

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,

Plaintiff-Appellee,

v.

ALEXIS MARTIN,

Defendant-Appellant.

Case No. 2016-1891

**Appeal from the Decision of the
Ohio Court of Appeals for the Ninth
Appellate District, No. CA27789**

**Summit County Common Pleas No.
CR 2013 11 3167**

**MERIT BRIEF OF *AMICUS CURIAE*
THE HUMAN TRAFFICKING PRO BONO LEGAL CENTER
IN SUPPORT OF APPELLANT ALEXIS MARTIN**

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I. INTRODUCTION

Every day, in every state, children are trafficked into a life of crime. Traffickers compel much of this crime through violence, threats of violence, coercion, and psychological abuse. Whether the crime arises from a trafficker's direct order or as a result of being trafficked, the raw power of the trafficker, combined with the constant threat of criminal prosecution, perpetuates the cycle of victimization and provides traffickers with highly effective means to control their victims. States are beginning to comprehend the impact of criminal prosecutions on trafficking victims, particularly children held in commercial sexual exploitation. Over the past decade, state legislatures across the country have enacted laws to protect minor victims of human trafficking from prosecution for conduct related to their being trafficked. These provisions, known as safe harbor laws, aim to provide children who commit criminal acts in the course of their victimization with rehabilitative services rather than subject them to criminal prosecution. As of 2015, at least 34 states had enacted some form of a safe harbor law. *Human Trafficking Issue Brief: Safe Harbor Fall 2015*, available at <https://polarisproject.org/sites/default/files/2015%20Safe%20Harbor%20Issue%20Brief.pdf>.

Ohio is one such state. In 2012, Ohio passed Revised Code Section 2152.021, which provides a number of protections and options for rehabilitative services for minor trafficking victims charged with crimes committed during the course of their victimization. The Ohio General Assembly recognized that minor trafficking victims often suffer unique psychological and physical harms. These harms call for a specialized approach, rather than prosecution. Ohio's Safe Harbor law provides Ohio courts with a critical tool to rehabilitate and heal some of the most vulnerable members of our communities: trafficked children. And earlier this year, this Court directed juvenile courts to apply the Safe Harbor law "broadly," regardless of the charges pending against the child or the child's criminal history. Ohio Supreme Ct., *Juvenile Human*

Trafficking, Ohio Laws & Safe Harbor Response, available at <https://www.supremecourt.ohio.gov/JCS/CFC/resources/juvenileHumanTrafficking.pdf>.

This appeal now comes before the Court against this backdrop of increasing protections for minor victims of human trafficking in Ohio and across the country. On Monday, June 16, 2014, Alexis Martin, a 15-year-old girl charged with various crimes, stood before the juvenile court for an amenability hearing as a child sex trafficking victim. *See generally* Amenability Hearing Transcript [“Hearing Tr.”] 153, 158-59, 169-70; Order Binding Over A. Martin, dated July 1, 2014 [“Order”]. During Ms. Martin’s amenability hearing, the juvenile court heard testimony about the repeated trauma Ms. Martin suffered and her extensive victimization over the course of her young life. Hearing Tr. 8-65; 126-74. By the age of 13, Ms. Martin had been raped, molested by her stepfather, and had lost a pregnancy. *Id.* at 9, 66, 148, 158. Not long before Angelo Kerney was killed, Ms. Martin was kidnapped, taken to Cincinnati, and forced to perform exotic dances for men. *Id.* at 69, 158. Based on testimony of Ms. Martin’s abuse, the court found that Ms. Martin had suffered “a very clear history of human trafficking.” *Id.* at 169; Order.

Ms. Martin’s attorney alerted the juvenile court to the fact that Mr. Kerney’s relationship with Ms. Martin had been “highly suspicious,” and that Mr. Kerney had been involved in “drugs and I guess sex trafficking.” Hearing Tr. 153, 173. The lead case detective testified that Ms. Martin referred to Mr. Kerney as “dad,” although he was not her father, and that she was known at Mr. Kerney’s house as “Alexis Love.” *Id.* at 78.

