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JUL 7 2011

**UNITED STATES DISTRICT COURT
NORHTERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

JAMES N. HATTEN, Clerk
By: *Vicki Dougherty*
Deputy Clerk

PLAINTIFF A, PLAINTIFF B,)
PLAINTIFF C, and PLAINTIFF D)
)
) Plaintiffs,)
 v.)
)
 RICHARD WAYNE SCHAIR and)
 WET-A-LINE TOURS, LLC)
)
)
) Defendants.)
_____)

CIVIL ACTION FILE
NO. 2:11-CV-00145-WCO

DEFENDANT'S MOTION FOR STAY

Richard Schair moves for a mandatory stay of this action under the Trafficking Victims Protection Act ("TVPA"), codified at 18 U.S.C. § 1595 (2008). This action is subject to a mandatory stay based on the existence of two pending criminal actions "arising out of the same occurrence." *Id.* § 1595(b)(1).

Introduction

This civil action is a private counterpart to two ongoing criminal actions: one is a prosecution in the Brazilian criminal courts and the other is a federal criminal investigation in the Southern District of Florida. Both cases purport to arise from the use of Plaintiffs A, B, C, and D in international child sex tourism.

Discussion

The parallel Brazilian prosecution is evidenced by Exhibits A and B, which are the original Brazilian “Denunciation” and the English translation thereof respectively. Meanwhile, there is also a parallel federal criminal grand jury action pending in the Southern District of Florida. In December of 2010, Amelia Schair, Mr. Schair’s ex-wife and formerly the president of Wet-A-Line Tours, received a target letter from Assistant United States Attorney Marlene Rodriguez stating that “according to information that ICE and FBI supplied to [the U.S. Attorney’s Office in the Southern District of Florida], [Ms. Schair was] involved with a company and/or an individual who may have engaged in child sex tourism in Brazil.” Exhibit C. In June of 2009, Wet-A-Line Tours received a subpoena to produce various documents for purposes of the grand jury investigation. The subpoena specifically sought records relating to Richard Schair. Exhibit D. Both the Brazilian and U.S. federal criminal cases arise from the same allegations contained in this lawsuit.

The language of § 1595(b)(1) is clear: “Any civil action filed under this section *shall* be stayed during the pendency of *any* criminal action arising out of the same occurrence in which the claimant is the victim.” (emphasis added). Furthermore, “‘criminal action’ includes *investigation and prosecution* and is

pending until final adjudication in the trial court.” *Id.* § 1595(b)(2) (emphasis added). *See also Ara v. Khan*, No. CV 07-1251(ARR)(JO), 2007 WL 1726456, at *1 (E.D.N.Y. June 14, 2007) (“The relevant statute makes a stay mandatory.”).

When it comes to statutory construction, the mandatory nature of the word “*shall*” is well-settled. *See, e.g., Lopez v. Davis*, 531 U.S. 230, 241 (2001) (noting Congress’ “use of mandatory ‘shall’ to impose discretionless obligations”); *Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 35 (1998) (explaining that “the mandatory ‘shall’ . . . normally creates an obligation impervious to judicial discretion”).

Conclusion

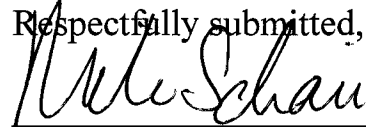
Section 1595 mandates a stay of this civil action, because the facts alleged in the Complaint arise from the same charges in two pending criminal actions.

WHEREFORE, Defendant Richard Schair requests that the Court enter a stay under 18 U.S.C. § 1595(b), coextensive with the Brazilian and federal criminal actions.

CERTIFICATE OF SERVICE

I hereby certify that I served plaintiff's counsel by U. S. mail. This 7th day
of July, 2011.

Respectfully submitted,



Richard Wayne Schair

Pro Se Defendant

5592 Cool Spring Rd.

Gainesville, Georgia 30506

Ph: 770-533-9585

EXHIBIT “A”



Ministério Público Federal
Procuradoria da República no Amazonas

EXCELENTÍSSIMO(A) SENHOR(A) DOUTOR(A) JUIZ(A) FEDERAL DA 4ª VARA DA JUSTIÇA FEDERAL NO ESTADO DO AMAZONAS.

Processo nº 2007.32.00.005820-7
Inquérito Policial nº 410/2007-SR/DPF/AM

JUIZ FEDERAL M. DE F. 2011-17-AM

007/AM

O MINISTÉRIO PÚBLICO FEDERAL, pelo Procurador da República *in fine* assinado, compareça à dita presença de Vossa Excelência, com fundamento no art. 129, inciso I, da Constituição da República, no art. 6º, Inciso V, da Lei Complementar Federal Nº 75/93, e nos artigos 24 e 41 do Código de Processo Penal, para oferecer DENÚNCIA, em face de:

1. RICHARD WAYNE SCHAIR, norte-americano, CPF 534.273.862-87, passaporte nº 047313476, com endereço comercial em Manaus/AM, à Rua Salvador nº 345, apto 1501, Manaus/AM (fs.144)

2. JOSÉ LAURO ROCHA DA SILVA brasileiro, nascido em Jaguaruana/CE, em 13.02.1952, filho de João Petrólio da Silva e Maria de Lourdes da Silva, CPF 022.728.652-91 e RG 0320720-0 SSP/AM, residente a Rua Salvador, nº345, apto 1502, Cond. Saint Valery, Manaus/AM (fs.392/396)

