

UNITED STATES DISTRICT COURT

2009 AUG -3 AM 10:03

EASTERN DISTRICT OF WISCONSIN

U.S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA

BY \_\_\_\_\_

V.

CRIMINAL COMPLAINT

DERRICK AVERY  
a/k/a "Snooky"  
a/k/a "Pimp Snooky"  
a/k/a "Mr. Marjani"

CASE NUMBER

09-M-0269

2:09-mj-00615-PAL

I, AMY COLEMAN, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about the below-listed dates, in the State and Eastern District of Wisconsin and elsewhere, DERRICK AVERY, the defendant herein, engaged in the following conduct:

Please see Counts One, Two, and Three as set forth in Attachment A.

I further state that I am a Special Agent with the Federal Bureau of Investigation (FBI), and that this complaint is based on the following facts:

Please see the attached affidavit of Special Agent Amy Coleman.

Continued on the attached sheet and made a part hereof:  Yes  No

*Amy Coleman*  
Signature of Complainant  
AMY COLEMAN

U.S. District Court  
Eastern District of Wis. }  
I hereby certify that this is a true and correct copy of the original now remaining of record in my office.

Sworn to before me and subscribed in my presence,

7/20/09  
Date

PATRICIA J. GORENCE  
U.S. Magistrate Judge  
DATED: 07/20/09  
By: JOAN A. CARLSON  
Deputy Clerk

at Milwaukee, Wisconsin  
City and State

The Honorable PATRICIA J. GORENCE  
United States Magistrate Judge  
Name & Title of Judicial Officer

*Patricia J. Gorence*  
Signature of Judicial Officer

510-2009-00615-PAL-107

*JAH/STH*

**Attachment "A" to Criminal Complaint**

- Count One:** From on or about October 2003 and continuing until the present, the defendant conspired with others to knowingly, in or affecting interstate commerce . . . recruit, entice, harbor, transport, provide, or obtain by any means a person . . . knowing that the person has not attained the age of 18 and will be caused to engage in a commercial sex act, all in violation of Title 18, United States Code 371.
- Count Two:** From on or about October 2003 and continuing until approximately April 29, 2009, the defendant knowingly, in or affecting interstate commerce . . . recruited, enticed, harbored, transported, provided, or obtained by any means a person . . . knowing that the person has not attained the age of 18 and will be caused to engage in a commercial sex act, all in violation of Title 18, United States Code 1591.
- Count Three:** From on or about July 2004, and continuing until approximately August 2004, the defendant knowingly, in or affecting interstate commerce . . . recruited, enticed, harbored, transported, provided, or obtained by any means a person . . . knowing that the person has not attained the age of 18 and will be caused to engage in a commercial sex act, all in violation of Title 18, United States Code 1591.

I, Amy L. Coleman, being duly sworn, depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and am presently assigned to the Milwaukee Division of the FBI. I have been employed by the FBI as a Special Agent for the past three years. I am assigned to a white collar crime squad, which includes the investigation of civil rights matters, including human trafficking.
2. This affidavit is based upon my personal knowledge and upon information reported to me by other local law enforcement officers during the course of their official duties, all of whom I believe to be truthful and reliable. The investigation has involved law enforcement officers and others from the FBI, the Internal Revenue Service Criminal Investigation Division (IRS-CID), the Milwaukee Police Department (MPD), the Las Vegas Metropolitan Police Department (LVMPD), and the Chicago Police Department (CPD). This affidavit is also based upon information gained from interviews with cooperating citizen witnesses, informants, and defendants, whose reliability is established separately herein.
3. This affidavit is set forth for the purpose of establishing probable cause that Derrick Avery a/k/a "Snooky", a/k/a "Pimp Snooky", a/k/a "Mr. Marjani" (DOB: 11/02/1966) and Shamika Evans a/k/a "Mika" (DOB: 06/20/1981) did knowingly engage in conspiracy to recruit, entice, harbor, transport provide, or obtain by any means a person . . . knowing that the person has not attained the age of 18 and will be caused to engage in a commercial sex act, all in violation of Title 18, United States Code 371, 1591 and 3283.
4. This affidavit also is set forth for the purpose of establishing probable cause that Derrick Avery a/k/a "Snooky", a/k/a "Pimp Snooky", a/k/a "Mr. Marjani" (DOB: 11/02/1966) and Shamika Evans a/k/a "Mika" (DOB: 06/20/1981) did knowingly in or affecting interstate commerce recruit, entice, harbor, transport provide, or obtain by any means a person . . . knowing

that the person has not attained the age of 18 and will be caused to engage in a commercial sex act, all in violation of Title 18, United States Code 371, 1591 and 3283.

Section 1591 provides in relevant part:

(a) Whoever knowingly-

(1) in or affecting interstate commerce . . . recruits, entices, harbors, transports, provides, or obtains by any means a person; or

knowing that force, fraud, or coercion . . . will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 and will be caused to engage in a commercial sex act shall be punished . . .