Nevertheless, despite finding that Ms. Martin had been a victim of human trafficking, the court did not take any steps to apply the Safe Harbor law to Ms. Martin’s case. Tragically, it

appears that no one—not the court, her lawyer, or the state—even contemplated application of the Safe Harbor law that she desperately needed and to which she was entitled.

As a result of these failures, the Human Trafficking Pro Bono Legal Center respectfully requests that the Court reverse Ms. Martin’s convictions and remand her case to juvenile court for consideration of the Safe Harbor law.

II. INTEREST OF *AMICUS CURIAE* THE HUMAN TRAFFICKING PRO BONO LEGAL CENTER

The Human Trafficking Pro Bono Legal Center (“HT Pro Bono”) respectfully submits this brief as *amicus curiae* in support of Ms. Martin. HT Pro Bono is a nonprofit organization supporting trafficking survivors nationwide as they seek justice. HT Pro Bono has trained more than 3,200 attorneys at top law firms in the United States to handle trafficking cases pro bono. HT Pro Bono has a particular interest in preventing the prosecution and conviction of trafficking victims for crimes committed in the course of their trafficking. HT Pro Bono works closely with the American Bar Association’s Survivor Re-Entry Project (“SRP”), a training and technical assistance initiative funded by the Office for Victims of Crime at the United States Department of Justice. SRP works with the national legal community to assist trafficking survivors with vacating convictions for crimes resulting from their trafficking. HT Pro Bono staff attorneys have lectured nationally and internationally on human trafficking for forced prostitution, commercial sexual exploitation of children, forced labor, and involuntary servitude. HT Pro Bono advocates for justice for all victims of human trafficking.

III. STATEMENT OF FACTS

A complete discussion of the pertinent underlying facts is included in Ms. Martin’s merits brief.

IV. ARGUMENT IN SUPPORT OF APPELLEE

Proposition of Law: Once a court determines that a juvenile defendant is a human trafficking victim, the court must appoint a guardian ad litem, consider the child's trafficking status, and determine whether the complaint filed in delinquency is related to the child's victimization prior to conducting certification and bindover proceedings.

A. **After Decades Of Punishing Victims, States Have At Last Recognized That Trafficking Victims Should Not Be Criminalized.**

Federal law treats minors induced to engage in commercial sex acts as victims of a severe form of trafficking in persons. 2 U.S.C. § 7102(9)(A), (14). Nevertheless, some states have continued to prosecute these children for crimes committed while under the control of their traffickers. Fortunately, however, the past decade has seen a nationwide legislative trend towards recognizing minor trafficking victims as deserving of protection, not punishment. The recognition that traffickers manipulate and control their minor trafficking victims has prompted two types of legislation: (1) safe harbor laws, which seek to “treat[] trafficked youth as survivors of trauma who should be provided rehabilitative services rather than as perpetrators of crimes they were forced to commit;” and (2) vacatur and expungement statutes, which provide post-conviction relief that mitigates the effect of a conviction or erases it entirely. Nat’l Conference of State Legislatures, *Safe Harbor: State Efforts to Combat Child Trafficking*, <http://www.ncsl.org/research/civil-and-criminal-justice/safe-harbor-state-efforts-to-combat-child-trafficking.aspx>. Attorneys and advocates now also prioritize the importance of post-conviction relief for trafficking survivors, with government funds dedicated to aiding attorneys advocating for criminalized victims seeking to vacate convictions. *See e.g.*, The Survivor Reentry Project, *Post-Conviction Advocacy for Survivors of Human Trafficking: A Guide for Attorneys*, available at <https://www.americanbar.org/content/dam/aba/administrative>

/human_rights/SRP/Practice%20Guide-%20Post-Conviction%20Advocacy%20for%20Survivors%20of%20Human%20Trafficking.authcheckdam.pdf.

