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**IN THE SECOND DISTRICT COURT IN AND FOR DAVIS COUNTY,
FARMINGTON, STATE OF UTAH**

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| STATE OF UTAH, Plaintiff, -vs- TODD JEREMY RETTENBERGER DOB 07/01/1978 aka JEREMY RETTENBERGER aka TODD RETTENBERGER Defendant. | CUSTODY STATUS: UTAH STATE PRISON INFORMATION Utah Attorney General Case No. 2016-159 Case No. _____ <u>NON-ECR</u> |
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The undersigned states upon information and belief that the above-listed defendant committed the following criminal offenses:

COUNT I
PATTERN OF UNLAWFUL ACTIVITY
(SECOND DEGREE FELONY)

On or about and between January 10, 2016, through February 12, 2016, beginning in the State of Utah and continuing in the State of Oregon, in violation of Title 76, Chapter 10, Section 1603, Utah Code Annotated, the defendant:

- (1) did receive proceeds derived, whether directly or indirectly, from a pattern of unlawful activity in which he participated as a principal, and did use or invest, directly or indirectly, any part of that income, or the proceeds of the income, in the establishment or operation of any enterprise; and/or
- (2) through a pattern of unlawful activity, did acquire or maintain, directly or indirectly, any interest in or control of any enterprise; and/or
- (3) while associated with any enterprise, did conduct or participate, whether directly or indirectly, in the conduct of that enterprise's affairs through a pattern of unlawful activity; and/or
- (4) did conspire to violate any of the above provisions; and

the unlawful activity included three or more violations, whether charged or uncharged, of Human Trafficking, U.C.A. 76-5-308, Aggravated Exploitation of Prostitution, U.C.A. 76-10-1306, Exploiting Prostitution, U.C.A. 76-10-1305, Aiding Prostitution, U.C.A. 76-10-1304, Obstruction of Justice, U.C.A. 76-8-306, and/or Tampering with a Witness, U.C.A. 76-8-508, which episodes were not isolated, but were similar in purpose, results, participants, victims, or methods of commission, or otherwise were interrelated by distinguishing characteristics, to wit:

Defendant recruited Victim 1 and Victim 2 into an illegal prostitution operation that he substantially controlled. The prostitution operation involved several separate but related incidents wherein Victim 1 and Victim 2 worked as prostitutes for the defendant, including but not limited to incidents at the Plaza, Royal Garden, Little America, and Ramada Hotels in Salt Lake City during January and February, 2016; an incident at a car wash in Bountiful during the second week of January, 2016; and incidents at the Crossland Hotel in Springfield, Oregon, during early February, 2016. The defendant acquired and kept nearly all of the proceeds from the prostitution operation. The defendant reinvested those proceeds into the operation by spending the money on drugs he used to keep Victim 1 and Victim 2 in his service. The defendant also kept Victim 1 and Victim 2 in his service through direct and indirect threats of harm against them and/or their family members, and he prevented them from reporting the operation to police through those same methods.

COUNT II
HUMAN TRAFFICKING FOR FORCED SEXUAL EXPLOITATION
(SECOND DEGREE FELONY)
(Victim 1)

On or about and between February 1, 2016, through February 12, 2016, beginning in the State of Utah and continuing in the State of Oregon, the defendant, did commit Human Trafficking for Forced Sexual Exploitation, in violation of Title 76, Chapter 5, Section 308, Utah

Code Annotated, wherein the defendant TODD RETTENBERGER recruited, harbored, transported, or obtained a person through the use of force, fraud, or coercion by means of (a) threatening serious harm to, or physical restraint against, that person or a third person; and/or (e) using a condition of servitude by means of any scheme, plan, or pattern intended to cause a person to believe that if the person did not enter into or continue in a condition of servitude, that person or a third person would suffer serious harm or physical restraint, or would be threatened with abuse of legal process, to wit: the defendant recruited, harbored, transported, or obtained Victim 1 into forced sexual exploitation, through force, fraud, or coercion by making express and implied threats of serious harm, physical restraint, and abuse of legal process against Victim 1 and her family.