Section 3283 provides:

No statute of limitations that would otherwise preclude prosecution for an offense involving the sexual or physical abuse . . . or a child under the age of 18 shall preclude such prosecution during the life of the child, or for ten years after the offense, whichever is longer.

Because this affidavit is for the purpose of establishing probable cause, I have not set forth all facts and circumstances known by me and other law enforcement officers regarding these incidents nor have I enumerated the number of possible criminal charges arising from the conduct of the above-mentioned people and others.

5. Confidential Witness 1 (CW1) told me the following against her penal interests: She was recruited for prostitution in Chicago, Illinois, at age thirteen by a pimp from Milwaukee, Wisconsin. Approximately seven to eight months later, in 2003, after CW1 turned fourteen, she was traveling on the Amtrack train from Chicago, Illinois to Milwaukee, Wisconsin, when she

saw Shamika Evans a/k/a "Mika." Evans recognized CW1 and called out to her. CW1 stated that many other prostitutes knew who she was because she was the youngest girl out on the streets prostituting, and because her missing-persons poster was up at the Greyhound bus station. Evans was accompanied by Prostitute-B and another prostitute named "Jamie." Evans told CW1 that she (Evans) knew somebody who could help CW1, and that "they do it big," and had nice things like fur coats and jewelry. Evans made some phone calls and by the time they arrived in Milwaukee, Derrick Avery was waiting for them at the Amtrak station.

6. Avery was alone at the Amtrak station and driving a silver car. Evans sat in the passenger seat, Jamie sat in the seat behind Evans, Prostitute-B sat in the seat behind Avery, and CW1 sat in the middle of the back seat. They drove to Avery's house on 29th Street in Milwaukee. Avery and CW1 then formally introduced themselves to each other and Avery asked CW1 how old she was. CW1 told Avery she was fourteen years old. In a later conversation between Evans and CW1, Evans stated, "The good ho's are the ones he gets when they are young." Evans further stated that the young "ho's" or prostitutes end up staying around until they are older.

7. After this initial meeting, CW1 began working as a prostitute for Avery in Chicago, Illinois. Every day, CW1 and other prostitutes, including Evans, Prostitute-B, and Prostitute-C, would travel to downtown Chicago to conduct sex acts in exchange for money and then travel back to Milwaukee the next morning. CW1 and the other prostitutes stayed with Avery at his house on 29th Street in Milwaukee. CW1 also recalled a residence on Buffum Street in Milwaukee as well, where Avery's mother lived. Information obtained from a search warrant affidavit dated August 12, 2004 shows that Derrick Avery and Shamika Evans occupied

a residence at 4629 N. 29th Street, Milwaukee, Wisconsin. Those records show that Derrick Avery was connected to this address between 2004 and 2005. According to the Milwaukee County Sheriff's Department "CRIMES" database, all sixteen of Avery's arrests records within Milwaukee County between January 20, 1994 and June 3, 2008, list Avery's home address as 2509 N. Buffum Street, Apartment A, Milwaukee, Wisconsin.

8. Shortly after CW1 began working for Avery, he pointed a handgun at her because Evans told Avery that CW1 was going to leave. Avery told CW1, "I'll blow your fucking head off." CW1 denied that she was going to leave and then Avery pointed the gun at Evans.

9. Approximately one week after she began working for him at his house on 29th Street in Milwaukee, Avery physically assaulted CW1. Evans got mad at CW1 over a laundry issue and told Avery that CW1 had an attitude. Avery punched and slapped CW1 until she fell to the floor and then he began striking her with a stick that resembled a pool cue.

10. CW1 worked seven days a week for Avery and was required to earn \$500 a day when she was working in Chicago in 2003. All prostitution proceeds were turned over to Avery. Later, when CW1 and the other prostitutes were working in Las Vegas, Nevada, they were allowed to have days off. Because CW1 was underage, she was not able to get into any of the clubs in Las Vegas or Chicago, so she was not required to bring home as much money as the other prostitutes. In Las Vegas, CW1 earned approximately \$1,000 to \$1,500 on an average night of prostituting, and \$2,000 to \$5,000 on a good night of prostituting. If CW1 brought home less than \$1,000 in a night however, Avery would make statements like, "Bitch you need to get some money." or "What do you go out for?"

11. CW1 recalls that she, Avery, Evans, Prostitute-B, and possibly Prostitute-C, flew out to Las Vegas together sometime before CW1's birthday in December 2003. Pimp "Dayday" and his prostitute "Simore"; and pimp "T-Bone" and his prostitutes "Brandi" and "Big Bird," also flew to Las Vegas with them. CW1 recalls spending her fifteenth birthday in December 2003, at the Stratosphere in Las Vegas. They stayed in hotels for approximately one month and then began renting a house at 6600 Old Oxford in Las Vegas. Prostitute-B eventually got her own house, and a prostitute that Avery later recruited from a strip club, Prostitute-D, got her own house as well.

