

In the
United States Court of Appeals
For the Seventh Circuit

Nos. 24-1776 & 24-2260

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

CORNELIUS M. JACKSON,

Defendant-Appellant.

Appeals from the United States District Court for the
Eastern District of Wisconsin.
No. 2-20-cr-00229 — **Brett H. Ludwig**, *Judge*.

ARGUED JANUARY 29, 2026 — DECIDED JUNE 22, 2026

Before RIPPLE, LEE, and KOLAR, *Circuit Judges*.

RIPPLE, *Circuit Judge*. A jury convicted Cornelius M. Jackson of four counts of sex trafficking and one count of conspiracy to commit sex trafficking. He now contends that the initial search warrant application was not supported by probable cause, that the district court erred by denying him a *Franks* hearing because the affidavit supporting the warrant application contained material omissions, and that the district court should not have permitted the Government's expert witness

to testify at trial. For the reasons set forth in this opinion, we affirm the judgment of the district court.

I

BACKGROUND

At around 5:00 a.m. on August 23, 2020, Milwaukee Police Officer James Pittman was dispatched to East Brady Street to investigate calls from two people. The first caller, later identified in this case as AV-4, reported that her belongings had been stolen and that she had been left in an unfamiliar area by the people with whom she had been staying. The other caller reported that he had seen a man throw a woman down and thought that man might be the woman's "pimp."

Officer Pittman approached AV-4 when he arrived on the scene. But there was another woman on the street who attempted to interfere with Officer Pittman's interaction with AV-4. At first, AV-4 told him that she had called the police to report her stolen items and that no one was trying to hurt her. Apparently not accepting her account on face value, Officer Pittman pretended to arrest her in order to take her somewhere safe.

Once in a police van, AV-4 told Officer Pittman that she had never engaged in prostitution and that "everything was going fine" with Mr. Jackson and the other women with whom she had been living.¹ With additional questioning, however, AV-4 told Officer Pittman that Mr. Jackson had choked her to unconsciousness while two women yelled at her. During this interview, other officers informed Officer Pittman that pole camera footage corroborated AV-4's

¹ R.70 at 4.

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account. AV-4 told Officer Pittman that Mr. Jackson had threatened to kill her, wanted to control her activities, and kept a firearm in his home. She also explained that Mr. Jackson had told her he wanted her to “work for what she’s worth,” and described to the officers the hours and pricing for sex work that he required her to perform.²

Because he suspected sex trafficking, Officer Pittman notified the Sensitive Crimes Division of the Milwaukee Police Department. A few hours after Officer Pittman’s arrival on the scene, Officer Gerardo Orozco of that division arrived and more thoroughly interviewed AV-4. AV-4 explained that she had met Mr. Jackson on a dating application, provided a description of the car he had used to pick her up, and said that he had called for three other women to “hang out” with her at a hotel room. Then, AV-4 was required to leave the room when men came into the room with the other women. AV-4 spent the next two and a half weeks at Mr. Jackson’s Waukesha residence, where Mr. Jackson told her she had to make money to pay the bills. She conducted six “dates” at the residence; each involved engaging in sex acts for money. Mr. Jackson required her to give him all her earnings. On the night of her encounter with Officer Pittman, AV-4 had traveled to downtown Milwaukee with Mr. Jackson and a few other women.

Officer Orozco’s interview with AV-4 served as the basis for Waukesha Detective Kenny Stucker’s application for a search warrant for Mr. Jackson’s Waukesha address and the seizure of electronic devices inside. The affidavit supporting the application recites that Detective Stucker received a report

² *Id.*

from the Milwaukee Police Department of “strangulation/suffocation and human trafficking.”³ The affidavit did not report that AV-4 first told Officer Pittman that no one was trying to hurt her or that she disclosed Mr. Jackson’s conduct only after Officer Pittman had pretended to arrest her. It did explain, however, that the women were required to text Mr. Jackson about everything that transpired with their “dates” and to obtain photos of the men’s genitals and middle fingers. It also described Mr. Jackson’s control of advertisements and escort conversations on websites for escort and prostitution services. It included Detective Stucker’s personal knowledge that “individuals engaging in commercial sex trafficking typically utilize log books and client databases whether written or electronic to schedule dates and further the ends of their enterprise.”⁴

A judicial officer granted a search warrant based on the application. On August 27, 2020, law enforcement officers executed the warrant at Mr. Jackson’s residence and on his vehicle parked there. The officers recovered nineteen cell phones and other electronic devices and ammunition. They also retrieved identification and bank cards for individuals who did not live there. A grand jury later indicted Mr. Jackson. The indictment accused him of running a sex trafficking operation from March 2014 through August 2020 in the Eastern District of Wisconsin, the District of Minnesota, the District of North Dakota, and the Northern District of Ohio. More specifically, the grand jury indicted him on four counts of sex trafficking by force, fraud, or coercion, in violation of 18

³ R.55-3 at *6, ¶ 2.

⁴ *Id.* at *8, ¶ 17.

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U.S.C. § 1591(a)(1) and (b)(1), and one count of conspiracy to engage in sex trafficking, in violation of 18 U.S.C. § 1594(c). After a trial, Mr. Jackson was convicted on all five counts. The district court sentenced him to 30 years' imprisonment on each count, to run concurrently, and 10 years of supervised release.

II

DISCUSSION

Mr. Jackson asks us to review the district court's denial of his pre-trial motion to suppress evidence obtained from his cell phone under the search warrant and the denial of his motion for a *Franks* hearing. He also maintains that the district court abused its discretion when it permitted the Government's expert witness to testify at trial.

A

We first address Mr. Jackson's contention that the district court should have excluded all the evidence derived from the search of his cell phone. He contends that there was no nexus between his cell phone and the criminal behavior under investigation. In reviewing a denial of a motion to suppress evidence, we review legal questions de novo and factual determinations for clear error. *United States v. Dixon*, 137 F.4th 592, 601 (7th Cir. 2025).

Before the district court, Mr. Jackson contended that the search warrant did not set forth a sufficient nexus between his electronic devices and human trafficking. The district court concluded that this argument found no support in the record. Referring to the affidavit supporting the application for a search warrant, the court noted the description of Mr. Jackson having met AV-4 on a dating application, his creation of her

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profile on an escort website, and his use of her pictures from her phone for the profile. The court also noted that Detective Stucker wrote that, according to his training and experience, sex traffickers often use log books and client databases and that these tools are sometimes electronic. Therefore, concluded the court, there was a fair probability that evidence of sex trafficking would appear on Mr. Jackson's phone and other electronic devices.

The Fourth Amendment requires probable cause to support a search warrant. When an affidavit is the only evidence supporting a search warrant, the warrant's validity depends on the strength of the affidavit. *United States v. Mykytiuk*, 402 F.3d 773, 775 (7th Cir. 2005) (quoting *United States v. Peck*, 317 F.3d 754, 755–56 (7th Cir. 2003)). The affidavit establishes probable cause when it “sets forth sufficient evidence to induce a reasonably prudent person to believe that a search will uncover evidence of a crime.” *Id.* at 776 (citation modified). A finding of probable cause will be upheld so long as there was a “substantial basis for ... conclud[ing] that a search would uncover evidence of wrongdoing.” *United States v. Rees*, 957 F.3d 761, 765 (7th Cir. 2020) (quoting *Illinois v. Gates*, 462 U.S. 213, 236 (1983)). This analysis is “not technical” and considers the totality of circumstances. *United States v. Hicks*, 650 F.3d 1058, 1065 (7th Cir. 2011).

Mr. Jackson argues that there was no nexus between his electronic devices and the sex trafficking because the only cell phone cited in the affidavit was AV-4's phone, not Mr. Jackson's.

While the affidavit described Mr. Jackson's use of AV-4's cell phone to set up an escort profile for her online, it also explained that AV-4 met Mr. Jackson on a digital dating

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application. And it stated that AV-4 was instructed to text Mr. Jackson during every “date” to tell him if the situation was good or bad.⁵ The affidavit therefore supported that Mr. Jackson was using at least one electronic device to recruit and communicate with potential victims and to help monitor the “dates.”

Mr. Jackson also submits that Detective Stucker’s experience “on a wide array of crimes including sexual assault of children” did not sufficiently qualify him to assess reliably whether Mr. Jackson was engaged in human trafficking or whether a search of his electronic devices would reveal evidence of those crimes.⁶ But this argument invites us to impose the sort of “hypertechnical” analysis that we found inappropriate to invalidate a warrant in *Hicks*, 650 F.3d at 1066. As we said there, “[p]robable cause determinations are not technical; rather, they are the factual and practical considerations of everyday life” and, when evaluated through that lens, we think that the detective’s experience was both relevant and probative to the task before the district court. *Id.* at 1065 (citation modified). Indeed, it was this very background that allowed the detective to assert that he was “aware that individuals engaging in commercial sex trafficking typically utilize log books and client databases whether written or electronic to schedule dates and further the ends of their enterprise.”⁷ This statement by the detective explains the relevance of AV-4’s

⁵ *Id.* at *8, ¶ 13.

