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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF ARIZONA

8 United States of America,
9 Plaintiff,

10 v.

11 Bernardo Mancias-Flores,
12 Defendant.

CR-05-1086-PHX-ROS

GOVERNMENT’S RESPONSE TO
DEFENDANT’S MOTION TO
EXCLUDE TESTIMONY REGARDING
SEXUAL CONTACT

13
14 The United States, through undersigned counsel, respectfully responds to the defendant’s
15 motion to preclude testimony regarding sexual contact between defendant Mancias-Flores and
16 victims of the hostage taking and harboring conspiracies charged in the Superseding Indictment.

17 In this case, two women were sexually assaulted by defendant and one of those women
18 was asked to have sex with a smuggler in exchange for waiver of her and her family’s smuggling
19 fee. Victims should be able to testify about the abuse they suffered while being held hostage.
20 This testimony is not only relevant but demonstrates that the victims were seized, detained or
21 held against their will which is an element of the crime of hostage taking and conspiracy to take
22 hostages. See *United States v. Hicks*, 103 F.3d 837, 843-44 (9th Cir. 1996) (finding that evidence
23 of murder and rape was admissible in carjacking case because it related to elements of the
24 offense and allowed the government to offer a coherent story to the jury); Fed. R. Evid. 401.

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Respectfully submitted this 19th day of June, 2007.

DANIEL G. KNAUSS
United States Attorney
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S/Lisa Jennis Settel

LISA JENNIS SETTEL
Assistant U.S. Attorney

Certificate of Service

I hereby certify that on this day, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants: Anne M. Williams