12. During the first two years that CW1 worked for Avery, she was not allowed to see her mother or speak to her on the phone. CW1 never tried to call her mother during that time because she believed Avery always knew everything she was doing all the time. Avery beat up CW1 for any small thing that she did that Avery did not like. CW1 recalls one occasion when she stopped and got something to eat when she should have been prostituting. Avery somehow knew that she had taken a break to eat, and cursed at her and then slapped her for not working. Avery checked the prostitutes' cellular telephones whenever they came back to the house to see who they had been talking to. The prostitutes were required to call Avery when they had a prostitution "date" [hereinafter, a "date" refers to an act of prostitution] to tell him where they were and how much money they were making.

13. After CW1 had been prostituting for Avery for approximately two and a half years, he began to allow her to periodically visit her mother in Chicago, when Avery and his "stable" of prostitutes were back in Milwaukee. She was allowed to travel alone from Milwaukee to Chicago to visit her mother, but only for a couple of days at a time. Avery would

give her certain tasks to do, such as emptying the ashtray, filling up his glass, and serving him food on separate plates so that the food was not mixed together. If CW1 did not perform these tasks to Avery's satisfaction, he would threaten to keep her from visiting her mother. Eventually, Avery did allow CW1 to send her mother several hundred dollars on occasion.

14. If it was an overall slow night of prostituting for CW1, Avery would just "call her in" for the night. But if she was getting prostitution dates and taking too much time to conduct the date, Avery would physically assault her. CW1 was instructed by Avery to spend the minimum amount of time to perform the sex act so she could move on to the next client and make more money. Avery told CW1 that if she was getting \$500, there was no reason to be with the client for an hour. Avery stated that a prostitution date should take the amount of time to smoke a cigarette. Avery also physically assaulted CW1 if she did not answer her cellular telephone when Avery called or if she did not talk to him long enough on the phone.

15. Avery invested the proceeds of prostitution in various schemes and businesses in Milwaukee, Wisconsin including a shoe store, a dancewear store, and a bar called "The Marjani." Your affiant has reviewed the wiretap transcripts of the May 2007 federal trial of former Milwaukee Alderman Michael McGee, Jr. Avery and McGee had several conversations in which Avery asked McGee to obtain a block party permit for his club, located at "3762 MLK." Records obtained from the City of Milwaukee, Office of the City Clerk, indicated that "Marjani" is located at 3762 North Martin Luther King Jr. Drive, Milwaukee, Wisconsin, and that Shamika Evans was the licensee in 2007. Pursuant to a July 12, 2007 drug investigation by MPD, the head of Marjani security, Saint Slaughter, indicated that he worked for Derrick Avery, who ran the club. In Las Vegas, Avery invested the money in auto leasing and home leasing businesses.

Every time one of his business ventures failed or he lost money gambling, he would beat up the prostitutes in his stable and blame them for his problems.

16. In CW1's earlier years with Avery, from 2003 to approximately 2005 or 2006, he would engage in more violent behavior. Over the years, Avery beat CW1 with pots, pool sticks, bats, chairs, belts, and Avery's "gator" shoes. CW1 showed your affiant a scar on her left hand and a small scar on the bridge of her nose that CW1 stated was the result of Avery striking her with his gator shoe during the course of one particularly bad beating. In CW1's later years with Avery, from 2006 to 2009, he usually resorted to slapping, choking, and punching the prostitutes as a punishment.

17. Another one of Avery's punishments for the prostitutes in his stable was "the hot or the cold treatment." Avery told the prostitutes they had to choose either the hot treatment or the cold treatment for punishment. The hot treatment consisted of Avery pouring rubbing alcohol on a particular part of the girl's body and then setting it on fire with a match. While this treatment usually did not leave any marks, CW1 stated that the heat was very intense and frightening. On one occasion, early on in CW1's time with Avery, Avery found out that CW1 had spoken with her previous pimp on the telephone. Avery physically assaulted CW1 particularly badly and struck her with his "gator" shoes for speaking to the pimp. CW1 was terrified when Avery then poured rubbing alcohol on CW1's chest and set fire to it.

18. CW1 and the other prostitutes were also subjected to the cold treatment, which consisted of the offending prostitute being placed in a bathtub filled with ice for the amount of time it took for a cigarette to burn down or for the prostitute to smoke the cigarette. CW1 stated

that it never mattered which of the treatments she chose for her punishment, because Avery would pick the one that he wanted.

19. Shamika Evans told CW1 that she had gotten the hot and the cold treatment, although she did not specify if she received one or the other, or both.

