

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

JUSTIN LAMAR GREEN,

Defendant and Appellant.

2d Crim. No. B296350
(Super. Ct. No. LA088126)
(Los Angeles County)

Justin Green appeals from judgment after a jury convicted him of trafficking a minor for a commercial sex act. (Pen. Code,¹ § 236.1, subd. (c)(1).) Green admitted a prior prison term allegation. (§ 667.5, subd. (b).) The trial court sentenced him to nine years in state prison.

Green acknowledges his conviction is authorized by *People v. Zambia* (2011) 51 Cal.4th 965 (*Zambia*), but argues that our Supreme Court “wrongly held” that a defendant can be

¹ Further unspecified statutory references are to the Penal Code.

convicted of encouraging someone who is already a prostitute “to become a prostitute.” He requests that we “exercise [our] authority to record [our] disagreement” with *Zambia*. We affirm.

FACTS AND PROCEDURAL HISTORY

N.G. was born in May 2001. She began engaging in prostitution when she was 13 years old.

She first met Green in April 2015. After two weeks of “spending time” together, Green told N.G. that “the only way to be with him” was to “bring in some type of income.” Green drove N.G. to Los Angeles, gave her three condoms, and instructed her how to prostitute. N.G. described this moment as her “turn-out”—her introduction into prostitution. She continued to work as a prostitute for Green for about a month, and she gave him all the money she earned. During this time, N.G. lived with Green and had a sexual relationship with him. He made her feel “special” by taking her out, buying her clothes, and feeding her.

In May 2015, N.G. was arrested by an undercover police officer and was returned to her mother’s home. She ran away and returned to Green. She worked as a prostitute for him again until she was arrested a second time and placed in another home.

In March 2018, she contacted Green, who told her: “Baby, I want you back. Please, we need to be together. We’re not supposed to be apart. I just need you [to] come back so we can do this.” She ran away from the home and returned to Green. She began working for him as a prostitute “[a]s soon as [she] got into contact with him.”

Five days later, an officer saw Green and N.G. sitting in a car. It appeared that Green was “strongly berating her.” Another undercover officer saw N.G. get out of the car and walk

to a street corner. The officer drove next to N.G. and posed as a customer. N.G. got in his car and the officer arrested her.

The police searched N.G. and found a cell phone and condoms. The cell phone contained text messages from Green to N.G. which included the following: “Hurry up, ho”; “[Where you at] bitch?”; and “Bitch, you’ve been gone 30 minutes with the same trick. What the fuck?”

The prosecution filed an information alleging that Green “willfully and unlawfully cause[d], induce[d] and/or persuade[d]” N.G. to engage in a commercial sex act. (See § 236.1, subd. (c)(1).) A jury found Green guilty of this offense.

DISCUSSION

Green contends he could not be found guilty of pandering by encouraging N.G. “to become a prostitute” because N.G. was already an active prostitute. We disagree.

Green’s contention was rejected by our Supreme Court in *Zambia*. In that case, the defendant approached an undercover officer and offered to be her pimp: she would give him money in exchange for housing, clothing and protection. (*Zambia, supra*, 51 Cal.4th at pp. 970-971.) Similar to this case, *Zambia* argued that encouraging someone “to become a prostitute’ does not include . . . a person who is already a prostitute, or is posing as one.” (*Id.* at p. 972.) The Supreme Court held that section 266i applies when the target of the defendant’s encouragement “is already an active prostitute, or [an] undercover police officer.” (*Id.* at p. 981.)

Green concedes that *Zambia* is settled law. We are bound by that decision. (*Auto Equity Sales, Inc. v. Superior Court*

(1962) 57 Cal.2d 450, 455.)² As in *Zambia*, the evidence here supports the conviction. Green and N.G. had a history of a pimp-prostitute relationship, which began in April 2015. He had a sexual relationship with her, lived with her, and bought her clothes and food; in exchange, she gave him all her money. After a period of time apart, he encouraged her to come back to him. She began working for him as a prostitute again “[a]s soon as [she] got into contact with him.” Green’s conduct was “aimed at producing subsequent conduct by [N.G.]: that [N.G.] thereafter engage in acts of prostitution following [Green]’s inducement or encouragement.” (*Zambia, supra*, 51 Cal.4th at p. 975.)

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED.

TANGEMAN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

² Green argues the two dissenting opinions in *Zambia* are “better reasoned,” and requests that we “record [our] disagreement” with the majority opinion. We decline the invitation.

Martin Larry Herscovitz, Judge

Superior Court County of Los Angeles

Vanessa Place, under appointment by the Court of
Appeal, for Defendant and Appellant.

Xavier Becerra, Attorney General, Lance E. Winters,
Assistant Attorney General, Steven D. Matthews and Gary A.
Lieberman, Deputy Attorneys General, for Plaintiff and
Respondent.