ticket to Freeport, a different island in the Bahamas, and meet up with driver in a van. Diligently following instructions, I purchased my ticket and got on the next flight. I managed to find the driver, who was also transporting five other adults: one man, four women. We were taken to the Flamingo Bay Hotel in Freeport and shared two rooms between the five of us. We were told to wait in the hotel until we received further instructions. At this point in the journey everything seemed normal and my fellow travelers were very nice.

We waited in the hotel for four days until Gary, one of Silas' men who we had never met before, came to tell us the next steps. Gary told us that the boat that was supposed to take us to the US was delayed, but he promised it would arrive soon. Under Silas' orders, Gary then took all six of us from the hotel to a house nearby in Freeport. Gary assured the group we would only be in the house for the day and we would depart later that night. He also emphasized that we could not leave the house or speak to anyone besides ourselves. At the time, all of these procedures seemed normal until Gary informed us we would need to pay $10,000.00 USD between the six of us for the boat and the captain. Each of us paid between $1,000.00 and $5,000.00 and pooled together the demanded amount. To pay my portion, I called my brother

who graciously wired the money to Silas' partner in the US, who I later discovered was named Vantuir.

While we were promised we would leave that evening, Gary came back that to tell us we simply could not leave that night for a variety of reasons. Oddly, when he arrived to deliver the news, he was accompanied by four large dogs which definitely were not strays or anyone's household pets. I began to feel eerily trapped. We were then transported to another house. We stayed in this second house for three days until another coyote showed up. This man informed us that Silas had fired Gary and that he would be in charge of us. He took us to a third house, where we hid for another two days.

Eventually, we flew back to Nassau with the help of Maria, another one of Silas' coyotes. We were entirely dependent on Maria in terms of travel since our visas had already expired and the Bahamas have very strict policies for overstaying. Maria transported us to a motel, of which I forget the name, and we were held there for around fifteen to twenty days. When we arrived at the motel, Maria demanded we each pay $3,000.00 for the rooms and the boat which would take us to the US. Frustrated, we pushed back and Maria eventually agree to $2,000.00 each. I was allowed to call my brother to ask for the money, which he sent to me through Western Union. About twenty days later, Maria returned to the motel and got us a flight to go back to Freeport. Once we landed, we were taken in a van to another house. This time, a man named Marvin was our chaperone. Unsurprisingly, we were taken to another house and were forced to pay $200.00 per person for food. I paid this money in cash.

We waited three or four days and then were transported to yet another house. A few days passed and we were finally able to get on a boat. It was nighttime and the boat was quite small, but I remember feeling exciting that we were finally making the journey. After ten minutes, the

captain asked for two phones to provide some light. Unsurprisingly, the flashlights from the small cell phones could not help him navigate the boat, so we quickly returned to shore. Once we docked, the captain quickly took off with the phones. After the disappointing boat ride, Marvin picked us up in a van and brought us to a hotel. There was no food or water, nor did anyone have a phone anymore. As Martin was leaving, he warned us we could not leave the building. We felt completely trapped, both physically and psychologically.

Two days without any food or water passed until Marvin took us in a van to another house. The one man in our group along his girlfriend could not take the torment any longer and escaped to go back to Brazil later that evening. We never heard from them again. A few days after their departure, we were taken to another hotel for a week. For the first couple of days, we were brought K.F.C. food, but afterwards we were not provided with any food or drinks.

Although the situation was very dire, it became worse as Marvin raped me for the first time at this location. He told me not to worry about the assault since he was going to bring me to the US for a better life. In Marvin's twisted mind, being violated was just part of the price I had to pay. After that week, Marvin, who worked at a hospital, used an ambulance to take us to a house on the beach next to a restaurant owned by his family. We were finally allowed a little freedom, so I took the chance to take a stroll on the beach. Since we were not in a tourist area, my lighter skin drew the attention of some nearby police officers. They approached me and asked me why I was there, but I managed to convince them that nothing was out of the ordinary. As soon as they left, I told Marvin's employees at the restaurant what had happened.

Quickly soon after, Marvin moved me to another house. While I initially thought this was for my safety, it was actually just a ploy in order to rape me for the second time. He made me undress saying that if I did not comply with his orders, he would make sure my family suffered.

Since the coyotes all had my brother's contact information, I knew they could easily execute any plan to hurt him or the rest of my family. I was absolutely traumatized and devastated, especially since I was completely dependent on Marvin and had nowhere to run. I felt absolutely powerless and even more vulnerable than I had before. The others were left at the bar Marvin owned for a few hours until he could bring them to join us.