20. Shortly after Avery recruited Prostitute-A from the Las Vegas, Nevada strip club "Spearmint Rhino" in late 2007, CW1 observed Avery strike Prostitute-A in the head with a belt at least five times, and then pour rubbing alcohol on her arm and set it on fire. Prostitute-A was punished because she did not bring Avery enough money that week. Prostitute-A usually brought home a substantial amount of money from prostituting, since the white prostitutes usually earned more money. Avery was upset though, because Prostitute-A did not rob her clients to get more money. Prostitute-A did not want to steal when she first began working for Avery. Eventually, Prostitute-A would get about one date per week on average from whom she was able to steal a substantial amount of money or valuables. Records obtained from the State of Nevada probation and Parole reflect that Prostitute-A was arrested on October 28, 2007 and then charged with soliciting prostitution and grand larceny. The arrest originated from a "trick roll" in which Prostitute-A had sex with a man in his hotel room at the Palm's Casino. After the man fell asleep, Prostitute-A stole from his hotel safe \$15,200 in cash and the man's watch valued at \$18,000. When she was arrested, she was in possession of the watch and almost all of the cash. Between February 19, 2007 and October 3, 2008, Prostitute-A was arrested eighteen times for "loitering for purpose of prostitution" and/or "trespass" (at casinos in which she had been previously banned from entering). These charges were either not pursued or dismissed. As a result of the October 28, 2007 arrest and subsequent conviction, Prostitute-A was sentenced on

December 17, 2008, for felony attempt to commit grand larceny, and she is currently on probation.

21. CW1 recalls Prostitute-D coming home one evening after prostituting in Las Vegas with a pillow case filled with watches. Avery pawned the watches at Pak's Jewelers in Milwaukee. Prostitute-B and Evans were stealing from clients immediately after their arrival in Las Vegas. Records obtained from Pak's Jewelers in Milwaukee, Wisconsin, show that Avery traded two luxury watches for jewelry on September 24, 2004, and three luxury watches on July 7, 2005. Records obtained from Harry Glinberg Jewelers in Wauwatosa, Wisconsin, show that Avery traded five watches for jewelry in May 2006. Avery also sold four watches there for \$10,000 on January 3, 2007.

22. About four to five months after CW1's fifteenth birthday, a prostitute who used to work for Avery called "Unique" came to Las Vegas to visit in 2004. CW1 told Unique about the baby that Evans had given birth to. Avery was the father of Evans' son, and Unique had two daughters fathered by Avery. Unique was upset about the Evans' baby, and Avery became angry with CW1 for telling her about Evans' baby. Avery punched CW1 and then beat her with pots and pans over the incident. CW1 left Avery for about six months, and recalls she was back in school in Chicago by her sixteenth birthday in December 2004. CW1 was only in school at the Inglewood Academy in Chicago for a few months when Avery sent CW1 \$500 and kept calling her to come back to Las Vegas. CW1 went and ended up staying again with Avery in Las Vegas and prostituting.

23. On another occasion in 2005, after CW1 had been punished for talking to her previous pimp, Avery found out that the pimp was in Las Vegas. CW1 had not spoken to the

pimp and was not even aware that he was in town. Because Avery believed she had spoken to the pimp, he began stabbing CW1 in the buttocks. Then Avery told CW1 to come into the bathroom. Prostitute-B came into the bathroom and helped Avery clean up CW1. Prostitute-B stated to CW1, "You crazy, I don't know why you make him mad." This incident occurred at a house in Las Vegas that they lived in about one year before they moved into a house on Midnight Cowboy Court in Las Vegas.

24. CW1 allowed your affiant to observe one of the scars higher up on her right hip which appeared to be round in shape and raised above the surface of the skin. CW1 stated she has eight scars on her buttocks as a result of the stabbing. CW1 never saw the instrument that Avery stabbed her with. Sometime later, CW1 recalls an individual asking Avery if he has problems with CW1 talking to other guys. Avery responded that he did have that problem before, but not since he "poked her with a knife a few times."

25. In July 2008, CW1 gave birth to Avery's baby. CW1 was incarcerated in Las Vegas for approximately two months beginning in November 2008 for a theft-related incident. Records obtained from LVMPD indicated that CW1 was incarcerated in the Clark County Jail from on or about November 24, 2008 until on or about February 3, 2009 for larceny. Bail for CW1 was set at \$50,000. Records obtained from LVMPD reflect that Vegas Bail Bonds provided the bond for CW1 on or about February 3, 2009, and that a man known to your affiant with the initials D.B. co-signed for the bond.

26. When CW1 was released from jail in Las Vegas on or about February 3, 2009, Avery and DB (who CW1 said worked for Avery) were waiting right outside the release doors to pick her up in DB's personally owned truck. DB was a cab driver and dispatcher for Yellow

Checker Cab. The Human Resource Department of Yellow Checker Cab advised that DB was employed by their company but was fired in April 2009. During the time that CW1 had been locked up, Avery had been staying in houses that he could rent on a weekly basis to avoid detection by law enforcement. The houses were rented in DB's name.

27. Avery and D.B. took CW1 back to Avery's rental house and Avery went to bed. Prostitute-A told CW1 that CW1 was supposed to go out and work with Prostitute-A, meaning conduct acts of prostitution and steal. Since CW1 had been locked up, she decided she no longer wanted to work as a prostitute and just wanted to go back to Chicago to be with her baby. CW1 called a friend, Corcy a/k/a "Currency," who picked her up and he took her to the Golden Nugget casino that same day. The friend paid for her to stay there for two days. After two days, on or about February 5, 2009, CW1's stepfather paid for her to fly back to Chicago, Illinois. CW1 used an alias name for the flight and stayed in Chicago for approximately three weeks until her next court appearance in Las Vegas.

