

# FIERRO V. TAYLOR



## Quick Facts



Sex Offender  
Registration



Maximum  
Penalty



Maximum  
Penalty

## Case Summary

The following case, which took place in Rockland County, New York, highlights how the inadequate enforcement of commercial sexual exploitation of children (CSEC) laws against a defendant accused of buying sex with a minor in a criminal proceeding was exacerbated by a civil proceeding that denied the victim the ability to seek civil damages under the Trafficking Victims Protection Act. On May 6, 2010, NFL Hall of Fame linebacker Lawrence Taylor was arrested on charges of patronizing a prostitute and third degree rape after he was apprehended by the Ramapo Police Department in his hotel room for paying 16 year old Christina Fierro \$300 for sex. According to facts presented in criminal and civil court records, Rasheed Davis, a now convicted trafficker, sent Fierro to Lawrence Taylor's suburban New York City Holiday Inn hotel room. Taylor said Fierro told him she was 19. Fierro initially refused to meet Taylor but she was physically assaulted by her trafficker until she agreed to go. Police became involved after Fierro sent text messages seeking help to a relative. Taylor was then arrested at a Holiday Inn in Suffern, New York. Taylor faced a maximum of 4 years for rape in the third degree. After pleading guilty to sexual misconduct and patronizing a prostitute, Taylor was required to register as a sex offender and serve six years' probation, but was not sentenced to any jail time.

**“Fierro initially refused to meet Taylor but she was physically assaulted by her trafficker until she agreed to go.”**

## Civil Complaint

On November 28th, 2011, Christina Fierro filed a civil complaint against Taylor. The complaint alleged that the 6'3" and 240 pound linebacker sexually assaulted Fierro, a slight teenage girl who had visible facial injuries from a beating she had just suffered at the hands of the man whom Taylor called to provide him with a girl for commercial sex. The complaint alleged that Fierro, shaken and crying, expressly told Taylor that she did not want to engage in sex and tried to push his enormous body off hers. She told Taylor that she had never been paid for sex before and that she did not wish to do so now. Fierro, visibly crying and with blood on her face from Davis' recent physical assault, was unable to resist Taylor's alleged sexual assault. According to the complaint, Taylor then gave her \$300 and she returned to her trafficker, Davis, who took the proceeds. The civil complaint sought to vindicate Fierro's civil rights and remedies under the Trafficking Victims Protection Act (TVPA), a Rockland County law prohibiting gender-motivated violence, and state common law claims for assault and battery.

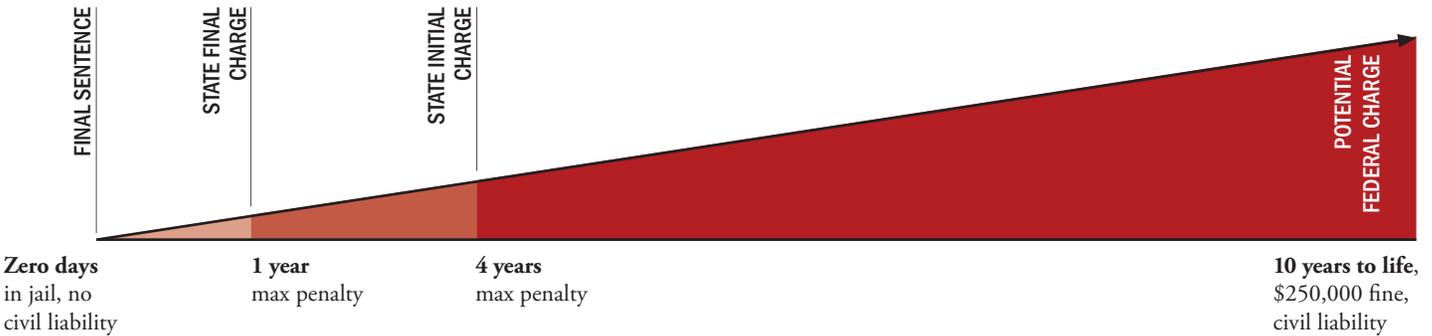
# Motion to Dismiss and Trial

In response to Fierro’s civil complaint, Taylor filed a motion to dismiss all claims, including the civil claim brought under the TVPA. Taylor’s motion claimed that he was not involved in a venture that engaged in sex trafficking and therefore the TVPA could not apply to him for purchasing sex with the minor girl. The threshold question for applicability of the TVPA claim to Taylor depended on whether Taylor obtained Fierro for a commercial sex act. Fierro argued that the plain language of the TVPA applied to Taylor as a buyer because he obtained her, or “gained possession of” her, for commercial sex. The Court granted Taylor’s motion to dismiss, finding that the TVPA did not apply to Taylor because he is not part of the targeted class of individuals whom Congress intended to punish, such as traffickers and smugglers. Fierro’s TVPA claim was dismissed and the case proceeded to trial on the state law claim for gender-motivated violence and the state common law claims for assault and battery. During trial proceedings, Taylor relied on Fierro’s own grand jury testimony in which she referred to Taylor as a “client” to discredit her by attempting to portray her as a prostitute rather than a minor victim. “I didn’t know what to call him,” Fierro responded during her testimony. The jury in the U.S. District Court in Manhattan deliberated for about an hour before siding with Taylor and dismissing the state law and common law claims.

“Fierro argued that the plain language of the TVPA applied to Taylor as a buyer because he obtained her, or ‘gained possession of’ her, for commercial sex.”

## Outcomes

On January 17, 2013, the Eighth Circuit ruled in *United States v. Jungers* that the TVPA applies to the criminal conduct of buyers of sex with children, thereby establishing appellate precedent for prosecuting buyers of sex with minors under the federal sex trafficking law, the argument that the court in *Fierro v. Taylor* had rejected. If Taylor had been prosecuted and convicted under the federal sex trafficking law, he could have faced 10 years to life in prison. However, this ruling came too late for justice for Fierro, and the final outcomes for Taylor were merely probation and avoidance of any civil penalties.



Charge Category	Max Penalty under initial STATE charges	Max Penalty under final STATE charges	Potential Penalty under FEDERAL law	Criminal Sentencing Outcome
Sex Trafficking			Life	
CSEC			Life	
Sex Offense	4 Years	1 Year		0 Years (probation=6 yrs)
Prostitution Solicitation	1 Year	1 Year		0 Years (probation=6 yrs)