⁶ *Id.* at *6, ¶ 1.

⁷ *Id.* at *8, ¶ 17.

description that the victims were instructed to text him during every “date.”

In short, there was probable cause to issue the search warrant because “‘known facts and circumstances’ allow[ed] a reasonable belief that a search [would] turn up evidence of criminal activity.” *Id.* at 1065 (quoting *United States v. Brack*, 188 F.3d 748, 755 (7th Cir. 1999)).

B

Mr. Jackson also contends that the district court erred when it denied his motion for a *Franks* hearing. We review the denial of a *Franks* hearing for clear error, but we “review de novo any legal determinations that factored into the district court’s decision.” *United States v. Maxwell*, 143 F.4th 844, 854 (7th Cir. 2025).

Before the district court, Mr. Jackson contended that he was entitled to a *Franks* hearing. These hearings explore the validity of a search warrant affidavit. *Franks* grants a criminal defendant the limited right to challenge the veracity of statements made in an affidavit supporting a search warrant. *Franks v. Delaware*, 438 U.S. 154, 155–56 (1978). If a defendant makes a “substantial preliminary showing that a false statement knowingly and intentionally, or with reckless disregard for the truth, was included by the affiant in the warrant affidavit, and if the allegedly false statement is necessary to the finding of probable cause, the Fourth Amendment requires that a hearing be held at the defendant’s request.” *Id.* The clear error standard of review also applies when, as here, the defendant challenges the affidavit on the ground that key facts were omitted. *United States v. Hancock*, 844 F.3d 702, 707–08 (7th Cir. 2016).

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Mr. Jackson submits that he was entitled to the hearing because the affidavit omitted all mention of AV-4's initial denial that anything was wrong. To be granted a *Franks* hearing, however, a defendant must make a "*substantial* preliminary showing" that the affidavit contained a material omission, that the affiant made the omission intentionally or recklessly, and that the omission was necessary to support the finding of probable cause. *United States v. Maro*, 272 F.3d 817, 821 (7th Cir. 2001) (emphasis added) (quoting *Franks*, 438 U.S. at 155–56). The district court decided that the omitted facts were not material to the finding of probable cause. When Officer Pittman first questioned AV-4, she had just been choked to the point of passing out, passing out and was in the presence of another

activity did not negate the probable cause created by her later statements affirming them, especially considering that one of the other women in the trafficking ring had been interjecting herself into the officer's questioning of AV-4. AV-4 had also just been choked to unconsciousness by Mr. Jackson. The affidavit shows that AV-4 provided extensive and thorough detail on her experience with Mr. Jackson and the methods that the trafficking victims used to meet men, both in Waukesha and in Milwaukee. Even if Detective Stucker had included AV-4's initial report that no one had hurt her beyond stealing her belongings, that inclusion would not have negated probable cause.

Detective Stucker omitted statements that would have had, at best, a minor exculpatory effect. Notably, he also omitted evidence that would have strengthened the affidavit, such as that Mr. Jackson's choking of AV-4 was caught on a pole camera and that a bystander saw Mr. Jackson accost her. In any event, when viewed in their totality, these omissions are not egregious and certainly manifest no reckless disregard for the truth. The affidavit, crafted to establish probable cause, understandably focuses on the high level of detail that AV-4 provided investigators, including the specific color and interior of Mr. Jackson's car; his purchases at a gas station in a particular town; the floor of their hotel room at a casino; Mr. Jackson's address; the prices for all of the acts of sexual contact that the victims were expected to perform; the rules the victims had to follow; the website on which Mr. Jackson posted an escort advertisement of AV-4; the exact number and length of "dates" AV-4 had; and the exact number of

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times AV-4 went to Milwaukee to attempt to engage in commercial sex acts.¹⁰

Mr. Jackson contends that the district court made conclusory statements unsupported by the affidavit, such as noting that AV-4's "initial denials are thus hardly surprising" given that she had "just been choked to the point of unconsciousness"¹¹ He also asserts that the district court engaged in "mere speculation" when it wrote that AV-4 "opened up" to police as a result of Officer Pittman separating her from the other woman.¹² These objections are without merit. The district court hardly engaged in impermissible speculation; rather, it properly assessed the materiality of each omission by considering whether, had the omission been included, there would still have been probable cause. *Id.* at 593.

Mr. Jackson also argues that the affidavit contained no corroboration of AV-4's inculpatory statements. He invites our attention to *United States v. Glover*, 755 F.3d 811 (7th Cir. 2014). There, we determined that a defendant was entitled to a *Franks* hearing after a magistrate judge granted a search warrant supported by an affidavit based solely on the statement of a police informant. We deemed the affidavit insufficient because it contained no information about the informant's credibility. *Id.* at 816.

We have a very different situation here. The *Glover* informant had a prior criminal record (including while acting as an informant), and he engaged in gang activity, thus raising the

¹⁰ R.55-3 at *6-9.

¹¹ R.79 at 10.

¹² Appellant's Br. 32; R.79 at 10.

possibility that gang rivalries motivated his information. Previously, he also had used aliases to deceive the police and expected payment for his information. *Id.* at 817. The informant's statements also "provided little detail." *Id.* By contrast, AV-4 was a victim of the criminal activity under investigation. Her statements were based on her first-hand knowledge as one of the victims of the trafficking ring, not as an outside, rival gang member. There is no suggestion that she expected payment for her statements. While police "confirmed only minor facts and legal conduct" in *Glover, id.*, here, police confirmed from pole camera footage that AV-4 had been choked to unconsciousness by Mr. Jackson. AV-4's initial denials of criminal wrongdoing were not material to the probable cause determination.

Ultimately, Mr. Jackson cannot make a substantial preliminary showing of a material omission that would alter the probable cause determination or of a deliberate or reckless disregard for the truth.

C

We come to Mr. Jackson's contention that the district court erred by allowing the Government's expert to testify. The admission of expert testimony is governed by *Daubert v. Merrell Dow Pharm. Inc.*, 509 U.S. 579 (1993), and Federal Rule of Evidence 702. Rule 702 requires that expert testimony assist the trier of fact and demonstrate sufficient reliability. *United States v. Johnson*, 916 F.3d 579, 586 (7th Cir. 2019). "We employ a two-step standard of review in cases challenging a district court's admission or exclusion of the testimony of an expert." *C.W. ex rel. Wood v. Textron, Inc.*, 807 F.3d 827, 835 (7th Cir. 2015). First, we review de novo the district court's application of the *Daubert* framework. Then, if the district court properly applied

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Daubert, we review for abuse of discretion its decision not to exclude expert testimony. *Johnson*, 916 F.3d at 586.

The approach mandated by *Daubert* applies to testimony based not only on “scientific” knowledge, but also on “technical” and “other specialized” knowledge. *Kumho Tire Co., Ltd. v. Carmichael*, 526 U.S. 137, 141 (1999). We have applied the methodology to the social sciences. See *Tyus v. Urban Search Mgmt.*, 102 F.3d 256, 263 (7th Cir. 1996) (“We have noted a number of times since the Supreme Court decided *Daubert* that its framework for assessing expert testimony is applicable to social science experts, just as it applies to experts in the hard sciences.” (collecting cases)).

No matter the context, a court must always “act as a vigorous gatekeeper to ensure the reliability of expert testimony” *Howard v. Cook Cnty. Sheriff’s Off.*, 989 F.3d 587, 601 (7th Cir. 2021) (quoting *Robinson v. Davol Inc.*, 913 F.3d 690, 696 (7th Cir. 2019)). “In all cases,” the trial court “must ensure that it is dealing with an expert, not just a hired gun.” *Tyus*, 102 F.3d at 263.

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While this case was in the district court, the Government filed a notice of its intent to introduce the expert testimony of Christa Jane Anderson at trial.¹³ Anderson is a former prosecutor of human trafficking and at the time was a senior attorney at a non-profit organization focused on prosecution practices related to gender-based violence and human trafficking.

¹³ See R.84.

