SUMMARY
April 25, 2024

2024COA41

No. 22CA0014, *People v. Shannon* — Juries — Use of Exhibits During Jury Deliberation — Recorded Out-of-Court Witness Statements; Crimes — Human Trafficking for Sexual Servitude — Solicitation for Child Prostitution — Inducement of Child Prostitution; Colorado Constitution — Article II — Equal Protection

A division of the court of appeals holds that recordings of pretext telephone calls between a victim of sexual assault and the defendant may be provided to the jury without any prior assessment of potential prejudice arising from unrestricted access to the recordings. Such recordings are more like police interviews of defendants, for which unrestricted jury access is presumptively allowable, *see Rael v. People*, 2017 CO 67, than forensic interviews of sexual assault victims, which should be provided to a deliberating jury, if at all, only after the court considers whether access to the recordings will assist the jury and whether such

access might unfairly prejudice the defendant, *see DeBella v. People*, 233 P.3d 664 (Colo. 2010); *Frasco v. People*, 165 P.3d 701 (Colo. 2007).

The division also holds that the defendant's conviction for human trafficking under section 18-3-504(2)(a), C.R.S. 2023, doesn't violate his right to equal protection of the laws because that statute proscribes conduct — in which the defendant engaged — that is not proscribed by the soliciting for child prostitution statute, section 18-7-402, C.R.S. 2023, or by the inducement of child prostitution statute, section 18-7-405.5, C.R.S. 2023.

COLORADO COURT OF APPEALS **2024COA41**

Court of Appeals No. 22CA0014
Adams County District Court No. 20CR85
Honorable Sean Finn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Brendan Joseph Shannon,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE J. JONES
Harris and Gomez, JJ., concur

Announced April 25, 2024

Philip J. Weiser, Attorney General, Brian M. Lanni, Senior Assistant Attorney General, Denver, Colorado, for Plaintiff-Appellee

Megan A. Ring, Colorado State Public Defender, Meghan M. Morris, Deputy State Public Defender, Denver, Colorado, for Defendant-Appellant

¶ 1 Defendant, Brendan Joseph Shannon, appeals the judgment of conviction entered on jury verdicts finding him guilty of sexual assault on a child, sexual assault on a child by one in a position of trust, sexual assault on a child as part of a pattern of abuse, human trafficking a minor for sexual servitude, and sexual assault on a victim between fifteen and seventeen years of age. We affirm.

¶ 2 Addressing a matter of first impression, we conclude that a court may give a deliberating jury unrestricted access to recorded phone calls between a sexual assault victim and the defendant in which the defendant confesses to criminal conduct. Such recordings are in substance akin to defendants' interviews with police officers, *see Rael v. People*, 2017 CO 67, and therefore the trial court is not required to engage in any assessment of unfair prejudice to the defendant under the line of cases dealing with recorded interviews of sex assault victims, *see People v. Jefferson*, 2017 CO 35; *DeBella v. People*, 233 P.3d 664 (Colo. 2010); *Frasco v. People*, 165 P.3d 701 (Colo. 2007).

¶ 3 Addressing another matter of first impression, we hold that Shannon's conviction for human trafficking under section 18-3-504(2)(a), C.R.S. 2023, doesn't violate his right to equal protection

of the laws because that statute proscribes conduct — in which Shannon engaged — that is not proscribed by the soliciting for child prostitution statute, section 18-7-402, C.R.S. 2023, or by the inducement of child prostitution statute, section 18-7-405.5, C.R.S. 2023.

I. Background

¶ 4 Shannon first met K.B. when she was eight years old and Shannon was dating her older sister. K.B. spent a lot of time at her sister and Shannon's shared apartment when she wasn't at school.

¶ 5 At first, Shannon was a father- or brother-like figure to K.B. Shannon covered K.B.'s meals and school expenses and offered her rides to places she needed to be. But when K.B. was thirteen or fourteen years old, Shannon initiated a sexual relationship with her. Shannon began to have sexual encounters with K.B. three to four times per month. In an attempt to hide the relationship from her older sister, K.B. continued to refer to Shannon as her "brother." Shannon told K.B. that their relationship was "destined to happen" and that they could run away and live together once she turned eighteen.

¶ 6 Shannon began offering K.B. money and gifts in exchange for sexual favors to advance the relationship. For example, Shannon took K.B. to a mall and offered to buy her things if she agreed to have sex with him. He also took K.B. to several out-of-state concerts, and paid the related expenses, in exchange for sex. On another occasion, he bought K.B. lipstick in return for a nude photo. He continued to provide K.B. with rides and meals.

