

CHRIS MCCONNELL
MICHAEL GEE
Assistant Attorneys General
Special Deputy Yellowstone County Attorneys
P.O. Box 201401
Helena, MT 59620-1401
Telephone: (406) 444-2026
cmccconnell2@mt.gov
michael.gee@mt.gov

COUNSEL FOR STATE

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY

<p>STATE OF MONTANA, Plaintiff, v. LAVODRICK TERELLE HOGUES, Defendant.</p>	<p>Cause No. DC-56-2016-0000057-IN Judge: Donald L. Harris FIRST AMENDED INFORMATION</p>
---	---

Michael J. Gee, Assistant Attorney General and Special Deputy Yellowstone County Attorney, moves this Court for leave to file a First Amended Information charging the Defendant, LAVODRICK TERELLE HOGUES, born in 1986, with the following criminal offense, committed in Yellowstone County, Montana:

Count 1: Aggravated Promotion of Prostitution, a felony, as specified in Mont. Code Ann. §§ 45-5-603(1)(b) & -602(a), or (c) (2015): On, about, or between December 1, 2015 and December 22, 2015, the Defendant did purposely and knowingly promote the prostitution of Jane Doe, who at the time was a child of 17 years of age in that he owned, controlled, managed, supervised, or otherwise kept, alone or in association with others, a prostitution business; or encouraged, induced, or otherwise purposely caused Jane Doe to remain a prostitute. Specifically, the Defendant was in constant contact with Jane Doe and Phylcia Zubia, who admitted to law enforcement in Billings they were prostitutes who were receiving money in exchange for sex. The Defendant's contacts revealed several text messages to Zubia surrounding aspects of the prostitution business including how much money Zubia and

Jane Doe were making, exchanging log in information of various bank cards to access those funds, and information about how many patrons the girls were having on a given day. Additionally, text messages revealed the Defendant encouraged, induced, or otherwise caused Jane Doe to become or remain being a prostitute.

Possible penalty: Except as provided in subsection (2)(b), a person convicted of aggravated promotion of prostitution shall be punished by:

- (i) life imprisonment; or
- (ii) imprisonment in a state prison for a term not to exceed 20 years or a fine in an amount not to exceed \$50,000, or both.

(2)(b)(i) Except as provided in 46-18-219 and 46-18-222, if the person engaging in prostitution was a child and the patron was 18 years of age or older at the time of the offense, the patron offender:

(A) shall be punished by imprisonment in a state prison for a term of 100 years. The court may not suspend execution or defer imposition of the first 25 years of a sentence of imprisonment imposed under this subsection (2)(b)(i)(A) except as provided in 46-18-222, and during the first 25 years of imprisonment, the offender is not eligible for parole. ¹

(B) may be fined an amount not to exceed \$50,000; and

(C) shall be ordered to enroll in and successfully complete the educational phase and the cognitive and behavioral phase of a sexual offender treatment program provided or approved by the department of corrections.

(ii) If the offender is released after the mandatory minimum period of imprisonment, the offender is subject to supervision by the department of corrections for the remainder of the offender's life and shall participate in the program for continuous, satellite-based monitoring provided for in 46-23-1010.

¹The State asserts this section applies to Defendant's conduct. However, the State submits the plain language of this penalty section may create an argument for the Defendant that this section is inapplicable to him.

A list of the possible witnesses for the State now known to the prosecution is as follows:

1. Gary Seder, Montana Division of Criminal Investigations;
2. Jeremy Waldo, Montana Division of Criminal Investigations;
3. Earl Campbell, Billings Police Department;
4. Representatives from Money Gram, Inc.;
5. Brander Walter, Federal Bureau of Investigations;
6. Jane Doe;
7. Phylicia Zubia;
8. Yellowstone County Detention Facility Personnel, Billings, MT; and
9. Any other witness identified or disclosed in discovery.

Dated this 9th day of February, 2021.