28. Avery paid to fly CW1 back out to Las Vegas approximately three weeks later so that she did not miss her court appearance. Information obtained from the bail company shows that Avery had provided the down payment for her bond. CW1 recalls the court date was on or about February 26, 2009, because she missed a family member's birthday back in Chicago. The Clark County District Court's website indicated that CW1 had a court appearance on February 19, 2009. For the next two months, CW1 stayed in Las Vegas. Avery was frequently discussing how "The Feds" were out to get him. Avery had a court appearance in Las Vegas on or about April 29, 2009 on his pending attempted pandering charges. During that court appearance Avery's attorney had obtained a police report and Avery saw that CW1 had made prior

incriminating statements to the LVMPD about Avery. Later, the other prostitutes at the house read the police report but did not let CW1 read it. CW1 recalled that she gave statements to an officer named "Fieselman" when, years back, the police came to their house on Midnight Cowboy Court in Las Vegas. Affiant knows "Fieselman" to be Detective Donald Fieselman of the LVMPD. Reports your affiant obtained from LVMPD show that on July 11, 2006, CW1 did make statements to the LVMPD regarding the criminal activities of Avery and the other prostitutes. A court transcript dated April 24, 2009, indicated that Avery's attorney asked for a five minute break in order to review Detective Fieselman's report.

29. For the next one to two weeks Avery kept getting very angry with CW1 and then he would calm down. However, everyone in the house was watching CW1 because she was not allowed to go anywhere alone. Avery then started locking the front door of the house and taking the key with him when he went to bed. Avery repeatedly asked CW1 if she had talked to the FBI.

30. Confidential Witness 2 (CW2) told me the following against her penal interests: She met Avery when she was seventeen years old in July 2004, at the Greyhound bus station in Milwaukee, Wisconsin. Avery asked her if she needed a ride and she agreed. Shamika Evans, Prostitute-C, and another female were in the car with Avery. Avery dropped the females off at his house on 28th or 29th and West Concordia Streets (known to investigators as 4629 N. 29th Street, based on CW2's 2004 police report). Avery asked CW2 about what was wrong in her personal life and they discussed some of her family issues. Avery bought her some clothes and shoes at a strip mall. Avery offered to let CW2 live with him, and shortly after she went to stay

with him he told her she could get money fast by prostituting herself and that he would be her pimp. Eventually, she agreed.

31. CW2 said Avery had females who worked for him by doing acts of prostitution and robbing the clients. Approximately one and a half weeks after meeting Avery, CW2 told some of the other girls that it was stupid to bring all of the money they made to Avery when they were putting themselves at risk. One of the girls told Avery what CW2 had said and Avery held on to her hair and burned her right ear with a cigarette lighter. Avery told CW2 that he owned her and she could not leave him. If she left him, he would find her or send someone else to find her. Avery burned CW2's ear around the time that CW2 conducted her first prostitution date. CW2 could only leave the house if she went with one of the other trusted girls, either "Kitty" (Kitty is known by investigators to be Prostitute-B) or Shamika Evans. CW2 could not leave to see her friends or go to the store.

32. CW2 began conducting acts of prostitution for Avery in downtown Chicago in an area referred to as "The Strip." She recalled nice hotels, a nightclub, and a McDonald's in the area. CW2 had to walk the streets because she was too young to get into any clubs and did not have a fake ID. Shamika Evans usually drove CW2, Prostitute-B, and Prostitute-C down to Chicago to conduct prostitution dates every day in a black, sporty car that may have been a Lexus. They would drive back to Milwaukee every morning. Avery only came with them to Chicago on the weekends.

33. CW2 conducted her first couple of prostitution dates with Shamika Evans, at Avery's instruction. Avery wanted Evans to show CW2 how to talk to dates and how to tell if the date was a police officer. Evans told CW2 to touch the date's genitals over their clothing and if

they became uptight, they were probably a police officer. CW2 was with Evans when Evans performed acts of prostitution.

34. Evans also had CW2 stay in contact with her via cellular telephone when CW2 conducted her first prostitution date. Evans told CW2 not to accept less than \$100 for a sex act, because it was like being a "crack whore" if you accepted less than \$100. Evans told her to hide the money in her bra or in her purse when no one was around.

35. CW2, on average, earned between \$800 to \$1,500 a night conducting prostitution acts, usually mouth to penis oral sex. Avery expected CW2 and the other prostitutes to earn between \$1,000 to \$1,500 a night by either prostituting or stealing from the clients. All the money that CW2 made she gave to Avery, and she saw the other prostitutes give their money to Avery also.

36. Avery provided CW2 with a cellular telephone to stay in contact while she was conducting prostitution dates. Avery provided CW2 and the other prostitutes with money to purchase their own condoms for the sex acts. Avery told CW2 that she should put the condom on the "date" herself. CW2 was arrested for prostitution in Chicago and was released on a signature bond. Information obtained from the CPD indicated that CW2 was arrested in Chicago on July 29, 2004 and charged with "pedestrian soliciting ride on roadway" at 1050 N. State Street, Chicago, Illinois.

