

APPENDIX

APPENDIX INDEX

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United States Court of Appeals
for the Fifth Circuit

No. 22-30391

United States Court of Appeals
Fifth Circuit

FILED

July 12, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

KEVONDRIC FEZIA,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:21-CR-77-1

Before RICHMAN, *Chief Judge*, SOUTHWICK and OLDHAM, *Circuit Judges*.

PER CURIAM:*

Kevondric Fezia appeals his jury conviction for sex trafficking in violation of 18 U.S.C. § 1591(a)(1) and attempting to entice a minor to engage in prostitution in violation of 18 U.S.C. § 2422(b). He contends that the prosecutor violated his constitutional rights at trial.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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Fezia did not object at trial, so our review is for plain error. *See United States v. Cabello*, 33 F.4th 281, 285 (5th Cir. 2022). To prevail, the defendant must show an error that is “clear or obvious” and not “subject to reasonable dispute.” *Puckett v. United States*, 556 U.S. 129, 135 (2009). Such error must also affect the defendant’s substantial rights. *Id.* And even if the defendant can make satisfy these threshold requirements, the court of appeals has “*discretion* to remedy the error—discretion which ought to be exercised only if the error seriously affects the fairness, integrity or public reputation of judicial proceedings.” *Id.* (quotation omitted).

Fezia first argues that his Sixth Amendment rights under the Confrontation Clause were violated when the prosecutor, in his closing argument, referenced what the minor victim would have said if she testified at trial. But closing arguments do not implicate the Confrontation Clause so this claim fails. *See United States v. Solis*, 299 F.3d 420, 442 (5th Cir. 2002).

Fezia next contends that the prosecutor committed prosecutorial misconduct by referencing evidence not presented at trial and blaming defense counsel’s theoretical cross-examination as the reason that the victim did not testify. While “[c]ounsel is accorded wide latitude during closing argument,” *United States v. Reagan*, 725 F.3d 471, 492 (5th Cir. 2013) (quotation omitted), and may attempt to rebut assertions made by defense counsel, *see United States v. McCann*, 613 F.3d 486, 495 (5th Cir. 2010), a prosecutor may not refer to or even allude to evidence that was not produced at trial, *see United States v. Mendoza*, 522 F.3d 482, 491 (5th Cir. 2008).

Fezia cannot show that the prosecutor’s statements were improper. *See Vargas*, 580 F.3d at 279 (noting that the absence of an objection by defense counsel supported the court’s determination that the prosecutor’s remarks did not rise to the level of clear or obvious error); *see also, e.g.*, *United States v. Tomblin*, 46 F.3d 1369, 1390 & n.56 (5th Cir. 1995); *United States v.*

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Livingston, 816 F.2d 184, 195 (5th Cir. 1987). The prosecutor's remarks must be considered in the context of the entire trial. *See Mendoza*, 522 F.3d at 492; *see also United States v. Young*, 470 U.S. 1, 12–13 (1985) (“[I]f the prosecutor's remarks were ‘invited,’ and did no more than respond substantially in order to ‘right the scale,’ such comments would not warrant reversing a conviction.”). Here, the record reflects that the prosecutor's challenged remarks were made in response to defense counsel's closing argument, emphasizing the absence of the victim's testimony and explaining why such sexually charged testimony from a minor was unnecessary.

Moreover, Fezia has not shown that these statements had a strong prejudicial effect or that they “cast serious doubt on the correctness of the jury's verdict.” *United States v. Smith*, 814 F.3d 268, 276 (5th Cir. 2016) (quotation omitted). The prosecution introduced considerable evidence that Fezia recruited the minor victim to engage in sex work after meeting her online and took her from Louisiana to Texas to engage in prostitution. The evidence of Fezia's guilt—viewed in context with the district court's instruction that the questions, statements, objections, and arguments by the lawyers are not evidence—outweighs any prejudicial effect of the prosecutor's comments. *See United States v. Turner*, 674 F.3d 420, 439–40 (5th Cir. 2012); *see also Livingston*, 816 F.2d at 196. Fezia has not and cannot show that the remarks constituted plain error.

AFFIRMED.

United States Court of Appeals for the Fifth Circuit

No. 22-30391

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

KEVONDRIC FEZIA,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:21-CR-77-1

ON PETITION FOR REHEARING EN BANC

Before RICHMAN, *Chief Judge*, and SOUTHWICK and OLDHAM, *Circuit Judges*.