3. DANIEL GERBALDO LOPES, brasileiro, nascido em Manaus/AM em 19.12.1978, filho de Gerbaldo Eugênio e Maria das Graças Lopes Gerbaldo, CPF 635.196.582-91 e RG 13220217 SSP/AM, residente a Rua 37, casa 13, cj. Castelo Branco II, Manaus/AM (fs.407/411)

4. JUSCELINO DE SOUZA MOTTA, brasileiro, nascido em Manaus/AM em 30.04.1977, filho de Iluzio de Souza Motta e Maria de Nazare Correa Motta, CPF 578.816.692-68 RG 1227961-7 SSP/AM, residente a Rua A-10, nº345, cj. Ajuricaba, Manaus/AM (fs.400/403)

5. ADMILSON GARCIA DA SILVA, brasileiro, nascido em Barcelos/MA em 13.01.1970, filho de João Campos da Silva e Nulza Duran Garcia, CPF 413.292.952-34, residente a Rua Nilo Chagas nº 40, bairro São Sebastião, Barcelos/AM (fs.168/172 e 195/196)

6. ADILSON GARCIA DA SILVA, brasileiro, nascido em Barcelos/MA em 23.08.1974, filho de João Campos da Silva e Nulza Duran Garcia, CPF 669.519.252-91 e RG 1290449-0 SSP/AM,

Exhibit "A"



**Ministério Público Federal
Procuradoria da República no Amazonas**

endereço Rua Alexandre Ambrosio, nº 330, Nazaré, Barcelos/AM
(fls.174/177, 186/183, 197/198)

fazendo-o pelos fatos e fundamentos a seguir expostos.

1. DOS FATOS

RICHARD WAYNE SCHAIR e **JOSÉ LAURO ROCHA DA SILVA** na qualidade de sócios administradores da empresa **SANTANA TURISMO ECOLOGICO, FISHING SAFARIS LTDA**, proprietária das embarcações **AMAZON SANTANA** e **SANTANA I**, nos anos de 2005 a 2007 desenvolveram atividades ilegais de exploração sexual de menores, tirando proveito econômico da prostituição de menores.

No mesmo período, agindo na qualidade de gerentes de **RICHARD WAYNE SCHAIR** e **JOSÉ LAURO ROCHA DA SILVA**, os nacionais **JUSCELINO DE SOUZA MOTTA**, **DANIEL GERBALDO LOPES**, **ADMILSON GARCIA DA SILVA** e **ADILSON GARCIA DA SILVA**, que serviam de intérpretes de turistas norte-americanos, executavam o aliciamento e facilitavam a prostituição de menores, fazendo-se sustentar, em parte, pelo proveito econômico da exploração da prostituição de menores.

Assim, todos os denunciados associaram-se em grupo criminoso estável para explorar economicamente prostituição de menores brasileiras no Estado do Amazonas, em ações que constituem os crimes a seguir indicados, conforme prescrição normativa à época dos fatos:

1. Exploração sexual de menores (art.244-A da Lei 8.069/90);
2. Estupro (art.213, cc 224, alínea e) do Código Penal);
3. Favorecimento da prostituição (art.228, §1º, §2º e §3º do Código Penal);
4. Ruffianismo (art.230, §1º e §2º do Código Penal);
5. Tráfico Interno de pessoas (art.231-A do Código Penal);
6. Exploração sexual de menores (art.244-A da Lei 8.069/90);

2. DO MÓDUS OPERANDI DO GRUPO CRIMINOSO

O estadunidense **RICHARD WAYNE SCHAIR**, proprietário da agência de turismo **WET A LINE TOURS**, sediada no Estado da Georgia nos Estados Unidos da América, promovia excursões de turistas norte-americanos ao Brasil, mais precisamente ao Estado do Amazonas. Por sua agência de turismo, contratava naquele país excursão turística para cruzeiro e pesca no rios amazônicos e oferecia aos seus clientes a possibilidade de encontros sexuais, mediante remuneração, com garotas brasileiras, muitas delas menores de idade. (Apenso II)

No Estado do Amazonas, os turistas estrangeiros eram acomodados nas embarcações **AMAZON SANTANA** e **SANTANA I**, de propriedade da empresa **SANTANA TURISMO ECOLOGICO, FISHING SAFARIS LTDA**, da qual eram sócios administradores **RICHARD WAYNE SCHAIR** e **JOSÉ LAURO ROCHA DA SILVA**.



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A medida que se aproximavam de cidades ribeirinhas como Barcelos/AM e Autazes/AM ou comunidades indígenas ribeirinhas, **JUSCELINO DE SOUZA MÓTTA, DANIEL GERBALDO LÓPES, ADMILSON GARCIA DA SILVA e ADILSON GARCIA DA SILVA** sob o comando de **RICHARD WAYNE SCHAIR e JOSÉ LAURO ROCHA DA SILVA**, se encarregavam de recrutar garotas brasileiras, algumas menores de idade, para servirem de prostitutas aos turistas norte-americanos durante a excursão.