37. Avery became violent with CW2 on another occasion when she took too long on a prostitution date with a rich client. CW2 began to confide in the client that she had a pimp who expected her to make \$1,000 an evening. The man felt sorry for CW2 and gave her either \$800 or \$1,000, and she did not have to perform any sex acts. CW2 brought approximately \$1,200 to

Avery and Avery slapped her across the face. CW2 had told Avery earlier in the evening that the client was rich, and Avery was angry because CW2 had not robbed him. Avery told CW2 that he made her what she was and she could not leave him. CW2 had been with Avery for about three weeks and felt like she could not leave him.

38. Avery took CW2's purse from her the second day she was with him. The purse contained her state of Wisconsin identification card showing she was a minor, and an address book containing all of her family's names and addresses. Every time that CW2 thought about leaving Avery, she was scared when she thought about him having all of her family's names and addresses. Avery knew that CW2 was seventeen years old because he carried her identification in his wallet. He also knew that she was too young to get into any nightclubs to conduct prostitution dates. Avery allowed her to visit her father two times so that he would not worry about her, but she was not allowed to visit him by herself.

39. Avery encouraged CW2 and the other prostitutes to engage in "catching." This meant that they should give other girls who they met their cellular telephone numbers, so that Avery could eventually meet them and get them to work for him. CW2 stated she never referred any other females to Avery.

40. Avery took naked photographs of CW2 at his house near 28th and West Concordia. Avery also took naked photographs of CW2 and Prostitute-C in a park on the North side of Milwaukee. CW2 stated that it was embarrassing because there were other people around who saw them naked.

41. Avery had been discussing taking CW2 and the other prostitutes to Las Vegas. On August 7, 2004, CW2 advised Avery that she did not want to go to Las Vegas because it was

too far away. Avery began telling CW2 that she was stupid and slow, and he slapped her. Avery ordered CW2 to change into pajamas and lay in the bathtub. CW2 went into the bathroom and then Evans came in and told her to get undressed and put a towel on so that Avery would not be mad at her. CW2 went back to the living room and Avery told her to get dressed. Prostitute-C and Prostitute-B had been in the house, but at this point they left to go to Chicago.

42. Avery told CW2 that she could pack her stuff and leave and he would not hurt her. At about 1:00 a.m. on August 8, 2004, Evans woke Avery up to tell him that CW2 was packed and ready to leave. Avery stated, "Bitch get out of my house." When CW2 started to move, Avery stated, "You're not going anywhere, I'll fuck you up." Avery then told Evans to get the broom, and Evans brought him a red wooden broom. Avery struck her numerous times all over her head and her body until the broom broke.

43. Avery then told Evans to get him another broom, and Evans brought him a silver aluminum broom that Avery hit CW2 with until it bent. Then he beat CW2 with a pair of dark blue hard soled shoes. CW2 was crying and screaming and was extremely scared. Avery kept telling CW2 that he was going to mess her face up. Avery asked her if she cared about her father, and CW2 said she did. Avery hit her across the face and neck with a leather belt.

44. Avery picked up his cellular telephone and called someone who was apparently programmed into his telephone. Avery stated to the person on the other line, "I'll give you \$2,800 to put a bullet in this girl's daddy's head." Avery stated CW2's father's address and advised the person on the phone that CW2's father would not see it coming because his electricity was not working at the time.

45. Avery pointed at Evans and stated, "Now this whore will do anything I tell her to do, no questions asked. She doesn't complain and she brings me more money than all of you bitches together." Avery told CW2, "I don't care about your feelings; all I care about is the money you bring in." Avery then told Evans to get him the belt again and he began hitting her body and her head, and attempted to hit her face.

46. Avery told Evans to get him a nectarine and a knife. Avery peeled the skin off the nectarine, stabbed it a couple of times, and sat it down on the table with the knife sticking out of it. Avery told CW2 that he was going to slice her face with the knife. Avery also stated "I'll toss you to the wolves." CW2 knew that to mean that he would tell his pimp friends that they could do whatever they wanted with her.

47. Avery and Evans eventually fell asleep and CW2 sneaked out the back door of the house in pajamas and ran to a gas station on 38th and Hampton Streets where she asked the clerk to call the police. A man at the gas station then offered to give her a ride to her mother's house and showed the clerk his identification. The man then gave her a ride to her mother's house where the police were called again.

48. CW2 initially gave statements to the police on August 8, 2004, but then became uncooperative. Recently, CW2 stated that she did not cooperate with law enforcement in 2004 because she feared Avery would try to harm her family. CW2 felt that Avery was connected with a lot of people because he had obtained copies of her juvenile arrest records and all of her medical records. She knew this because she saw the records and he told her things about her records that she never told him. Avery also told her that he was very powerful and if any bitch

ever put him in jail he would "put an APB out on them." CW2 understood this to mean he would send someone to harm the person who talked about him to the police.