¶ 7 K.B. ended the relationship in 2016, when she was fifteen years old, after she started dating someone else. Three years later, K.B. told the police about her past relationship with Shannon. She then placed two pretext phone calls to Shannon, which were recorded. In the calls, K.B. said multiple times that Shannon had had sex with her when she was thirteen years old. Shannon agreed with K.B.'s accusations at times and expressed his regret but remained silent at other points. (Shannon and K.B. had several unrecorded conversations (by telephone, text message, and social media) before these pretext calls, in which K.B. accused Shannon of having had sex with her when she was underage and expressed her intent to go to the police.)

¶ 8 The People charged Shannon with sexual assault on a child, sexual assault on a child by one in a position of trust, sexual assault on a child as part of a pattern of abuse, and human trafficking a minor for sexual servitude. A jury convicted him of all charges and of the defense-requested lesser nonincluded offense of sexual assault on a victim between fifteen and seventeen years of age. The district court sentenced him to a controlling term of fifteen years to life in the custody of the Department of Corrections.

II. Discussion

¶ 9 Shannon contends that the district court erred by allowing the jury unrestricted access to the recorded pretext telephone calls and admitting expert testimony without making findings under *People v. Shreck*, 22 P.3d 68 (Colo. 2001). He also contends that the cumulative effect of these alleged errors requires reversal. Lastly, he contends that the human trafficking for sexual servitude conviction violates his right to equal protection.

A. Jury's Unrestricted Access to the Recordings

¶ 10 Shannon first contends that the district court erred by allowing the jury unrestricted access to the two recorded pretext

telephone calls in which Shannon agreed with K.B. that he had had sex with her when she was underage. We disagree.

1. Additional Background

¶ 11 At trial, the prosecution introduced recordings of the two pretext calls between K.B. and Shannon. The first was a call K.B. video- and audio-recorded with her sister's phone; the second call was video- and audio-recorded by a police detective. In both calls, Shannon agreed that he had had sex with K.B. when she was thirteen years old. Both the prosecution and the defense relied on the recordings at trial and made various arguments as to what conclusions the jury should draw from specific portions of the recordings.

¶ 12 After closing arguments, the district court instructed the jurors that all admitted exhibits, including audio and video exhibits, would be provided to them during deliberations *upon request*.

¶ 13 After the jury left the courtroom, the court initiated a conversation with counsel as to what it should do if the jurors asked for the recordings and whether the jurors should have unrestricted access to them. It sought input as to whether the recordings should be treated as statements of a witness (in this

case, K.B.), similar to a child victim's recorded forensic interview, or recordings of a defendant's inculpatory statements during a police interview. Defense counsel argued that the recordings fell into the former category, while the prosecutor argued they fell into the latter.

¶ 14 The court agreed with the prosecutor that the recordings were "largely in the nature of" Shannon's statements because K.B. was "doing the questioning" and Shannon was responding, similar to the situation of a police officer interviewing a suspect. And it ruled that the jury could therefore have unrestricted access to them. It also reasoned that the recordings would assist the jury because they were crucial to the case, the attorneys had repeatedly referred to them in their arguments during trial, and the jurors weren't likely to give undue weight to them because both sides "have made significant arguments as to whether or how to view these videos."

2. Preservation

¶ 15 Shannon argues that this issue is preserved. The People disagree, arguing that the record doesn't show whether the jury ever requested access to the recordings and thus had unfettered

access. We tend to agree with the People that this issue isn't preserved.

¶ 16 It is the jurors' supposed unrestricted access to the recordings during deliberations that Shannon identifies as the error on appeal. But nothing in the record shows that the deliberating jury actually had access to the recordings. The court said it would provide the recordings to the jury *if* it asked for them. Defense counsel didn't make a record of any request by the jury to see the recordings. And it was Shannon's appellate counsel's burden to present a record disclosing the purported error. *See LePage v. People*, 2014 CO 13, ¶ 16; *Schuster v. Zwicker*, 659 P.2d 687, 690 (Colo. 1983). Shannon, however, didn't present us with such a record.[1]

¶ 17 But even if we were to assume that the issue is preserved, we conclude that the district court didn't abuse its discretion.