PER CURIAM:

Treating the petition for rehearing en banc as a petition for panel rehearing (5TH CIR. R. 35 I.O.P.), the petition for panel rehearing is DENIED. Because no member of the panel or judge in regular active service requested that the court be polled on rehearing en banc (FED. R. APP. P. 35 and 5TH CIR. R. 35), the petition for rehearing en banc is DENIED.

UNITED STATES DISTRICT COURT

Western District of Louisiana

Lake Charles Division

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE**v.**

KEVONDRIC FEZIA

Case Number: 2:21-CR-00077-1

USM Number: 46931-509

Wayne J Blanchard

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) _____

pleaded nolo contendere to count(s) _____ which was accepted by the court.

was found guilty on count(s) 1 and 2 of the Indictment after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18:1591(a)(1)	Sex Trafficking Of Children Or By Force, Fraud Or Coercion - Sex Trafficking	02/21/2021	1
18:2422(b)	Coercion Or Enticement Of Female - Attempting To Entice A Minor To Engage In Prostitution	02/21/2021	2

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

June 23, 2022

Date of Imposition of Judgment

Signature of Judge

JAMES D. CAIN, JR., United States District Judge

Name of Judge

Title of Judge

June 27, 2022

Date

DEFENDANT: KEVONDRIC FEZIA
CASE NUMBER: 2:21-CR-00077-1

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: 327 month(s) as to count 1; 327 month(s) as to count 2 Terms to run concurrent with credit for time served in federal custody since June 2, 2021.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____.

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: KEVONDRIC FEZIA
CASE NUMBER: 2:21-CR-00077-1

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of: five (5) years as to Count 1 and Count 2, terms to run concurrent.

MANDATORY CONDITIONS (MC)

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
4. The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. (check if applicable)
5. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. (check if applicable)
6. You must cooperate in the collection of DNA as directed by the probation officer. (check if applicable)
7. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. (check if applicable)
8. You must participate in an approved program for domestic violence. (check if applicable)
9. The passport restriction imposed at the time of initial release is hereby suspended, and defendant's passport is ordered released to defendant's attorney. (check if applicable)
10. The passport restriction imposed at the time of initial release is continued, and defendant's passport is ordered transferred to the U. S. Department of State. (check if applicable)
11. You must comply with the standard conditions that have been adopted by this court as well as any other conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION (SC)

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U. S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

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DEFENDANT: KEVONDRIC FEZIA
CASE NUMBER: 2:21-CR-00077-1

SPECIAL CONDITIONS OF SUPERVISION (SP)

1. You must participate in outpatient substance abuse treatment. You must pay all or part of the costs of the program, as determined by the U.S. Probation Office.
2. You shall participate in a sex offense-specific treatment program and follow the rules and regulations of that program. The Probation Officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You must pay the costs of the program if financially able.
3. You must submit to polygraph testing as part of the sex offender therapeutic program, as directed by the Probation Officer, and pay the costs of testing if financially able.
4. You shall not associate with any minor under the age of 18, unless the minor's parent or legal guardian is present. This restriction does not include incidental contact in normal commercial life.
5. You must allow the probation officer to monitor any cell phone or computer (as defined in 18 U.S.C. § 1030(e)(1)), to which you have access, and you must consent to the installation of monitoring software by the Probation Officer. You must not remove, tamper with, reverse engineer, or in any way circumvent the software. The costs of monitoring shall be paid by the defendant. You shall not have access to any device that accesses the internet which is not monitored.

DEFENDANT: KEVONDRIC FEZIA
CASE NUMBER: 2:21-CR-00077-1

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$200.00	\$3,500.00	\$0.00	\$0.00	\$0.00

The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Restitution of \$3,500.00 to:

WG

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and/or penalties and it is ordered that:

the interest and/or penalty requirement is waived for the fine restitution.

the interest and/or penalty requirement for the fine restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299..

