

At Sidebar

HÉCTOR L. RAMOS-VEGA

The Porn Star Who Saved Our Client

OUR CLIENT CARLOS purchased several DVDs at a flea market during his last trip to Venezuela, a place to which he regularly travels to visit family and friends. On his way back home to New York, Carlos' travel arrangements included a stopover in San Juan, P.R. Carlos passed through customs, and a customs officer searched his carry-on backpack as part of a "routine" secondary inspection of travelers. The search revealed that Carlos was

in possession of several pornographic DVDs. One of the DVDs was titled "Little Lupe la Inocente, Que No Te Engañe Su Carita de Bebé" (Little Lupe the Innocent, Don't be Fooled by Her Baby Face), a pornographic movie that Carlos had purchased, among others, believing that it featured only adults. A customs officer, two Immigration and Customs Enforcement special agents, and subsequently two pediatricians found otherwise, however. They all opined that the actress in the movie was a minor. Carlos was arrested and federally charged with possession and transportation of child pornography.

In preparation for trial, one of the things that we did was to conduct research in an attempt to learn the identity of the actress in the video. Once identified, we hoped to find her whereabouts and contact her to see if she would (1) corroborate that she was older than 18 at the time she filmed the movie and (2) help us by testifying at the trial. Fortunately, determining her identity was not difficult. The movie seized from Carlos featured the Web site from which the different scenes in the DVD were taken: littlelupe.com. A simple Internet-based search soon revealed the real name of the actress, her date of birth, and other biographical information. Web sites like Wikipedia and Imdb contained information about the actress; she was a fairly well-known actress who had begun her career as a porn star in Spain but had recently relocated to the United States, where she continued working as a performer in adult films.

A few additional research efforts revealed that she had MySpace, Facebook, and Twitter accounts. An e-mail via MySpace was all it took for us to get in contact with Lupe. She corroborated that she was currently 23 years old and had been 19 at the time she made the movies for littlelupe.com. Simply, Lupe was

an adult who looked younger than her actual age.

When we spoke to her the first time, Lupe was very concerned that one of her fans might be at risk of being incarcerated for a minimum of five years and a maximum of 20. She immediately agreed to help. We told her that we needed her to testify at the trial and present documentation that proved her real age, and she did so. After the government presented its case in chief, which included the testimony of a pediatrician who testified that she was 100 percent sure that the actress depicted in the movie was underage, we called Lupe as our first witness. Lupe, who is 4 feet 10 inches tall and weighs 79 pounds, took the stand and told the members of the jury her real name, her date of birth, and her current age. She allowed us to introduce into evidence the documentation that corroborated her testimony. She also identified herself in the videos at issue and testified that she was 19 years old at the time she appeared in them. Following a recess requested by the government before cross-examination, the government moved to dismiss the charges against Carlos.

It was a happy moment for us—and certainly for Carlos and his family. We were all relieved that Carlos' ordeal was finally over, and he was a free man—all thanks to Lupe. Lupe may have thought that she helped Carlos sidestep a hefty jail sentence, but she did more than that. As a permanent resident of the United States, Carlos faced deportation proceedings if convicted. Moreover, even if allowed to remain in the United States, Carlos faced the harsh requirement of having to register as a sex offender—a label that would follow him wherever he went and had the potential of impeding his ability to pursue further education, employment, housing, and so forth. Carlos also faced a maximum term of supervised release for life. Therefore, Lupe undoubtedly saved Carlos from much more than a substantial prison sentence. Her kindness and willingness to help will not soon be forgotten.

Thank you, Madam Porn Star. **TFL**

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