

Sex trafficker suspected in new crime

Prospective witness against another sex trafficker wasn't charged for his crimes

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Federal prosecutors opted not to charge Rochester resident Scott Wilbert with sex trafficking in 2012 — instead using him as a prospective witness against another sex trafficker — and Wilbert apparently went on to commit other crimes, court records say.

Scott Wilbert is now accused of possession of child pornography. But court records show that federal authorities now suspect he also engaged in sex trafficking crimes, even after he agreed to help in an investigation against sex trafficker Thomas Cramer, who was then Wilbert's housemate.

In 2012, Wilbert admitted to federal authorities that he had assisted Cramer in the sex trafficking operation, but he was not charged then for his crimes.

"Notwithstanding his incriminating admissions to law enforcement, Wilbert was not prosecuted for his role in Thomas Cramer's sex trafficking operation," U.S. Magistrate Judge Jonathan Feldman wrote in an Aug. 22 decision, choosing to keep Wilbert jailed as he awaits trial on child pornography charges. "It appears that the decision not to seek charges against Wilbert was related to his willingness to cooperate with the Government in the case against Cramer.

"Yet, despite avoiding criminal charges, Wilbert decided to continue to engage in criminal conduct," Feldman wrote.

Wilbert is a registered sex offender who, at age 16, raped a 2-year-old child whom he was babysitting.

Attorney Robert Napier, who is representing Wilbert on the current child pornography charges, said Wilbert's possible 2012 offenses likely did not rise to the level of federal crimes, and may have been, at worst,



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state-level crimes of promoting prostitution.

But Assistant U.S. Attorney Melissa Marangola, who is prosecuting Wilbert on the child pornography records, says there is evidence that Wilbert transported minors for sex in 2012, which could have made him a criminal cog in Cramer's sex trafficking operation. Cramer is now serving 30 years for selling three underage girls for sex and for trying to entice a fourth into prostitution.

In 2012, Marangola said, federal authorities planned to use Wilbert as a possible witness against Cramer. After securing his cooperation, Wilbert then made admissions that he also helped Cramer with trafficking, Marangola said.

However, the agreement precluded prosecutors from pursuing charges against Wilbert, she said.

Cramer ultimately pleaded guilty, and there was no trial. However, had there been a trial, Wilbert may have been a key witness against Cramer.

"(Wilbert) certainly is culpable," Marangola said. "Cramer was the more culpable target."

Federal criminal statutes allow much more reliance on the testimony of criminal co-conspirators than do state laws, and federal prosecutors often face decisions about who deserves prosecution and who can get a break because of cooperation.

"We have to make judgment calls on a case-by-case basis," said Marangola, who was not involved in the 2012 criminal case against Cramer.

After being charged with child pornography in July, Wilbert was released on electronic monitoring. Federal prosecutors agreed to the bail terms.

Wilbert is now accused of possessing dozens of digital images of the molestation of very young children. He is scheduled to return to court Friday morning.

In early August, the *Democrat and Chronicle*

reported that Wilbert had assisted in Cramer's trafficking business and that Cramer had alleged in conversations with the *Democrat and Chronicle* that Wilbert himself had engaged in sex trafficking.

In mid-August federal prosecutors asked that Wilbert's bail be reconsidered and that he be held without bail because he posed dangers to the community. There was a two-day bail hearing, that led to Feldman's ruling that Wilbert should be jailed as he awaits trial.

In his earlier interviews with the *Democrat and Chronicle*, Cramer alleged that Wilbert had continued to traffic women for prostitution after Cramer was arrested. At the bail hearing this month, prosecutors presented evidence that Wilbert — as Cramer had claimed — continued to engage in prostitution crimes after Cramer's arrest.

"Wilbert asserts and the Government does not dispute that Wilbert cooperated in the Government's investigation of Cramer and was never charged with any criminal offense relating to Cramer's sex trafficking operation," Feldman wrote in his decision. "However, the hearing evidence also demonstrated that even after Cramer was arrested and prosecuted on federal sex trafficking charges, Wilbert continued to engage in sex trafficking by running his own illegal 'escort service.'"

One woman testified that she lived with Wilbert in 2014 and believed he was running a prostitution service then. Wilbert asked her to be a prostitute for him — she refused — and she said she "observed Wilbert babysitting young children."

Another woman told the FBI this month that Wilbert was involved in the "prostitution business" as recently as spring of this year.

Marangola said investigators will continue to look at whether Wilbert did commit sex trafficking crimes after 2012 and, if so, whether he should be prosecuted for those offenses.

"We would have hoped Wilbert would not have continued his conduct after he saw what happened to his friend," Marangola said.

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