State legislators have become increasingly aware that these provisions are appropriate, sensible, and compassionate. Ohio has been in the vanguard of this movement. When the General Assembly passed the Safe Harbor law in 2012, Ohio joined just 10 other states with safe harbor laws that shift the way legal systems treat minor victims through focusing on service and assistance, rather than prosecution. U.S. Dept. of State, *2017 Trafficking in Persons Report - United States of America*, <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271309.htm> (accessed Sept. 12, 2017). By 2015, the number of states with safe harbor laws had more than tripled, to 34. *Human Trafficking Issue Brief: Safe Harbor Fall 2015*, <https://polarisproject.org/sites/default/files/2015%20Safe%20Harbor%20Issue%20Brief.pdf>. Safe harbor laws attempt to “offer and engage victims in rehabilitative services in lieu of charging them with a crime.” Wasch, Schilling Wolfe, et al. *An Analysis of Safe Harbor Laws for Minor Victims of Commercial Sexual Exploitation: Implications for Pennsylvania and Other States*, The Field Center for Children’s Policy, Practice & Research, University of Pennsylvania (March 11, 2016) available at <https://fieldcenteratpenn.org/wp-content/uploads/2013/05/SafeHarborWhitePaperFINAL.pdf>.

In addition to safe harbor laws focusing on minors, many states now have *vacatur* laws allowing trafficking victims to seek a court order vacating or expunging criminal convictions that resulted from or related to their trafficking status. U.S. Dept. of State, *2017 Trafficking in Persons Report - United States of America*. While New York passed the first human trafficking-specific vacatur law in 2010, N.Y. Crim. Proc. Law § 440.10(1)(i), today, 36 of our nation’s states offer some form of post-conviction relief to human trafficking survivors, The Survivor

Reentry Project, *Post-Conviction Advocacy for Survivors of Human Trafficking: A Guide for Attorneys*, including Ohio. In 2012, Ohio enacted a vacatur law that allows victims of human trafficking to seek expungement of convictions for solicitation and prostitution crimes if the conviction was the result of the person's victimization. R.C. 2953.38.

Safe harbor and vacatur laws are part of a larger effort to ensure that both adult and minor victims of trafficking do not face undeserved punishment for crimes related to their trafficking. Ohio's adoption of these protections reflects this state's concerns for victims of human trafficking, particularly children, and its commitment to preventing the criminalization of minor trafficking victims. In particular, Ohio's Safe Harbor law directs courts to focus on minor trafficking victims' unique circumstances and rehabilitation, rather than on criminalization and incarceration. Ms. Martin, the minor trafficking victim prosecuted in this case, is the very child Ohio's Safe Harbor law was designed to protect.

B. Safe Harbor And Vacatur Laws Are Designed To Protect Victims Like Ms. Martin.

Safe harbor laws operate on the premise that children charged with crimes related to their trafficking are victims and should be given support services rather than face criminalization by the state. For example, while federal law makes clear that anyone under 18 induced to perform a commercial sex act is a human trafficking victim, 18 U.S.C. § 1591, some state and local criminal statutes continue to criminalize all commercial sex acts committed by a minor, *Nat'l State Law Survey: Protective Responses for Child Sex Trafficking Victims* (2016), http://sharedhope.org/wp-content/uploads/2016/03/NSL_Survey_Protective-Responses-for-Child-Sex-Trafficking-Victims.pdf. Safe harbor laws attempt to remedy this incongruence by "address[ing] inconsistencies with how children that are exploited for commercial sex are treated." *Human Trafficking Issue Brief: Safe Harbor Fall 2015*, <https://polarisproject.org/sites/>

default/files/2015%20Safe%20Harbor%20Issue%20Brief.pdf. Moreover, some safe harbor laws are not limited to crimes arising from commercial sex acts but also cover other crimes that children commit in the course of their trafficking. *See, e.g.*, R.C. 2152.021.