COUNT III
AGGRAVATED EXPLOITATION OF PROSTITUTION
(SECOND DEGREE FELONY)
(Victim 1)

On or about and between February 1, 2016, through February 12, 2016, beginning in the State of Utah and continuing in the State of Oregon, the defendant, did commit Aggravated Exploitation of Prostitution, in violation of Title 76, Chapter 10, Section 1306, Utah Code Annotated, wherein the defendant TODD RETTENBERGER did exploit prostitution, in that he did encourage, induce, or otherwise purposely cause another to become or remain a prostitute; did transport a person into or within this state with a purpose to promote that person's engaging in prostitution or procuring or paying for transportation with that purpose; did share the proceeds of prostitution with a prostitute pursuant to an understanding that he is to share therein; or did own, control, manage, supervise, or otherwise keep, alone or in association with another, a house of prostitution or a prostitution business; and in committing one of these acts of exploiting prostitution, he did use any force, threat or fear against any person, or in the course of committing exploitation of prostitution, he did commit Human Trafficking as alleged in Count II, to wit: the defendant encouraged, induced, or otherwise purposely caused Victim 1 to enter into prostitution, transported her within and outside of the state for that purpose, kept most of the proceeds of the prostitution operation, and owned, controlled, managed, or supervised that prostitution operation, all while using force, threats, or fear against Victim 1 and her family to keep her in his service as a prostitute.

COUNT IV
HUMAN TRAFFICKING FOR FORCED SEXUAL EXPLOITATION
(SECOND DEGREE FELONY)
(Victim 2)

On or about and between January 10, 2016, through February 5, 2016, in the State of Utah, the defendant, did commit Human Trafficking for Forced Sexual Exploitation, in violation of Title 76, Chapter 5, Section 308, Utah Code Annotated, wherein the defendant TODD RETTENBERGER recruited, harbored, transported, or obtained a person through the use of force, fraud, or coercion by means of (a) threatening serious harm to, or physical restraint

against, that person or a third person; and/or (e) using a condition of servitude by means of any scheme, plan, or pattern intended to cause a person to believe that if the person did not enter into or continue in a condition of servitude, that person or a third person would suffer serious harm or physical restraint, or would be threatened with abuse of legal process, to wit: the defendant recruited, harbored, transported, or obtained Victim 2 into forced sexual exploitation, through force, fraud, or coercion by making express and implied threats of serious harm, physical restraint, and abuse of legal process against Victim 2.

COUNT V
AGGRAVATED EXPLOITATION OF PROSTITUTION
(SECOND DEGREE FELONY)
(Victim 2)

On or about and between January 10, 2016, through February 5, 2016, in the State of Utah, the defendant, did commit Aggravated Exploitation of Prostitution, in violation of Title 76, Chapter 10, Section 1306, Utah Code Annotated, wherein the defendant TODD RETTENBERGER did exploit prostitution, in that he did encourage, induce, or otherwise purposely cause another to become or remain a prostitute; did transport a person into or within this state with a purpose to promote that person's engaging in prostitution or procuring or paying for transportation with that purpose; did share the proceeds of prostitution with a prostitute pursuant to an understanding that he is to share therein; or did own, control, manage, supervise, or otherwise keep, alone or in association with another, a house of prostitution or a prostitution business; and in committing one of these acts of exploiting prostitution, he did use any force, threat, or fear against any person, or in the course of committing exploitation of prostitution, he did commit Human Trafficking as alleged in Count IV, to wit: the defendant encouraged, induced, or otherwise purposely caused Victim 2 to enter into prostitution, transported her within the state for that purpose, kept most of the proceeds of the prostitution operation, and owned, controlled, managed, or supervised that prostitution operation, all while using force, threats, or fear against Victim 2 to keep her in his service as a prostitute.