49. Confidential Witness 3 (CW3) told investigators the following against her penal interests: She met Avery around 1997 or 1998, while she was working as a stripper in Wisconsin. CW3 was a "working girl" or prostitute for Avery, as was CW4, "Unique" (known by investigators to be a prostitute), and "Angel" (believed by investigators to be a prostitute, who used this nickname prior to Prostitute-D). CW3 was one of two females carrying the "Pimp of the Year" trophy that Avery won, as documented in the video, "Pimps Up Ho's Down", when she was twenty-two years old (1996 or 1997). Prostitute-E was the other woman carrying the trophy. CW3 was initially with Avery for approximately six months to a year in 1997 or 1998. She then moved out of Wisconsin until 2002.

50. CW3 stated Avery is a pimp, but in approximately April 2009, Avery contacted CW3 and told her that if investigators contact her, she should not label him as a pimp. Avery told CW3 that she should tell investigators that he was pretending to be a pimp.

51. CW3 went with Avery in 2003 or 2004 to work as a prostitute in Las Vegas. Avery instructed CW3 and the other prostitutes to rob the "tricks" or clients. CW3 did not like the idea of robbing clients. CW3 earned between \$600 and \$1,500 per night, conducting acts of prostitution. She was working in Las Vegas for three or four months when she was arrested for prostitution, and left as soon as she was released on bond. CW3 has also been arrested for prostitution in Chicago, Illinois.

52. CW3 recalled an incident in a bar when Avery began mistreating CW3. One of CW3's cousins and his friend defended CW3 by assaulting Avery. On another occasion, Avery

physically assaulted CW3 because she was late getting to her stripping job in Wisconsin. Her tardiness meant she would have less money to turn over to Avery. After Avery began hitting CW3, he had a seizure and fell on the floor. In a June 6, 2008 interview, a former prostitute of Avery's stated that Avery suffered from epilepsy since he was a child, but would not take medication for it. CW3 took the keys to her car out of his pocket and left. CW3 finally left Avery because she was turning all of her money over to him and she did not have any money to pay her bills. CW3 has one child with Avery.

53. Documents obtained from the Milwaukee County Circuit Court indicated that on January 19, 2004, CW3 filed a restraining order against Avery, indicating that he had physically abused her in the past and that he left threatening voicemail messages on her telephone. CW3 stated in the petition that Avery left messages such as, "Bitch I'm go kill yo muthafuckin ass." Among numerous other threats, Avery also stated, "I'm letting you know you fuckin with a pimp. Bitch."

54. CW3 stated that Prostitute-E used to be Avery's "bottom ho" (your affiant knows this term to mean the prostitute who was the most trusted and who was earning the most money), but Shamika Evans replaced Prostitute-E.

55. CW3 stated that Prostitute-C worked at the Marjani Lounge in Milwaukee, and that one of her duties was to watch the security monitors. Prostitute-C used to work at the strip club, "On the Border" in Milwaukee. Agents interviewed a manager of the strip club in mid-May 2009 who stated that he had received an application from Prostitute-C who applied to the club sometime in April or May 2009.

56. CW3 stated that within the last year, Avery had a baby son with CW1.

upon arrival at the hotel. Your affiant has a photocopy of that card from the Hyatt Hotel and confirms it is that of Prostitute-A. Prostitute-A rented the room on May 13, 2009 and checked out on May 14, 2009. Records from the United States Attorney's Office for the Eastern District of Wisconsin (USAO) show that, for some unknown reason, Prostitute-A did not utilize the return trip airline reservation that was booked for her by a victim-witness specialist for a May 13, 2009 flight from Milwaukee to Las Vegas. Thus, she must have booked, and then paid out of her funds, her own flight. It should be noted here that by the terms of her probation, as referenced in paragraph 20 of this affidavit, Prostitute-A is prohibited from associating with known felons, such as Avery.

61. Prostitute-B stated to CW5 that she had been arrested outside the offices of the U.S. Attorney and had fainted during the arrest. I know this to be true because I was present when Prostitute-B did faint outside the lobby of the U.S. Attorney's Office as she was being placed under arrest. During the conversation, Prostitute-A and Prostitute-B called Avery "Daddy," which is known to your affiant as a term prostitutes often use when referring to their pimp.

62. During the gathering, Avery sent Prostitute-A out to buy some food for the group but his nephew left the hotel to buy his own food.

63. Avery also called Prostitute-E from the hotel room. Prostitute-E told Avery that "The Feds" had come to her place of work earlier in the day, but her boss took her out the back door. Avery yelled at Prostitute-E because he had told her not to go to work, and had wired her money so that she would not have to go to work.

64. Avery also was on the speaker phone with another female called "Angel" (identified by nickname and your affiant's knowledge of the case as Prostitute-D). Regarding her grand jury testimony, Prostitute-D told Avery that she testified to being a prostitute, and that she had sent money to Avery for the bar. She stated that she did not tell the grand jury that Avery was a pimp. Avery responded by saying, "You stupid bitch, you fucked up. I told you to say the money was for the shoe store, not the bar."