The Government sought to have Anderson testify on thirteen different topics related to domestic sex trafficking, including the “sex-trafficking and prostitution business,” “[c]ommon, unique, and/or term-of-art terminology used in the prostitution and sex trafficking industry,” “[t]he grooming and recruitment process,” “[t]he ‘climate of fear’ sex traffickers create to exploit their victims’ vulnerabilities, susceptibilities, fears, or limitations,” and “[t]he reasons why sex trafficking victims may not leave their traffickers at the first opportunity.”¹⁴ However, Anderson would not testify about the credibility of any victims or witnesses. She had not met the victims, reviewed any of their statements, or reviewed any evidence from the investigation in the case. Mr. Jackson sought the exclusion of Anderson’s testimony. He characterized the proffered testimony as *ipse dixit*, not based on reliable principles and methods.¹⁵

At the final pretrial hearing, the district court greeted the Government’s proffer with a skepticism quite evident even on the cold transcript. It raised multiple concerns about the proposed testimony. The court began its analysis by summarizing the four requirements for an expert witness to testify under Rule 702. Because the Government explained that it provided Anderson no details on the facts of the case, the district court did not consider relevant the requirement that experts reliably apply the principles and methods to the facts of each case. But the court emphasized that the “question that is presented here is not whether he engaged in criminal conduct that might be called sex trafficking under state law or might

¹⁴ *Id.* at 4–6.

¹⁵ *See* R.88.

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broadly be considered sex trafficking by activists or advocates.”¹⁶ The court expressed the concern, however, that although the elements of the sex trafficking crimes at issue are set by federal law, the jury might believe that the Government proved its case if it provided evidence of what Anderson described as having seen in the past, instead of evidence that establishes the federal trafficking statute’s requirements. The court also expressed concern that the Government “may be trying to have a lawyer in the guise of an expert witness ... to reiterate its opening statement or to give a preliminary closing statement during the evidence of the case, and that’s inappropriate.”¹⁷ And “this is a social science type expert, who is a lawyer by training, not a social scientist.”¹⁸

The court continued to express the same cautious skepticism throughout the case. The court ruled that Anderson could “testify based on her experience, subject to cross-examination, of course, with respect to issues that are presented in this case.”¹⁹ To avoid the potential for unfair prejudice, Anderson could testify only “subject to a factual predicate being laid” that would “make clear what the relevant issues are.”²⁰ Her “testimony would have to be narrowly tailored to address those issues and to protect Mr. Jackson from any unfair prejudice.”²¹

¹⁶ R.174 at 60:17–20.

¹⁷ *Id.* at 62:05–08.

¹⁸ *Id.* at 62:16–17.

¹⁹ *Id.* at 72:03–05.

²⁰ *Id.* at 73:10–11, 72:12.

²¹ *Id.* at 72:13–15.

During trial, the district court again turned to the *Daubert* issue before Anderson testified. The court asked the attorneys if they had agreed on the admissibility of some or part of the testimony, and it held a thorough discussion. Given the court's preliminary ruling, and given the Government's acquiescence to the limited scope of topics to which Anderson could testify, Mr. Jackson's counsel was willing to agree to those limited topics, subject to his challenge to the testimony's admissibility as a whole.

The Government delineated the topics about which it planned to ask Anderson. Specifically, these topics were, "the role of the, quote, 'bottom bitch,' end quote, within a sex trafficking organization"; "the reasons why sex trafficking victims may not leave their traffickers at first opportunity"; "traffickers[] use of their victims to insulate themselves from criminal liability"; and "progressive and piecemeal disclosure by victims of sex trafficking."²² The court cautioned that, although the Government could establish Anderson's background and qualifications, it should not "gild the lily ... because it could reach a point where it becomes unnecessary and unfairly prejudicial."²³ The court went on to again caution the Government to lay a foundation and be careful in light of Rule 403's balancing requirement. The court also instructed Mr. Jackson's attorney to object if the Government went too far in its questioning. Mr. Jackson's counsel did not object during the questioning.

The court recapitulated its analysis of *Daubert* and summarized that it had ordered the Government to establish the

²² R.192 at 1041:16–18, 1041:21–23, 1042:01–02, 1042:07–08.

²³ *Id.* at 1043:23–24.

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relevance and limited nature of Anderson's testimony. The court noted that one of Anderson's potential topics was to explain the term, "bottom bitch." The court instructed that the term could not be used in Anderson's testimony because it was "inflammatory" and had not been used in the trial so far.²⁴ Instead, Anderson could only use the phrase "bottom."²⁵

During trial, Anderson was the Government's eleventh witness. She testified after AV-2, AV-3, and AV-4, but before AV-1. She testified to, among other things, the meaning of the term "bottom" in sex trafficking operations.²⁶ A "bottom" is the individual who is the second in command in the organization.²⁷ Anderson also explained common rules that traffickers have, including with whom victims may speak and how victims give money to the trafficker. She further explained the level of surveillance that victims in a trafficking operation experience. Anderson agreed that it was "incredibly uncommon" for "victims of sex trafficking to disclose everything that's happened to them by the trafficker immediately[.]"²⁸ In "[e]very single case," victims who are out in a public area do not disclose their situations to someone right away.²⁹ Shame, fear, the trafficker's instruction not to trust anyone, and "years and decades of history [in which] victims of trafficking

²⁴ *Id.* at 1047:03–05.

²⁵ *Id.* at 1047:09–12.

²⁶ *Id.* at 1119:13–16.

²⁷ *Id.*

²⁸ *Id.* at 1123:14–18.

²⁹ *Id.* at 1124:22.

have been treated like criminals” cause victims not to disclose immediately to law enforcement that they are victims.³⁰

Mr. Jackson’s attorney did not object to the Government’s questioning of Anderson. On cross-examination, Mr. Jackson’s attorney focused on differentiating voluntary sex workers and victims of sex trafficking. He also questioned Anderson about her qualifications and clarified that she did not know any details of the case at issue. The Government did not question her on redirect.

Later in the trial, the parties discussed the jury instructions. The Government objected to giving Instruction 3.13. This instruction related to Anderson, named her, and told the jury that they did not have to accept her testimony and that they should judge her opinions and testimony about sex trafficking in the same manner as that of any other witness.³¹ The Government opposed the instruction because “of the type of expert opinion that was given.”³² The basis of the Government’s objection is unclear in the record, but it lamented that “there’s not a pattern [instruction] for a different type of expert.”³³ Mr. Jackson’s attorney asked that it be given, and the district court agreed.

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In assessing this situation, we first must determine whether the district court properly applied *Daubert*. The

³⁰ *Id.* at 1126:22–1127:03.

³¹ R.118-1 at 6.

³² R.194 at 1572:24–25.

³³ R.195 at 1823:20–21.

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district court's *Daubert* analysis was extensive and thorough. It addressed the reliability of Anderson's testimony twice, both times in depth and in light of the requirements of *Daubert* and Rule 702. "All told, such an inquiry stands in stark contrast to the cases" in which courts do not perform a *Daubert* analysis, articulate "only a one-sentence conclusion," or make "conclusory *Daubert* determinations" *Kirk v. Clark Equip. Co.*, 991 F.3d 865, 872–73 (7th Cir. 2021) (citation modified) (collecting cases). Accordingly, we review the district court's decision not to exclude Anderson's testimony for abuse of discretion.

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Mr. Jackson submits that Anderson was insufficiently qualified to testify as an expert because (a) her training and skill as a prosecutor was for a relatively short period of time, having served eight years as a state prosecutor; (b) her methodology was unclear; (c) she was a lawyer by training, not a psychologist, despite that she testified as a social scientist; and (d) her testimony was not based on sufficient facts and data or reliable principles and methods. Also at issue is whether Anderson's testimony impermissibly bolstered the victims' testimony.

An expert witness's testimony may be based on "accumulated expertise obtained through experience and training." *United States v. Conn*, 297 F.3d 548, 554 (7th Cir. 2002). While courts use multiple factors to assess the reliability of expert testimony, the "district court is free to fashion an approach more precisely tailored to an evaluation of the particular evidentiary submission before it." *Id.* at 556. Here, the Government sought to have Anderson "educate the jury about some

topics in sex trafficking operations.”³⁴ “In certain fields, experience is the predominant, if not sole, basis for a great deal of reliable expert testimony.” FED. R. EVID. 702 advisory committee’s note to 2000 amendments.