Registros fotográficos e gravação ambiental de missões policiais em 31.08.2007, 01.08.2007 e 21.09.2007, revelam a forma como garotas brasileiras eram aliçadas para participarem de festas com turistas estrangeiros nas embarcações **AMAZON SANTANA e SANTANA I** (fls.103/113, fls.125/128 e Laudo nº 191/2009-SETEC/SR/DPF/AM -Apenso IV)

Laudo nº 185/2009-SETEC/SR/DPF/AM de material apreendido por ordem judicial nas embarcações **AMAZON SANTANA e SANTANA I** atesta a existência de inúmeras imagens de mulheres brasileiras em poses sexuais no interior das embarcações e em companhia de turistas estrangeiros. (Apenso V)

Os relatos das vítimas é firme e esclarecedor em relação às práticas delitivas existentes, vindo a corroborar a convicção de que menores foram aliçadas para se prostituírem em excursões de turistas estrangeiros. Nem todas, segundo se depreende de seus relatos, tinham a certeza da natureza dos serviços pelos quais eram contratadas para ingressar nas embarcações. Afinal, muitas delas eram convidadas para participarem de festas, sem soubessem de antemão o caráter sexual de tais eventos. Outras eram, ainda, iludidas com a promessa de emprego como faxineiras nas referidas embarcações.

Em seu depoimento, **Jaqueline da Silva Pereira** admitiu que no segundo semestre de 2006, quando possuía 13 anos de idade, foi convidada, juntamente com sua irmã **ELIANE** por **RICHARD WAYNE SCHAIR** para passear em sua embarcação, local onde manteve conjunção carnal com **RICHARD WAYNE SCHAIR**, tornando indubitosa a prática de crime de estupro (art.213, cc.224, alínea a) do Código Penal).

3. DA COMPETÊNCIA DA JUSTIÇA FEDERAL

No contexto dos fatos, cumpre considerar que a existência de um grupo criminoso transnacional voltado à exploração da prostituição de adolescentes no Brasil em viagens de excursão de turistas.

Toda a atividade de exploração sexual se projeta em plano transnacional, pois tem início nos Estados Unidos da América, país onde é divulgada excursão de turismo sexual no Brasil e onde são vendidos os pacotes turísticos, através da agência de turismo **WET A LINE TOURS**.

ISABORA BRAGA DA SILVA SILVA (fls.39/40), ISACORA MACEDO MARINHO (fls.27), ELIANE PEREIRA MARTINS (fls.41/42), KELLY BRUNETA ELIAS (fls.43/44), LIZIANE UCHOA CARDOSO (fls.45/46), MARUJICA DE SOUZA PEREIRA (fls.191/194), JACQUELINE DA SILVA PEREIRA (fls.242/243), FERNANDA FERREIRA DOS SANTOS (fls.244/245)



**Ministério Público Federal
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Logo, maior parte do lucro da atividade criminosa e que consistente em tirar proveito da prostituição ajheia se processa nos Estados Unidos da América com a venda de pacotes de turismo sexual no Brasil.

O aliciamento de garotas menores de idade ocorre nas cidades de Barcelos/AM, e Autazes/AM e a consumação de atos sexuais com exploração, mediante prostituição de menores de idade se dá a bordo de bordo de embarcação nos rios do Estado do Amazonas.

Indiscutível, portanto que os crimes de quadrilha e rufianismo possuem nítida abrangência transnacional; com início de execução em um país e continuidade de ações e/ou resultados no território de outra nação.

O compromisso da República Federativa do Brasil em reprimir a exploração de sexual de menores é também fato notório, segundo se depreende da Convenção sobre os Direitos da Criança (adotada pela Resolução nº 44/1989 na Assembleia Geral das Nações Unidas destaca a necessidade de combata, com a adoção de medidas legislativas pertinentes, a exploração sexual de crianças e adolescentes).

Em vista disso, firma-se a competência da Justiça Federal com base no disposto no art.109, Inc.V da CF.

4. DAS IMPUTAÇÕES PENAIS AOS ACUSADOS

RICHARD WAYNE SCHAIR: (art.244-A da Lei 8.069/90);(art.213, cc.224,alínea a) do Código Penal);(art.228, §1º, §2º e §3º do Código Penal);(art.230, §1º e §2º do Código Penal);(art.231-A do Código Penal); (art.244-A da Lei 8.069/90); (Art.288 do Código Penal)

JOSÉ LAURO ROCHA DA SILVA (art.244-A da Lei 8.069/90); (art.228, §1º, §2º e §3º do Código Penal);(art.230, §1º e §2º do Código Penal); (art.231-A do Código Penal);(art.244-A da Lei 8.069/90); (Art.288 do Código Penal)

DANIEL GERBALDO LOPES (art.244-A da Lei 8.069/90); (art.228, §1º, §2º e §3º do Código Penal);(art.230, §1º e §2º do Código Penal); (art.231-A do Código Penal);(art.244-A da Lei 8.069/90); (Art.288 do Código Penal)

JUSCELINO DE SOUZA MOTTA (art.244-A da Lei 8.069/90); (art.228, §1º, §2º e §3º do Código Penal);(art.230, §1º e §2º do Código Penal); (art.231-A do Código Penal);(art.244-A da Lei 8.069/90); (Art.288 do Código Penal)

ADMILSON GARCIA DA SILVA (art.244-A da Lei 8.069/90); (art.228, §1º, §2º e §3º do Código Penal);(art.230, §1º e §2º do Código Penal); (art.231-A do Código Penal);(art.244-A da Lei 8.069/90); (Art.288 do Código Penal)



**Ministério Público Federal
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ADILSON GARCIA DA SILVA (art.244-A da Lei 8.069/90); (art.228, §1º, §2º e §3º do Código Penal);(art.230, §1º e §2º do Código Penal); (art.231-A do Código Penal);(art.244-A da Lei 8.069/90); (Art.288 do Código Penal)

5. DOS PEDIDOS

Isto posto, pugna o MINISTÉRIO PÚBLICO FEDERAL, após o recebimento e autuação desta, sejam os denunciados citados para se verem processar até final condenação,

Requer, outrossim, a intimação das testemunhas e vítimas abaixo arroladas, a fim de que deponham em Juízo, em dia, hora e local a serem designados por este Juízo, sob as cominações legais.