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: KEVONDRIC FEZIA
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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

A Lump sum payment of \$ 3,700.00 due immediately, balance due
 not later than _____, or
 in accordance C, D, E, or F below; or

B Payment to begin immediately (may be combined with C, D, or F below); or

C Payment in equal _____ (*e.g., weekly, monthly, quarterly*) installments of \$ _____ over a period of _____ (*e.g., months or years*), to commence _____ (*e.g., 30 or 60 days*) after the date of this judgment; or

D Payment in equal _____ (*e.g., weekly, monthly, quarterly*) installments of \$ _____ over a period of _____ (*e.g., months or years*), to commence _____ (*e.g., 30 or 60 days*) after release from imprisonment to a term of supervision; or

E Payment during the term of supervised release will commence within _____ (*e.g., 30 or 60 days*) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F Special instructions regarding the payment of criminal monetary penalties:

The Court orders that any federal income tax refund payable to the defendant from the Internal Revenue Service will be turned over to the Clerk of Court and applied toward any outstanding balance with regard to the outstanding financial obligations ordered by the Court.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court, or, unless ordered otherwise, criminal debt payments may be made online at www.lawd.uscourts.gov/fees.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several
 Defendant and Co-Defendant Names and Case Numbers (*including defendant number*), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

The Court gives notice this case involves other defendants who may be held jointly and several liable for payment of all or part of the restitution ordered herein and may order such payment in the future.

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

1 for Mr. Fezia?

2 U.S. MARSHAL: Yes. It's back there, sir.

3 THE COURT: Good. I want to be sure he's fed and
4 taken care of. Okay. All right. We'll be at recess
5 and have our charge conference. Thank you.

6 (Recess is taken.)

7 (Jury enters courtroom.)

8 THE COURT: Okay. Ladies and gentlemen, we're now
9 at the phase of closing arguments. The evidence has
10 been concluded. Is the United States ready to do its
11 closing argument?

12 MR. NICKEL: Ready, Your Honor.

13 THE COURT: You may proceed.

14 **CLOSING ARGUMENTS**

15 MR. NICKEL: Thank you, Judge. I can't thank each
16 and every one of you enough for taking the time out from
17 your lives to come here for the last few days and listen
18 to this case. I know yesterday started kind of tough
19 with getting to the courthouse and the power being out
20 and having to wait around. Yesterday during opening
21 arguments I told you that this was an important case and
22 that we waited for a reason, and that reason is because
23 Mr. Fezia has a right to this case to be heard and he is
24 owed his days in court. And the only way that he is
25 guaranteed that is through you, the ladies and gentlemen

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1 of our jury. So, once again, I want to thank you
2 sincerely for your time and for the sacrifice that you
3 made with work and your family to listen to this case.
4 I know you've all paid very close attention. We've been
5 watching you. We've been seeing you take notes. And we
6 appreciate that.

7 At the beginning of this case I told you that we
8 were going to try Mr. Kevondric Fezia for one count of
9 sex trafficking and one count of attempting to entice a
10 minor to engage in prostitution. We told you yesterday
11 that we would not be able to prove that Naikesha Golden
12 had sex with anyone. We also told you we didn't have
13 to, only that Kevondric Fezia solicited her, induced
14 her, got her to Texas for the purpose of engaging in
15 prostitution.

16 The first person we heard from was Willa Golden.
17 She said on February 13th, 2021, she first reported
18 Naikesha Golden missing. Naikesha Golden is her
19 granddaughter who lives in her home. Naikesha Golden's
20 cousin is Brijé Patterson. You heard from Brijé
21 Patterson, "My cousin went missing. I found her tablet
22 and her phone. On her tablet I found her Snapchat
23 account. On her Snapchat account I saw that she was
24 messaging with a man who goes by Lil Keke. I was able
25 to look on some other social media platforms. I was

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1 able to use the internet to find out that Kevondric
2 Fezia or Lil Keke was Wholelottafinesse on Instagram."
3 From there she finds out his name is Kevondric Fezia.
4 She finds the conversations. She said, "I wasn't
5 surprised that she was using Snapchat. She always uses
6 Snapchat. I wasn't surprised that she saved the
7 messages. She always saved the messages when we
8 communicated. What did surprise me was what those
9 messages contained."