Ohio's Safe Harbor law, Revised Code 2152.021, authorizes juvenile courts to send children subjected to human trafficking—and whose crimes relate to that victimization—to diversion programs. Am. Sub. H.B. No. 262, available at <http://www.ohioattorneygeneral.gov/Individuals-and-Families/Victims/Human-Trafficking-Commission/House-Bill-262>. The General Assembly passed the Safe Harbor law with the overarching goal of seeing human trafficking victims as victims. Melinda Sykes Haggerty, *Human trafficking in Ohio*, available at <https://www.ohiobar.org/NewsAndPublications/OhioLawyer/Pages/Human-trafficking-in-Ohio.aspx>.

Under the Safe Harbor law, upon finding a “reason to believe” that a child is a trafficking victim, and the act charged is “related to the child’s victimization,” the court can hold the complaint in abeyance. R.C. 2152.021(F)(1)(b). In that event, the court must appoint a guardian *ad litem* to make recommendations to the court in the “best interest of the child.” R.C. 2152.021(F)(3). The court has a number of options regarding “placement, services, supervision, diversion actions and conditions of abeyance.” R.C. 2152.021(F)(4). If the child successfully completes the diversion program to the court’s satisfaction, the court must dismiss the complaint and order the records related to the case expunged. R.C. 2152.021(F)(5).

In January 2017, Ohio updated its Safe Harbor law, recognizing that human trafficking victims are highly traumatized and may have difficulties completing programs in the allotted time. Legislators determined that strict time limits for trafficking victims to complete diversion programs conflicted with the protective purpose of the Safe Harbor law. Ohio Judicial

Conference, Judicial Impact Statement, available at <http://www.ohiojudges.org/Document.ashx?DocGuid=f9fc8e37-979c-4bfe-b15a-674339a3d4a5>. The following month, this Court issued further guidance on the Safe Harbor law, reaffirming that juvenile courts should “use the Safe Harbor protection broadly, regardless of the instant charge against the juvenile or juvenile’s history of adjudication or criminal history.” Ohio Supreme Ct., *Juvenile Human Trafficking, Ohio Laws & Safe Harbor Response*. As this Court stated, the “threshold question is low: Does the court have reason to believe the juvenile is a trafficking victim?” *Id.*

Given that Ohio’s Safe Harbor law was first passed in 2012, there is limited Ohio precedent interpreting its application. However, jurisprudence and commentary surrounding other states’ safe harbor laws are instructive. Take New York, for example. In an opinion dismissing a case concerning a 16-year-old charged with loitering for the purpose of prostitution, a judge in New York noted that New York’s Safe Harbor Act, like Ohio’s, “came into effect against the backdrop of the federal Victims of Trafficking and Violence Protection Act of 2000 . . . which defined the crimes of forced labor and sex trafficking, [and] provided support for trafficking victims,” including anyone under 18 induced to engage in commercial sex. *People v. Samatha R.*, N.Y. City Crim. Ct., No. 2011KN092555, 2011 WL 6303402 (Dec. 16, 2011); *see also People v. Doe*, 34 Misc.3d 237, 935 N.Y.S.2d 481 (2011) (“The cumulative effect of New York and federal law in this area is a strong expression that those engaging in prostitution, or commercial sex, under the age of 18 are to be viewed as victims of trafficking, rather than perpetrators of crime.”).