Manaus, 31 de Janeiro de 2011.

SÍLVIO PETTENGILL NETO
PROCURADOR DA REPÚBLICA

vítimas

SANDRA BRASIL DA SILVA SILVA (fls.39/40);
ISADORA MACHADO MARINHO (fls.27);
ELIANE PRINTEZ MARTINS (fls.41/42);
KELLY BATISTA ELIAS (fls.43/44);
LUZIANE UCHOA CARDOSO (fls.45/46);
MARLÚCIA DE SOUZA PEIXOTO (fls.191/194);
JAQUELINE DA SILVA PEREIRA (fls.242/243);
FERNANDA FERREIRA DOS SANTOS (fls.244/246)

testemunhas

Washington Magalhães (fls.03/09);
Luís Eduardo Littajff, APF (fls.106)
Rosemberg Lima Roberto, APF (fls.106)

EXHIBIT “B”

**Federal Public Ministry
The Republic's Prosecutor in the Amazonas**

YOUR EXCELLENCE SIR FEDERAL JUDGE OF THE FEDERAL COURT OF THE STATE OF AMAZONAS (Clarification: This a the literal translation for accuracy purpose)

Process #: 2007.32.00.005820-7

Police Investigation #: 410/2007-SR/DPF/AM

The Public Federal Ministry, through the Republic's Prosecutor *in fine* undersigned, appears before Your Excellence, based on the article 129, item I, of the Republic's Constitution, on the 6th article, Item V, of the Complementary Federal Law # 75/93, and on the articles 24 and 41 of the Penal Process Code, to offer the DENOUNCIATION, before the presences of:

1. **RICHARD WAYNE SCHAIR**, North American, CPF 534.273.862-87, passport # 047313476, with the commercial address in Manaus/AM; at Rua Salvador #345, apt. 1501, Manaus/AM (fls.144)
2. **JOSE LAURO ROCHA DA SILVA**, Brazilian, born in Jaguaruana/CE on 02.13.1952, son of João Petrolino da Silva and Maria de Lourdes da Silva, CPF 022.728.652-91 and e RG 0320720-0 SSP/AM, resident of Rua Salvador, #345, apt. 1502, Condo. Saint Valerry, Manaus/AM (fls.392-396)
3. **DANIEL GERBALDO LOPES**, Brazilian, born in Manaus/AM on 12.19.1978, son of Gerbaldo Eugenio and Maria das Gracas Lopes Gerbaldo, CPF 635.196.582-91 and RG 132202.17 SSP/AM, resident of Rua 37, house 13, cj. Castelo Branco II, Manaus/AM (fls.407/411)
4. **JUSCELINO DE SOUZA MOTTA**, Brazilian, born in Manaus/AM on 04.30.1977, son of Iluizio de Souza Motta and Maria de Nazare Correa Motta, CPF 578.816.692-68 RG 1227961-7 SSP/AM, resident of Rua A-10, #345, cj Ajuricaba, Manaus/AM (fls.400/403)
5. **ADMILSON GARCIA DA SILVA**, Brazilian, born in Barcelos/MA on 01.13.1970, son of João Campos da Silva e Nulza Duran Garcia, CPF 413.292.952-34, resident of Rua Nilo Chagas, #40, bairro São Sebastiao, Barcelos/AM (fls.168/172 and 195/196)
6. **ADILSON GARCIA DA SILVA**, Brazilian, born in Barcelos/MA on 08.23.1974, son of João Campos da Silva e Nulza Duran Garcia, CPF 669.519.252-91 and RG 1290449-0 SSP/AM

**Federal Public Ministry
The Republic's Prosecutor in the Amazonas**

address Rua Alexandre Ambrosio, #330, Nazare, Barcelos/AM
(fls.174/177,180/183,197/198)

Being made through the facts and fundamentals that are shown as
the following.

1. THE FACTS

RICHARDO WAYNE SCHAIR and **JOSE LAURO ROCHA DA SILVA**, as administrative partners of the **SANTANA TURISMO ECOLOGICO** company, **FISHING SAFARIS LTDA**, owner of the vessels **AMAZON SANTANA** and **SANTANA I**, in the years between 2005 and 2007, engaged in the illegal activities of sexual exploitation of minors, taking financial advantage of the prostitution of minors.

At the same time period, acting as managers of **RICHARD WAYNE SCHAIR** and **JOSE LAURO ROCHA DA SILVA**, the nationals (Brazilian citizens) **JUSCELINO DE SOUZA MOTTA**, **DANIEL GERBALDO LOPES**, **ADMILSON GARCIA DA SILVA** and **ADILSON GARCIA DA SILVA**, who worked as interpreters for North-American tourists, executed the recruitment and facilitated the prostitution of minors, making it partially possible, through the economic exploitation of the prostitution of minors.