10 This is Lil Keke saying, "Hell, yeah. But, shit,
11 them all serious because you young. That shit will
12 start a lot of trouble and shit; but if you know how to
13 dodge the laws and hold it down, you good. Send them so
14 I can see how you shaped and shit. Ima have to order
15 you some shit and we gonna hit the stores. But you
16 gotta be solid. We really need to talk." That's Brijé
17 Patterson finding the messages between her cousin, 14
18 years old, with Kevondric Fezia. We know. We've seen
19 these. We saw them through Detective Loving. We saw
20 them through Brijé. This is Brijé Patterson responding
21 to Lil Keke, Kevondric, with those pictures that he
22 requested.

23 I want to point you out to Government's Exhibit 7,
24 the messages on the right-hand side. This is Kevondric
25 Fezia asking, "All right. When you going to be ready?

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1 And I hope you can do some fucking."

2 "Fuckin who?"

3 "Breaking them into clubs and finessing them."

4 "What you mean?"

5 It's a million dollar street where all the hoes
6 walk."

7 What did we hear from Calista Winfrey when girls go
8 walk. When girls go walk, that means they go onto the
9 street and they prostitute themselves. They hold
10 themselves out for any car that's willing to drive
11 forward, pay the money, and have sex with them.

12 I am interested in females that want to be with
13 anyone that's going to cheat regardless. I'm about
14 money and turning a hoe into a queen. That's what I'm
15 on and plenty more hoes."

16 "What I need to do?"

17 "Dance, finesse them out of their money. And I'm
18 going to get you an I.D. and shit that says you 18." He
19 knows that she's underage. That's saying, "I know
20 you're under 18. Don't worry about it. We're going to
21 get you an I.D."

22 Then you heard from Detective William Loving with
23 the Lake Charles Police Department. He answers the call
24 to Willa Golden. He's on the case. He first starts
25 tracking Kevondric Fezia. Found him in Beaumont. Finds

1 him in Houston at the apartment but also is tracking his
2 Instagram. As you heard, he posted a story of the
3 victim, Naikesha Golden, in Beaumont, Texas at the Days
4 Inn. He's able to identify Kevondric through social
5 media and law enforcement databases. A traffic stop was
6 conducted on Fezia to confirm his identification. Now
7 he knows. Now he knows who he's looking for and where
8 he is.

9 He starts going to these hotels to find out where
10 he might have stayed. Sure enough, he locates the Days
11 Inn that Fezia, Winfrey, and the victims were staying.
12 He gets the paperwork that says they were there. He
13 gets the surveillance that said they were there. You
14 heard from the Holiday Inn, Ms. Jinks, "That
15 surveillance, that's my hotel." She tells you about how
16 their folio works, that it says Calista Winfrey stayed
17 here from 2/16 to 2/21. "I don't know who Calista
18 Winfrey is; but I know these are our records and this
19 shows she was there, she paid cash, and she was in
20 Room 275.

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1 She admitted to being Kevondric Fezia's bottom. She
2 admitted to working as a prostitute for Kevondric. She
3 admitted that Kevondric recruited Naikesha from Lake
4 Charles. She taught her the ropes of prostitution and
5 said Kevondric expected Naikesha to work for him, make
6 him money.

(Video is played.)

8 MR. NICKEL: This is that surveillance from the
9 Days Inn in Beaumont. We heard Calista say that's
10 Naikesha. That's the same dark blue Mercedes we saw on
11 Kevondric's Instagram, two other girls that Kevondric
12 had recruited, and finally Kevondric. There he is at
13 that hotel on that day with those girls. Calista said,
14 "That's me. That's me in the back of the trunk." You
15 can see the dog there. That's the same dog that we see
16 in Kevondric's Instagram. This is Room 275. Remember,
17 Ms. Jinks testified that if you're looking at Room 276
18 the room to the left of it is Room 275. That would make
19 sense as the folio showed that that's the room Calista
20 Winfrey had on that date, 2/18 -- February 18th, 2021.
21 Again, the same dog. And who do we see exit Room 275?
22 Kevondric.

Finally, we have the messages again. Remember, we showed you a movie of those messages. We're going to scroll to the top and show you chronologically how they

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1 were presented. Lil Keke, you see it there at the top
2 of the screen. That's Naikesha. This is their
3 conversation. "You going to get paid or what? I'm
4 going to get you an I.D. and it's going to say that
5 you're 18. We're going to be way in Houston," exactly
6 where we found them. "Are your people going to be
7 spazzing out when you leave?"