New York courts adjudicating juvenile offenders have repeatedly recognized that human traffickers may exert extensive influence over their minor victims that merits a different response from the judicial system. For example, in *People v. C.C.*, 45 Misc.3d 1218(A), *2, 3, 7 N.Y.S.3d

244 (N.Y. City Crim. Ct. 2014), a New York criminal court vacated a conviction imposed on a victim where her trafficker coerced her to engage in criminal conduct through “false promises and psychological manipulation” and “relentless intimidation punctuated by occasional acts of affection and kindness and compliments but with sustained focus on [the victim’s] lack of self-esteem.” Similarly, in *People v L.G.*, 41 Misc.3d 428, 439-440, 972 N.Y.S.2d 418 (N.Y. City Crim. Ct. 2013), the court vacated a conviction imposed on a victim for a weapon offense where there was “no dispute that she was clearly a minor at the time of her arrest, under the coercive control of her trafficker, and that she possessed a pocket knife to protect herself on the streets where she was forced to work under dangerous conditions because she had been raped and kidnapped in the past.” The court held that “[a]ffording her the remedy of vacatur for those offenses which were also committed under force and coercion by an underage victim of sex trafficking is consistent with the legislature’s intent.” *Id.* at 439.

The importance of safe harbor laws and similar provisions is further highlighted by the failure of federal criminal courts to adequately protect child sex trafficking victims’ legal rights. Despite the fact that restitution is mandatory for all victims of federal human trafficking offenses under 18 U.S.C. § 1593, a multi-year study of federal human trafficking prosecutions found that child victims of sex trafficking are significantly less likely to receive orders for mandatory restitution than are adult victims. Levy et al., *Breaking the Law: The Failure to Award Mandatory Criminal Restitution to Victims in Sex Trafficking Cases*, available at http://law.slu.edu/sites/default/files/Journals/alexandra_levy-martina_vandenberg-article.pdf. This highlights the importance of laws, like Ohio’s, which attempt to respond to the legal reality that trafficking victims are often held legally accountable for actions that are a product of their coercion.

As illustrated by the legislative trends and cases discussed above, the law should protect victims whose behavior is driven by their trafficking and trauma, not criminalize them. With these norms in mind, we turn to Ms. Martin's case.

C. **Alexis Martin Is Exactly The Type Of Trafficking Victim That Ohio's Safe Harbor Law Was Designed To Protect.**

Ms. Martin tragically embodied the very definition of a "human trafficking victim" under any standard when she first appeared in juvenile court on this matter. Under Ohio law, trafficking in persons includes knowingly recruiting, luring, enticing, isolating, harboring, transporting, providing, obtaining, or maintaining another person knowing that the other person will be compelled to engage in sexual activity for hire or in a sexually-oriented performance. R.C. 2905.32(A)(1). If the victim is under 16 years old, as Ms. Martin was, and induced to engage in sexual activity or sexually oriented performance for hire, the law does not require proof of compulsion. R.C. 2905.32(A)(2), (B). Federal law likewise does not require a showing of force, fraud, or coercion in order to sustain a conviction for sex trafficking of a minor. 18 U.S.C. § 1591.

These laws recognize that minors cannot consent to a commercial sex act and are thus "compelled" under the law any time they are induced to commit commercial sex acts. *See, e.g.*, R.C. 2905.32(A)(2), (B) (holding that compulsion is not a requirement of trafficking for minors under the age of 16). They also acknowledge that traffickers often assert control in deeply manipulative, even if not necessarily physically violent, ways. Traffickers frequently cultivate relationships with their juvenile victims, luring them with clothes, food, shelter, friendship, and affection. U.S. Dept. of Justice, *Child Sex Trafficking*, available at <https://www.justice.gov/criminal-ceos/child-sex-trafficking>. After gaining the child's trust, "the trafficker will begin engaging the child in prostitution, and use physical, emotional, and psychological abuse to keep

the child trapped in a life of prostitution. It is common for traffickers to isolate victims by moving them far away from friends and family, altering their physical appearances, or continuously moving them to new locations.” *Id.* In accord, Ohio’s Human Trafficking Task Force—created to address the “estimated 1,078 Ohio children [who] are victims of human trafficking”—trains law enforcement that signs of human trafficking include, *inter alia*, minors who are “runaways” or in the presence of an “abusive or older adult,” “[t]rading sex for money, food, shelter, [or] drugs,” “[e]xhibiting poor mental health,” and “[s]igns of prostitution, exotic dancing or stripping.” Ohio Human Trafficking Task Force, *Governor’s Ohio Human Trafficking Task Force Report (January 2017)*, p. 17, Appendix 1, available at <http://humantrafficking.ohio.gov/OhioHumanTraffickingTaskForceReport0117.pdf>.