CHRIS MCCONNELL
MICHAEL J. GEE
Assistant Attorneys General
Special Deputy County Attorneys
for Yellowstone County

By: /s/ Michael J. Gee
MICHAEL J. GEE

CHRIS MCCONNELL
MICHAEL J. GEE
Assistant Attorneys General
Special Deputy Yellowstone County Attorneys
P.O. Box 201401
Helena, MT 59620-1401
Telephone: (406) 444-2026
cmcconnell2@mt.gov
michael.gee@mt.gov

COUNSEL FOR STATE

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY

STATE OF MONTANA, Plaintiff, v. LAVODRICK TERELLE HOGUES, Defendant.	Cause No. DC-56-2016-0000057-IN Judge: Donald L. Harris STATE'S MOTION FOR LEAVE TO FILE FIRST AMENDED INFORMATION AND SUPPORTING AFFIDAVIT
--	--

STATE OF MONTANA)
):ss.
County of Lewis & Clark)

Michael J. Gee, Assistant Attorney General and Special Deputy Yellowstone County Attorney, moves the Court for leave to file a First Amended Information charging the Defendant, LAVODRICK TERELLE HOGUES, born in 1986, with the following criminal offense, committed in Yellowstone County, Montana:

Count 1: Aggravated Promotion of Prostitution, a felony,
as specified in Mont. Code Ann. § 45-5-603(1)(b).

Michael J. Gee, after first being sworn upon oath, deposes and says, based on information and belief, that investigative information developed and provided to him by Agent Gary Seder (Agent Seder) of the Montana Department of Criminal Investigation (DCI), demonstrates probable cause to believe that the Defendant has committed the above-referenced offense. Your affiant only includes sufficient facts to establish probable cause.

1. On December 22, 2015, Agent Seder, acting in an undercover capacity in Billings, MT, found a posting in the “adult escort” section of www.backpage.com advertising the availability of two girls. Agent Seder called the number listed and a female answered. The female advised that Agent Seder could come to them and it would be \$400 for one hour or \$300 for one half an hour.

2. Agent Seder followed the female’s directions and eventually met her on the first floor of the Howard Johnson Hotel in Billings. After making contact with the female where she said she would be, Agent Seder confirmed it was the female he had been speaking with on the phone. She then led him to a room on the second floor.

3. Upon entering the room, Agent Seder observed a second female sitting on a bed near the window. The female had on only a black button-up shirt and see-through black leggings. At this time Agent Seder informed the females he was a police officer.

4. Agent Seder interviewed the first female and identified her as Phylicia Zubia (Zubia), born in 1994. Agent Seder interviewed the second female and identified her as being a minor—referred to hereinafter as “Jane Doe,” born in 1997. Jane Doe was 17 years of age at the time of these events.

5. Zubia told agent Seder that she had met Jane Doe approximately three weeks prior in New Mexico. Zubia stated that she told Jane Doe what Zubia does for a living and that Jane Doe wanted to try it. Zubia stated that she invited Jane Doe to join her on a trip to Texas and that Zubia would protect her. Zubia and Jane Doe then travelled to Odessa, Texas, where Zubia says they worked as prostitutes. Zubia said they then travelled to Bismarck, North Dakota, Dickenson, North Dakota, and eventually Billings, Montana. Zubia claimed that the prostitution was her business and that she handled the money, the calls, and the advertisements. She described various

sex acts that she had arranged for herself and Jane Doe to perform on men in these various locations, and which they did perform.

6. Agent Seder interviewed Jane Doe. Jane Doe generally confirmed Zubia's story, describing the approximate numbers of clients they provided sex to in exchange for money in the various locations, including six to eight men in Billings.

7. Zubia was subsequently placed under arrest, charged, and convicted of felony Promotion of Prostitution. *See State v. Phylcia Zubia*, Montana Thirteenth Judicial District Court, Yellowstone County, Cause No. DC 16-10. Jane Doe was also arrested on unrelated juvenile warrants out of New Mexico and has been extradited back to New Mexico.

8. On December 28, 2015, Agent Seder obtained recordings of phone calls that Zubia had been making from the Yellowstone County Detention Center to a male she referred to as "Daddy." After listening to subsequent calls, Agent Seder suspected that "Daddy" was a known associate of Zubia's named Lavodrick Hogues (Hogues).

