

[PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

---

No. 19-14969

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

*versus*

JASON GATLIN,

Defendant-Appellant.

---

Appeals from the United States District Court  
for the Southern District of Florida  
D.C. Docket No. 1:19-cr-20163-RS-1

---

---

2

Opinion of the Court

19-14969

No. 20-14149

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

*versus*

JASON GATLIN,

Defendants-Appellants.

---

Appeals from the United States District Court  
for the Southern District of Florida  
D.C. Docket No. 1:19-cr-20163-RS-1

---

Before JORDAN, LUCK, and LAGOA, Circuit Judges.

LAGOA, Circuit Judge:

Jason Gatlin appeals his convictions and sentences for sex trafficking of a minor, production of child pornography, and witness tampering. On appeal, Gatlin raises several arguments in challenging his convictions and sentences. After careful review, and with the benefit of oral argument, we affirm Gatlin's convictions and sentences as to Counts 1 and 2 but reverse his conviction and

19-14969

Opinion of the Court

3

sentence as to Count 3. We also affirm the district court's restitution order.

## I. FACTUAL AND PROCEDURAL BACKGROUND

### A. Gatlin's Relationship with and Trafficking of E.H.

E.H.<sup>1</sup> ran away from home when she was sixteen years old. She began using drugs, starting with marijuana and escalating to MDMA. According to E.H., she was unable to get a job, so she traded sex for money and drugs.

In October 2018, J.C., E.H.'s friend at the time, introduced E.H. to Gatlin. Gatlin and E.H. first interacted by talking on the phone and eventually began a sexual relationship. When they first met in person, Gatlin picked up E.H. and took her to a hotel in Florida City, where he paid her about \$40 and gave her some drugs in exchange for sex. When E.H. first met Gatlin, she told him that she was seventeen years old.

Subsequently, the two stayed in contact, and E.H. believed that they were in a romantic relationship. E.H. began saying that she was eighteen years old, despite being seventeen years old, because she wanted to protect their relationship. Gatlin and E.H. took at least two trips to Key West, where they stayed together in a house that Gatlin was working on. Throughout this relationship, Gatlin took at least one photograph of them having sex.

---

<sup>1</sup> The names of the minors in this case have been omitted to preserve their anonymity.

During this time, Gatlin became E.H.'s de facto pimp. Gatlin told at least one customer that he was E.H.'s "manager." Gatlin booked hotel rooms for E.H. so that she could engage in sex with customers. He also paid for E.H.'s food, supplied her with MDMA, drove her to the Florida Keys where she would prostitute herself, and allowed her to stay in the house that he was working on there. Additionally, Gatlin coached E.H. to charge more money in the Florida Keys than in Miami given the high presence of tourists and taught her sexual "tricks" so that she could continue to engage in prostitution. In return, Gatlin expected a cut of E.H.'s earnings.

The relationship between Gatlin and E.H. soured quickly. Gatlin became angry that E.H. was having sex with other men. Similarly, E.H. was irate to learn that Gatlin was having sex with other women.

Things came to a head on November 30, 2018. While the two were staying together in the Florida Keys, E.H. threatened to call the police on Gatlin. The situation became violent. As a result of her fight with Gatlin, E.H. suffered injuries to her nose and mouth. On the way back to Miami after their physical altercation, Gatlin threatened E.H. She became scared and asked Gatlin to pull over at a convenience store so that she could use the bathroom. Once inside, she locked herself in the bathroom and called the police. Gatlin then left her there.

Officers from the local sheriff's office responded to E.H.'s call, and after interviewing her, brought her to a hospital, where

19-14969

Opinion of the Court

5

she spoke with additional officers. Gatlin was arrested three days later.

### **B. Gatlin's Pretrial Tampering with E.H.**

Before trial, Gatlin made two attempts to tamper with E.H.'s testimony. First, in the period after E.H. spoke with law enforcement but prior to his arrest, Gatlin gave E.H. money and food and told her to recant her statements to the police.

Second, after he was arrested, Gatlin told his mother to convince E.H. to recant. In a prison call, Gatlin told his mother that he would "get out immediately" if E.H. said she was lying and that it would take "[o]ne thousand dollars," because "[p]eople will do all kinds of stuff for that." Gatlin's mother said that she understood and that she would "try and do the best [she] can to get [Gatlin] out of there." At the time, E.H. did not have permanent housing and was living with Gatlin's mother. In a later call, Gatlin told E.H. directly that all she had to do was go into court and change her statements in a sworn affidavit. Sometime later, Gatlin's mother drove E.H. to the public defender's office, where E.H. tried to recant her statements to Gatlin's public defender, who eventually relayed her recantation to the Federal Bureau of Investigation ("FBI"). E.H. continued living with Gatlin's mother following that encounter. At trial, E.H. said she tried to recant her statements because she "needed a place to stay."

### **C. Indictment and Trial**

A grand jury charged Gatlin via a superseding indictment with one count of sex trafficking of a minor, in violation of 18

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.