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17 IN THE UNITED STATES DISTRICT COURT
18 FOR THE DISTRICT OF ARIZONA

19 United States of America,
20 Plaintiff,
21 vs.
22 Michael Lacey, *et al.*,
23 Defendants.
24

NO. CR-18-00422-PHX-SMB
**DEFENDANTS' SUPPLEMENT TO
MOTION TO DISCLOSE GRAND JURY
INSTRUCTIONS ON PROSTITUTION**
(Oral argument requested)

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1 Defendants Michael Lacey, James Larkin, John Brunst, Scott Spear, Andrew Padilla, and
2 Joye Vaught (“Defendants”), by and through their undersigned attorneys, file the instant supplement
3 to Defendants’ Motion to Disclose Grand Jury Instructions on Prostitution (“Motion”). (*See* Doc.
4 1171.) In the Motion, Defendants asked this Court for an order requiring the government to
5 disclose any and all instructions on the law concerning the definition of prostitution as well as any
6 and all instructions concerning escort services. (*See* Doc. 1171 at 1, 7.) As an alternative, Defendants
7 asked this Court to conduct *in camera* review of those instructions “to determine whether the grand
8 jury was instructed in a manner that respected the Defendants’ Due Process rights.” (*Id.* at 7.) In
9 the context of this case, that would mean the government’s instructions included the appropriate
10 definition(s) of the term “prostitution” and that the government did not suggest or state to the grand
11 jury that “escort services” or other legal adult services are unlawful throughout the country and are
12 synonymous with “prostitution services.”¹

13 On July 15, 2021, this Court issued an order denying Defendants’ request for disclosure of
14 the instructions to Defendants; but not addressing the alternative remedy that Defendants requested
15 – the Court’s *in camera* review of the instructions on the law concerning the definition of the term
16 “prostitution” and whether the term “escort services,” which are unquestionably lawful, were
17 equated with unlawful prostitution services. (*See* Doc. 1179.) Critically, the Court *should* already have
18 the instructions defining the terms “prostitution services” and “escort services” because the Court
19 ordered the government to disclose “any and all” instructions to the Court concerning the Travel
20 Act for *in camera* review. (*See* Doc. 879.) Assuming the government fully complied with that order,
21 this Court would be in possession of all instructions necessary to conduct *in camera* review of this

22
23 ¹ As government counsel recently stated, concerning “escort” services:

24 [Y]ou know, it’s really prostitution services. I think escort is sort of a
25 misnomer. So we would – we would ask that it’s – because it suggests
26 that ***escort services*** is somewhat legal. And, as we know, it’s ***only***
legal in a very a small county in Nevada, so it’s really prostitution
services is really right [sic].

27 (Doc. 1171-1 at 15 (emphasis added).)
28

1 important issue impacting the Defendants' First and Fifth Amendment rights. The government
2 should be ordered to disclose whether its prior submission of grand jury instructions included any
3 and all instructions concerning the Travel Act charges, including definition(s) of the terms
4 "prostitution services" and any statements regarding the legality or illegality of "escort services." The
5 Court's *in camera* review, as an alternative to disclosure to the Defendants, in no way implicates grand
6 jury secrecy concerns.

7 For all these reasons, Defendants respectfully request that this Court conduct *in camera*
8 review of the instructions of law as they concern any definitions given for the terms "prostitution
9 services" or "escort services," as well as to maintain the instructions as part of the official record for
10 this case as well as any other portions of the grand jury proceedings previously provided to the
11 Court. Further, in light of the numerous issues that Defendants have raised with respect to the
12 grand jury proceedings in this case, Defendants request that this Court order the government to
13 transcribe or to maintain the ability to transcribe the full grand jury transcripts for the official record
14 in this case.

15
16 RESPECTFULLY SUBMITTED this 19th day of July, 2021,

17
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19 Erin E. McCampbell
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20 By: /s/ Paul J. Cambria, Jr.
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23 *Pursuant to the District's Electronic Case Filing Administrative Policies and Procedures Manual (May 2018)*
24 *§ II (C) (3), Erin E. McCampbell hereby attests that all other signatories listed, and on whose behalf this filing*
is submitted, concur in the filing's content and have authorized its filing.

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