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[1] In terms of preservation, this case is therefore different from cases on which Shannon relies. *See, e.g.*, *DeBella v. People*, 233 P.3d 664, 666 (Colo. 2010) ("The hour-long tape was provided to the jury . . . ."); *Frasco v. People*, 165 P.3d 701, 702 (Colo. 2007) ("During their deliberations, the jury requested permission to review the videotaped statement. . . . [T]he trial court provided the jurors with the videotape, a television, and a videocassette player.").

3. Standard of Review

¶ 18 "Control over the use of exhibits during jury deliberations rests firmly within the district court's discretion . . . ." *Rael*, ¶ 15. Accordingly, we won't disturb a district court's refusal to limit the jury's use of an exhibit unless the court's decision was manifestly arbitrary, unreasonable, or unfair, or based on a misapplication of the law. *Jefferson*, ¶ 25.

4. Analysis

¶ 19 In a line of cases beginning with *Frasco*, 165 P.3d 701, the Colorado Supreme Court has instructed trial courts as to how they should determine whether, and under what conditions, a victim's recorded, out-of-court statements should be provided to a deliberating jury. *See also Jefferson*, 2017 CO 35; *DeBella*, 233 P.3d 664. In each of these cases, the recorded statements in question were recorded interviews of child victims of sexual assault. The rule arising from these cases is that, before allowing a jury unrestricted access to such recordings during deliberations, the court must exercise its discretion to determine whether access to the recording will assist the jury and, even if so, whether such access might unfairly prejudice the defendant. *Ray v. People*, 2019

CO 21, ¶ 16; *Jefferson*, ¶¶ 38, 42; *DeBella*, 233 P.3d at 668; *Frasco*, 165 P.3d at 704-05. Underlying this rule is the concern that a jury may give "undue weight" to recorded statements of child sex assault victims. *Frasco*, 165 P.3d at 704; *Carter v. People*, 2017 CO 59M, ¶ 17; *Rael*, ¶ 28. So the trial court must "observe caution" to assure that such evidence isn't used in a way that creates a danger the jury will give it "undue weight or emphasis." *Frasco*, 165 P.3d at 703 (quoting *Settle v. People*, 180 Colo. 262, 264, 504 P.2d 680, 680-81 (1972)).

¶ 20 But in *Carter* and *Rael*, the supreme court declined to extend the reasoning and rule of the *Frasco* line of cases to recordings of defendants' interviews with law enforcement officers. The court observed that the law has long recognized a "distinction between a defendant's own words and those of other witnesses." *Rael*, ¶ 31. Unlike the latter, a defendant's own statements, particularly confessions, are not primarily testimonial in nature; they "have probative force other than as mere testimonial exhibits, like depositions or other out-of-court witness statements." *Carter*, ¶ 19. Indeed, because "an un-coerced confession 'is among the strongest kinds of physical evidence the prosecution may produce,' . . . a

confession's 'centrality in the case warrants whatever emphasis may result.'" *Rael*, ¶ 32 (first quoting *People v. Miller*, 829 P.2d 443, 446 (Colo. App. 1991); and then quoting 2 Kenneth S. Broun, *McCormick on Evidence* § 220, at 76 (7th ed. 2013)). Thus, "when considering a jury's access to a defendant's own admissible, out-of-court statements, no special protections against undue emphasis are required and the jury is entitled to unrestricted access to these statements." *Id.*

¶ 21 We conclude that the district court acted within its discretion. The district court correctly determined that the jury's use of the recordings wasn't subject to the strictures imposed by the cases dealing with recorded witness statements; rather, the recordings contained defendant's statements, to which the jury could have unrestricted access in any event.

¶ 22 In the recorded conversations at issue, K.B. accused Shannon of having had sex with her when she was underage, and Shannon admitted that he had. These recorded conversations are interview-like, with Shannon providing responses to K.B.'s assertions, much like the police interviews at issue in *Rael* and *Carter*. *See also People v. Lewis*, 2017 COA 147, ¶¶ 4, 22, 26-27 (jury entitled to

unrestricted access during deliberations to the defendant's videotaped police interrogation); *People v. Gingles*, 2014 COA 163, ¶ 18 (jury allowed unrestricted access to video recording of the defendant's confession). The probative value of the recordings comes from Shannon's confessions; K.B.'s statements show what Shannon was confessing to.