8 We're confident the Government has proven this case
9 beyond a reasonable doubt. Kevondric Fezia trafficked
10 Naikesha Golden to have sex with men in Houston and
11 Beaumont, who knows where else. He attempted to entice
12 her to have sex with those men. We can't prove that she
13 had sex with those men. We don't have to. The evidence
14 speaks for itself. The witnesses got up here, they told
15 you their story, like I said they would at the
16 beginning, like I said they would yesterday. Calista
17 Winfrey took the stand. She admitted to you, "Look, I
18 pled guilty to sex trafficking. This is what we did,
19 and he did it with me." He's guilty of Count 1 and he's
20 guilty of Count 2. Thank you.

21 THE COURT: Mr. Blanchard, closing argument?

22 MR. BLANCHARD: Yes, Your Honor. On my way.

23 THE COURT: Take your time.

24 MR. BLANCHARD: So this is the one time that I get
25 to talk to everyone, and Mr. Walker's going to get to

1 come back. He's going to try and shoot down everything
2 I say, and I wish that I could come back and try and
3 refute some of what he says. But y'all think about it,
4 too. What would I do to refute what he says? Because
5 you have a collective 12 of y'all right there.

6 So I want to talk about proof beyond a reasonable
7 doubt and evidence. Proof beyond a reasonable doubt is
8 the type of proof that is so convincing that you would
9 rely upon it in making the most important decisions in
10 your life.

11 So some of the evidence that you heard here, and
12 we'll talk some about the evidence that you didn't hear
13 here. First of all, you heard from Willa Golden, the
14 young lady's grandmother. Ms. Golden certainly has a
15 tough job. She doesn't want to say too much about her
16 granddaughter. We know she ran away before. This isn't
17 the first time that she's done something like leaving
18 the house. We know that. What do we also know, that
19 she has a lot of problems. She's obviously been hard
20 for Ms. Golden to handle.

21 Mr. Fezia doesn't have to prove anything. The
22 Government has to prove their case beyond a reasonable
23 doubt. I tell you someone else who thought that
24 Naikesha Golden was hard to handle is the Government
25 because they didn't call her as a witness. I don't need

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1 to call her as a witness. I don't need to prove
2 anything. They have to prove it beyond a reasonable
3 doubt, and they wouldn't even call her as a witness. So
4 I think you're entitled to find that the evidence showed
5 that, just like Willa Golden had a whole lot of trouble
6 handling this young woman, the Government had a whole
7 lot of trouble handling her, too. They wouldn't even
8 put her up here.

9 The next person I want to talk about is Calista,
10 and she changed her story. She changed her story after
11 she decided to cooperate with the Government. And she
12 didn't change it -- you know, she changed it to make it
13 more favorable to herself. She admitted to you that
14 lies were told by herself and by Ms. Golden about who
15 picked her up. You know, now we hear for the first time
16 that Kevondric Fezia allegedly was part of picking her
17 up when that's never been said before today except,
18 apparently, in the meeting with the Government.

19 Also, we know that she was on OnlyFans, that she
20 was on there to make money, probably undressed or doing
21 whatever. So she was sophisticated enough to set that
22 up before she knew -- or before she got back in touch
23 with Mr. Fezia, according to her; but she wasn't
24 sophisticated enough to handle a prostitution business
25 on her own. She wasn't sophisticated enough to put a

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1 website that did that.

2 The car's in her name. You know, she's not being
3 held captive. In fact, she drives up to the apartment
4 complex in the car by herself. So she's not being held
5 there as a captive. She's got that car. She can leave
6 whenever she wants. She's the one that has the driver's
7 license. She told you that. She used her phone in
8 connection with her work. She told you that.

9 Everything's in her name. She used -- she knew how to
10 use Cash App to get paid. She's not unsophisticated
11 about tech, not at all. She's covering up for herself
12 and what she was doing, which is prostituting herself.
13 And there's no proof Mr. Fezia was helping her much less
14 proof beyond a reasonable doubt.

15 Detective Golden, who basically is the case agent
16 in this case, so what are some of the things that he
17 told you. Well -- I'm sorry. Detective Loving. I'm
18 thinking of Ms. Golden. Detective Loving, well, we know
19 that when he was pulled over there was a man in the car.
20 Okay. It wasn't another female. It was a man. No
21 investigation about who that man was, no nothing.