Thus, all of the denounced (accused) people were associated with this criminal group, which was established to economically explore the prostitution of underage Brazilians in the State of Amazonas, through actions that constitute the following crimes, according to the normative prescription of the time period when the facts occurred:

1. Sexual exploitation of minors (art. 244-A of the law 8.069/90);
2. Rape (art. 213, co 224, aligned with) the Penal Code);
3. Facilitation of Prostitution (art.228, paragraphs 1st, 2nd, and 3rd, of the Penal Code);
4. Ruffianism (art. 230, paragraphs 1st and 2nd, of the Penal Code);
5. Domestic trafficking of people (art. 231-A of the Penal Code);
6. Sexual Exploitation of minors (art. 244-A of the law 8.069/90);

2. OF THE MODUS OPERANDI OF THE CRIMINAL GROUP

The United States citizen **RICHARD WAYNE SCHAIR**, owner of the tourism agency **WET A LINE TOURS**, located in the State of Georgia in the U.S.A., promoted (or facilitated) touristic trips of North-Americans to Brazil, more precisely to the State of Amazonas. Through his tourism agency, he under-contracted (or hired) in that Country, touristic trips for cruising and fishing in the Amazon River, and offered his clients the possibility of sexual encounters, for (financial) remuneration, with Brazilian girls, many of whom were underage. (Attachment II)

In the State of Amazonas, the foreign tourists were lodged in the vessels **AMAZON SANTANA** and **SANTANA I**, which are owned by **SANTANA TOURISM ECOLOGICO**, **FISHING SAFARIS LTDA**, of whom **RICHARD WAYNE SCHAIR** and **JOSE LAURO ROCHA DA SILVA** were administrative partners.

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The Republic's Prosecutor in the Amazonas**

As they neared coastal cities, such as Barcelos/AM and Autazes/AM, or coastal indigenous communities, **JUSCELINO DE SOUZA MOTTA, DANIEL GERBALDO LOPES, ADMILSON GARCIA DA SILVA and ADILSON GARCIA DA SILVA**, under the command of **RICHARD WAYNE SCHAIR and JOSE LAURO ROCHA DA SILVA**, would recruit Brazilian girls, some of whom were underage, to work as prostitutes for North-Americans during the trip.

Photographic proof and recordings of police missions of 08.30.2007, 08.01.2007, and 09.21.2007, reveal how Brazilian girls were hired to participate in parties with foreign tourists aboard the vessels **AMAZON SANTANA** and **SANTANA I**. 9Fls.103/113, fls. 125/128 and report # 191/2009 – SETEC/SR/DPF/AM – Report IV)

Report ##185/2009 – SETEC/SR/DPF/AM of apprehended materials by judicial order in the vessels **AMAZON SANTANA** and **SANTANA I** attest to the existence of numerous images of Brazilian women in sexual poses within the vessels and in the company of foreign tourists. (Attachment V)

The victims' testimonies are firm and clear about the existing criminal practices, pointing to the conclusion that minors were hired to be prostitutes during the trips with foreign tourists. Not all, as it is seeing in their testimonies, were sure of the nature of the services for which they had been hired to perform in the vessels. After all, many of them were invited to participate in the parties, without prior knowledge of the sexual character of such events. Others, yet, were lured with the promise of employment as cleaning personnel for the mentioned vessels.

On her testimony, **Jaqueline da Silva Pereira** admitted that on the 2nd semester of 2006, when being 13 years old, that she was invited by **RICHARD WAYNE SCHAIR** along with her sister **ELIANE**, to cruise on the vessel, where she had (maintained) carnal relations (sex) with **RICHARD WAYNE SCHAIR**, deeming indubitable the practice of the crime of rape (art.213, cc. 224. aligned with) the Penal Code).

3. ON THE COMPETENCE OF THE FEDERAL JUSTICE

Within the context of the facts, one must consider the existence of a criminal transnational group that is invested on the exploitation of the prostitution of adolescents in Brazil during touristic trips for tourists.

All activity of sexual exploitation is being projected on the transnational level, as it begins in the U.S.A, the country where the trips for sexual tourism in Brazil are promoted, and where the touristic packages are sold, through the tourism agency **WET A LINE TOURS**.

¹ Sandra Brasil da Silva SILVA (fls. 39/40), Isadora Machado Marinho (fls 27), Eliane Printes Martins (FLS. 41/42), Kelly Batista Elias (FLS. 43/44), Luziane Uchoa Cardoso (FLS. 46/46) Marluca de Souza Peixoto (FLS. 191/194), Jacqueline da Silva Pereira (FLS. 242/243), Fernanda Ferreira dos Santos (FLS 244/245)

**Federal Public Ministry
The Republic's Prosecutor in the Amazonas**

And so, the largest part (bulk) of the financial gains of this criminal activity, which consists of taking advantage of the prostitution of others, is processed in the USA through the selling of touristic packages in Brazil.

The recruiting of underage girls occurs in the cities of Barcelos/AM and Autazes/AM, and the consummation of the exploitative sexual acts, through the prostitution of minors, takes place on board the vessels in the rivers of the State of Amazonas.

It is thus indisputable, that the organized crimes and ruffianism clearly have a transnational breadth, which initiates in one country and has continuation of the actions and/or results (consequences) in the territories of another nation.

The commitment of the Federal Republic of Brazil in regards to repressing the sexual exploitation of minor is also a notable fact, as it is based on the Convention of the Children's Rights (adopted by resolution #44/1989 in the General Assembly of the United Nations which brings attention to the need to fight against, through the use of pertinent legislative measures, the sexual exploitation of children and adolescents).