Although Anderson served as a prosecutor for eight years, she also worked at a nonprofit organization that provides training and technical assistance to professionals working on “intimate partner violence, stalking, sexual violence, and human trafficking.”³⁵ At the time of trial, she was the nonprofit’s senior attorney advisor and had worked there for nine years. She testified that “85 percent of what I’m currently doing is based on human trafficking,” and “of that, maybe 50% [sic] on sex trafficking and the other on labor trafficking.”³⁶ Although she did not have psychology experience and was not a clinical researcher, she did attend trainings to learn about sex trafficking and provided training on sex trafficking topics. We conclude that the district court acted within its discretion in deciding that Anderson’s qualifications made her a witness capable of assisting the jury in its understanding of the case. The situation presented by the facts of the case were, in all likelihood, unfamiliar to most, if not all, members of the jury. The proffered testimony, disciplined by the district court’s imposed limitations and admonitions and subject to cross-examination, had the potential of assisting the jurors. The district court did not abuse its discretion in permitting Anderson to testify.

³⁴ R.192 at 1118:12–13.

³⁵ *Id.* at 1116:03–04.

³⁶ *Id.* at 1117:04–06.

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Similarly, we cannot say that the district court abused its discretion in admitting Anderson's actual testimony. In other cases, we have upheld the decision of trial courts to permit expert testimony on issues relating to key terms in human trafficking and typical behaviors of victims. See *United States v. Vines*, 9 F.4th 500 (7th Cir. 2021); *United States v. Carson*, 870 F.3d 584 (7th Cir. 2017); *United States v. Dingwall*, 6 F.4th 744 (7th Cir. 2021); see also *United States v. Young*, 955 F.3d 608, 615 (7th Cir. 2020) ("The district court did not abuse its discretion by concluding that Landau's expert testimony, which defined key terms and explained common sex-trafficking dynamics, was reliable and helpful for the jury.").

Vines upheld the admission of testimony from an FBI special agent who testified on "the behavior of sex-trafficking victims in general" during a criminal trial of an individual accused of various counts relating to sex trafficking of a minor. 9 F.4th at 505. The agent "discussed the need to gain the trust of sex trafficking victims" during investigations "and the unwillingness of victims to reveal all details from the start, as part of ongoing victim behavior." *Id.* We determined that his testimony "merely provided insight as to sex trafficking generally and the effect on victims, which would aid a jury in understanding and evaluating the evidence presented to it." *Id.* Just like Anderson, the expert in *Vines* never spoke to the victim and never read any of the victim's statements, "and therefore his testimony could not have been interpreted as opining as to her credibility." *Id.*

In *Carson*, we described an expert who provided testimony on sex trafficking in a similar manner as here. 870 F.3d at 591. "Importantly for this case, ... [the expert] explained that victims often stay with their traffickers—or leave and then

return—because they believe they have nowhere to go; that there is no one else out there for them, and no other options for them; they feel ashamed and guilty and stigmatized, thinking that they will not be accepted elsewhere.” *Id.*

Our decision in *Dingwall*, although arising in a different context, provides additional basis for comparison. 6 F.4th at 753. The defendant in *Dingwall* was charged with multiple robberies. She admitted committing those robberies but sought to raise a duress defense. She asserted that she committed the robberies “in fear of brutal violence at the hands of her abusive boyfriend” *Id.* at 746. We recognized that the Government “often introduces expert evidence to explain how traffickers systematically and intentionally coerce their victims by inflicting psychological control and fear” in human trafficking cases. *Id.* at 753 (citing *Young*, 955 F.3d at 615). We held that the district court should have afforded Dingwall the opportunity to “offer evidence of battering and its effects, including expert opinions, to support her duress defense” because “[s]uch evidence can help inform the factfinder how an objectively reasonable person in her circumstances may behave.” *Id.* at 761.

Anderson’s testimony was similar to that of the experts in *Vines* and *Carson*. She explained key terms in the trafficking world. Anderson also explained common rules that traffickers have, including with whom victims may speak and how victims give money to the trafficker. She further explained the level of surveillance that victims in a trafficking operation experience.

Anderson’s testimony also suggested a consideration that, while important in assessing AV-4’s behavior, would not have been evident to a jury with no earlier experience with human

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trafficking. Mr. Jackson's attorney's opening statement claimed "[t]his was voluntary prostitution," that three of the four "alleged victims ... were arrested and they cooperated with the Government," giving them "a reason to lie, to not be truthful."³⁷ The victims' statements "change[d] each time" they attended interviews with the Government.³⁸ The victims were "not coerced" because they would stay a few days or weeks with Mr. Jackson and then "left voluntarily."³⁹ Although the Government introduced other evidence of Mr. Jackson's use of force and coercion,⁴⁰ Anderson's testimony, although not addressing the specific facts surrounding AV-4's behavior, offered an explanation as to why a victim might still have been coerced by a trafficker even if she did not take the first available opportunity to report her experience. For example, Anderson testified that victims may avoid immediate disclosure to police because "they may be subject to punishment by the trafficker," or "other women that they were trafficked with [may] be tasked with punishing them."⁴¹

We also note that the district court provided a cautionary instruction to the jury to consider Anderson's testimony like any other witness. The district court showed significant sensitivity to the requirements of Rule 702 and *Daubert*, as well as to the particular strain of applying those principles in the social science area. Our precedent supports the admission of

³⁷ R.190 at 174:08–11.

³⁸ *Id.* at 174:15–16.

³⁹ *Id.* at 175:08–13.

⁴⁰ *Id.* at 188:12–22, 190:21 (footage showing a victim being choked).

⁴¹ R.192 at 1128:16–20.

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Anderson's testimony, and the district court did not abuse its discretion by admitting it.

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Even if the district court had abused its discretion, allowing Anderson's testimony would be harmless error. The test for harmless error is "whether, in the mind of the average juror, the prosecution's case would have been significantly less persuasive had the improper evidence been excluded." *United States v. Jett*, 908 F.3d 252, 267 (7th Cir. 2018) (citation modified). Even if Anderson had not testified, the jury had overwhelming evidence to convict. For example, evidence from Mr. Jackson's phone and the phone of AV-2 showed numerous communications to and from Mr. Jackson about the victims, their "dates," and money.⁴² Mr. Jackson's social media accounts, online advertisements, and business records provided further evidence.⁴³ The four victims each testified about their experiences. And pole camera video confirmed that AV-4 was choked by Mr. Jackson on August 23, 2020.⁴⁴ Anderson, in turn, did not testify about any specifics of the case because she was never given any details about it.

Conclusion

The judgment of the district court is affirmed.

AFFIRMED

⁴² R.190 at 227:22–228:14 (price sheet listing sexual acts and times from Mr. Jackson's phone).

⁴³ R.192 at 1159:18–21 (Mr. Jackson's advertising of AV-1 online).

⁴⁴ R.190 at 188:12–22, 190:21 (footage showing choking).

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 20-cr-0229-bhl

v.

CORNELIUS M JACKSON,

Defendant.

ORDER

Cornelius M. Jackson has been indicted on multiple counts of sex-trafficking. (*See* ECF No. 1.) On September 21, 2022, Jackson filed three motions to suppress and also asked the Court to order the Government to provide him with a bill of particulars. (ECF Nos. 50–53.) In his first motion, Jackson seeks both the suppression of all evidence derived from the execution of a search warrant on his Waukesha home, on grounds the issuance of the search warrant was not supported by probable cause, and a *Franks* hearing on the challenge. (ECF No 50.) His second and third motions seek suppression of the alleged victim’s out-of-court identifications of him and exclusion of out-of-court statements he made in connection with a prior (2015) arrest. (ECF Nos. 51 & 52.) His request for a bill of particulars is premised on complaints about the large volume of discovery produced by the government. (ECF No. 53.) On February 6, 2023, Magistrate Judge Nancy Joseph issued a report and recommendation on the motions. (ECF No. 70.) The magistrate judge recommended denying Jackson’s challenge to the search warrant and his request for a *Franks* hearing, concluding probable cause supported the warrant and a *Franks* hearing was not justified. (*Id.* at 2.) Judge Joseph also recommended denying both Jackson’s challenge to the identification testimony and his request for a bill of particulars. (*Id.*) The magistrate judge recommended granting Jackson’s request to suppress his 2015 post-arrest statements, a result the government did not oppose. (*Id.*)

Jackson has filed timely objections to most of the magistrate judge's rulings and his objections are now fully briefed.¹ (ECF Nos. 71, 77 & 78.) Having reviewed the record, the Court will overrule Jackson's objections and adopt Judge Joseph's well-reasoned Report and Recommendation in its entirety.

