

UNITED STATES DISTRICT COURT

ENTERED

July 23, 2018

David J. Bradley, Clerk

for the

Southern District of Texas

United States of America)

v.)

Jaimian Rashaad Sims)

Defendant)

Case No. 4:18-mj-1081-2

Case No. 4:18-mj-1080-2

ORDER OF DETENTION PENDING TRIAL

Part I - Eligibility for Detention

Upon the

- Motion of the Government attorney pursuant to 18 U.S.C. § 3142(f)(1), or
- Motion of the Government or Court's own motion pursuant to 18 U.S.C. § 3142(f)(2),

the Court held a detention hearing and found that detention is warranted. This order sets forth the Court's findings of fact and conclusions of law, as required by 18 U.S.C. § 3142(i), in addition to any other findings made at the hearing.

Part II - Findings of Fact and Law as to Presumptions under § 3142(e)

- A. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(2) (previous violator):** There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community because the following conditions have been met:
 - (1) the defendant is charged with one of the following crimes described in 18 U.S.C. § 3142(f)(1):
 - (a) a crime of violence, a violation of 18 U.S.C. § 1591, or an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed; or
 - (b) an offense for which the maximum sentence is life imprisonment or death; or
 - (c) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508); or
 - (d) any felony if such person has been convicted of two or more offenses described in subparagraphs (a) through (c) of this paragraph, or two or more State or local offenses that would have been offenses described in subparagraphs (a) through (c) of this paragraph if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses; or
 - (e) any felony that is not otherwise a crime of violence but involves:
 - (i) a minor victim; (ii) the possession of a firearm or destructive device (as defined in 18 U.S.C. § 921);
 - (iii) any other dangerous weapon; or (iv) a failure to register under 18 U.S.C. § 2250; *and*
 - (2) the defendant has previously been convicted of a Federal offense that is described in 18 U.S.C. § 3142(f)(1), or of a State or local offense that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed; *and*
 - (3) the offense described in paragraph (2) above for which the defendant has been convicted was committed while the defendant was on release pending trial for a Federal, State, or local offense; *and*
 - (4) a period of not more than five years has elapsed since the date of conviction, or the release of the defendant from imprisonment, for the offense described in paragraph (2) above, whichever is later.
- B. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(3) (narcotics, firearm, other offenses):** There is a

rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because there is probable cause to believe that the defendant committed one or more of the following offenses:

- (1) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508);
- (2) an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;
- (3) an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed;
- (4) an offense under Chapter 77 of Title 18, U.S.C. (18 U.S.C. §§ 1581-1597) for which a maximum term of imprisonment of 20 years or more is prescribed; or
- (5) an offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.

X C. Conclusions Regarding Applicability of Any Presumption Established Above

The defendant has not introduced sufficient evidence to rebut the presumption above, and detention is ordered on that basis. *(Part III need not be completed.)*

OR

The defendant has presented evidence sufficient to rebut the presumption, but after considering the presumption and the other factors discussed below, detention is warranted.

Part III - Analysis and Statement of the Reasons for Detention

After considering the factors set forth in 18 U.S.C. § 3142(g) and the information presented at the detention hearing, the Court concludes that the defendant must be detained pending trial because the Government has proven:

- By clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community.
- By a preponderance of evidence that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required.

In addition to any findings made on the record at the hearing, the reasons for detention include the following:

- Weight of evidence against the defendant is strong
- Subject to lengthy period of incarceration if convicted
- Prior criminal history
- Participation in criminal activity while on probation, parole, or supervision
- History of violence or use of weapons
- History of alcohol or substance abuse
- Lack of stable employment
- Lack of stable residence
- Lack of financially responsible sureties
- Lack of significant community or family ties to this district
- Significant family or other ties outside the United States
- Lack of legal status in the United States
- Subject to removal or deportation after serving any period of incarceration

- Prior failure to appear in court as ordered
- Prior attempt(s) to evade law enforcement
- Use of alias(es) or false documents
- Background information unknown or unverified
- Prior violations of probation, parole, or supervised release

OTHER REASONS OR FURTHER EXPLANATION:

Based on the evidence presented at the hearing on July 20, 2018 and the factors to be analyzed as set forth in the Bail Reform Act, the court finds that the Government has met its burden to demonstrate by clear and convincing evidence that no combination of conditions will reasonably assure the safety of the community and the minor victims. The Government has also established by a preponderance of the evidence that based on the nature and circumstances of the offense charged and the potential minimum and maximum sentences the defendants face if convicted, no combination of conditions will reasonably assure the appearance of the defendants.