With that in sight, the Federal Justice bases its competence on article 109, inc.V of the CF.

4. ON THE PENAL IMPUTATIONS OF THE ACCUSED ONES

RICHARD WAYNE SCHAIR: (art. 244-A of the Law 8.069/90);(art. 213, cc. 224, along with)the Penal Code); (art. 228, paragraphs 1st, 2nd, and 3rd, of the Penal Code);(art. 230, paragraphs 1st and 2nd of the Penal Code);(art. 231-A of the Penal Code);(art. 244-A of the Law 8.069/90); (ART 288 of the Penal Code)

JOSE LAURO ROCHA DA SILVA (art. 244-A of the Law 8.069/90);(art. 228, Paragraphs 1st, 2nd, and 3rd of the Penal Code);(art. 230, paragraphs 1st and 2nd of the Penal Code);(art. 231-A of the Penal Code);(art. 244-A of the Law 8.069/90); (Art. 288 of the Penal Code)

DANIEL GERBALDO LOPES (art. 244-A of the Law 8.069/90);(art. 228, Paragraphs 1st, 2nd, and 3rd of the Penal Code);(art. 230, paragraphs 1st and 2nd of the Penal Code);(art. 231-A of the Penal Code);(art. 244-A of the Law 8.069/90); (Art. 288 of the Penal Code)

JUSCELINO DE SOUZA MOTTA (art. 244-A of the Law 8.069/90);(art. 228, Paragraphs 1st, 2nd, and 3rd of the Penal Code);(art. 230, paragraphs 1st and 2nd of the Penal Code);(art. 231-A of the Penal Code);(art. 244-A of the Law 8.069/90); (Art. 288 of the Penal Code)

ADMILSON GARCIA DA SILVA (art. 244-A of the Law 8.069/90);(art. 228, Paragraphs 1st, 2nd, and 3rd of the Penal Code);(art. 230, paragraphs 1st and 2nd of the Penal Code);(art. 231-A of the Penal Code);(art. 244-A of the Law 8.069/90); (Art. 288 of the Penal Code)

**Federal Public Ministry
The Republic's Prosecutor in the Amazonas**

ADILSON GARCIA DA SILVA (art. 244-A of the Law 8.069/90);(art. 228, Paragraphs 1st, 2nd, and 3rd of the Penal Code);(art. 230, paragraphs 1st and 2nd of the Penal Code);(art. 231-A of the Penal Code);(art. 244-A of the Law 8.069/90); (Art. 288 of the Penal Code)

5. ON THE REQUESTS

As it is so, the FEDERAL PUBLIC MINISTRY, after having received this assessment, (requests) that the accused ones be cited to be processed until the final condemnation.

It thus requests the intimation (summoning) of the witness and victims cited below, in order to testify in Judgment, on the day, time, and place, which will be decided for this judgment, under the legal culminations.

Manaus, January 31st, 2011.

(signature)

SILVIO PETENGIL NETO
PROSECUTOR OF THE REPUBLIC

Victims

Sandra Brasil da Silva SILVA (FLS. 39/40);
Isadora Machado Marinho (FLS. 27);
Eliane Printes Martins (FLS. 41/42);
Kelly Batista Elias (FLS.43/44);
Luziane Uchoa Cardoso (FLS. 45/46);
Marlucia de Souza Peixoto (FLS 191/194)
Jaqueline da Silva Pereira (FLS. 242/243);
Fernanda Ferreira dos Santos (FLS. 244/246)

Witnesses

Washington Magalhaes (FLS. 03/09);
Luis Eduardo Littaif, APF (FLS.106)
Rosemberg Lima Roberto, APF (FLS.106)

EXHIBIT “C”



U.S. Department of Justice

United States Attorney
Southern District of Florida

99 N.E. 4 Street
Miami, FL 33132
(305) 361-9169

December 16, 2010

VIA HAND DELIVERY

Antelia Karr
a/k/a Amelia Schair
133 Cedar Creek Crossing
Cedartown, Georgia 30125

Dear Ms. Karr:

The Office of the United States Attorney for the Southern District of Florida has been asked by the Bureau of Immigration and Customs Enforcement (ICE) and the Federal Bureau of Investigation (FBI) to review certain evidence concerning a matter that may relate to your conduct. Specifically, according to information that ICE and FBI supplied to this Office, you were involved with a company and/or an individual who may have engaged in child sex tourism in Brazil.

International child sex tourism is subject to criminal penalties and prosecution in the federal court system by virtue of Title 18, United States Code, Section 2423. Please be advised that you are considered a subject of this criminal investigation. That is, in my opinion, your conduct falls within the scope of this investigation.

Although not obligated to make any statements to law enforcement agents, you may wish to supply your version of the events in question to interviewing agents, for the purpose of cooperating in this investigation with regard to the activities of any other individuals. You may also wish to seek the assistance of an attorney before making any such statement. If you wish to contact an agent, please contact ICE Special Agent Dianna Ford at 786-229-3816.

Regardless of how you decide to handle this matter, please be advised that there are certain time limits, which if allowed to pass, may preclude your future ability to provide a statement at a time before criminal charges have been brought. Therefore, I suggest that you make any decision concerning whether you will supply a statement as soon as possible.