By any measure, Ms. Martin was a victim of prolonged and repeated sex trafficking, including by the decedent and at the time her trafficker was killed. *See* Hearing Tr. 153, 169, 173.¹ The juvenile court was clearly—and quite understandably—concerned about Ms. Martin’s human trafficking victimization during the amenability hearing, telling the parties, “My question is: When the state of Ohio looks at the amenability report and looks at this juvenile and the **very clear history of human trafficking**, how does the state suggest that the court weigh that factor in considering which court should have jurisdiction over her consequences as a result of these acts?” Hearing Tr. 169 (emphasis added).

¹Ms. Martin filed a Notice of State Court Filings on September 12, 2017 to advise this Court of her First Amended Petition for Post-Conviction Relief that has been stayed before the trial court below. Although these materials were not part of the record below, HT Pro Bono respectfully directs this Court’s attention to the documents supporting Ms. Martin’s First Amended Petition, including her own declaration, which provide further details of the conditions of Ms. Martin’s human trafficking victimization that the trial court should have discovered and considered had it sought to evaluate Ms. Martin’s case pursuant to the Safe Harbor law.

The court then summarized some of the other forms of sex trafficking to which Ms. Martin was subjected:

I would consider the dancing to be sex trafficking. I would consider the being kidnapped and taken to Cincinnati to dance to be human trafficking. Quite frankly human trafficking doesn't have to be for sex. I would consider a young girl who's given drugs and told to sell them to be an instance of human trafficking because it's being trafficked for labor and I'm not saying that that's here or there. I'm just asking what the state's take is on it because I understand what the defense's take on it is and the state has conveniently not discussed that at all and I think that that's a major factor that balances one way or the other.

Id. at 169-70.

The state responded by doing exactly what Ohio's Safe Harbor law aims to avoid: it criminalized the trafficking victim. In describing the actions of Ms. Martin, a 15-year-old sex trafficking victim being raped at the time of the shooting, the state called her the "manipulator that night." *Id.* at 140. The state similarly attempted to use Ms. Martin's co-habitation with her trafficker and her reference to her trafficker as "dad[]"—a term child trafficking victims commonly use to refer to their traffickers, *see* Ohio Attorney General, Human Trafficking Commission, <http://www.ohioattorneygeneral.gov/humantrafficking.aspx>—to claim Ms. Martin's actions were particularly egregious given that she had a "family-like relationship" with her trafficker and he brought her into his home. Hearing Tr. 144. Ms. Martin was not known as "Alexis Martin" at her trafficker's residence; rather, she was known by the suggestive pseudonym, "Alexis Love." *Id.* at 78.

The state's characterization of Ms. Martin as a manipulator stands in stark contrast to the overall record of the amenability hearing. Dr. Thomas Webb, a court psychologist, testified that Ms. Martin "did not have a childhood." *Id.* at 24. Dr. Webb further found that "she did not have the support she needed from parenting, from family relationships that most kids have." *Id.* Both of her parents were drug addicts and spent time in prison. *Id.* at 25, 35. Ms. Martin never had

any stable living environment. Dr. Webb noted, “We haven’t even talked about the number of times that she’s had to move from between schools, between counties. It’s unbelievable.” *Id.* at 28. Despite this lack of a childhood, Ms. Martin is “smart,” *id.* at 26, 28, having even achieved a 4.0 grade point average for a while, *id.* at 49. And during the rare and fleeting periods of stability in her life, Ms. Martin was able to make positive strides in her life. *See, e.g., id.* at 29, 50.