BACKGROUND

On August 23, 2020, at around 5:00 a.m., Milwaukee Police Officer James Pittman was dispatched to the 1400 block of Brady Street. (ECF No. 70 at 3.) A female caller, later identified as AV-4, reported that the people she was staying with had stolen her personal belongings and left her in an unfamiliar area. (*Id.*) Another witness called too, reporting that he had seen a man throw a woman down and he suspected the man was the woman's "pimp." (*Id.*)

In an interaction captured on his body camera, Pittman approached AV-4 and another woman on the street, informed them he had received reports of a physical altercation and asked them what was going on. (*Id.*) After Pittman separated the two women, AV-4 told him she had been celebrating a friend's birthday when her companions took her belongings and left her on the street because they did not like what she was doing. (*Id.*) She denied anyone was attempting to hurt her and stated she only called the police to report her stolen items. (*Id.*) AV-4 admitted that she had scrapes on her body from being shoved to the ground but did not wish to press charges. (*Id.*) Pittman then asked if she would like him to pretend to arrest her in order to take her somewhere safe. (*Id.*) AV-4 began crying and Pittman handcuffed her and placed her in a police van. (*Id.* at 3–4.)

At first, AV-4 denied any involvement in illegal activity. She told Pittman that she lived with Jackson and the other woman, and everything was fine. (*Id.* at 4.) She also initially denied that Jackson encouraged her to make "dates" with men, but then said Jackson wanted her to approach random men and ask them what they do, although she claimed she was not sure why. (*Id.*) She specifically denied engaging in prostitution and denied Jackson mentioning "dates" for money. (*Id.*)

Eventually, however, AV-4 provided officers a different story. She admitted that Jackson had grabbed her by the neck until she passed out while two other women yelled at her. (*Id.*) As

¹ Jackson has not objected to Judge Joseph's recommendation that his motion to suppress the victim's out-of-court identification be denied. The Government has not objected to Judge Joseph's recommendation that Jackson's out-of-court statements be suppressed. Both recommendations will therefore be adopted.

the interview continued, other officers informed Pittman that pole camera footage corroborated her report and showed Jackson having choked AV-4 to unconsciousness. (ECF No. 60 at 4.) Pittman then asked AV-4 to mark on a diagram of a body where she was struck, injured, or hurt. (ECF No. 70 at 4.) AV-4 told Pittman that a woman pulled her hair, and that Jackson pushed her down, injuring her. (*Id.*) She also said Jackson threatened to kill her, tried to choke and bite her, wanted to control her activities, and had a firearm in his home. (*Id.*) She then further reported that Jackson had told her a few days earlier that he wanted her to “work for what she’s worth” and explained to her the hours, pay, and prices: \$200 for thirty minutes, \$300 for an hour. (*Id.*) She believed him to be telling her that she would have to use her body. (*Id.*) AV-4 said she reluctantly agreed only because she felt she was in Jackson’s possession and was his property. (*Id.* at 4–5.) She also told Pittman that Jackson said he would get her a Greyhound bus ticket if she wanted to leave, but she did not believe him. (*Id.* at 4.) AV-4 also identified one of the women as “big momma.” (*Id.*)

At some point, Officer Gerardo Orozco arrived and took over the investigation. (*Id.* at 5.) Orozco more thoroughly interviewed AV-4, who then described Jackson’s trafficking activities in detail. (*Id.*) AV-4 reported that she met Jackson on a “dating application” and agreed to meet him the following day. (*Id.*) She further related that Jackson picked her up from her Appleton residence the next day in a red Cadillac Escalade, which she described in some detail. (*Id.*) The car had a tan leather interior, televisions, white license plate covering with Wisconsin plates, and a “Native American earmuff/dreamcatcher bear claw necklace hanging from the rearview mirror.” (ECF No. 55-1 at 5.) Jackson then drove to a gas station, purchased a bottle of alcohol, and continued on to the Oneida Hotel & Casino in Green Bay. (ECF No. 70 at 5.) Once at the hotel, Jackson called for another woman—who was accompanied by two other women—to come to the car. (*Id.*) According to AV-4, they all hung out at a hotel room later that day. (*Id.*) She observed condoms on the nightstand. (*Id.*) AV-4 later saw men come into the room with the women and was required to leave when that happened. (*Id.*) She also stated that once the men left the room, the women gave money to Jackson. (*Id.*)

AV-4 reported that she and Jackson then left the casino and drove to Jackson’s residence located at 1436 Big Bend Road in Waukesha, where she stayed along with the other women who were at the hotel. (*Id.* at 6.) The residence had a massage room and AV-4 reported that random men would come by for massages. (*Id.*) When they did, Jackson would go to another room. (*Id.*)

After three days at the Waukesha residence, Jackson asked AV-4 if she wanted to make \$10,000 “for the team,” because she had to make money to pay the bills. (*Id.*) AV-4 stated Jackson “guilt-tripped” her into conducting “dates,” meaning she engaged in sex acts for money. (*Id.*) For these “dates” at the house, Jackson and his female accomplice had specific rules for AV-4 to follow. (*Id.*) She had to call Jackson “daddy,” count the money first, and text Jackson whether everything went good or bad. (*Id.*) She also had to request that the date send her photographs of his genitals and middle finger, ask if the person was affiliated with law enforcement, and set a timer or alarm once she sent the text to Jackson. (*Id.*) AV-4 told Orozco that Jackson took her cell phone and used unknown photos to create an escort advertisement on a website known to be used for escort and prostitution services. (*Id.*) In total, AV-4 conducted six dates at Jackson’s Waukesha residence. (*Id.*) She also informed Orozco that the women went to Milwaukee eight times, three of which were attempts to engage in commercial sex acts. (*Id.*)

AV-4’s interview with Orozco served as the basis for Waukesha Detective Kenny Stucker’s application for a search warrant of Jackson’s Waukesha address: 1436 Big Bend Road, Unit A. (*Id.* at 5.) In his affidavit, Stucker stated that on August 23, 2020, he had received a report from Milwaukee Police Department (MPD) regarding a strangulation/suffocation and human trafficking offense. (ECF No. 55-1 at 5.) MPD also had reported that the alleged victim, AV-4, had been strangled by Jackson and he and another individual had “forced” her into performing commercial sex acts. (*Id.*) On August 25, 2020, a Waukesha County Circuit Court judge approved a search warrant of Jackson’s Waukesha residence based on Stucker’s affidavit. (*Id.* at 8.) The warrant permitted law enforcement officers to search Jackson’s Waukesha apartment, vehicles, storage units, outbuildings, and associated persons. (*Id.* at 4.) It also permitted the search and seizure of electronic devices, including cell phones. (*Id.*)

On August 27, 2020, law enforcement executed the search warrant at Jackson’s residence and on his vehicle parked there. (ECF No. 60 at 5.) Officers recovered 19 cellular phones and other electronic devices. (*Id.*) They also seized ammunition, along with identification and bank cards for individuals who did not reside there. (*Id.*) Just over three months later, Jackson was indicted and a warrant was issued for his arrest. (ECF No. 1.)

The 2020 arrest was not Jackson’s first. He had previously been arrested in April 2015 after a physical disturbance at an Ashwaubenon, Wisconsin hotel. (ECF No. 52 at 1.) An officer handcuffed Jackson and placed him in the back of a squad car, then another officer asked Jackson

open ended questions like “what’s going on tonight?” and “why are we here?” and Jackson provided detailed responses. (*Id.*) It was only after the discussion proceeded for about a half hour that the officers finally read Jackson his *Miranda* rights. (*Id.* at 1–2.) Then, fifteen minutes later, the officer told Jackson that they would go to the police station to get his statement, to which Jackson replied, “you all know everything, so there’s no reason for that” and that he had “nothing else to say.” (*Id.* at 2.)

On December 1, 2020, a grand jury indicted Jackson on four counts of sex trafficking by force, fraud, or coercion, and one count of conspiracy to engage in sex trafficking. (ECF No. 1.) After pleading not guilty, Jackson moved to suppress the fruits of the search warrant, the identification of him by AV-4, and his out-of-court statements stemming from his prior 2015 arrest. Jackson also requested a bill of particulars and a *Franks* hearing. (ECF Nos. 50–53.)

In a nineteen-page report and recommendation, Judge Joseph rejected most of Jackson’s requests. (ECF No. 70.) The magistrate judge recommended granting Jackson’s motion to suppress his out-of-court statements because it was unopposed but otherwise denied his motions. (*Id.*) The balance of his motions were denied. The magistrate judge explained that AV-4’s initial denial of Jackson’s sex-trafficking activities did not make the detective’s search warrant affidavit untrustworthy and found that the warrant was supported by probable cause and not overbroad. (*Id.* at 8–13.) Judge Joseph also concluded that Jackson’s request to suppress AV-4’s identification of him was based on a misunderstanding of the procedure employed. (*Id.* at 14.) Finally, Judge Joseph denied Jackson’s request for a bill of particulars explaining that voluminous discovery is not a proper basis for such a request, particularly where, as here, the government opens its entire file to the defense. (*Id.* at 17.)