¶ 23 We therefore conclude that the jury was entitled to unrestricted access to the recordings without any consideration of whether the jury would give them undue weight: *Rael* and *Carter* apply to these statements; *Frasco* and its progeny don't.[2]

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[2] We also observe that the record shows that the district court exercised its discretion by determining whether the jury would likely give undue weight to the recordings. As noted, the court said that K.B. was doing the questioning rather than responding to questions and the recordings were central to the case given the emphasis *both* sides had placed on portions of them during witness examinations and arguments to the jury. The court therefore fulfilled any obligation it had to weigh the probative value of the recordings against their potential for unfair prejudice. As well, the court sought input from counsel before deciding the issue and ruled the jury would have to ask to have the recordings before they would be given to the jury. *See Frasco*, 165 P.3d at 705; *People v. Johnson*, 2016 COA 15, ¶¶ 39-40; *People v. Smalley*, 2015 COA 140, ¶¶ 64-65.

B. Expert Testimony

¶ 24 Shannon next contends that the district court erred by admitting expert testimony about child sexual abuse without first making findings under *Shreck*. Again, we disagree.

1. Additional Background

¶ 25 The prosecution endorsed a cold expert in child sexual assault victim dynamics and provided the defense with a summary of her proposed testimony.[3] She would testify, the prosecution said, as to why child sexual assault victims often delay in reporting abuse, why they sometimes don't provide all the details to anyone at first and provide different details to different people, the typical behavior of such victims, the role of grooming by an abuser, and how children's memories can be affected by a number of factors. Defense counsel objected and filed a motion asking the court to make findings as to admissibility under *Shreck*. The district court declined to rule on the motion before trial.

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[3] A "cold expert" is one who "knows little or nothing about the facts of a particular case, often has not met the victim, and has not performed any forensic or psychological examination of the victim (or the defendant)," *People v. Cooper*, 2019 COA 21, ¶ 2, *rev'd on other grounds*, 2021 CO 69, but educates the fact finder on general principles, *Cooper*, 2021 CO 69, ¶ 50.

¶ 26 On the first day of trial, defense counsel asked the court to rule on the motion. The court said that it wasn't going to exclude the expert testimony at that point because it wasn't certain what the expert would testify about, and that defense counsel would need to object during the testimony. The court later ruled that the expert testimony was relevant.

¶ 27 When the prosecutor called the expert to testify at trial, defense counsel objected that the expert wasn't "qualified as an expert in childhood sexual abuse, childhood trauma." The court overruled the objection, noting that the expert had significant experience in child sexual assault victim dynamics and had worked as a social worker in the field for many years.

¶ 28 The expert told the jury that she didn't know anyone associated with the case and hadn't reviewed any of the evidence. She then testified generally about delayed disclosure by child victims and the grooming of child victims.

2. Standard of Review and Applicable Law

¶ 29 We review the district court's "admission of expert testimony for an abuse of discretion." *People v. Cooper*, 2021 CO 69, ¶ 44 (quoting *People v. Rector*, 248 P.3d 1196, 1200 (Colo. 2011)). "This

is a deferential standard that reflects the superior opportunity a trial court has to assess both the competence of an expert witness and whether that witness's anticipated opinion would be helpful to the jury." *Id.*[4]

> In determining admissibility of expert testimony, a trial court [typically] employs a *Shreck* analysis, which requires that: (1) the scientific principles underlying the testimony are reasonably reliable; (2) the expert is qualified to opine on such matters; (3) the expert testimony will be helpful to the jury; and (4) the evidence satisfies CRE 403.

Rector, 248 P.3d at 1200.[5] Also, "[o]nce a party requests a *Shreck* analysis, a trial court is vested with the discretion to decide whether an evidentiary hearing would aid the court in its *Shreck* analysis." *Id.* at 1201. While a party can request an evidentiary hearing on these issues, if the court "already has sufficient information to make specific findings under *Shreck*, a hearing is not necessary."

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[4] The parties dispute whether Shannon's counsel preserved this issue at trial and, accordingly, the proper standard of reversal. Because we conclude that the district court didn't abuse its discretion, we don't need to resolve that dispute.

[5] The first *Shreck* factor — whether the scientific principles underlying the testimony are reasonably reliable — arguably doesn't apply to the experience-based testimony at issue in this case. *See Brooks v. People*, 975 P.2d 1105, 1114 (Colo. 1999); *People v. Douglas*, 2015 COA 155, ¶ 61.