COUNT VI
OBSTRUCTION OF JUSTICE
(THIRD DEGREE FELONY)
(Victim 1)

Continuing from February 1, 2016, through February 12, 2016, beginning in the State of Utah and continuing in the State of Oregon, the defendant, did commit Obstruction of Justice, in violation of Title 76, Chapter 8, Section 306, Utah Code Annotated, wherein the defendant TODD RETTENBERGER, with the intent to hinder, delay, or prevent the investigation, apprehension prosecution, conviction, or punishment of any person regarding the conduct that constitutes a criminal offense, did prevent by force, intimidation, or deception, any person from performing any act that might aid in the discovery, apprehension, prosecution, conviction, or punishment of any person, to wit: the defendant made implied and explicit threats against Victim

1 that she and/or her family would be harmed if she reported the prostitution operation to police or otherwise cooperated in any investigation of the defendant's prostitution exploitation scheme.

COUNT VII
TAMPERING WITH WITNESS
(THIRD DEGREE FELONY)
(Victim 2)

On or about February 5, 2016, in the State of Utah, the defendant, did commit Tampering with a Witness, in violation of Title 76, Chapter 8, Section 508, Utah Code Annotated, wherein the defendant TODD RETTENBERGER, believing that an official proceeding or investigation is pending or about to be instituted, or with the intent to prevent an official proceeding or investigation, did attempt to induce or otherwise cause another person to: testify or inform falsely, or to withhold any testimony, information, document, or other item, to wit: when Victim 2 was being arrested for prostitution, the defendant communicated to her that she should destroy evidence on her cell phone and tell police that she did not know him.

PROBABLE CAUSE STATEMENT

This INFORMATION is based upon evidence from Attorney General SECURE Strike Force report no. 2016-159, Bountiful Police Department report no. 2016-000499, and the following witness statements:

Special Agent Mick Spilker (SA Spilker) of the SECURE Strike Force, Office of the Attorney General, received reports from Detective Aric Barker with the Bountiful Police Department. On February 10, 2016, as part of an ongoing investigation, Detective Barker was searching for the defendant, TODD RETTENBERGER. Detective Barker received information that RETTENBERGER may be staying with Victim 1. Detective Barker searched for Victim 1 at her last known address and spoke with Victim 1's mother. Mother of Victim 1 reported that Victim 1 had been staying with her in her home, but that when Mother came home on February 5, 2016, she noticed Victim 1 and all of her belongings were missing. Mother put Detective Barker in touch with Grandmother of Victim 1, who was the last person to have heard from Victim 1. Grandmother reported that she had recently received a text message from Victim 1 that sounded like a call for help. Grandmother said Victim 1 told her she was currently in Oregon and needed money to get home as soon as possible. Grandmother said she had sent Victim 1 money for a Greyhound Bus ticket and that Victim 1 was expected home on February 12, 2016.

Grandmother also reported an incident that occurred a few days prior to when Victim 1 had gone missing. Victim 1 was staying with her grandparents when two men had shown up at their house looking for Victim 1. Grandfather of Victim 1 confronted the men and took down the license plate number of the vehicle they were driving. In a subsequent interview, Grandfather and Grandmother stated that Victim 1 was extremely concerned that her grandparents had intervened with these men and expressed fear for their safety. Detective Barker confirmed the license plate number belonged to a vehicle registered to the defendant.

After Victim 1 returned home from Oregon, Detective Barker, along with agents from the SECURE Strike Force, conducted interviews with Victim 1 and her family members about Victim 1's activities with the defendant.