65. Prostitute-D told Avery that her lawyer said she had immunity, and Avery responded that the type of immunity she was given will not keep her from going to jail. Avery told Prostitute-D to "fire the mother fucking lawyer." Avery also stated to Prostitute-D that his attorney will reverse her statements on her if she testifies against him in court and then she will go to jail for perjury. I know that by letter the U.S. Attorney's Office gave Prostitute-D a form of use immunity prior to her testimony.

66. A fellow agent on this investigation interviewed Confidential Witness 6 (CW6) about her prostitution activities with Avery. CW6 advised fellow agents that she began prostituting for Avery in the spring of 2001. She met him in Milwaukee soon after he was released from prison in approximately December 2000. She stated that Avery "was selling me my dreams" and she was "sucked in by him quickly." Within weeks she moved in with Avery and gave him between \$4,000 and \$5,000 in cash because he told her that he had no money and was working a construction job to be compliant with his parole (or supervised release). From review of federal probation records, your affiant knows that Avery was released from federal custody in approximately December 2000 and was on supervised release following that.

67. CW6 further stated that within two weeks of moving in with Avery he started physically abusing her. Two weeks after the first incident of physical abuse she began prostituting for Avery. During the summer of 2001 she, Confidential Witness 7 (CW7), and other of Avery's prostitutes did numerous overnight trips to Chicago to prostitute. They would leave Milwaukee at approximately 8:00 p.m. and leave Chicago for Milwaukee at about 4:00 a.m. the following morning. CW6 stated that she usually made between \$500 and \$800 a night in Chicago. Some of the other prostitutes only made \$200 a night. Avery expected all of them to make at least \$500 a night in Chicago. All of them, at risk of being beaten by Avery, gave their prostitution money to Avery.

68. CW6 further stated that by the summer of 2001, Avery was driving a blue Mercedes Benz and a blue Cadillac, and they were driving or being driven in those cars to and from Chicago. She stated that in the very beginning Avery did not accompany them to Chicago but soon he did so and monitored them as they walked the streets.

69. CW6 recalled going to Miami to prostitute for Avery on two occasions, the second time with Shamika Evans. CW6 stated that she also traveled to Washington D.C. and St. Louis to engage in prostitution for Avery.

70. CW6 stated that Avery continued to beat her regularly for any and all types of reasons. On one occasion he beat her so bad she was not able to go to the bathroom without assistance. On no occasion did Avery allow her to go a hospital after he beat her although, CW6 stated, the beatings were so severe she felt she needed medical care. Once, as a punishment, Avery made her sit in a bathtub and he poured large bags of ice cubes in the tub and held her

77. CW7 further states that she began prostituting for Avery soon after she met him. Occasionally, Avery drove CW7 around Milwaukee to show her off to his other pimp friends. Avery instructed her to bow her head down during these encounters and to never make eye contact with his pimp friends.

78. CW7 mainly traveled to Chicago to engage in prostitution. Avery often drove CW6 and her to an area known as the "Tracks" where they would walk the streets displaying themselves for potential "dates" (men seeking sex). Your affiant knows that the area in Chicago known as the "Tracks" are streets where there is a high level of prostitution activity. Avery told them where and when to meet him when they finished prostituting for the night. If CW7 did not make enough money for Avery in a night, Avery would beat CW6 because he knew CW7 had strong affection for her. On occasion when Avery dropped the two women off in Chicago, he would threaten them by saying that when they were done working, "you better have money this time."

79. CW7 further states that in late October 2002, Avery drove CW6 and her to New Orleans to engage in prostitution. Avery drove a white Cadillac Sedan Deville. They all stayed together in one hotel room and remained in New Orleans for about one week. Avery had her prostituting every day they were there in an area called "The French Quarters."

80. CW7 further stated that Avery wanted her to rob the "dates" she was having sex with. Once, while in New Orleans, he called her during a date and asked what type of watch her date was wearing. When she told him that the man was wearing a Rolex, he told her that he and a couple of others were going to come to the room to rob the man, but they never did.

81. CW7 further stated that when Avery was angry at CW7 for not making enough money prostituting during an evening he would beat CW6. On one occasion he punched CW6 so hard in the face that CW7 believed Avery dislocated CW6's jaw. During that beating, Avery also gave her two black eyes.

82. CW7 further stated that on one occasion when she returned from prostituting in Chicago and had not made enough money, Avery punched her in the face with a closed fist. That assault occurred on 21<sup>st</sup> Street in Milwaukee.

83. CW7 called Avery "Snooky." She stated that she heard other of his prostitutes call him "Daddy." Avery referred to her and all his other prostitutes as "bitches" and "ho's," especially when he was talking to his friends about them.

84. CW7 further stated that in November 2002, she stole a car in Milwaukee so she and CW6 could "escape" from Avery. They drove to Detroit and although Avery knew they were in Detroit and drove out there to find them, he was never able to locate them there. Avery called CW6 and tell her that unless she and CW7 returned to Milwaukee to work for him, he would kill them both when he found them.