22 Also, we know from Calista 's testimony that she
23 says, "I had a driver's license, he didn't." He had an
24 I.D. Okay. Well, and you can look at the lack of
25 evidence. So he doesn't have a driver's license and he

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1 only has an I.D. Okay. He allegedly has firearms,
2 marijuana. They allegedly have things that they say he
3 bought for them such as tasers, pepper spray. You know,
4 you're not going to be driving around in a vehicle with
5 that incriminating evidence, things where you're going
6 to get pulled over, you don't have a driver's license,
7 and they have a perfect excuse to seize your car and
8 search it. I mean, they're not going to let you drive
9 off without a license. So he's not trying to hide
10 anything. She's lying. She's lying to cover up for
11 herself and to reduce her sentence.

12 Congress makes the laws and determines what sort of
13 sentences judges can give. Can't give a sentence that's
14 more than the maximum no matter how much you want to if
15 you're a judge. But also, there are mandatory minimums
16 and you can't give a sentence that's less than the
17 mandatory minimum except -- and she told you and she
18 understood it perfectly. I didn't have to try and call
19 her lawyer as a witness to explain what the law is. She
20 perfectly understood that one way that she can get less
21 than ten years is if she cooperates with the Government
22 and they file a motion asking the judge to give her less
23 than ten years. She fully knows that. She's got every
24 incentive in the world to sit up here and lie. The
25 Government has a currency that can get testimony that no

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1 defense lawyer has and that is providing someone with
2 freedom or with freedom quicker. I don't have the
3 ability to do that. They do, and she knows that they do
4 and that only they do.

5 As far as the other thing that I asked Detective
6 Loving about, we know that they had her phone. We now
7 know that she admits that she used that phone as part of
8 her business. We also know they had Mr. Fezia's phone
9 and another phone. But what did they want to search
10 those phones for? Any voice messages, text message,
11 phone numbers, pictures, GPS, global positioning
12 satellite, and any other electronic data and/or media
13 contained within the hardware or within cloud based
14 storage accessible by the device or cellular operating
15 system of the cellular phone, electronic device that
16 identifies the owner and/or the possessor of the cell
17 phone. The second thing, any and all voice messages,
18 text messages, phone numbers, pictures, GPS, and other
19 electronic data or media contained within the hardware,
20 software, and/or microprocessors of the cellular phone,
21 electronic device related to the below listed crimes.
22 Third, any voice messages, text message, phone numbers,
23 pictures, GPS, and other electronic data and/or media
24 contained within the mini secured digital multimedia
25 card or any other type of card slots, support, removable

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1 memory cards, or specialized peripherals such as SDIO
2 Wi-Fi card, other cellular operating system related
3 cards. Fourth, photographs, text messages, phone logs,
4 GPS info located within those devices. Fifth, hidden,
5 erased, compressed, password protected or encrypted
6 files. Seven, DNA swabs, both interior and exterior, of
7 the cell phone, electronic device. Eight, latent prints
8 of both interior and exterior of the cell phone,
9 electronic device. Nine, any and all voice messages,
10 text message, phone numbers, pictures, GPS, or other
11 electronic data or media contained within wireless
12 communications such as infrared or Bluetooth that may be
13 built into the device. And ten, personal information
14 management applications that include phonebook and
15 datebook facilities and means to synchronize PIM
16 information with the desktop computer.

17 They asked for those things because, first of all,
18 they know they can get them off of the devices and,
19 second of all, because they know that there can often be
20 incriminating evidence on them. But we've seen none of
21 that, not from Kevondric Fezia's phone, not from her
22 phone, not from the juvenile's phone. We haven't seen
23 any DNA. So, you know, I don't know what the
24 investigation was about. Maybe it was like, "Well,
25 hell. You know, we got Calista. We got enough. We

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1 don't need to do any of that." But they do. The
2 Government has to prove it beyond a reasonable doubt.
3 There are ways that they could have proved it and they
4 didn't do it. They chose not to do it. So that's
5 important.