LEGAL STANDARD

A federal court reviews, de novo, “those portions of [a magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. §636(b)(1)(C). Unchallenged portions of the report are reviewed only for clear error. *See Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

ANALYSIS

Jackson objects to several aspects of Judge Joseph’s report and recommendation, including her recommended denial of: (1) his motion to suppress the fruits of the search warrant; (2) his request for a *Franks* hearing; and (3) his request for a bill of particulars. (ECF No. 71.) According

to Jackson, the search warrant for his Waukesha apartment was invalid because it was not supported by probable cause and failed to limit the search with sufficient specificity. (*Id.* at 1.) He also contends that the affidavit used to obtain the search warrant improperly relied on reckless statements and material omissions, entitling him to a *Franks* hearing. (*Id.*) Finally, he argues that the voluminous discovery provided by the government necessitates a bill of particulars to adequately prepare for trial. (*Id.* at 11.) Jackson does not object to Judge Joseph's recommendation to grant his motion to suppress his out-of-court statements or her denial of his motion to suppress AV-4's identification of him. Because Jackson fails to show the magistrate judge's rulings were wrong and the unchallenged portions of the report contain no clear error, the Court will adopt Judge Joseph's report and recommendation in full.

I. Jackson Has Not Shown Error in the Magistrate Judge's Rejection of His Challenge to the Search Warrant.

The Fourth Amendment provides that “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.” U.S. Const. amend. IV. “When, as here, an affidavit is the only evidence presented to a judge to support a search warrant, ‘the validity of the warrant rests solely on the strength of that affidavit.’” *United States v. Mykytiuk*, 402 F.3d 773, 775–76 (7th Cir. 2005) (quoting *United States v. Peck*, 317 F.3d 754, 755–56 (7th Cir. 2003)). “A search warrant affidavit establishes probable cause when, based on the totality of the circumstances, it ‘sets forth sufficient evidence to induce a reasonably prudent person to believe that a search will uncover evidence of a crime.’” *Id.* at 776 (quoting *Peck*, 317 F.3d at 756). “[P]robable cause is a low bar that can be cleared without a *prima facie* showing of criminal activity.” *United States v. Rees*, 957 F.3d 761, 769 (7th Cir. 2020).

“The task of the issuing magistrate is simply to make a practical, commonsense decision whether, given all the circumstances set forth in the affidavit before [her], there is a fair probability that contraband or evidence of a crime will be found in a particular place.” *United States v. Sims*, 551 F.3d 640, 644 (7th Cir. 2008) (quoting *United States v. Koerth*, 312 F.3d 862, 866 (7th Cir. 2002)). That decision is afforded great deference. See *United States v. Bell*, 585 F.3d 1045, 1049 (7th Cir. 2009). Thus, a reviewing court should “uphold a finding of probable cause so long as the issuing judge had a substantial basis to conclude that the search was reasonably likely to uncover evidence of wrongdoing.” *United States v. Aljabari*, 626 F.3d 940, 944 (7th Cir. 2010). Reversal is appropriate “only when the supporting affidavit, read as a whole in a realistic and common sense

manner, does not allege specific facts and circumstances from which the magistrate could reasonably conclude that the items sought to be seized are associated with the crime and located in the place indicated.” *United States v. Spry*, 190 F.3d 829, 835 (7th Cir. 1999). “[D]oubtful cases should be resolved in favor of upholding the warrant.” *United States v. Quintanilla*, 218 F.3d 674, 677 (7th Cir. 2000).

Jackson first argues that the search warrant did not provide a sufficient nexus between his electronic devices and human trafficking. (ECF No. 71 at 5.) This misstates the record. The affidavit makes clear that electronic devices were a part of Jackson’s activities. It describes his having met AV-4 on a dating application, his creation of a profile for her on an escort website, and his use of pictures from her phone for that profile. (ECF No. 55-1 at 5, 7.) Detective Strucker also pointed out that, according to his training and experience, individuals who engage in sex trafficking often use logbooks and client databases, sometimes electronically. (*Id.* at 7.) Taken together—or even separately—these facts provide probable cause for the issuance of the warrant. *See United States v. Wiley*, 475 F.3d 908, 916 (7th Cir. 2007) (“[P]robable cause does not require direct evidence linking a crime to a particular place. Instead, issuing judges are entitled to draw reasonable inferences about where evidence is likely to be found given the nature of the evidence and the type of offense.”) (quoting *United States v. Anderson*, 450 F.3d 294, 303 (7th Cir. 2006)). The affidavit thus supplied sufficient facts to allow the issuing judge to reasonably infer that there was a fair probability that evidence of sex trafficking would appear on Jackson’s cell phone and other electronic devices in his residence. *See United States v. Zamudio*, 909 F.3d 172, 176 (7th Cir. 2018).

Jackson next challenges the specificity of the warrant. He contends the affidavit was overbroad because it provided no timeframe for the search of the electronic devices and permitted the search of all electronic data. (ECF No. 71 at 7.) He also argues the warrant should have limited the search of electronics to a timeframe starting in late July 2020, when AV-4 met Jackson, through the date the warrant was issued. (*Id.*) Last, Jackson also argues the warrant should have limited the search of Jackson’s devices to specific content. (*Id.* at 8.)

The Fourth Amendment requires search warrants to describe with particularity the place to be searched and the things to be seized. This is to protect “against the government’s indiscriminate rummaging through [] property” and “prevent the searching for and seizure of items that there is no probable cause to believe are either contraband or evidence of a crime.” *United States v. Winn*,

79 F. Supp. 3d 904, 918 (S.D. Ill. 2015) (quoting *United States v. Jones*, 54 F.3d 1285, 1289–90 (7th Cir. 1995)). So, for example, a search warrant allowing police to seize “any or all files” on a cell phone in connection with a public indecency crime would likely lack probable cause and be considered overbroad. *Id.* at 919.

The search warrant at issue here did not permit the search of “any and all” files—it specifically stated that police may seize evidence related to human trafficking. (ECF No. 55-1 at 1.) This is sufficiently limited with respect to content. *United States v. Bishop*, 910 F.3d 335, 336 (7th Cir. 2018) (“Th[e] warrant does permit the police to look at every file on [a] phone and decide which files satisfy the description. But [it] is wrong to think that this makes a warrant too general. Criminals don’t advertise where they keep evidence.”). And there was ample justification for authorizing a search of items predating AV-4’s involvement with Jackson. The supporting affidavit contained information suggesting Jackson’s involvement in human trafficking predated meeting AV-4, including factual assertions of Jackson’s preexisting involvement with other women who lived in Jackson’s home and who gave “random guys” massages and AV-4’s report that Jackson told her she needed to “mak[e] money for the team.” (ECF No. 55-1 at 6.) This is enough to allow law enforcement to seize information prior to July 2020 when Jackson met AV-4. See *United States v. Parra*, 402 F.3d 752, 764 (7th Cir. 2005) (“So long as the totality of the circumstances, viewed in a common sense manner, reveals a probability or substantial chance of criminal activity on the suspect’s part, probable cause exists.”).

Finally, Jackson maintains that the warrant’s language authorizing the search of any vehicle on the premises fails the Fourth Amendment’s particularity requirement.² (ECF No. 71 at 10.) In particular, Jackson contends that Judge Joseph “impermissibly exceeded the 4 corners of the affidavit” because her recommendation considered the fact that officers found Jackson’s car—the same color, make, and model identified in the warrant—in the parking space assigned to Jackson. (*Id.*; ECF No. 70 at 12–13.) This reads the record too narrowly. The warrant specifically authorized the search of “any vehicles...associated with the premises, all with the street address 1436 Big Bend Road Unit A, City of Waukesha, Waukesha County, Wisconsin.” (See ECF No. 55-1 at 4.) Detective Stucker’s accompanying affidavit noted that when Jackson picked up AV-4

² The government argues that Jackson cannot challenge the search of the car because he does not have standing to challenge it as his name is not on the registration. (ECF No. 77 at 5.) Because Jackson’s challenge fails, the Court will not rule on whether Jackson has standing on the issue. (See ECF No. 70 at 11 n.2 (“I will assume without deciding that Jackson has standing to challenge the search.”).)

in Appleton, he “was driving a red Cadillac Escalade with tan leather interior” with Wisconsin plates. (*Id.* at 5.)