9. Agent Seder obtained a criminal history of Hogues, which included a photograph. Agent Seder confirmed that Hogues was the person that Zubia was speaking with and referring to as "Daddy" by matching his photo with the recorded video call from the Yellowstone County Jail.

10. Agent Seder also found a number of texts on Zubia's cell phone to and from a person she refers to as "Daddy." "Daddy" was using a number of different phone numbers, including 786-693-0594. Agent Seder checked the phone records at the Yellowstone County Detention Center and found that Zubia had made a number of calls to 786-693-0594, starting on December 23, 2015. Agent Seder listened to audio recordings of the calls and confirmed that this was Hogues, both by the sound of his voice and the consistent narrative and subject matter of the various other calls, including the video calls.

11. Agent Seder also spoke with Zubia about Hogues and she confirmed that she knew him, but insisted he was her fiancé. When Agent Seder noted that Hogues was married, Zubia insisted he was planning on leaving his wife to marry Zubia. Agent Seder noted that this topic was discussed on the various recorded phone calls at the YCDC between Zubia and “Daddy.”

12. Agent Seder noted that on text messages sent back and forth between Zubia and Hogues, Zubia constantly reported her location, activities, patrons, and how much money she and Jane Doe were making and how much they were spending. Zubia texted photos of herself and Jane Doe to Hogues and he replied that they looked “stunning” and were going to “take the world by storm.” Hogues made comments to the effect that they “better get to making some money.” He also instructed her to delete the text messages. In addition, Zubia appears to ask permission from Hogues for such things as when they (she and Jane Doe) can take breaks, eat dinner, or spend money. Hogues repeatedly encourages Zubia to go make money, and requests updates on their whereabouts and prostitution activities. Zubia kept Hogues informed when they had a patron coming to their room, when they were done, and how much money was received. Additional text exchanges revealed Hogues declaring he was the “pimp.”

13. Agent Seder seized several items of evidence related to the financial aspect of the alleged prostitution. Walmart Go Cards (debit cards maintained by Walmart which allow easy transfer of cash) and Money Gram transactions (wire transaction service similar to Western Union) were seized and analyzed. That analysis revealed money was sent back and forth between Zubia and Hogues. Text messages also revealed Zubia and Hogues exchanged log in information for the Walmart Go Cards, and discussed amounts being loaded on the cards and taken off the cards. In some instances, as noted above, after Zubia loaded the Walmart Go Card from

what is believed to be proceeds of the alleged prostitution, she inquires how much money is left on the card, and asks permission to use it. According to both Zubia and Jane Doe, the cash money each of them made from prostitution would consistently be deposited onto the Walmart Go Card(s).

14. Agent Seder also reviewed the various recorded jail calls between Zubia and Hogues. The calls are voluminous and only a few points are included here. Hogues states at various times that if it looks like Zubia will be in too much trouble due to the charges, he will take responsibility for them. At other times, he discusses whether he should stay where he is, or whether he should "take off" and change his phone numbers.

CONCLUSION

15. Based on these facts, the affiant believes probable cause exists to charge the Defendant, Lavodrick Hogues, with the charged offense. Accordingly, the affiant moves this Court for leave to file the requested First Amended Information.

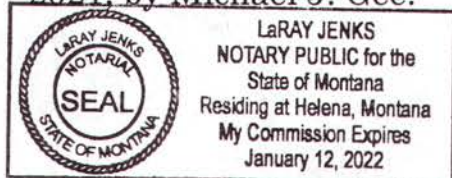
Dated this 9th day of February, 2021.

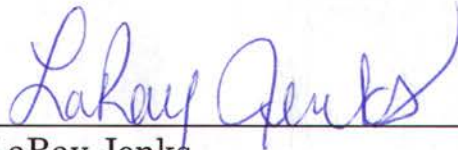
CHRIS MCCONNELL
MICHAEL J. GEE
Assistant Attorneys General
Special Deputy County Attorneys
for Yellowstone County

By: 

MICHAEL J. GEE

SUBSCRIBED AND SWORN TO before me this 9th day of February, 2021, by Michael J. Gee.





LaRay Jenks