After considering the evidence, testimony and argument of counsel presented at the hearing, the court makes the following findings of fact and conclusions of law:

1. Probable cause exists to believe the defendant committed the offense with which he is charged.
2. Information presented at the hearing established by clear and convincing evidence that no combination of conditions will reasonably assure the safety of the community and the minor victims if the defendant were to be released pending trial.

A. Evidence common to all defendants regarding 1) the nature and circumstances of the offense charged; 2) the weight of the evidence; and 3) the nature and seriousness of the danger to the community and the minor victims:

All of the defendants are charged with conspiracy to commit sex trafficking of a minor by force, fraud or coercion in violation of Title 18 U.S.C. §§1591 and 1594. The Government presented the testimony of Agent Teresita Castro, who currently works as a Deputy Sherriff but who was an investigating officer on the case that resulted in the charges against the defendants. Agent Castro has eight years of experience in law enforcement and has been trained in human trafficking, sex trafficking, and in interviewing and debriefing witnesses. She testified regarding information she obtained from two minor victims—MV1 and MV2-- of the sex trafficking conspiracy alleged against all of the defendants.

Agent Castro testified at length regarding the reputation and activity of a gang called The Sauce Factory with which each of the defendants is alleged to have an association. Agent Castro testified that The Sauce Factory is a gang in the Missouri City area of Houston, known for producing and performing rap music and with pimping prostitutes. The Sauce Factory gang has a very large following on social media with approximately half a million followers. Agent Castro testified that the insignia or signs of The Sauce Factory Gang include emojis showing dripping or splashing water and the word sauce. Members use the dripping or splashing emojis and sometimes tattoo them on their faces. She also testified that the name "The Sauce Factory" is trademarked. She testified that members of The Sauce Factory (TSF) gang have personal Snapchat,

Instagram and Twitter pages and frequently post photographs and YouTube videos to the pages which include hashtags or insignia of TSF. Some members of TSF either live or spend time at a large home known as "The Mansion." TSF members also post about The Mansion on social media.

The relevant time period for the charges against defendants Sims, Haynes and Kimbrall involves several days around the 2017 Thanksgiving holiday. Agent Castro testified that her investigation began around Thanksgiving of 2017 after MV1 called 911 to report that she was in an Express Inn hotel and was being made to prostitute herself. Agent Castro testified that MV1 was very scared and paranoid at the scene. MV1 initially did not want to reveal the name of her pimp; however, she was willing to give Agent Castro information about TSF and various members of the gang.

MV1 relayed that she had been recruited by her pimp from LaGrange after talking to him over the course of a couple months and that he told her she could come to Houston to be a dancer or stripper. MV1 eventually alleged that defendant Gary Haynes was her pimp. MV1 told Agent Castro that he picked her up in LaGrange and transported her to Houston, asking her to hold a pistol on her lap during the drive, and took her first to The Mansion and then to the Express Inn. Agent Castro's investigation revealed that Haynes uses the name ATMGEE on social media.

The Government introduced exhibits at the hearing that included screen shots of social media posts by ATMGEE (Haynes), SauceLean (Sims) and Karma (Kimball) that displayed the splashing water emojis, hashtags and symbols that Agent Castro testified are insignia of TSF gang. Other exhibits introduced at the hearing contained texts from MV1 while she was at the Express Inn near Thanksgiving of 2017 that referenced "Gary." The Government also introduced an exhibit containing an image from ATMGEE's social media page that contained a photograph of a man displaying a very large amount of cash with the caption "Happy Thanksgiving Tha Sauce way."

Agent Castro testified that, according to MV1, Haynes obtained an adult identification document for her and told her to rent a room at the Express Inn where she was introduced to defendant Kendra Kimball or "Karma". According to Agent Castro's testimony, receipts obtained from the Express Inn show that MV1, defendants Sims and Kimball each rented a room at the Express Inn around that same time. Agent Castro testified that defendant Sims uses the name "sauce lean," "JLean," or "Lean" on social media. Sims was present in the front passenger seat of a car that was in the parking lot of the Express Inn at the time MV1 was detained after having called 911 and officers found \$6,500 in cash on him at that time. Furthermore, the Government introduced an exhibit posted to Sims' social media account (using the name "saucelean") purporting to show a FaceTime conversation between Sims and Kimball in which Kimball appears to be offering Sims a large stack of cash.

