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**STATE OF MINNESOTA
IN COURT OF APPEALS
A13-0887**

State of Minnesota,
Respondent,

vs.

Ronald Lee,
Appellant.

**Filed April 7, 2014
Affirmed
Rodenberg, Judge**

Hennepin County District Court
File No. 27-CR-12-5160

Lori Swanson, Attorney General, St. Paul, Minnesota; and

Michael O. Freeman, Hennepin County Attorney, Linda M. Freyer, Assistant County
Attorney, Minneapolis, Minnesota (for respondent)

Ronald Lee, Faribault, Minnesota (pro se appellant)

Considered and decided by Rodenberg, Presiding Judge; Worke, Judge; and Kirk,
Judge.

UNPUBLISHED OPINION

RODENBERG, Judge

Appellant Ronald Lee challenges his convictions of two counts of second-degree sex trafficking, arguing that the district court erroneously allowed respondent to present expert testimony concerning the operation of and the terminology used in the business of prostitution. We affirm.

FACTS

In February 2012, L.B. was 18 years old, living in foster care, and volunteering at a youth basketball program. She was friends with A.W., another of the program volunteers. After coaching on February 9, L.B. went to A.W.'s apartment to help A.W. "through a bad break up." They "drank a little bit" of alcohol. Then, appellant and his co-defendant Edward Washington arrived at A.W.'s apartment. L.B. had never met them before, but A.W. said they were her friends and that "they were coming to hang out."

L.B. testified that she drank "[a]bout a cup" of 99 Berries, not enough for her to be drunk. After going to the bathroom, L.B. drank some more alcohol and then "went blank." L.B. awoke in the back seat of a car as she was being sexually assaulted by Lee. Washington was driving the car and A.W. was sitting in the front passenger seat. L.B. passed out again. When she next awoke, she discovered that they were in Schaumburg, Illinois and that a woman named "Sonz" was also in the car. L.B. told the others that she was "not supposed to be out of [Duluth] city limits" because she was in foster care.

Lee and Washington told L.B. that she was expected to work as a prostitute. Lee gave L.B. money to get a motel room for the two of them. A.W. and Washington got

another room. Lee told L.B. how to act and directed her to give all the money she earned to him or to Sonz. L.B. complied because Lee and Washington told her that they were gang members. Lee also threatened to kill her “or at least severely hurt” her. L.B. was advertised as “Gia” on Backpage.com. In Illinois, L.B. was prostituted to more than one but less than ten men.

The next day, motel management told the group that they had to leave because L.B. and A.W. were not old enough to rent rooms. Lee then drove the group back to Minneapolis, where L.B. was forced to work as a prostitute in at least four downtown Minneapolis hotels. She was again prostituted to more than one but less than ten men. L.B. later claimed that she had been kept drugged the entire time and could not remember how many men she had seen.

At one point, L.B. gained control of her cell phone and texted a friend, who called the police. Police responded to the hotel where the group was staying. Washington threw L.B. to the ground and told her he would hurt her if she made any noise. After that, L.B. “stopped turning tricks” by dissuading men who called her cell phone from coming to the hotels.

When L.B. was briefly left alone in another downtown Minneapolis hotel, she fled and made her way to a youth center in Minneapolis, where she met with police. She provided descriptions of Lee and Washington, and identified them from photographs. L.B. testified that she knew Lee as “Ron Ron” but that she also saw his name on his driver’s license. Police found Washington and A.W. in the hotel from which L.B. had escaped. Both were taken into custody.

On February 22, police discovered a vehicle matching L.B.'s description of the car used to drive her between Minnesota and Illinois, which was unattended and running. The owner of the vehicle testified that he allowed a friend to borrow it in February 2012, and that this friend rented the vehicle to Lee. Police towed the vehicle and recovered a cell phone from it during an inventory search. The phone number matched the number in L.B.'s phone for "Ron Ron." Cell phone records showed that the phone traveled from Minneapolis to Duluth, then to Illinois, and back to Minneapolis. And the phone records showed multiple calls and texts between this phone and L.B.'s phone.

Lee was charged with two counts of second-degree sex trafficking and one count of kidnapping in violation of Minn. Stat. §§ 609.25, .322 (2010). Respondent State of Minnesota moved to allow Special Agent Ann Quinn to provide expert testimony at trial regarding the mechanics of a prostitution business. In its memorandum in support of its motion, the state argued that Special Agent Quinn's testimony would "assist the jury in evaluating the testimony of [L.B.] and determining the weight to afford the evidence." Lee objected to the proposed expert testimony, arguing that the jury would be able to understand the facts of the case without it. At the end of the first day of trial, the prosecutor asked whether the district court had made a decision regarding the admissibility of the expert testimony. The district court stated, "I did review thoroughly both of the submissions put in by you. I am going to allow the testimony of the expert. So that ruling has been made."

