

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

RYAN POOLE,

Appellant,

v.

Case No. 5D18-1681

STATE OF FLORIDA,

Appellee.

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Opinion filed October 25, 2019

Appeal from the Circuit Court  
for Marion County,  
Anthony M. Tatti, Judge.

James S. Purdy, Public Defender, and  
Nancy Ryan, Assistant Public Defender,  
Daytona Beach, for Appellant.

Ashley Moody, Attorney General,  
Tallahassee, Robin A. Compton and  
Kristen L. Davenport, Assistant Attorney  
Generals, Daytona Beach, for Appellee.

GROSSHANS, J.

Ryan Poole (“Appellant”) appeals his judgment and sentence after a jury found him guilty of multiple offenses, including human trafficking for commercial sexual activity and branding. We affirm in all respects, but write specifically to address the admission of expert testimony in this case.

Appellant began a relationship with a woman (“H.E.”) that he met online. Months later, a physical altercation occurred which led H.E. to report Appellant to law enforcement. Police documented H.E.’s injuries, and she underwent a sexual assault examination. H.E. later turned over several personal items to law enforcement and provided her username and password for a website called “Backpage.” After police secured additional evidence, the State charged Appellant with human trafficking for commercial sexual activity, branding, and other crimes.

Prior to trial, the State sought an order authorizing Special Agent Jose Ramirez to present expert testimony on the sex worker subculture and human trafficking, arguing that such testimony would assist the jury in understanding the language, tactics, and coercion involved in relationships between pimps and their sex workers. Appellant opposed the motion, arguing that expert testimony on this subject would not be helpful to the jury as the subject required no specialized understanding. Additionally, according to Appellant, the proposed expert testimony would constitute improper testimony on general criminal behavior.

Notwithstanding Appellant’s objections, the trial court found that Special Agent Ramirez was qualified as an expert and his testimony was admissible. In so ruling, the court noted specifically that the subjects of human trafficking and sex workers were not ones that average jurors would comprehend and that the expert opinion would aid in their understanding of these topics.

At trial, the State’s first witness was Special Agent Ramirez who testified as to his training and background, including his general experience in investigating the commercial sex industry and human trafficking. He went on to define terms used in trafficking such as

burner phones, kings (or daddy kings), boyfriends/girlfriends, donations or roses, Romeo pimps, and gorilla pimps. Additionally, he explained the traits of a human trafficking victim, i.e., avoiding eye contact, suffering from physical injuries, exhibiting malnutrition, dressing provocatively, and displaying certain tattoos.

According to Special Agent Ramirez's testimony, victims of trafficking are generally slow to open up about their status as victims, and they often distrust law enforcement and deny being physically abused. Pimps or traffickers, on the other hand, are typically controlling individuals, masters in manipulation, and business savvy. Special Agent Ramirez also explained some aspects of the recruitment process employed by traffickers. Pimps recruit new workers primarily on the internet, but also explore malls and strip clubs for prospects. Recruiting typically involves a grooming process, which may involve simply taking an interest in the prospect's life and "showering" the prospect with affection. After the grooming process, pimps and traffickers set the rules, which the victim must obey. Special Agent Ramirez further explained that prostitution has changed over the last ten years, transitioning "from street based prostitution to web based prostitution." Consistent with this change, pimps employ modern technology such as websites, including Backpage, and untraceable "burner" phones to advance their trade.

On cross-examination, Special Agent Ramirez testified that he did not know any of the underlying facts of this case, and he opined that reporting abuse to law enforcement would be uncommon for a trafficking victim.

Following Special Agent Ramirez's testimony, the State called additional witnesses. H.E. testified that shortly after her relationship with Appellant began, Appellant required her to address him as "daddy," threatened to harm her and her family if she did

not obey him, and required her to “make a lot of money . . . and treat him like royalty.” She further testified that Appellant groomed her to become a sex worker which included his introducing her to cocaine and teaching her how to perform oral sex. At Appellant’s direction, she began working as a stripper and prostitute, both of which were facilitated through the use of Backpage. H.E. also testified that Appellant established “guidelines, rules and laws” for her to follow, which she documented in a notebook. In addition to establishing rules, Appellant required H.E. to prove her loyalty to him and get “marked” as “daddy’s property.” In compliance with this requirement, H.E. had Appellant’s initials tattooed just above her genitals. H.E. also testified that she made regular trips in state and out of state without Appellant and maintained her regular job as a bartender throughout the relationship.

Other witnesses testified that, while in the relationship with Appellant, H.E. lost a significant amount of weight, appeared anxious and chronically ill, and did not seem to have money to support her son—despite her sources of income. They also testified that she seemed isolated and dressed much more provocatively than she had prior to her relationship with Appellant.

Law enforcement investigators testified as to the evidence obtained during the investigation. This evidence included H.E.’s advertisements on Backpage, text messages between her and Appellant, voicemails, and internet records. Through the contacts on a cell phone obtained from H.E., law enforcement confirmed that H.E. had engaged in commercial sexual activity with several individuals.

Ultimately, the jury found Appellant guilty as charged on all counts. The trial court entered judgment consistent with the verdicts, and sentenced Appellant to lengthy prison terms. This appeal timely followed.