While Ms. Martin suffered a multitude of horrific circumstances in her earliest years, sexual victimization defined the abuses of her young life. Beginning at age 10 or 11, Ms. Martin was raped numerous times by a young man, and at various points in her childhood, she was molested by her stepfather. *Id.* at 9, 66, 148. Ms. Martin then became pregnant, lost the baby during her pregnancy, and was severely traumatized by the loss. *Id.* at 158. A few years later, Ms. Martin was kidnapped, taken to Cincinnati, and forced to perform sexually explicit dances. *Id.* at 158. After being “released”—as described by Ms. Martin’s attorney at her amenability hearing—from Cincinnati, Ms. Martin was targeted for exploitation by the decedent. *Id.* at 159.

In sum, the trauma Ms. Martin suffered in her young life was so great that Dr. Webb remarked that Ms. Martin’s “history is much more complicated from a traumatic standpoint than any—than most any I deal with.” *Id.* at 35. Dr. Webb detailed Ms. Martin’s extensive mental health history, noting that she had suffered from depression from possibly as early as five years of age, and had been hospitalized on multiple occasions from the time she was 10 for hallucinations, drug overdose, and attempted suicide. *Id.* at 13-15. Dr. Webb concluded that “the major diagnosis for her is post-traumatic stress disorder.” *Id.* at 28.

Ms. Martin desperately needed the court to apply Ohio’s Safe Harbor law, as it was mandated to do. The court made one of the two threshold findings required (that Ms. Martin had

been a victim of human trafficking) to appoint a guardian *ad litem*. Order; Hearing Tr. 169; *see* R.C. 2152.021(F)(1)(b). The other, whether the conduct was “related to the child’s victimization,” was a finding the court was required to make based on the existing record or through further evidentiary hearings. R.C. 2152.021(F)(1). Instead, without even acknowledging the Safe Harbor law’s existence, the court only analyzed Ms. Martin’s case under the multi-factor analysis of R.C. 2152.12, and decided to bind over Ms. Martin to adult court. *See* Order. The juvenile court’s failure to consider the Safe Harbor law denied Ms. Martin the ability to present relevant evidence of her trafficking and for the court to consider the Safe Harbor’s protection that this Court recently emphasized should be applied “broadly, regardless of the instant charge against the juvenile or the juvenile’s history of adjudication or criminal history.” Ohio Supreme Ct., *Juvenile Human Trafficking, Ohio Laws & Safe Harbor Response*.

Moreover, given the opportunity to apply the Safe Harbor law to Ms. Martin’s case, the court would have been able to hold the complaint in abeyance while giving Ms. Martin the opportunity to prove to the court—and to herself—that she can thrive in a structured, rehabilitative environment. Indeed, testimony indicated that Ms. Martin would, in fact, succeed in a stable environment. Hilary Finkel, Ms. Martin’s social worker while her case was pending in juvenile court, testified that Ms. Martin had “done really well,” noting that she had “eight or nine character coupons” at the time of her amenability hearing, which was “one of the highest levels” possible. Hearing Tr. 132.

Rather than being given the *opportunity* to heal pursuant to the processes provided for by the Safe Harbor law to which she is *entitled*, Ms. Martin will be serving the next several decades of her life in prison all for the acts committed by two men against her sex trafficker. *See id.* at

86. This court should remedy this failure of the legal system, reverse Ms. Martin's convictions, and remand the case to juvenile court for further proceedings in accordance with R.C. 2152.021.

V. CONCLUSION

For the foregoing reasons, HT Pro Bono respectfully requests that the Court reverse Ms. Martin's convictions and remand her case to juvenile court for consideration of R.C. 2152.021, the Safe Harbor law.

Dated: September 19, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Brief of *Amicus Curiae* The Human Trafficking Pro Bono Legal Center in support of Appellant Alexis Martin was served via regular U.S. Mail, postage prepaid, this 19th day of September, 2017, upon the following:

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