Once we were all reunited, we were moved to a new house and met another coyote who would be in charge of us. We ended up living in this house for five days but were never provided any food or water. Thankfully, there was a river nearby so the group worked together to catch some fish. During the fifth day, a neighbor knocked on the door asking why we were there. He was clearly suspicious. We used the designated cell phone, provided by the coyote in case of emergencies, and alerted him about the situation. We were moved to another house later that evening. The transition to the new house also came with a new handler whose name was Michael. When we arrived, we discovered Michael was housing ten other people, who were a mix of Haitians, Ecuadorians, and Colombians. That night we tried to travel by boat to the United States but the journey was quickly derailed by the boat's engine failure. We turned around and returned to the house. The next day, we tried to travel on a bigger boat, but there were helicopters circling above so we were forced to turn around. Police officers arrived at the house later that night, but Michael persuaded them there was nothing to worry about.

As always, we were moved to another house immediately. Michael demanded $4,000.00 per person to pay off the police. The consequence of not paying was no food or water until the money was provided. I was allowed to contact my brother who wired the money the Western Union again. A few days later, we tried to make the trip on a boat, but the engine failed and we had to be towed back to shore. We had to wait another few days before we could try again, so I

was taken to another house along with the three other Brazilian girls and two Ecuadorians. The goal was to try the voyage with a smaller group, but for some reason that plan was never executed and we were returned to the rest of the group. That night, we tried the boat again but the motor stopped, so we turned back.

By this point, I was growing increasingly frustrated with the situation. Two of the other Brazilian women were also expressing the same sentiments and we decided to escape to a hotel in the hopes of getting back to Brazil. Unfortunately, we made the mistake of taking a taxi. Unbeknownst to us, the taxi driver recognized us and a few hours later, Michael showed up at the hotel to bring us back since he did not want us to get him in trouble. After what felt like an eternity, we finally left the Bahamas by boat and got to Miami on October 11, 2013, almost four months after I left Brazil. We missed our planned landing spot which had a safe house because the captain got lost. Unconcerned with our safety or wellbeing, the captain pushed us off the boat and left us on the beach. I stuck with the three other Brazilian women when we got to shore and we were found by police relatively quickly, probably within ten minutes.

When I was interviewed ICE agents, I told them everything I knew about the situation. I found out the boat that brought us to Miami was stopped, so I helped identify the captain through a photo. I desperately hoped I was free from Silas and his coyotes as I had just endured the worst four months of my life. Of course, Silas and his trafficking group did not disappear that easily. A few months later, my sister began receiving threatening calls from Silas and his coyotes. These calls continued through early 2014. My sister went to file a police report but the police officer suggested she not file anything, implying there would be consequences if she did. My sister realized that Silas and his men were well connected with the police and did not file the report.

Unfortunately, Silas has a very broad criminal network and has coyotes working for him in numerous countries. Silas and Vantuir, the man stationed in the US receiving wire transfers, were arrested a few months later but are recently out on bail. Since I helped put Silas behind bars, albeit for a short amount of time, and helped expose his trafficking scheme, I know that he will take any chance he gets to make sure I pay for my actions. Unfortunately, the Brazilian police and the judicial system are riddled with corruption and many times ignore or even help criminals like Silas and his gang. The police were unwilling to help my sister, only reinforcing my belief that law enforcement will do very little, if anything, to protect me from Silas and his partners. With so many ruthless coyotes working for this group, I know that I will be incredibly vulnerable anywhere I go in Brazil. For these reasons, kindly approve my I-589 application.

I declare under penalty of perjury on the laws of the United States of America that the foregoing is true and correct.

Geicy Vieira Souza

April 11, 2018
Date

I, FABIAN LIMA, DO CERTIFY THAT I AM COMPETENT AS A TRANSLATOR AND INTERPRETER AND THAT THIS IS A CORRECT ENGLISH TRANSLATION OF ALL PERTINENT INFORMATION FROM THE ORIGINAL PORTUGUESE SPOKEN TO ME.

EXECUTED ON: APRIL 11, 2018 [redacted]

TRANSLATOR

AFFIDAVIT OF MICHELE LEANDRO PACHECO

I, Michele Leando Pacheco, hereby depose and state as follows:

1. My name is Michele Leandro Pacheco. I was born on [redacted], 1985 in Florinopolis, Santa Catarina, Brazil.

2. I entered the United States on/around October of 2013 at or near West Palm Beach, Florida by a smuggler.

3. I fear to return to Brazil because Marcos, the coyote that assisted my entry to the United States, threatened my life. I provided ICE Officers with information about Marcos, and he is now a wanted man.

4. Marcos has been in the newspaper, and the Federal Police are searching for him. Marcos has made threats against my life through family members, facebook, and has actively continued to search for me.

5. I strongly believe Marcos is paying off corrupt police officers in order to remain free, or to not be caught by Federal police or other officials looking for him in Brazil.

6. I do not think that the Brazilian government will be able to protect me from Marcos, and I do not think that my life is safe if I have to return to Brazil.

7. Marcos knows where I am and has not stopped looking for me.

Signed under the pains and penalties of perjury on this 21 day of October, 2014:

Michele Pacheco

Michele Leandro Pacheco