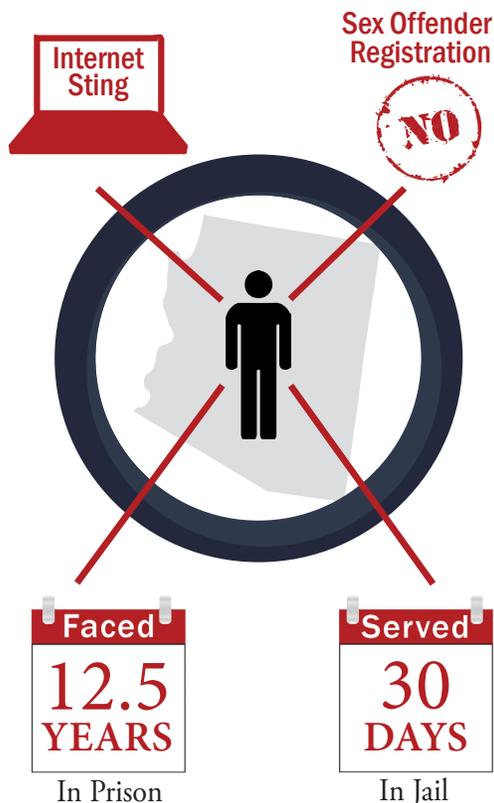


ARIZONA V. MICHAEL C. GILLILAND



Quick Facts



Case Summary

The following case, which took place in Phoenix, Arizona, highlights the challenges of enforcing commercial sexual exploitation of children (CSEC) laws against a defendant accused of attempting to buy sex with an older minor. On February 10, 2011, CEO and Founder of Sunflower Farmers Market Michael C. Gilliland was arrested on charges of child prostitution after he was caught in an

undercover sting operation conducted by the Phoenix Police Department. Gilliland allegedly responded to an Internet advertisement and proceeded to solicit an undercover female officer for commercial sex despite statements indicating she was 17 years old. After he arrived at the agreed upon meeting location and gave the undercover officer \$100.00 in exchange for sex, Gilliland was arrested. Charged with child prostitution, under state law, he faced a maximum of 12.5 years in prison for attempting to buy sex with a minor he knew was under 18. Without proof that he knew the decoy victim was under 18, he faced a much lower penalty under the same law. At the conclusion of his case, Gilliland pled to a pandering charge and was sentenced to 30 days in jail. At sentencing, the Class 6 felony, an undesignated felony charge, was converted to a misdemeanor.

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Investigation

On February 10, 2011, officers of the Phoenix Police Department Vice Enforcement Unit were working an undercover sting operation, which involved posting Internet advertisements for commercial sex with a minor. During the sting operation, female officers received calls from people responding to the advertisement. Michael C. Gilliland was identified as one of people calling in response to the advertisement. In her communications with Gilliland, the undercover officer asked Gilliland to bring her a pack of cigarettes because she was too young to buy them herself, indicating she was under 18 years old. After indicating again that she was 17 years old, they proceeded to arrange a meeting. When Gilliland arrived at the hotel where they arranged to meet, the undercover officer again indicated to Gilliland that she was 17 years old and he agreed to pay her \$100.00 for sex. After handing the officer the money, Gilliland was taken into custody by officers observing the transaction.