Defendant Kimball, or "Karma," is alleged to have helped dress, pose and photograph MV1 and to have posted on-line advertisements for commercial sex on MV1's behalf. According to Agent Castro's testimony,

while at the Express Inn, Kimball brandished a gun and threatened MV1 with death if she contacted law enforcement.

Agent Castro spoke with MV2 after she had been arrested in a 2018 prostitution sting. According to her testimony, defendant Sims allegedly recruited MV2 and "gave" her to defendant LaFleur, who is alleged to be below Sims in TSF hierarchy.

Defendant LaFleur is alleged to have photographed MV2 and posted on-line advertisements of MV2 for commercial sex. According to statements by MV2 to Agent Castro, she gave all of her earnings from prostitution to LaFleur and she and LaFleur lived together in an apartment paid for with the proceeds of her prostitution and dancing at a strip club. She also allegedly told Agent Castro that LaFleur physically abused her on multiple occasions. The Government introduced a photograph at the hearing showing bruises on MV2 that were allegedly inflicted by LaFleur.

Based on the information described above, the court finds that the nature and circumstances of each defendant's participation in the alleged conspiracy for the prostitution of minors and/or the physical abuse of minors presents a danger to the community and to the minor victims. The court also finds that the nature of the danger to the community is quite serious based on the allegations of gang activity, drug use, social media posts involving weapons, and a minor victim alleged to have returned to her pimp despite violent physical abuse.

B. Evidence Regarding Sims' History and Characteristics

Jaimian Rashaad Sims is 26 years old and a lifelong resident of Houston. Sims has two brothers, one of whom lives in [REDACTED] and the other lives in [REDACTED]. Sims reported to pretrial services that he lives with his father and would reside there if released, but he did not know the number of the apartment in which his father lives. Mr. Sims' mother, [REDACTED], told pretrial services that Sims lived with his father but she could not provide an apartment number or phone number for his father. At the hearing, she testified that Sims has lived at The Sauce Factory house referred to as The Mansion in the past, but that she and Sims have been living at his father's apartment seven days a week for the last two months.

The Government introduced evidence of Sims' social media posts, which included video stills of him with a gun (the court does not find defense counsel's argument that the gun might be a toy gun to be credible) and a post with a photo and caption indicating that he received proceeds from prostitution. The Government also introduced a photo from video surveillance showing Sims entering The Mansion with MV2 two days prior to the execution of the search warrant at The Mansion.

His pretrial report describes a felony conviction for aggravated robbery for which he served five years, and a drug charge, along with three other criminal charges that appear to be related to this case. Sims had a prior felony conviction when The Mansion search warrant was executed and his mother confirmed during her testimony that Sims has lived at The Mansion in the past. The search of The Mansion yielded multiple rifles and pistols, at least one of which was found in a space connected to the room which Sims is alleged to have

used as a bedroom.

The Defendant's mother testified that she has seen his Instagram page, but was not aware that as part of his bond conditions Sims was not to be around firearms. She did not know the circumstances surrounding his 2010 conviction for aggravated robbery. In response to Agent Castro's testimony that Sims had no legitimate source of employment and no source of the \$6,500 in cash found on him at the time of his arrest, the defendant's mother testified that he is employed as a rapper, but had no idea how much he earns and has never discussed finances with him. In addition, The Defendant's mother testified that she has co-signed for Sims on multiple bonds in state court, but was not aware that Sims was discovered to have a container of urine concealed on his person when reporting for drug testing as a condition of his state court bond.

C. Conclusion

While each defendant is presumed to be innocent unless and until found guilty at a trial, the information presented at the hearing supports probable cause to believe the defendants committed the offense with which they are charged. The court finds that none of the defendants presented evidence sufficient to overcome the presumption that no condition or combination of conditions will reasonably assure the safety of the community or the minor victims. However, even if the defendants had presented sufficient information to overcome the presumption, the presumption is still a factor to be weighed in determining whether any combination of conditions can reasonably assure the safety of the community and the minor victims.

The court finds, after weighing the nature of the offense, the weight of the evidence, the nature and seriousness of the danger to the community and the minor victims, and the history and characteristics of the defendant, that no combination of conditions can reasonably assure the safety of the community, including the minor victims, and no combination of conditions will reasonably assure the appearance of the defendant as required.

Part IV - Directions Regarding Detention

The defendant is remanded to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: July 23, 2018


Christina A. Bryan
United States Magistrate Judge