Jackson relies on *United States v. Stewart*, No. 20-CR-56-JPS, 2020 WL 6255676, at *4 (E.D. Wis. Oct. 23, 2020) to argue that warrants that fail to specify whether “on premises” means a garage, driveway, or street are “patently unreasonable.” *Stewart*, however, is inapplicable. In *Stewart*, the Court found a lack of probable cause because the search warrant’s supporting affidavit broadly referred to any vehicles that “controlled substances can be secreted in ... vehicles on and associated with the premises.” *Id.* (“Officers are not authorized to search a location simply because it is capable of holding controlled substances.”). The affidavit here not only describes Jackson’s alleged vehicle with particularity, but also describes the vehicle’s role in the underlying events, including how Jackson picked AV-4 up in that vehicle and drove her to a gas station and to a hotel/casino where other women engaged in “dates” at Jackson’s direction, then took AV-4 to Jackson’s Waukesha apartment in the same vehicle. (ECF No. 55-1 at 5-6.) Upon executing the warrant, officers found a vehicle matching the warrant’s description parked directly outside of Jackson’s apartment. (ECF No. 70 at 12.)

Jackson’s challenge to Judge Joseph’s observation that his vehicle was found in his apartment’s parking spot, a fact outside the supporting affidavit, does not help him. The record confirms that law enforcement found a vehicle that precisely matched AV-4’s description directly outside of his apartment: whether it was in Jackson’s assigned parking space or not is irrelevant. Judge Joseph’s inclusion of information outside the affidavit does alter that fact that law enforcement had probable cause to search the vehicle. It matched the affidavit and was parked in a spot that, regardless of its assignment to Jackson, was outside his apartment and thus logically connected to him. *See Stewart*, 2020 WL 6256676, at *5 (“[T]he officer must describe the things to be searched with some particularity What type of car? What color? Where would it have been parked? Any one of these details would have been sufficient; particularity is not a high bar, and there is no reason not to meet it.”). The search warrant provided both a sufficient nexus between the items sought and human trafficking and a sufficiently narrow and particular description of the items to be searched. Therefore, Jackson’s motions to suppress the fruits of the warrant must be denied.

II. Jackson Is Not Entitled to a *Franks* Hearing Because He Has Not Shown That the Affidavit Contained Any Materially False Statements or Omissions.

In *Franks v. Delaware*, 438 U.S. 154 (1978), the United States Supreme Court recognized a criminal defendant's right, in limited circumstances, to challenge the veracity of statements made in an affidavit supporting a search warrant. The Court held that a defendant may dispute the accuracy of an allegedly faulty affidavit at a so-called *Franks* hearing provided he first makes a "substantial preliminary showing" that: (1) the affidavit contained a materially false statement; (2) the affiant made the false statement intentionally, or with reckless disregard for the truth; and (3) the false statement was necessary to support the finding of probable cause." *United States v. Maro*, 272 F.3d 817, 821 (7th Cir. 2001) (quoting *Franks*, 438 U.S. at 155-56). This standard also applies when an affidavit is challenged on the grounds that key facts were omitted. See *United States v. Williams*, 737 F.2d 594, 604 (7th Cir. 1984).

The core of Jackson's argument is that the affidavit submitted in support of the search warrant was based solely on Orozco's interview with AV-4, and statements she made to him contradict her initial denials to Officer Pittman that she had any involvement in prostitution. (ECF No. 71 at 2-5.) Jackson argues that the affiant had read Officer Pittman's report and thus knew of AV-4's prior statements and had "obvious reasons" to omit these initial denials. (*Id.* at 5.) Jackson further states (with little explanation) that the omitted statements were material to the finding of probable cause. (*Id.*) Jackson has not made a sufficient showing to necessitate a *Franks* hearing.

As an initial matter, the identified omissions and reckless statements turn on AV-4's initial interview with Officer Pittman—an interview after she had just been choked to the point of unconsciousness and in the presence of another person. Her initial denials are thus hardly surprising. Once questioned in private, after she was separated from the other woman, AV-4 opened up about her involvement in Jackson's scheme and provided substantial detail concerning that involvement. It is well-documented that people who experienced trauma like AV-4 often have difficulty opening up, even to well-meaning outsiders. See Laura Simich et al., *Improving Human Trafficking Victim Identification—Validation and Dissemination of a Screening Tool*, Vera Institute of Justice, 165 (2014). The fact that she denied involvement at first does not make her later statements untrustworthy.

But, even if AV-4's initial denials to Officer Pittman were deemed material, Jackson's request for a *Franks* hearing fails because he has not shown that the affiant intentionally acted with reckless disregard for the truth. Arguing that the affiant had "obvious reasons" to omit these initial

denials does not provide any proof of intention or reckless disregard for the truth. *See United States v. Johnson*, No. 07-CR-144, 2007 WL 2949530, at *2 (E.D. Wis. Oct. 10, 2007) (“The fact that [an] initial denial was omitted is hardly evidence police were attempting to mislead the issuing magistrate.”). And, as Judge Joseph points out, the suggestion that the omission was intentional is contradicted by the affidavit’s simultaneous omission of other details that bolstered AV-4’s account. The affidavit makes no mention, for example, that her strangulation was captured on camera or that a bystander confirmed Jackson’s physical altercation with AV-4. (ECF No. 70 at 8–9.) Given the overall context of AV-4’s initial denials and subsequent testimony, the search warrant was supported by probable cause. Therefore, Jackson’s request for a *Franks* hearing must be denied.

III. A Bill of Particulars Is Not Warranted.

A defendant may request a bill of particulars which is “a more specific expression of the activities defendant is accused of having engaged in which are illegal” under Federal Rule of Criminal Procedure 7(f). *United States v. Canino*, 949 F.2d 928, 949 (7th Cir. 1991). The decision on whether to grant a motion for a bill of particulars is similar to determining the sufficiency of an indictment, “that is, ‘whether the indictment sets forth the elements of the offense charged and sufficiently apprises the defendant of the charges to enable him to prepare for trial.’” *United States v. Fassnacht*, 332 F.3d 440, 446 (7th Cir. 2003) (quoting *United States v. Kendall*, 665 F.2d 126, 134 (7th Cir. 1981). “[A] bill of particulars is not required when information necessary for a defendant’s defense can be obtained through ‘some other satisfactory form.’” *Canino*, 949 F.2d at 949. One type of other satisfactory form is an “open-file” discovery policy where the government provides a defendant “with complete and open discovery of all evidence assembled and revealed in the government’s investigation.” *Id.*

Jackson argues that a bill of particulars is required here because the government has served him with voluminous discovery. (ECF No. 71 at 11.) In Jackson’s view, because several alleged victims may also be co-conspirators, he needs to know the identities of any and all alleged co-conspirators in order to prepare for trial. (*Id.*) Jackson overstates the burdens of his position. His indictment lists the offenses he is charged with, along with citations to the statutes violated and the times and places where his conduct violated the statutes cited. (*See* ECF No. 1); *Fassnacht*, 332 F.3d at 446 (noting that when an indictment includes “each of the elements of the offense charged, the time and place of the accused’s conduct which constituted a violation, and a citation

to the statute or statutes violated,” the indictment is sufficient). This is sufficient to defeat his request.

Moreover, the government has also already provided Jackson with an appropriate alternative to a bill of particulars: “open-file” discovery. (ECF No. 77 at 8.) Even if the indictment were insufficient in a certain area, the government did all that was required of them by providing Jackson with the appropriate information through discovery. See *Canino*, 949 F.2d at 949 (“The nature and operations of the [government’s] ‘open-file’ policy is an adequate ‘satisfactory form’ of information retrieval, making the bill of particulars unnecessary.”); *United States v. Williams*, No. 16-CR-111-JPS, 2017 WL 1437119, at *2 (E.D. Wis. Apr. 24, 2017) (“[The defendant] has it backwards to suggest that the volume of discovery indicates a need for a bill of particulars.”). The government also maintains that its discovery is well-organized, and, noting that it “is cognizant of the large volume of jail calls provided in discovery,” voluntarily provided Jackson’s counsel with list of 29 jail calls it believes will be most helpful in preparation for trial. (ECF No. 77 at 13.)

And, as the government notes, “courts have generally denied requests for a bill of particulars seeking identification of all co-conspirators.” (*Id.* at 10); *United States v. Armbruster*, 2021 WL 5232261, at *3 (E.D. Wis. June 10, 2021). As in *Armbruster*, Jackson provides no authority to the contrary that requires this Court to grant him a bill of particulars to identify any co-conspirators; instead, he relies on what he refers to as the government’s “open-dump” discovery policy. (ECF No. 71 at 13.) This is not enough to require a bill of particulars. The Court appreciates that “[t]he stakes are high” for Jackson, (*id.* at 11), but that does not mean he is entitled to know prior to trial how the government intends to prove its case against him. Jackson has a constitutional right “to know the offense with which he is charged, not to know the details of *how* it will be proved.” *Fassnacht*, 332 F.3d at 446 (quoting *Kendall*, 665 F.2d at 135) (emphasis added). Therefore, his motion for a bill of particulars is denied.

