



Huntington Beach Police Department, Orange County District Attorney, & Orange County Human Trafficking Task Force

Press Release

FOR IMMEDIATE RELEASE

Date: February 27, 2015

Case # 15NF0515

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MAN CHARGED WITH HUMAN TRAFFICKING, RAPING, PIMPING, AND PANDERING 15-YEAR-OLD MIDWEST GIRL

* Two defendants were previously charged for trafficking and pimping the same victim

FULLERTON – A man was charged yesterday with human trafficking, raping, pimping, and pandering a 15-year-old girl from the Midwest. Elozana Ogbechie, 21, Yorba Linda, is charged with one felony count each of human trafficking of a minor, pimping a minor, pandering with a minor under 16 years old by promise, threat, or violence to become a prostitute, forcible rape, and using, inducing or furnishing a controlled substance to a minor. If convicted, the defendant faces a maximum sentence of 25 years in state prison. He was arraigned today and is scheduled for a pre-trial hearing on March 13, 2015, at 8:30 a.m., in Department N-12, North Justice Center, Fullerton.

Case # 15NF0234

Two defendants accused of trafficking, pimping, and pandering the same 15-year-old victim were identified and subsequently charged for their role in this case on Jan. 27, 2015.

Marcellus Alphonso Carpenter, 22, Diamond Bar, is charged with one felony count each of human trafficking of a minor, pimping a minor, pandering with a minor under 16 years old by procurement, and using, inducing or furnishing a controlled substance to a minor. If convicted, the defendant faces a maximum sentence of 14 years in state prison.

Phillip Anthony Gallegos, 20, Fullerton, is charged with one felony count each of human trafficking of a minor, pimping a minor, pandering with a minor under 16 years old by procurement, and using, inducing or furnishing a controlled substance to a minor. If convicted, Gallegos faces a maximum sentence of 14 years in state prison.

Both defendants are scheduled for a pre-trial hearing on March 13, 2015, at 9:00 a.m., in Department N-12 of the North Justice Center.

Circumstances of the Case

Ogbechie, Carpenter, and Gallegos are accused of being human traffickers/pimps who exploit women and/or children for financial gain.

Gallegos was introduced to Jane Doe 1 by his girlfriend and is accused of promising the victim a better life after the victim ran away from home. On Jan. 3, 2015, Jane Doe 1's parents reported the victim missing to their local police department.

Around Jan. 9, 2015, Gallegos is accused of traveling with the victim on a bus from the Midwest region to Orange County.

After arriving in Orange County around Jan. 13, 2015, Gallegos is accused of taking the victim to meet with Ogbechie and Carpenter, who are accused of pandering the victim by convincing her to engage in commercial sex acts with the promise that she would receive money and a better life.

Carpenter and Gallegos are accused of posting sexually suggestive ads of the victim as a prostitute on the Internet. The defendants are accused of renting hotel rooms throughout Orange County to be used by the victim to perform commercial sex acts. The defendants are accused of pimping the victim by receiving support from the money she received from performing commercial sex acts. The support included convincing the victim to purchase food, drugs, and pay for the rental of motel rooms with the money that she received for performing commercial sex acts.

Between Jan. 15, 2015, and Jan. 23, 2015, Ogbechie, Carpenter, and Gallegos are accused of furnishing cocaine to Jane Doe 1. Between Jan. 15, 2015, and Jan. 23, 2015, Ogbechie is accused of forcibly raping the victim during the time he was also pimping her for commercial sex acts.

The Huntington Beach Police Department (HBPD) and the Federal Bureau of Investigation (FBI) began investigating this case when a person from the victim's hometown informed them that the victim may be residing in the area. On Jan. 23, 2015, HBPD officers and an FBI agent located the victim at a motel in Fullerton and reunited her with her parents in their hometown on Jan. 24, 2015.

Members of the Orange County Human Trafficking Task Force (OCHTTF) and the Orange County District Attorney's (OCDA) Office work proactively to protect women and minors from falling victim to commercial sexual exploitation. This case was investigated by OCHTTF, a partnership between the Anaheim Police Department, California Highway Patrol, FBI, HBPD, OCDA, Orange County Sheriff's Department, and community and non-profit partners.

Deputy District Attorney Bryan Clavecilla of the HEAT Unit is prosecuting this case.

Proposition 35 and HEAT

In November 2012, California's anti-human trafficking Proposition 35 (Prop 35) was enacted in California with 81 percent of the vote, and over 82 percent of the vote in Orange County, to increase the penalty for human trafficking, particularly in cases involving the trafficking of a minor by force.

A component of the OCHTTF is the OCDA's Human Exploitation And Trafficking (HEAT) Unit, which targets perpetrators who sexually exploit and traffic women and underage girls for financial gain, including pimps, panderers, and human traffickers. The HEAT Unit uses a tactical plan called PERP: Prosecution, to bring justice for victims of human trafficking and hold perpetrators responsible using Prop 35; Education, to provide law enforcement training to properly handle human trafficking and pandering cases; Resources from public-private partnerships to raise public awareness about human trafficking and provide assistance to the victims; and Publicity, to inform the public and send a message to human traffickers that this crime cannot be perpetrated without suffering severe consequences.

Under the law, human trafficking is described as depriving or violating the personal liberty of another person with the intent to effect a violation of pimping or pandering. Pimping is described as knowingly deriving financial support in whole or in part from the proceeds of prostitution. Pandering is the act of persuading or procuring an individual to become a prostitute, or procuring and/or arranging for a person work in a house of prostitution.

Penal Code Section 236.1 defines:

(1) "Coercion" includes any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; the abuse or threatened abuse of the legal process; debt bondage; or providing and facilitating the possession of any controlled substance to a person with the intent to impair the person's judgment.

(2) "Commercial sex act" means sexual conduct on account of which anything of value is given or received by any person.

(3) "Deprivation or violation of the personal liberty of another" includes substantial and sustained restriction of another's liberty accomplished through force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person, under circumstances where the person receiving or apprehending the threat reasonably believes that it is likely that the person making the threat would carry it out.

(4) "Duress" includes a direct or implied threat of force, violence, danger, hardship, or retribution sufficient to cause a reasonable person to acquiesce in or perform an act which he or she would otherwise not have submitted to or performed; a direct or implied threat to destroy, conceal, remove, confiscate, or possess any actual or purported passport or immigration document of the victim; or knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or immigration document of the victim.

(5) "Forced labor or services" means labor or services that are performed or provided by a person and are obtained or maintained through force, fraud, duress, or coercion, or equivalent conduct that would reasonably overbear the will of the person.

(6) "Great bodily injury" means a significant or substantial physical injury.

(7) "Minor" means a person less than 18 years of age.

(8) "Serious harm" includes any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor, services, or commercial sexual acts in order to avoid incurring that harm.

(i) The total circumstances, including the age of the victim, the relationship between the victim and the trafficker or agents of the trafficker, and any handicap or disability of the victim, shall be factors to consider in determining the presence of "deprivation or violation of the personal liberty of another," "duress," and "coercion" as described in this section.

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