“A trial court’s ruling on the admissibility of evidence is subject to an abuse of discretion standard of review, but the court’s discretion is limited by the rules of evidence and the applicable case law.” Horwitz v. State, 189 So. 3d 800, 802 (Fla. 4th DCA 2015) (citing Lopez v. State, 97 So. 3d 301, 304 (Fla. 4th DCA 2012); McCray v. State, 919 So. 2d 647, 649 (Fla. 1st DCA 2006)). In order to be admissible, expert testimony must “assist the trier of fact in understanding the evidence or in determining a fact in issue.” § 90.702, Fla. Stat. (2017); see also Salomon v. State, 267 So. 3d 25, 31 (Fla. 4th DCA 2019).

Appellant contends that expert testimony was unnecessary because the jury did not need a specialized explanation of human trafficking or the sex worker subculture. We disagree and hold that expert opinion on human trafficking and the sex worker subculture can assist the trier of fact on subjects not within an ordinary juror’s understanding or experience. See United States v. Evans, 272 F.3d 1069, 1094 (8th Cir. 2001) (finding no abuse of discretion in allowing an officer to present expert testimony “regarding the operation of a prostitution ring, including [the] recruitment of prostitutes and the relationship between pimps and prostitutes, and regarding jargon used in such rings”); see also United States v. Lewis, 762 F. App’x 786, 797 (11th Cir. 2019); United States v. Brinson, 772 F.3d 1314, 1319 (10th Cir. 2014); United States v. Anderson, 560 F.3d 275, 281–82 (5th Cir. 2009); United States v. Taylor, 239 F.3d 994, 998 (9th Cir. 2001).<sup>1</sup> Not

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<sup>1</sup> In his briefs, Appellant does not contend that Special Agent Ramirez was unqualified to render an expert opinion, nor does he challenge the methodology used by the expert. See Ch. 2013–107, §§ 1–2, Laws of Fla. (2013) (amending section 90.702

only are jurors generally unfamiliar with the realities of human trafficking, see Taylor, 239 F.3d at 998, but a juror's only exposure to this subject may be confined to brief references gleaned from popular media outlets or fictionalized accounts. See Danica Baird, Changing the Narrative: Sex Trafficking and Its Victims, 33 BYU J. Pub. L. 321, 343, 353 (2019). This only underscores the importance of expert testimony to aid the juror in understanding the complexities surrounding human trafficking and the sex worker subculture in today's society.

Although expert testimony may not assist the jury in every case involving commercial sexual activity, see § 90.702, the trial court properly analyzed the underlying facts in this case in determining the admissibility of Special Agent Ramirez's expert testimony. Among other things, Special Agent Ramirez discussed the use of technology in the human trafficking industry, provided examples of specific terms that are used within the relationships of pimps and sex workers, and offered insight as to why victims of human trafficking remain in abusive relationships with traffickers and why such victims hesitate to report the crimes to family, friends, or police. Based on Special Agent Ramirez's expert testimony, the jury could better assess H.E.'s credibility and could better understand critical issues in the case that might have confused jurors unfamiliar with the patterns and penchants of sex workers.

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and section 90.704 of the Florida Statutes to reflect the requirements of Daubert v. Merrell Dow Pharm., Inc., 509 U.S. 579 (1993)). Both before and after the Daubert Amendments became effective, section 90.702 required that expert testimony "assist the trier of fact." See § 90.702, Fla. Stat. (2012) (prior to Daubert Amendments); § 90.702, Fla. Stat. (2013) (incorporating Daubert Amendments). Therefore, we need not consider whether the Daubert Amendments applied to the trial court's decision to admit Special Agent Ramirez's expert testimony.

Appellant argues that the Second District has rejected expert testimony similar to that given in this case. See Williams v. State, 779 So. 2d 314 (Fla. 2d DCA 1999). The Williams court found an expert's opinion related to battered spouse syndrome unnecessary and, thus, inadmissible, noting the simplicity of the facts in that particular case. Id. at 317. Additionally, the expert testimony in Williams chronicled numerous prior bad acts of the defendant. Id. at 316–17.

We find this case to be distinguishable from Williams—both in the complexity of the facts at issue and the nature of the testimony itself as Special Agent Ramirez did not have knowledge of the underlying facts of this case and did not testify as to any specific acts of Appellant. The jurors could not be expected to have a common understanding of the relationship between a pimp and his sex worker. Special Agent Ramirez's expert testimony aided them by, among other things, explaining this type of relationship to them.

Lastly, we are not persuaded by Appellant's argument that Special Agent Ramirez's testimony was prohibited because it involved general criminal behavior. While law enforcement officers cannot testify as to general criminal behavior as substantive proof of guilt, experts have traditionally been permitted to consider such behavior when rendering their opinions. See, e.g., Brooks v. State, 700 So. 2d 473, 474 (Fla. 5th DCA 1997) ("It is proper for an appropriately trained and experienced law enforcement officer to offer expert opinion concerning packaging of drugs for sale versus personal use."); Williams v. State, 538 So. 2d 73, 73 (Fla. 4th DCA 1989) ("We also find no error in allowing an officer with specialized knowledge to express his opinion on the relationship between large amounts of cash and drug transactions."). Because Special Agent Ramirez

presented expert opinion on the traits of traffickers and pimps, we conclude that such testimony did not constitute improper testimony on general criminal behavior.

Accordingly, we find no abuse of discretion in the court's admission of expert testimony to aid the jury in understanding the complexities surrounding human trafficking and the sex worker subculture. Therefore, we affirm Appellant's judgment and sentence.

AFFIRMED.

COHEN, J., and ROBERSON, E.C., Associate Judge, concur.