



Governor Bill Haslam
1st Floor, State Capitol
Nashville, TN 37243

Honorable Governor:

Re: Cyntoia Brown Case

The National Survivors Network has attempted to reach your office via form request online, through calling your office line, and through other means. We would like to discuss this issue with you in regard to clemency for a victim of a crime we are the national experts on. Being the largest organization of national advocacy representative of 38 States, including Tennessee, and several countries with over 250 members and a myriad of experiences we are directly capable of discussing human trafficking in all its forms and complexities. Our efforts have established Federal Legislative impacts and a growing shift in the identification and support of survivors across the nation.

As I am sure your office is aware of the engagements on this issue this past weekend (Jan 4th and 5th) was a series of media campaigns and direct action calling for your office to do the right thing in regard to this case. The Tennessean posted [a story](#) about the direct action as well as Fox News posting information of Survivor Leaders and Political Advocacy Groups and Senator Gilmore being present for these efforts.

In regard to the case of Cyntoia Brown, I have personally read every document publicly available from the courts in regard to this case. I have discussed this matter with legal teams working on this case. I have read public documents made available in regard to the investigation of this case and the inferences of the investigating team. The investigating officer proclaims Cyntoia was dating Garion McGlothen whom was 24 at the time she was 16. It should be noted the history of Mr. Allen as well as his age of 43, sleeping naked in a bed with a child, he picked up for the intent of sexual purposes.

- 2010 Tennessee Code Title 39 - Criminal Offenses Chapter 13 - Offenses Against Person Part 5 - Sexual Offenses
39-13-506 - Statutory rape.
 - b) Statutory rape is the unlawful sexual penetration of a victim by the defendant or of the defendant by the victim when:
 - (2) The victim is at least fifteen (15) but less than eighteen (18) years of age and the defendant is more than five (5) but less than ten (10) years older than the victim.
- 2014 Tennessee Code Title 39 - Criminal Offenses Chapter 13 - Offenses Against Person Part 3 - Kidnapping and False Imprisonment § 39-13-314 - Offense of human trafficking.
 - (C) Trafficking for commercial sex act, under § 39-13-309; or
 - (2) Recruits, entices, harbors, transports, provides, purchases, or obtains by any other means, another person for the purpose of providing a commercial sex act.
 - (b) For purposes of subdivision (a)(2), such means may include, but are not limited to:
 - (1) Causing or threatening to cause physical harm to the person;



- (2) Physically restraining or threatening to physically restrain the person;
- (3) Abusing or threatening to abuse the law or legal process;
- (5) Using blackmail or using or threatening to cause financial harm for the purpose of exercising financial control over the person; or
- (6) Facilitating or controlling a person's access to a controlled substance.
- (D) Promoting the prostitution of a minor, under § 39-13-512; and
 - (4) Promoting prostitution means:
 - (A) Owning, controlling, managing, supervising, or in any way keeping, alone or in association with others, a business for the purpose of engaging in prostitution, or a house of prostitution;
 - (B) Procuring an inmate for a house of prostitution;
 - (C) Encouraging, inducing, or otherwise purposely causing another to become a prostitute;
 - (D) Soliciting a person to patronize a prostitute;
 - (E) Procuring a prostitute for a patron; or
 - (F) Soliciting, receiving, or agreeing to receive any benefit for engaging in any of the activities defined in subdivisions (4)(A)-(E);
- H.R.3244 - Victims of Trafficking and Violence Protection Act of 2000
 - 106th Congress (1999-2000)
 - Page 114 STAT. 1470
 - (8) Severe forms of trafficking in persons. –The term “severe forms of trafficking in persons” means—
 - (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age;

In absence of the state law during the time that Cyntoia Brown was investigated the Federal Statute as defined in the TVPA of 2000 was the standard for what trafficking was seen as in the U.S. With minimum age of consent in sexual activity such as prostitution for the age of 18. Because of U.S. law there is no child prostitution as a child cannot legally consent to sex acts for monetary gain. Her 8 year older “boyfriend” with a history of related conflicts associated with prostituted persons went by the name of Kutthroat and supplied her with narcotics, sleep deprivation and other forms of coercion at the age of 16 where no burden of force, fraud or coercion is mandated for sex trafficking of a minor.