People v. Wilson, 2013 COA 75, ¶ 23; *accord Ruibal v. People*, 2018 CO 93, ¶ 13; *People v. Vanderpauye*, 2021 COA 121, ¶ 55, *aff'd*, 2023 CO 42. Indeed, "[d]epending upon the extent to which the reliability of the . . . principles at issue has already been determined or is not disputed at all, . . . further evidence of their reliability may not be required." *Ruibal*, ¶ 13.

¶ 30 In *Shreck*, the supreme court adopted a "liberal," "totality of the circumstances" test, grounded in relevant rules of evidence for determining whether scientific evidence is admissible through expert testimony. 22 P.3d at 76-77.

3. Analysis

¶ 31 Though Shannon contends generally that the district court failed to make the requested findings, the only deficiency he identifies is that the court didn't explain why the expert's testimony was relevant. But the relevance was obvious. K.B. delayed reporting, provided somewhat inconsistent descriptions of Shannon's actions, and had difficulty with some relevant dates. And the prosecution theorized that Shannon had groomed the victim. The expert's testimony about these issues therefore fit the case.

¶ 32 Also, this expert had previously testified in about 300 cases in Colorado on these and closely related issues, a fact of which the district court was aware. And the helpfulness and admissibility of such testimony in a case such as this is amply supported by Colorado case law. *See, e.g.*, *People v. Rail*, 2016 COA 24, ¶¶ 58-59, 64-71 ("numerous Colorado cases have upheld the admission of comparable expert testimony from similarly qualified experts"; noting that the proffered expert (the same expert who testified in this case) was qualified because she was "an expert in numerous other cases," "had undergone specialized training," and "had treated more than three-hundred child victims of sexual abuse over her twenty-year career"), *aff'd on other grounds*, 2019 CO 99; *People v. Jefferson*, 2014 COA 77M, ¶ 39 ("Because the prosecution's expert was a licensed clinical social worker with a master's degree in social work, a professor of trauma intervention, had treated more than 300 child victims of sexual assault, and had testified as an expert in trials in seven different counties, the court did not abuse its discretion in qualifying her, based on her training and experience, as an expert in the area of treating child victims of sexual assault."), *aff'd*, 2017 CO 35; *People v. Glasser*, 293 P.3d 68, 78 (Colo. App.

2011) ("[E]xpert testimony about the general behavior of sexual assault victims may be helpful to the jury and may therefore be admissible."); *People v. Whitman*, 205 P.3d 371, 383 (Colo. App. 2007) ("Expert testimony about the general behavior of sexual assault victims is admissible.").

¶ 33 Given this record and the weight of judicial authority, the district court didn't need to make additional findings. At most, any error in failing to make additional findings was harmless.

C. Cumulative Effect

¶ 34 Because we haven't found any errors, Shannon's contention that reversal is warranted under the cumulative error doctrine is untenable. *See People v. Blackwell*, 251 P.3d 468, 477 (Colo. App. 2010).

D. Equal Protection

¶ 35 Lastly, Shannon contends that his human trafficking for sexual servitude conviction violates his right to equal protection of the laws. More specifically, he argues that, because his conduct violated two other criminal statutes that carry lesser penalties, he can't be convicted of the greater offense of human trafficking for sexual servitude. We aren't persuaded by his argument.

1. Standard of Review

¶ 36 We review Shannon's equal protection challenge de novo. *People v. Price*, 2023 COA 96, ¶¶ 46-47; *People v. Curtis*, 2021 COA 103, ¶ 32.

¶ 37 Because Shannon's attorney didn't preserve his equal protection argument, we won't reverse unless any error was plain. *Hagos v. People*, 2012 CO 63, ¶ 14. Plain error is error that is both "obvious and substantial." *Id.* An error is obvious if it contravenes a clear statutory command, a well-settled legal principle, or Colorado case law. *People v. Delgado*, 2019 CO 82, ¶ 33; *People v. Pollard*, 2013 COA 31M, ¶ 40. An error is substantial if it so undermined the fundamental fairness of the trial as to cast serious doubt on the reliability of the judgment of conviction. *Hagos*, ¶ 14.

2. Applicable Law

¶ 38 "Colorado's guarantee of equal protection is violated where two criminal statutes proscribe identical conduct, yet one punishes that conduct more harshly." *Dean v. People*, 2016 CO 14, ¶ 14.