At trial, Special Agent Quinn agreed that she was called by the state "to testify today regarding the general mechanics or the business of prostitution generally in the

State of Minnesota” and that she had no personal knowledge of Lee’s specific case. Special Agent Quinn described the ways that women are recruited into prostitution and the ways that “pimps” retain control over their prostitutes. She explained that prostitution usually occurs in hotels and motels with the prostitutes moving “around quite a bit to avoid law enforcement detection.” Special Agent Quinn also described why prostitutes might not run away. And she discussed how prostitutes are advertised on the internet, with specific reference to Backpage.com. Special Agent Quinn also testified to the definition of a number of words that, based upon her experience, have special or particular meaning in the context of the prostitution business.

On December 18, 2012, the jury found Lee guilty of two counts of second-degree sex trafficking and not guilty of kidnapping. This appeal followed.

D E C I S I O N

“Evidentiary rulings rest within the sound discretion of the [district] court and will not be reversed absent a clear abuse of discretion. On appeal, the appellant has the burden of establishing that the [district] court abused its discretion and that appellant was thereby prejudiced.” *State v. Amos*, 658 N.W.2d 201, 203 (Minn. 2003) (citations omitted). “The admission of expert testimony generally rests within the discretion of the district court.” *State v. Anderson*, 789 N.W.2d 227, 235 (Minn. 2010).

Expert testimony is permitted if the expert’s “scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue.” Minn. R. Evid. 702. “The basic consideration in admitting expert testimony under Rule 702 is the helpfulness test—that is, whether the testimony

will assist the jury in resolving factual questions presented.” *State v. Grecinger*, 569 N.W.2d 189, 195 (Minn. 1997). “An expert opinion is helpful if the members of the jury, having the knowledge and general experience common to every member of the community, would be aided in the consideration of the issues by the offered testimony.” *State v. Bradford*, 618 N.W.2d 782, 793 (Minn. 2000) (quotation omitted). But expert testimony should not be admitted when “the jury is in as good a position to reach a decision as the expert.” *State v. Saldana*, 324 N.W.2d 227, 229 (Minn. 1982). Expert testimony may “be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury.” *Anderson*, 789 N.W.2d at 235 (citing Minn. R. Evid. 403).

Lee argues that Special Agent Quinn’s testimony was not helpful to the jury and not relevant to the issues raised at trial. We disagree. Throughout the trial, the jury heard many terms with which they were likely unfamiliar. L.B. used the terms “trick,” “bareback,” and “Greek” in her testimony concerning what had happened to her. And the police officers who testified regarding Gia’s advertisement on Backpage.com used the terms “independent” and “in-call.” Special Agent Quinn defined “pimp,” “b-tches,” “bottom b-tch,” “turn out,” “in-call,” “out-call,” “Greek,” and “independent,” all terms that have special meanings and significance in the context of the world of prostitution. Special Agent Quinn’s testimony was therefore helpful to the jury. *See Bradford*, 618 N.W.2d at 793.

Special Agent Quinn also described the mechanics of a prostitution business. She explained how pimps retain control over their prostitutes, sometimes using “physical

force, beatings, intimidation, [and] threats.” She stated that pimps “want to move [their prostitutes] around quite a bit to avoid law enforcement detection.” And Special Agent Quinn described how prostitutes are advertised on the internet, with specific reference to Backpage.com. Although Lee suggests that “this was not a complex case” so the jury did not need information regarding the general operation of prostitution businesses, Special Agent Quinn’s explanations were helpful for the jury to understand both the behavior of someone running a prostitution business and the behavior of a victim like L.B. Minn. R. Evid. 702. Because the average juror would not likely have prior knowledge of the prostitution business and the behaviors described in the testimony at trial, Special Agent Quinn’s testimony was helpful to the jury. *See Bradford*, 618 N.W.2d at 793.

Lee also argues that Special Agent Quinn improperly vouched for L.B.’s credibility. Careful review of the record does not reveal that Special Agent Quinn’s testimony usurped the jury’s role in judging credibility. *See Grecinger*, 569 N.W.2d at 193 (“[T]he responsibility for judging credibility and the facts remains with the jury.”). In *Grecinger*, the expert testimony was limited to the general characteristics of battered woman syndrome and did not pertain to the specific facts of the case. *Id.* at 197. The *Grecinger* court determined that the issue of the victim’s credibility “remained in the hands of the jury, and [that the appellant] was not unfairly prejudiced.” *Id.* Here, Special Agent Quinn neither commented on the specific facts of the case nor addressed the credibility of Lee or L.B. Her testimony did not invade the role of the jury. *See id.* at 190 (permitting expert testimony when limited to a general description of battered woman syndrome without commenting on the specific facts of the case).

Because Special Agent Quinn's testimony was helpful to the jury and was properly limited to the general mechanics of a prostitution business without specific reference to Lee's activities, and involved no improper vouching, the district court acted within its discretion in admitting the expert testimony.

Affirmed.