This specific case is challenging on multiple grounds. The man with a history of charges for solicitation of a prostitute took her to his home; as noted in the trial albeit they didn’t have sex he was acting erratically and pacing toying with his guns throughout the time she was there. Yes, a man of questionable ethical integrity had a minor in his bed sleeping with him and didn’t rape her. Yes, he was



shot while he slept. No one from within NSN is arguing a crime of serious implications didn't take place. Some culpability was reasonably justified by the law. "Kutthroat" supplied narcotics, abused her, and kept her complicit through other means sufficient to prove human trafficking related crimes. If Ms. Brown was seen as a victim under Federal Statutes per her age, or even in the Tennessee laws noted above for Trafficking and Statutory Rape based on the age of consent, statutes, and other mitigating factors it would have been reasonable to recommend manslaughter instead of first-degree premeditated murder.

- 2017 Tennessee Code Title 39 - Criminal Offenses Chapter 13 - Offenses Against Person Part 2 - Criminal Homicide § 39-13-211. Voluntary manslaughter.
 - (a) Voluntary manslaughter is the intentional or knowing killing of another in a state of passion produced by adequate provocation sufficient to lead a reasonable person to act in an irrational manner.
 - Class C felony Not less than three (3) years nor more than fifteen (15) years in prison.

In the officer's own words, he never understood the adopted mother not reporting a minor running away. As well as a fair amount of evidence beyond that which takes into consideration the minimum standards Federally Recognized for this sort of crime and her age at 16. She has completed 14 years in prison which is the time frame she would be eligible for parole with the lack of contemplation and reflection around Human Trafficking related crimes in this instance it would be reasonable to contemplate clemency on the grounds of current behavior, prison record, and good deeds done for awareness as a victim of a heinous crime she wasn't identified as during the investigation process. With the history of violence, she has lived, the forced prostitution as a minor, and the known behavior of her "boyfriend" known to be a pimp and violent justice wasn't reflective of the true merits and complications of this case.

The National Survivor Network conducted a survey of members on forced criminality within their trafficking experiences and the results shed a spotlight on the issue more broadly:

- 90.8% of trafficking survivors reported being arrested.
 - Of the 130 people who responded to the survey only 7 trafficking survivors responded that they had never been arrested.
 - Of those 7 who were never arrested one was detained by law enforcement but then returned to her trafficker.

In 2004 with the implementation of the Federal Law only being 2 years out, there was a significant lack of understanding and awareness on what the issue of trafficking is and lack of understanding of the complex complications it presents. Addressing the reasonable response to fear with the known issues of Human Trafficking a reasonable person could have reacted in this manner. With the publicity of this case, the high profile, and the awareness Cyntoia will never be free from the stigma or burden of what she has done. Clemency in this case would not remove the time in jail, would not allow her a new chance at life without awareness of the death of Mr. Allen. The only thing it will do is recognize the complicated nuances of Human Trafficking and reduce the time served to that which recognizes her victimization from such heinous crimes as Human Trafficking.



The National Survivor Network again wishes to extend a call to the Governor to discuss the complex nuances of victimization in an effort to educate on the issues within these types of cases and the pervasive failure to recognize and intervene in human trafficking victim's lives. As the chair of the Policy Efforts within the National Survivor Network I have taken great efforts in the past few weeks to get your attention in regard to a call for this case. With no response I am formalizing this into a certified letter, so I can confirm your office's receipt of this letter. I look forward to the ability to discuss this matter further with you and will suffice for now that our thoughts are thoroughly surmised in this letter.

Kind Regards,

Nat Paul, Policy Chair
The Policy Team
National Survivor Network