¶ 39 When evaluating an as-applied equal protection challenge of this nature, "we consider whether — under the specific circumstances under which [the defendant] acted — the relevant

statutes, or specific subsections of the statutes, punish identical conduct, and whether a reasonable distinction can be drawn between the conduct punished by the two statutes." *People v. Maloy*, 2020 COA 71, ¶ 14 (quoting *People v. Trujillo*, 2015 COA 22, ¶ 21); *accord People v. Tarr*, 2022 COA 23, ¶ 59 (*cert. granted* Mar. 27, 2023). "To establish a reasonable distinction between two statutes for purposes of equal protection, the statutory classifications of crimes must be 'based on differences that are real in fact and reasonably related to the general purposes of criminal legislation.'" *Tarr*, ¶ 59 (quoting *People v. Brockelman*, 862 P.2d 1040, 1041 (Colo. App. 1993)).

3. Analysis

¶ 40 Under section 18-3-504(2)(a)(I), C.R.S. 2023, a person commits human trafficking of a minor for sexual servitude if he "[k]nowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, receives, obtains by any means, maintains, or makes available a minor for the purpose of commercial sexual activity."

¶ 41 Section 18-3-502(3), C.R.S. 2023, defines "commercial sexual activity" as "sexual activity for which anything of value is given to,

promised to, or received by a person." A "minor" is a person under the age of eighteen. § 18-3-502(8).

¶ 42 Human trafficking of a minor for sexual servitude is a class 2 felony. § 18-3-504(2)(b).

¶ 43 Shannon contends that, as applied to him, section 18-3-504(2)(a) violates his right to equal protection because that class 2 felony punishes the same conduct in which he engaged more harshly than soliciting for child prostitution under section 18-7-402(1)(a), C.R.S. 2023, and inducement of child prostitution under section 18-7-405.5(1), C.R.S. 2023, both of which are class 3 felonies. Soliciting for child prostitution prohibits "[s]olicit[ing] another for the purpose of prostitution of a child or by a child." § 18-7-402(1)(a). Inducing child prostitution prohibits "by word or action . . . induc[ing] a child to engage in an act which is prostitution by a child." § 18-7-405.5(1). Prostitution by a child is statutorily defined as "a child performing or offering or agreeing to perform any [sexual act] with any person not the child's spouse in exchange for money or other thing of value." § 18-7-401(6), C.R.S. 2023.

¶ 44 The premise of Shannon's argument is that "entice" in the human trafficking statute means the same thing as "solicit" and "induce" in the class 3 felony statutes, and that "commercial sexual activity" in the human trafficking statute means the same thing as "prostitution" in the class 3 felony statutes. (He essentially concedes that he gave something of value — lipstick, clothing, and concert tickets, for example — to K.B., a minor at the time, in exchange for sexual activity.) Therefore, he says, his "enticement" of the victim for commercial sexual activity also satisfied the elements of the class 3 felony statutes.

¶ 45 Relying partly on *People v. Trujillo*, 2015 COA 22, the People argue that Shannon's acts of offering things of value in exchange for sexual acts weren't the only basis for the human trafficking charge. They say that, by providing basic necessities of life to K.B., such as shelter, food, and transportation, Shannon "maintained" K.B., a basis of culpability independent of enticement. We agree with the People.

¶ 46 In this context, "maintains" means to "provide sustenance or care for a minor and includes but is not limited to providing shelter, food, [or] clothing." § 18-3-502(6).

¶ 47 Evidence presented at trial showed that Shannon "maintain[ed]" K.B. by providing her with rides, paying for her meals, and assuming financial responsibility for her when they attended concerts out-of-state, such as by paying for hotel accommodations and transportation. Shannon also provided shelter to K.B. because of her tumultuous home situation. As K.B. testified, she looked up to Shannon as a big brother or father-like figure.

¶ 48 Some of this evidence also showed that Shannon violated section 18-3-504 by "transport[ing]" K.B. § 18-3-504(2)(a)(I). K.B. testified that Shannon took her to various places — including out-of-state concerts — in exchange for sex.

¶ 49 Thus, Shannon didn't only "entice" K.B., he "maintain[ed]" and "transport[ed]" K.B., conduct proscribed solely by the human trafficking statute. Because the statutes proscribe different conduct, and Shannon's conduct ran afoul of the human trafficking statute in ways that aren't proscribed by the lesser offenses, his conviction for human trafficking doesn't violate his right to equal protection of the laws.

III. Disposition

¶ 50 The judgment of conviction is affirmed.

JUDGE HARRIS and JUDGE GOMEZ concur.