IV. Judge Joseph’s Remaining Recommendations Will Be Adopted.

Judge Joseph’s Report included two other recommendations. The magistrate judge recommended: (1) granting Jackson’s motion to suppress out-of-court statements (and his request for a hearing on the issue); and (2) denying Jackson’s motion to suppress AV-4’s identification of him. Neither party has challenged either recommendation. Because there is no clear error present on these issues, the report and recommendation will be adopted as to both.

With respect to Jackson's 2015 out-of-court statements, the government has confirmed it does not plan on using Jackson's 2015 statements. The magistrate judge thus granted the motion to suppress as unopposed. (ECF No. 70 at 14.) This was not plain error and the Court will adopt the recommendation.

Judge Joseph rejected Jackson's attack on AV-4's identification of him after concluding that his motion was based on a misunderstanding of the identification procedure actually used. Jackson confused the labels on the photographs with the order in which AV-4 was shown the photographs and did not challenge that his photo was not actually his photo. (*See* ECF No. 70 at 14.) The record confirms that law enforcement provided AV-4 a booking photo of several people within separate folders that were numbered. (*Id.* at 13.) Officer Orozco reported that AV-4 reviewed each folder, and positively identified Jackson as the target in folder number three. (*Id.*) In his motion, Jackson maintained that AV-4 must have misidentified him because his photo appeared in folder number four, not three. (*Id.*) As the magistrate judge explained, however, the folder labels do not correspond to the order in which law enforcement presented the photos to AV-4. They confirm that they shuffled the folders and presented them to AV-4 in a random order. (*Id.*) Orozco also wrote in his report that AV-4 "positively identified Jackson as her trafficker" "[a]fter looking at each of the photos," further confirming that Jackson was not misidentified. (ECF No. 64 at 2.) The magistrate judge thus properly concluded Jackson's motion was misplaced and should be denied.

Judge Joseph also correctly rejected Jackson's request for an evidentiary hearing on the alleged misidentification. (ECF No. 51 at 2.) To receive an evidentiary hearing, Jackson must proffer testimony that contradicts the government's account. *United States v. Dortch*, 342 F. Supp. 3d 810, 814 (N.D. Ill. 2018) (citing *United States v. McGaughy*, 485 F.3d 965, 969 (7th Cir. 2007)). Jackson's fundamental misunderstanding of the identification procedure was sufficient to eliminate the need for an evidentiary hearing. *United States v. Edgeworth*, 889 F.3d 350, 354 (7th Cir. 2018) ("Reliance on vague, conclusory allegations is insufficient. Instead, the defendant must present definite, specific, detailed, and nonconjectural facts that justify relief.") (internal quotations omitted) (citations omitted).

CONCLUSION

After a *de novo* review of Magistrate Judge Joseph's report and recommendation, ECF No. 70, the Court overrules Jackson's objections. The Court also adopts Judge Joseph's report and

recommendation concerning Jackson's motions to suppress out-of-court statements and identifications after a review for clear error.

Accordingly,

IT IS HEREBY ORDERED that Jackson's Motions to Suppress, ECF Nos. 50 and 51, are **DENIED**.

IT IS FURTHER ORDERED that Jackson's Motion to Suppress, ECF No. 52 is **GRANTED**.

IT IS FURTHER ORDERED that Jackson's Motion for a Bill of Particulars, ECF No. 53, is **DENIED**.

IT IS FURTHER ORDERED that Jackson's request for a *Franks* hearing, ECF No. 50, is **DENIED**.

Dated at Milwaukee, Wisconsin on May 8, 2023.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge

1 but within the social science community to understand what this
2 issue is.

11:10 3 If the Court has further unresolved questions about her
4 qualifications or about what that background looks like or
5 about how this testimony plays out, like where she might
6 explain how something like a person's basic needs play into
7 their vulnerability as a trafficking victim, the Government is
8 very happy to supply the Court with transcripts from her
9 testimony in the previous two cases in this district, if that
10 will help the Court to make a decision.

11:10 11 THE COURT: No. I mean, as I said in my introductory
12 comments, I can see how portions of what this person intends to
13 -- the Government intends to introduce through this witness
14 would be relevant and helpful to a jury. My concern is the
15 breadth of it, the fact that the Government is choosing to go
16 blind expert without tying the witness' testimony to the facts,
17 you know, I guess it has advantage of avoiding the concerns the
18 Government has, but it has the disadvantage of having it
19 potentially unmoored to what it is we're -- to the issues in
20 this case.

11:11 21 My concerns remain. Again, the -- this -- Mr. Jackson
22 should be convicted or acquitted based on the factual evidence
23 that is admitted at trial of what he did or what he didn't do,
24 not based on what other people who have been accused of sex
25 trafficking did. And I have a concern about unfair prejudice

1 here.

11:11

2 What I would propose is that -- I think this witness can
3 testify with -- with some limitations, but can testify based on
4 her experience, subject to cross-examination, of course, with
5 respect to issues that are presented in this case. But we
6 don't know what -- I don't know what those are going to be yet.
7 So what I would propose is that we have the fact witnesses
8 testify and lay some sort of foundation before we get into this
9 expert testimony.

11:12

10 I'm not saying that this expert necessarily needs to
11 testify last, but I think there needs to be some factual
12 predicate laid to make clear what the relevant issues are that
13 then the expert witness would address and that her testimony
14 would have to be narrowly tailored to address those issues and
15 to protect Mr. Jackson from any unfair prejudice.

11:13

16 Does that make sense?

11:13

17 MS. LOUNSBERRY: Yes, your Honor. And, in fact, Judge
18 Adelman made a similar ruling. The Government was planning on
19 having at least some of the victims testify first. That is the
20 plan.

11:13

21 THE COURT: And so, Mr. Binder, anything you wanted to
22 add?

11:13

23 MR. BINDER: I just want to go back to, I guess, the
24 issue with prejudice here with having this, I guess, this
25 expert witness if she were testifying as an expert really just

1 what I think of would do is impermissibly bolster the
2 credibility of the alleged victims here. And I think possibly
3 that's in large part maybe why the Government wants to have
4 this expert witness testify, or at least in large part. But,
5 again, I think that really gets into the prejudice here as
6 well. Thank you, your Honor.

11:14 7 THE COURT: So the Court is not unaware of the
8 potential for unfair prejudice. So what I'm going to do is I
9 will, I guess, grant this motion in part, deny it in part. I
10 will tentatively allow this expert witness to testify, subject
11 to a factual predicate being laid and subject to the testimony
12 being relevant, tied to the specific offenses and the specific
13 facts of this case.

11:14 14 She doesn't need to opine on the specific facts of this
15 case, but her testimony should relate to the specifics of this
16 case. That will all be subject to an unfair prejudice
17 balancing test that we will need to do in the course of the --
18 in the course of the testimony. It's hard for me to rule on
19 that, again, in the abstract.

11:15 20 But I would encourage the Government to work to narrow this
21 testimony down, to pare it down to what you really need. I
22 also frankly question whether you really need it. I -- you
23 guys are much closer to the evidence than I am. But if the
24 alleged victims come in and testify as has been suggested, that
25 sounds like it's pretty compelling testimony. And I'm not sure

1 that a jury couldn't understand from that testimony the
2 conclusions the Government wants them to draw. But, again, you
3 guys are closer to it than I am.

11:16 4 All right. I need to run to another hearing. Anything
5 else we should do today?

11:16 6 MS. LOUNSBERRY: Not from the Government. Thank you.

11:16 7 MR. BINDER: Nothing further from defense. Thank you,
8 your Honor.

11:16 9 THE COURT: All right. So the -- so we will be back
10 in a week and a half to start trial. I don't know if the
11 parties have engaged in plea negotiations and to what detail
12 they have. The law requires me to stay out of that process,
13 and I will. To the extent those negotiations continue -- and I
14 encourage that because it is usually in everybody's best
15 interests for cases to resolve -- to the extent you do that,
16 I'd ask you to keep us apprised if a resolution is reached,
17 particularly if it happens the Friday before trial so that we
18 can avoid having to haul a whole bunch of citizens in to pick a
19 jury.

11:17 20 So I encourage you to keep talking. If you can reach a
21 resolution, do so. If you can't reach a resolution, we'll have
22 a trial, because that's what we do. But if you do reach a
23 resolution, particularly by that Friday, let us know. All
24 right?

11:17 25 Thank you for your time this morning. We will look forward