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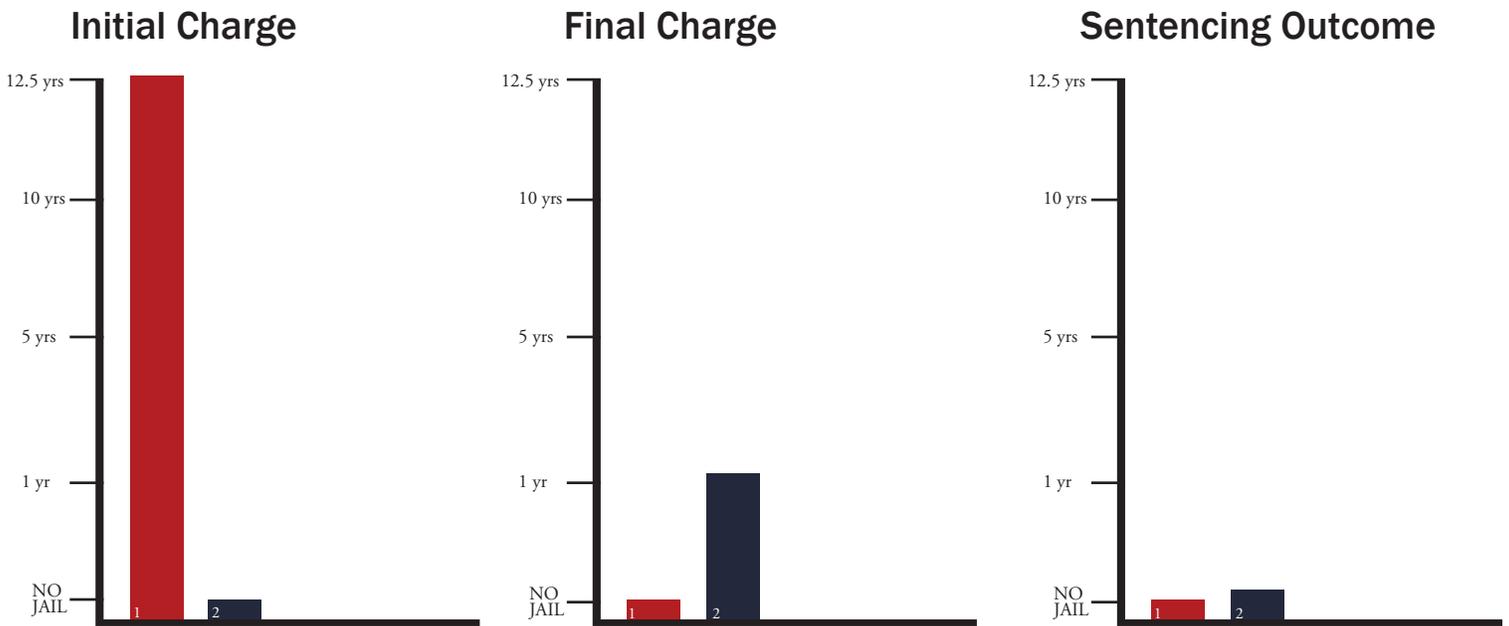
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Prosecution

Michael C. Gilliland was indicted by the Maricopa County Superior Court in February 2011 on charges of child prostitution, which is a Class 2 felony carrying a maximum penalty of 12.5 years in prison. The defendant was allowed pre-trial release due to his previously clean criminal record. The arrest and court case were widely publicized in the media and the defense moved for case's removal from the court's high profile list, which was denied. In addition, the defense moved for dismissal of the court's indictment based on the premise of outrageous government misconduct, stating that the sting operation arrest was the result of "government-manufactured criminal conduct," "over involvement in crime," and "artificial circumstances created by officers" geared towards obtaining a child sex felony charge. Gilliland ultimately pled guilty to attempted pandering, a Class 6 undesignated felony carrying a maximum penalty of 18 months in jail.

Outcomes

After pleading guilty to one count of attempted pandering, Michael C. Gilliland was sentenced to 30 days in jail (to be served in two 15-day periods), followed by one year of probation. The judge made this decision based on the defendant's lack of prior criminal convictions, his past philanthropy, a clear display of remorse and accountability following his arrest, and a low risk of reoffending. Gilliland's conviction did not require him to register as a sex offender, and the court converted the class 6 undesignated felony to a misdemeanor at sentencing.



| Charge Category and Color Key | Initial Charge/Max Penalty | Final Charge/Max Penalty | Sentencing Outcome |
|---|----------------------------|--------------------------|--------------------|
| 1 CSEC | 12.5 years | Pled to lesser charge | None |
| 2 Solicitation-Related (Pandering) | None | 18 months | 1 month |