Victim 1 stated that the defendant was "pimp" and that she had been working as a prostitute for him. Victim 1 said she worked as a prostitute for the defendant on two occasions at the Ramada on 2455 South in Salt Lake City in early February, 2016. Then on or about February 5, 2016, the defendant drove her to Oregon, where she worked as a prostitute for four nights at the Crossland Hotel in Springfield, Oregon. Victim 1 stated that the defendant substantially managed these prostitution operations. The defendant would give Victim 1 the exact amount of money to pay for a hotel room but would tell her to put it in her name. The defendant would put advertisements up on backpage.com using Victim 1's picture in order to get her clients. The defendant would sit outside of the hotels when Victim 1 was prostituting and asked her to text him to confirm that she had received payment from the "johns." Victim 1 stated the defendant kept all of the proceeds from the prostitution operation, other than one occasion where he let her keep less than \$100 for herself.

Victim 1 stated the defendant taught her "the rules of the game," including what to do if she was caught. The defendant told her that if she was caught prostituting, she should "take the charge" and not reveal information about him.

Victim 1 stated she began working for the defendant because she was a heroin addict and the defendant would provide her with drugs. After she began working for the defendant, however, she felt that he owned her and that if she didn't do what he said, she would get in trouble. Victim 1 stated she often wanted to quit working as a prostitute but the defendant used various tactics to keep her working. If she wanted to leave, he would remind her that she needed heroin and working for him was the only way to get it. But after she received heroin, she "owed" the defendant, and she had to work for what she owed him or she would get hurt. The defendant would grab Victim 1's phone to make sure she was working. If he did not see her sending messages to potential clients, he would start messaging them for her and telling her to get out there and do it.

Victim 1 stated the defendant hurt her physically or threatened to hurt her on several occasions. The defendant would often put his hands around Victim 1's neck to signify that "he's the boss." Victim 1 stated that if she did not do what he said, he would "get in her face" or grab her and ask "what are you saying, bitch?" Victim 1 stated the defendant would say things like he will "shoot a motherfucker" if someone crosses him.

Victim 1 felt that she did not have a choice when the defendant picked her up at her mother's house to drive her to Oregon. The defendant enticed her to travel by saying he was taking the heroin with him and she needed to come if she wanted it. She was afraid of what might happen to her during the trip, so she left a full cup of laundry detergent out on the washer to signal to her mother that she had left abruptly.

Victim 1 reported the defendant's violence escalated during the trip to Oregon. When they first got to Oregon and the defendant saw Victim 1 talking to another pimp, he grabbed her and threw her into a room. On her last night working as a prostitute in Oregon, Victim 1 texted and phoned her grandmother for help. When the defendant learned she had done this, he pushed her against a wall and told her she would have to work off what he was going to lose if she left. Victim 1 said she worked again as a prostitute that night because she was scared of what would happen if she did not. Victim 1 also recalled the defendant told her "I better not find out you said anything to the cops, bitch. I know where you live, bitch."

Victim 1 told Detective Barker that Victim 2 had also been working as a prostitute for the defendant. Detective Barker interviewed Victim 2 about her experiences with the defendant.

Victim 2 confirmed that the defendant was a "pimp" and that she had worked for him as a prostitute from mid-January through February 5, 2016, when she was arrested. Victim 2 stated she met the defendant when they were both working at Arctic Circle in Bountiful, Utah. The defendant recruited her into his service.

Victim 2 worked as a prostitute for the defendant during several different incidents at the Plaza, Royal Garden, Little America, and Ramada Hotels in Salt Lake City during January and February, 2016. She also recalled an incident where she had "turned a trick" in a vehicle at a car wash in Bountiful across the street from the Arctic Circle during the second week of January, 2016. The vehicle used in that incident belonged to the defendant, and he sat in the driver's seat during the incident. Victim 2 reported that the defendant kept all of the money made during all of these incidents.

Victim 2 also confirmed that the defendant managed her prostitution work. The defendant would provide money for hotel rooms that he told Victim 2 to book in her name. The defendant would post advertisements to backpage.com and put pictures of Victim 2 in those advertisements. The defendant would sit outside of the hotels when Victim 2 was prostituting and asked her to text him to confirm that she had received payment from the "johns."