Exhibit C


Please be cautioned that if you wish to provide information or give a statement concerning the activities currently under investigation or, for that matter, any other subject, any statement that you make to investigators may be used against you during any future criminal, civil or administrative proceeding, or for any other purpose. In light of this, it is again suggested that you may wish to consult with an attorney prior to initiating any contact with Government agents. In fact, should you exercise this option, no adverse inference will be drawn strictly as a result of your decision to seek the advice of counsel before giving a statement.

In addition, should an attorney acting upon your behalf wish to contact me, I would be willing to engage in limited discussion with counsel regarding your status in this investigation, as well the extent, if any, to which you would be willing to provide information to federal investigators. Your attorney, should you elect to retain the services of a lawyer, may reach me at (305) 961-9206.

Sincerely yours,

WIFREDO A. FERRER
UNITED STATES ATTORNEY

By:



Marlène Rodríguez
Assistant U. S. Attorney



DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
Office of Investigations
Airport Passenger Response Group

Diana Ford
SPECIAL AGENT

11226 NW 20th Street
Miami, FL 33172
Diana.Ford@dhs.gov

Office: 786-365-6905
Cell: 786-237-3816
Mail: 150-X SECTOR

EXHIBIT “D”

AO 110 (Rev. 01/09) Subpoena to Testify Before a Grand Jury

UNITED STATES DISTRICT COURT
for the
Southern District of Florida

SUBPOENA TO TESTIFY BEFORE A GRAND JURY FGI-08304-MIA

To: Wetaline Tours LLC
Wet-A-Line Tours LLC
A Wet Line Tour Inc,
5592 Cool Springs Road
Gainesville, Georgia 30506

SUBPOENA FOR:
 PERSON DOCUMENTS(S) OR OBJECT(S)

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: Wilkie D. Ferguson, Jr. United States Courthouse 400 N. Miami Avenue, 7th Floor. Miami, Florida 33128	Date and Time: 7/16/09
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You must also bring with you the following documents, electronically stored information, or objects (blank if not applicable):

SEE ATTACHMENTS

Information/questions can be furnished/directed to Special Agent George Nau. In lieu of your appearance to the grand jury please provide documents to Special Agent George Nau, Federal Bureau of Investigation, 16320 NW 2nd Avenue. North Miami Beach, Florida 33169, telephone (305) 787-6275, george.nau@ic.fbi.gov.

Subpoena Control No.4

NOTE: Pursuant to the Security Advisory from the United States Marshal for the Southern District of Florida dated October 14, 2003, all electronic devices, including but not limited to cell phones, pagers, PDAs, laptops, and tape recorders, are prohibited from entering any federal courthouse facility within the Southern District of Florida. Prospective jurors, seated jurors and witnesses with a subpoena are exempted from this policy only as it pertains to cell phones, with or without integrated cameras.

Date: 06/25/2009

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the United States Attorney, or Assistant United States Attorney, who requests this subpoena, is:

Russell Koonin
Assistant United States Attorney
99 NE 4th Street, Suite 800
Miami, FL 33132
305-961-9314 Telephone
305-536-4676 Fax

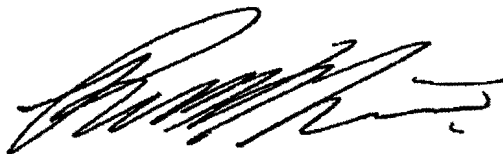


EXHIBIT D

PROOF OF SERVICE

This subpoena for *(name of individual or organization)* _____
was received by me on *(date)* _____.

I personally served the subpoena on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the subpoena at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the subpoena on *(name of individual)* _____, who is
designated by law to accept service of process in behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the subpoena unexecuted because _____; or

Other *(specify)*:

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

ATTACHMENT

Wetaline Tours LLC
Wet-A-Line Tours LLC
A Wet Line Tour Inc.
5592 Cool Springs Road
Gainesville, Georgia 30506

From January 1, 2004, through December 31, 2008, please provide the following:

Records of Travel for

- (A) Richard Schair, DOB: 7/26/1955, SSN: 075-48-0539
- (B) Amelia Schair, DOB: 7/19/1978, SSN: 463-91-5616
- (C) All customers of Wetaline Tours LLC/Wet-A-Line Tours LLC/ A Wet Line Tour Inc.

Please also provide a list of all individual customers, all corporate entity customers, and all subcontracted travel agencies; the contracts entered into for all individual customers, all corporate entity customers, and all subcontracted travel agencies; photographs of all customers; electronic communication between individual customers, corporate entity customers, and subcontracted travel agencies; files maintained of each individual customer, corporate entity customer, and subcontracted travel agencies; and contact information for each individual customer, corporate entity customer, and subcontracted travel agencies.



U.S. Department of Justice

*United States Attorney
Southern District of Florida*

99 N.E. 4th Street, Suite 600
Miami, FL 33132
(305) 961-9314

June 25, 2009

Wetaline Tours LLC
Wet-A-Line Tours LLC
A Wet Line Tour Inc.
5592 Cool Springs Road
Gainesville, Georgia 30506

RE: Subpoena, Grand Jury FGJ 08-304 (MIA)

NON-DISCLOSURE NOTICE

Dear Custodian of Records:

Pursuant to an official criminal investigation of a suspected federal offense being conducted by a federal grand jury in the Southern District of Florida, your institution has been called upon to furnish the documents and information described in the attached subpoena.