6 And, you know, the last person that -- or, I'm
7 sorry, I do want to talk about something else with
8 Detective Loving and that is we know that Mr. Fezia was
9 arrested. He's sitting here. Okay. We know that
10 Calista was arrested. She's sitting up there. We know
11 that, you know, young Ms. Golden was recovered. So --
12 but what don't we have? What didn't they get in
13 connection with any of those arrests? They don't have a
14 firearm. They don't have any marijuana. They don't
15 have tasers. They don't have -- I think the other thing
16 was pepper spray. You know, none of that. But it sure
17 sounds good to say that that was there, but somehow or
18 another when he gets stopped driving the car they don't
19 have that. When they get arrested they don't have that.

20 I do want to say one other thing. And again, you
21 have a collective memory. I cross-examined Detective
22 Loving and Mr. Walker came back and said, "Well, do you
23 have the power to arrest someone in Houston?" And I
24 think what I asked Detective Loving was not whether or
25 not he had arrested Mr. Fezia but was Mr. Fezia arrested

1 in Houston. He wasn't. They were all detained, but he
2 was arrested and they didn't find any of this evidence.

3 So the last person I want to talk to you about is
4 Brijé Patterson. Boy, you know, next time I have a case
5 where they're trying to use social media against a
6 client I might have to think about calling Brijé
7 Patterson as a witness because she is a real good
8 example of how easily someone can get into someone's
9 media account and manipulate it if you wanted to. She
10 had no problem whatsoever. I know young people are
11 better; but, you know, she apparently used Google and
12 things like that. You know, if he sent all of this
13 stuff, where's the DNA showing that he sent -- where's
14 the DNA off of his phone, you know. Apparently he was
15 around Ms. Winfrey a lot. She would have had access to
16 his phone. Brijé Patterson's testimony shows you how
17 easy it would be to put stuff on someone's social media,
18 do whatever. That's just -- that's there.

19 The Government has not proven their case against
20 Mr. Fezia beyond a reasonable doubt. Can I have a
21 moment, Your Honor?

22 THE COURT: Yes, you may.

23 MR. BLANCHARD: Thank you, Your Honor.

24 MR. WALKER: Couple things up front. One, Loving
25 couldn't arrest him in Houston, Texas. He had to go

1 back to Louisiana and get a warrant from Louisiana.

2 That's what he testified to.

3 He also testified that he looked at Kevondric's
4 phone and they couldn't get into it so they couldn't get
5 the media off of it. They looked at Calista Winfrey's
6 phone and found nothing. They looked at Naikesha's
7 phone and found nothing of evidentiary value. That's
8 what the testimony was.

9 When you come into a courtroom like you're here
10 today, you come in and you don't know anything about the
11 facts of the case. You don't know anything about the
12 law. So you hear the facts from the stand, and that man
13 with the black robe is going to tell you what the law
14 is. The only thing that you come in with is your common
15 sense.

16 So the Defense starts off with why didn't we put on
17 the victim, why didn't we put the victim on to testify.
18 Think about it using your common sense. First of all,
19 the independent evidence, the independent evidence, of
20 his guilt is overwhelming, between the Snapchat posts
21 that he was making with the child, between the Instagram
22 posts. And you may say why would you -- why wouldn't
23 you just go ahead and put her on the stand. Naikesha is
24 now 15 years old. She was 14 years old when this
25 happened. This is what she would have to testify to if

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1 she got on the stand. She would have to testify to the
2 fact that she was communicating with that man and
3 talking about things like prostitution, talking about
4 things like having sex with strangers. She'd have to
5 testify about that. She would have to testify about the
6 fact that she went to Beaumont, Texas with him to be a
7 prostitute in Beaumont, Texas. She would have to
8 testify about the fact that she went into a room with an
9 adult man and she would have to testify about what
10 happened in that room. Those are the things she would
11 have to have testified to on direct. A child who's 15
12 years old would have had to get on the stand and tell
13 that to strangers, and then she would have had to be
14 cross-examined by Mr. Blanchard. And there's nothing
15 wrong with the fact that he's going to cross-examine
16 her; but he's going to cross-examine her about the fact
17 that she's a troubled child, as he's talked about. He's
18 going to cross-examine her about everything he can to
19 discredit her. She was exploited by that man, by the
20 defendant in this case. And I submit that the process
21 of testifying, going through that in this courtroom,
22 would have further exploited her. And that was a
23 decision that I had to make and I made it. And the
24 reason I made it is because the independent evidence was
25 overwhelming that he was guilty, and I submit you don't

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1 need her testimony to be satisfied beyond a reasonable
2 doubt that he's guilty.

