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Walnut Creek Real Estate Agent Sentenced to Five Years in Prison, Ordered to Pay More than \$120,000 in Restitution for Enslaving Woman as Domestic Servant

Sentence follows the first human trafficking trial prosecuted in Northern California Coalition of advocates and pro bono attorneys successfully push for justice

Oakland, CA - A Walnut Creek real estate agent was sentenced to 60 months in prison and ordered to pay restitution on April 14 for enslaving a Peruvian woman as a domestic servant for nearly two years. The sentencing follows the first human trafficking criminal trial prosecuted in the Northern District of California.

From the summer of 2006 to the spring of 2008, Zoraida Peña-Canal, a Peruvian woman, was enslaved as a domestic servant by Mabelle de La Rosa Dann, a Walnut Creek real estate agent and a naturalized U.S. citizen. After a week-long trial, a federal jury convicted Mabelle de La Rosa Dann on October 8, 2009, of five federal charges including: forced labor, unlawful use of documents in furtherance of servitude, harboring an illegal alien for private financial gain, conspiracy to commit visa fraud and visa fraud. On April 14th, 2010, U.S. District Court Judge Claudia Wilken sentenced Dann to 60 months in prison as well as three years of supervised release, and ordered her to pay \$123,740.34 in restitution.

"There are many people who, like me, have had their hopes frustrated," Zoraida Peña-Canal stated. "My message to them is, please know - have faith - that there are groups that will help you fight for your human rights as immigrants. Do not be afraid and do not be ashamed. Seek help and fight for the justice you deserve."

In addition to the criminal case handled by the U.S. Attorney's Office, Pena-Canal has filed a civil action against Dann, seeking recovery for the costs of her labor, emotional distress and other damages caused by the defendant and her family. That case has been stayed pending resolution of the criminal action. La Raza Centro Legal, the Lawyers' Committee for Civil Rights of the San Francisco Bay Area, and pro bono attorneys at Orrick, Sutcliffe & Herrington have filed the case on Pena-Canal's behalf.

"We are pleased that Judge Wilken ordered awarded restitution in the amount of \$123,740.34 as part of the criminal proceedings," said Nancy Harris, lead attorney in the civil case and a senior associate with Orrick, Herrington & Sutcliffe LLP. "The prosecution team with the Human Trafficking Unit of the U.S. Attorney's Office did an outstanding job in

securing this criminal conviction and their work will help ensure that the scourge of trafficking is eradicated.”

Evidence at the October 2009 trial uncovered the lengths to which Dann and her family went in obtaining Peña-Canal’s services for free. Dann traveled to Peru to recruit Peña-Canal in 2002 and promised the prospective nanny fair wages and a decent living situation. Once in the United States, Dann took control of Peña-Canal’s passport and identification papers. Dann kept the documents in her possession and had Peña-Canal labor for Dann and her family, cooking and cleaning in Dann’s home in Walnut Creek and caring for Dann’s three children, without receiving pay, privacy or time away from the family.

Peña-Canal escaped with the courageous help of a local gardener and people affiliated with an elementary school attended by Dann’s children. The friends who helped Peña-Canal escape contacted a D.C.-based workers’ rights organization, Domestic Workers United, who in turn contacted La Raza Centro Legal, a community-based non-profit in San Francisco. La Raza Centro Legal collaborated with the SAGE Project, Mujeres Unidas y Activas, and Asian Pacific Islander Legal Outreach to provide comprehensive services to Peña-Canal, whose mental and physical health had been damaged in the course of the nearly two-year enslavement.

“It’s time the public knows that slavery could be occurring in the property next door to yours,” said Avantika Rao, an immigration attorney at La Raza Centro Legal who helped spearhead the case and successfully filed for a “T-visa” for Peña-Canal. A “T-visa” is a special form of visa provided to trafficking victims who assist the authorities in prosecuting the offenders. “This case was cracked by ordinary citizens who took the time to find out more about a traumatized individual.”

“This case, like the case of Vilma Serralta, a domestic worker who sued her former employers for overtime and minimum wage violations, are despicable examples of the outright theft of the wages of immigrant workers,” said Rocio Avila, an employment attorney at La Raza Centro Legal. “At La Raza Centro Legal, we are committed to obtaining redress for these vulnerable immigrants through a creative combination of direct legal services, organizing and advocacy.”

Guillermina Castellanos, a domestic worker and member of the San Francisco Day Labor Program of La Raza Centro Legal, stated: “Live-in caregivers and domestic workers are especially vulnerable to exploitation because they spend much of their day inside the four walls of a house or apartment. That is why domestic workers around the world are increasingly joining hands to empower ourselves through workshops, educational campaigns, and attempts to expand the statutory protections that currently exclude domestic workers.”

“Unfortunately, domestic workers like Ms. Peña-Canal are all too often the victims of workplace abuse,” said Michael Kaufman, an attorney at the Lawyers’ Committee for Civil Rights. “We hope that Ms. Dann’s conviction and sentencing send a clear message that such exploitation will not be

tolerated, and that all workers deserve to be treated with fairness, dignity and respect.”

La Raza Centro Legal:

La Raza Centro Legal is a community-based legal organization dedicated to empowering Latino, immigrant and low income communities of San Francisco to advocate for their civil and human rights. La Raza Centro Legal operates the San Francisco Day Labor Program, to ensure day laborers and domestic workers have access to a living wage in San Francisco. For more information, please visit www.larazacentrolegal.org.

Lawyers' Committee for Civil Rights of the San Francisco Bay Area:

Founded in 1968, the Lawyers' Committee for Civil Rights of the San Francisco Bay Area is a non-profit, non-partisan organization that champions the legal rights of people of color, poor people, immigrants and refugees, with a special commitment to African-Americans. For more information, please visit www.lccr.com

Orrick, Herrington & Sutcliffe LLP:

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The most recent California Domestic Worker Guide is available at:

<http://www.worksafe.org/images/contentEdit/docs/california%20domestic%20worker%20guide.pdf>