Subpoenas issued in connection with proceedings before a grand jury are specifically excluded from the customer notification provisions of the Financial Privacy Act (see Title 12, United States Code, Section 3413(i)).

Disclosure of the subpoena could seriously complicate the investigation being conducted and, thereby, the enforcement of the federal criminal law.

Therefore, you are requested not to disclose the existence of this subpoena or the fact of your compliance with it. However, you have the right to make your own choice of whether or not to make such a disclosure. If you have any questions about this, or if you are considering a disclosure, it would be appreciated if you would contact the undersigned federal prosecutor at (305) 961-9314

Your cooperation in this matter is greatly appreciated.

Sincerely,

JEFFREY H. SLOMAN
ACTING UNITED STATES ATTORNEY

By:


Russell Koonin
Assistant United States Attorney



U.S. Department of Justice

*United States Attorney
Southern District of Florida*

99 N.E. 4th Street, Suite 600
Miami, FL 33132
(305) 961-9314

June 25, 2009

Wetaline Tours LLC
Wet-A-Line Tours LLC
A Wet Line Tour Inc.
5592 Cool Springs Road
Gainesville, Georgia 30506

RE: Subpoena, Grand Jury FGJ 08-304(MIA)

VOLUNTARY TURNOVER NOTICE

Dear Custodian of Records:

The attached Subpoena Duces Tecum requires the production of certain documents and records to Special Agent George Nau, Federal Bureau of Investigation at the time and place specified in this subpoena.

If you wish to deliver these documents personally to the United States Attorney's Office at the time and place specified, you may do so. However, instead of personally appearing, you may choose to deliver these documents and records to the agent serving this subpoena or to another agent designated by the serving agent. Turning over all of the subpoenaed documents and records to the designated agent, in advance of the time specified in the subpoena, will relieve you of the duty to appear as specified in this subpoena.

The attached Waiver of Appearance and Document Receipt form should be used if you decide to turn the records over to the designated agent. You may number and describe the documents you will be turning over to the agent. You may wish to make a copy of the form to keep for your records since upon receipt of the documents, the agent will complete and take the original form. If you have any questions regarding the subpoena, please contact the undersigned at (305) 961-9314

Sincerely,

JEFFREY H. SLOMAN
ACTING UNITED STATES ATTORNEY

By: _____


Russell Koonin
Assistant United States Attorney



U.S. Department of Justice

*United States Attorney
Southern District of Florida*

99 N.E. 4th Street, Suite 600
Miami, FL 33132
(305) 961-9314

June 25, 2009

Wetaline Tours LLC
Wet-A-Line Tours LLC
A Wet Line Tour Inc.
5592 Cool Springs Road
Gainesville, Georgia 30506

Re: Certification of Subpoenaed Records, FGJ-08-304 (MIA)

Dear Custodian of Records:

As you are aware, quite often, production of records by a records custodian of a corporation or bank is frequently followed by the necessity of having that or another designated records custodian testify at a jury trial some time later. This was necessary in order to lawfully enter the subpoenaed documents into evidence.

Federal evidence law now permits us to obtain "certifications" such as the one attached hereto, in place of live testimony. When permitted by the court, these "certifications" could obviate the need for a witness at a trial.

With that in mind, please complete the "Certification of Domestic Records of Regularly Conducted Activity" attached and include it in your subpoena response. Should you have any questions regarding the form or anything else regarding the subpoena, please feel free to contact the agent at the number indicated in the subpoena, or if you prefer, contact me directly.

Sincerely,

JEFFREY H. SLOMAN
ACTING UNITED STATES ATTORNEY

By:


Russell Koonin
Assistant United States Attorney

**CERTIFICATION OF DOMESTIC RECORDS
OF REGULARLY CONDUCTED ACTIVITY
Pursuant to Fed. R. Evidence 902(11)**

The undersigned declarant hereby declares, certifies, verifies or states the following:

1. The declarant is a records custodian or other qualified person who can provide a written declaration regarding the records of regularly conducted business activity which are the subject of this certification.
2. The records of regularly conducted business activity (hereinafter "records") which are the subject of this certification are identified as: [If this is insufficient room in which adequately identify the items certified, complete on a separate sheet and refer to that sheet here]

3. The records are originals or duplicate copies of domestic (United States) business records;
4. The records were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;
5. The records were kept in the course of a regularly conducted business activity; and
6. The records were made by the regularly conducted business activity as a regular practice.

I hereby declare, certify, verify or state, under penalty of perjury, that the foregoing is true and correct.

Signature of Declarant

Printed Name

Title

Wetline Tours LLC

Company Name

5592 Cool Springs Road
Gainesville, Georgia 30506

Business Address

Date of Declaration / Execution

**WAIVER OF APPEARANCE
AND DOCUMENT RECEIPT**

1. I, Custodian of Records of Wetaline Tours LLC
(Custodian of Records) (Name of Company)

have custody and control of the documents listed in paragraph 2 below. A diligent search was conducted and these documents are the only documents located which fall within the scope of the *Subpoena Duces Tecum* served on Wetaline Tours LLC. In lieu of a personal appearance at the Office of the United States Attorney at the date and time specified in the *Subpoena Duces Tecum*, I have requested an authorized federal law enforcement officer to take custody and control of these documents.

2. The documents submitted are as follows:

<u>Serial No.</u>	<u>Description</u>

(Please use continuation sheet if necessary)

Signature of Person Submitting Documents

Date

Signature of Person Receiving Documents

Date