3 It's interesting, the defense theory on Naikesha
4 Golden, and he said it in closing. She was a troubled
5 child. She'd run away in the past. Her family had
6 trouble with her. Do you know what the Defense proved
7 during this case and he further proved it during his
8 closing argument? She was a victim. She was a victim
9 waiting for Kevondric Fezia to find. He picked the
10 person who was troubled. He picked the person who had
11 run away in the past, maybe, picked a person who he
12 could exploit. He became the predator and she was his
13 prey. And how did he do it? He preyed on her by saying
14 things about the fact that, "Look, you come to Houston,
15 you're going to be able to make a lot of money. I'm
16 going to buy you a lot of stuff." Remember when he said
17 that? He said, "I'm going to buy you new clothes." And
18 he said, "Hoes make millions and I collect hoes."

19 All those things he was saying to her, he was
20 enticing her. He was finding what he could to convince
21 her to come be a part of his organization. I wrote down
22 some of the things that are on that Snapchat page that
23 you saw. Did he know she was a child? (Reading) "Hell,
24 yeah. But the law's serious. If you know how to dodge
25 it, the laws, you can do good. And I'll get you an I.D.

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1 that's going to say you're 18 years old." How could he
2 not know she's a child if he has to get her an I.D.

3 He talked about buying her clothes. He talked --
4 does he want her to be a prostitute? (Reading) "I'm
5 talking about money and turning a hoe into a queen.
6 That's what I'm talking about, and I got plenty more
7 hoes." And he talked about her walking the street. Did
8 he want her to be a prostitute?

9 Perhaps the most compelling testimony was not
10 testimony but an exhibit. It was Exhibit 6. Could you
11 pull up Exhibit 6. So you know before it comes up,
12 Exhibit 6 is that picture of those four girls on that
13 bed. And on that bed it's got Beaumont, Texas. And
14 it's a story on the defendant's Instagram page. You
15 know what he's doing, and you can look at it in the back
16 because you'll have a hard copy of it. Could you just
17 blow up just the picture Beaumont, Texas down. Yeah,
18 that's fine. He has a picture of the girls. By the
19 way, Naikesha, the little girl on the left, is 14 years
20 old. And we know the girl on the right is 16 years old.
21 We know it.

22 And we know that he was advertising, and it's not
23 just that he was advertising them to be prostitutes. He
24 was telling his clients, the people that he knew would
25 want to engage in sexual acts with children --

1 MR. BLANCHARD: Objection, Your Honor. There's not
2 evidence of that.

3 MR. WALKER: There is, Your Honor, and the jury has
4 the right to consider the document and what the document
5 shows.

6 MR. BLANCHARD: There was no testimony that he was
7 telling people that.

10 MR. WALKER: That document itself shows -- on his
11 Instagram page, it shows where they are, Beaumont,
12 Texas. It shows four girls in a hotel room in Beaumont,
13 Texas. They're all scantily dressed. I submit -- and
14 it's your decision as to what that means, but I submit
15 that's his advertisement. That was his advertisement
16 that these are girls that you can have access to.

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1 the life that he had brought them into.

2 The evidence in this case is overwhelming. The
3 evidence in this case, the Snapchat evidence, the
4 Instagram evidence, overwhelming, and the fact that all
5 of the evidence demonstrated that the other evidence was
6 true. Every piece of this evidence -- they talk about
7 evidence being a puzzle. Every piece of evidence in
8 this case fit into a puzzle till you saw a picture at
9 the end of the puzzle. Each piece of evidence, each
10 piece of testimony were all pieces of the puzzle and
11 they told one thing. They told one thing absolutely.
12 They told one thing without question. The only
13 reasonable picture that you can see is that that man,
14 Kevondric Fezia, he exploited those children. He
15 exploited the children. He exploited Naikesha Golden.
16 And he did it so that he could gain financial advantage.
17 He did it so that he could make money by using her. He
18 is guilty of the two crimes for which he's been charged,
19 and I would ask that you bring back the only reasonable
20 verdict in this case.

21 **JURY INSTRUCTIONS**

22 THE COURT: Okay. Ladies and gentlemen, that
23 concludes the evidence and the closing arguments by
24 counsel. So what I will do now is instruct you on the
25 law, and then after that we will let you retire to begin

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