Victim 2 stated she was afraid of the defendant. Victim 2 stated the defendant had a scary background and she knew that he did not like to be told "no." Victim 2 stated the defendant created a sense of fear in her by making her aware of his willingness to use violence if he did not get his way. Victim 2 recalled the defendant made reference to an incident with a hotel clerk, who Victim 2 believed the defendant had killed. Victim 2 understood the defendant to mean that if she crossed him, she would be killed like the hotel clerk.

Victim 2 also reported that if she did not work as a prostitute for the defendant, he would "take it out" on her through violent sex acts. Victim 2 said if she did not perform "a trick" the defendant would show her what she should've done with the "john" during sex. Victim 2 stated these sex acts were extremely rough and disturbing. The defendant would choke her during sex and force her into various positions that he said she should have used with the "johns."

Victim 2 was arrested for prostitution on February 5, 2016. When the defendant heard she was being arrested, he asked her to delete her phone and tell police nothing about him.

Agent Scott Eggermen (SA Eggerman), with the SECURE Strike Force, Utah Attorney General's Office, was able to locate several of the advertisements the defendant used to find clients for his prostitution operations. SA Eggerman located advertisements posted on backpage.com featuring photographs of Victim 1 and Victim 2 in provocative poses. Victim 1 was featured in advertisements posted on February 5, 2016 and February 10, 2016. Both of Victim 1's advertisements were posted on the Eugene, Oregon, and Salt Lake City, Utah, area pages. Victim 2 was featured in advertisements posted on January 10, 2016, January 11, 2016, January 28, 2016, and February 3, 2016. All of Victim 2's advertisements were posted only on the Salt Lake City, Utah, area pages.

SA Spilker sought and obtained a warrant to search the defendant's phone. The phone contained numerous photographs of both Victim 2 and Victim 1 in sexual poses. One photograph depicts the defendant holding cash in front of a woman who is bent over. The caption on the photo reads "cash from her ass, ya dig." Victim 1 confirmed in an interview with police that she is the woman in that photograph. The phone also contained photographs depicting iconography of "pimping" and the "pimp" lifestyle. One photo appeared to be of a book entitled "Pimping for Dummies." There was also a photograph of an open jail cell with the caption "If nobody talks, everybody walks."

Request that Defendant's Right to Bail be DENIED

Pursuant to Utah Code Annotated § 77-20-1, the State is asking that the defendant's right to bail be denied due to:

- (1) The defendant committed these new felony offenses while on parole for Attempted Aggravated Exploitation of a Prostitute and Attempted Money Laundering, both felony offenses;
- (2) The defendant was released from custody on November 10, 2015, and this new pattern of conduct began shortly thereafter;
- (3) There is substantial evidence to support these charges based on the similarity of the defendant's conduct as described by two independent victim-witnesses;
- (4) The defendant also violated the terms of his parole in the prior case by failing to report and leaving the state;
- (5) The defendant constitutes a substantial danger to the victims, their families, and the community based on the nature of the offenses for which he is charged;
- (6) The defendant's attempt to unlawfully influence the victims in this case by committing Witness Tampering and Obstruction of Justice shows that he will likely attempt to interfere with these legal proceedings if released;
- (7) The defendant has ties to Oregon and fled there while on parole for his prior offense; and
- (8) Victim 1 reported that the defendant told her his specific plans to flee the country if caught by police.

For these reasons, the defendant poses a substantial flight risk and a risk of danger to the community and should not be granted release.

Pursuant to Utah Code Annotated § 78B-5-705 (2008) I declare under criminal penalty of the State of Utah that the foregoing is true and correct to the best of my belief and knowledge.

Executed on: 21st day of April 2016

/s/ Mick Spilker
Mick Spilker
Declarant

Authorized for presentment and filing:
SEAN D. REYES, Utah Attorney General

/s/ Daniel R. Strong
DANIEL R. STRONG
Assistant Utah Attorney General
This 21st day of April, 2016
AG Case No. 2016-159