

Las Vegas Sun

The pimp: Was it a role or was it a reality?

Man accused of attempted pandering offers a novel defense: My persona is so outlandish, the whole thing has to be an act

By [Abigail Goldman](#)

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Snooky first appears in the 1999 documentary “Pimps Up, Ho’s Down” walking and wearing a neon blue three-piece suit and carrying a white handkerchief that he regularly dabs his mouth with, calling attention to a golden ring that spans three fingers on his left hand: A statuette of a king at least four inches tall, with two women kneeling on each side, one kept on collar and chain.

Behind Snooky, two women walk in a row like ducks, looking at their feet only. They keep their heads down throughout the remainder of the film, a sign of reverence for Snooky, who says, “Let me pimp, or let me die. You know, I was born a pimp. I’m a’ die a pimp, whether you like it or whether you hate it. I’m the (expletive) that your mama warned you about.”

On the set of the Jerry Springer Show, Snooky wears a white zoot suit and orange dress shirt. He carries a Lucite cane topped with a gold handle that’s been engineered to hold a full-sized gold Champagne flute that Snooky regularly lifts to drink from. The episode, titled “Heartbreak Hookers,” opens with redheaded Yvonne. “Snooky’s my pimp,” Yvonne says. “He is the best.”

And at Mandalay Bay, sometime after 4 a.m. in the spring of 2007, Snooky was sitting at a bank of slot machines when he called out to a woman walking past in a skimpy outfit. This woman later said Snooky didn’t accept her solicitation for sex, but instead attempted woo her into his employ, by bragging about his wealth and claiming he would always bail her out of jail, improve her appearance and help her make more money.

The woman says that during their 45-minute conversation, Snooky also told her, “I’m in the game. I respect what you do” — a phrase she understood to mean: I’m a pimp.

She signaled to the other undercover Metro vice cops waiting nearby. They swooped in and arrested Snooky, who, with \$3,340 in his front pocket, three cell phones on his person and a tattoo that reads “International Pimp” on his right arm, was booked under his real name: Derrick Avery. He was charged with one count of attempted pandering.

He pleaded not guilty. In fact, Avery now claims he was never a pimp at all. The man described in “Pimps Up, Ho’s Down” as “one of the most respected pimps in the game,” the man on Jerry Springer, the subject of a 2000 British documentary focused totally on him and named after him — “Pimp Snooky” — claims it was all an act.

In November, jurors will determine whether Avery is guilty, a process that will no doubt force them to decide: international pimp or impostor pimp? Contacted for this article, he referred questions to a public relations representative, who in turn referred questions to attorney Bret Whipple, who didn’t return multiple calls for comment. Clark County prosecutors aren’t talking either.

But in the two years since Avery's Mandalay Bay arrest, both sides have filed court documents and held hearings that provide a window onto the case, which has swelled to include questions not just about the pandering charge, but about the entire subculture of pimps, and whether some behaviors are so absurd they can't be true — or so absurd they must be.

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The Exel Inn in Wauwatosa, Wis., was a regular stop for officer John Milotzky in 2005. On the stand in Clark County, for the Avery case, Milotzky explained that as part of a special operations group that investigated vice and narcotics crime in the city west of Milwaukee, he and colleagues were often at the Inn.

So when Milotzky saw a Mercedes parked at the Exel lot with a man and a woman slunk low inside, "almost to avoid to be seen," he decided to investigate. He found Avery, who had seven outstanding warrants (what for is unclear) and keys to two rooms at the Inn. As Avery was arrested, Milotzky and a partner went into the rooms, where they found large quantities of condoms and four women, three of whom had prior arrests for prostitution.

At the police station, Snooky spoke of his appearance in the "Pimps Up" movie, as well as the Springer show, and claimed the women in the hotel rooms were not working as prostitutes, and that Snooky himself was an "entertainment specialist" on a vacation with women from Las Vegas, Milotzky testified.

"He did not say that he was an actor," Milotzky added.

One year later, in June 2007, a woman called Metro Police to a large North Las Vegas home on Midnight Cowboy Court. Officers found five women there, four of whom had been at the Exel Inn with Avery the year prior, all of whom had histories of prostitution arrests in Clark County. When one of the women claimed she was 17, the responding police called Metro vice cop Don Fieselman, who was part of a task force focused on juvenile prostitutes.

Fieselman had watched "Pimps Up, Ho's Down" and recognized Derrick Avery as Snooky. He also recognized one of the women from the documentary, even though she never looked directly at the camera. She and another one of the women at Midnight Cowboy had outstanding warrants for prostitution and were taken to the Clark County Detention Center.

While they waited for bail to be posted, the women spoke with Avery over the phone multiple times, and those recorded calls, depending on what a jury determines they really reveal, could factor heavily in the case against Snooky. Prosecutors will argue that words used in the recorded conversations carry unique meaning in the prostitution subculture, and prove Avery is a pimp. Defense attorneys, on the other hand, will argue that these conversations are just normal slang exchanges.

Metro Police did not arrest Avery that June. They needed help from the women living with Avery and didn't get it. But Fieselman kept the case open.

He didn't see or hear of Avery again until the Mandalay Bay arrest, one year later, when language would again be up for dissection. When the undercover officer asked directly whether Avery was a pimp, he didn't answer the question. He did, however, falsely claim he owned 17 businesses, two recording labels and 28 houses in Las Vegas alone. Depending on whom you ask, he was either a pimp trying to recruit a prostitute, or a guy just shooting his mouth off.

What's clear is that the language Avery used during the Mandalay Bay arrest, and in the jail phone calls, overlaps with Snooky's vocabulary on TV and in movies. If Snooky was all an act, it was also a kind of trap, one that blurs the "real" Avery and makes him look loathsome.

Moreover, the same documentary that Avery bragged about, real or false, is now a lesson plan for police. “It’s a great training aid for new detectives,” Fieselman said in court.

When prosecutors first asked for permission to show the documentary and Springer footage in court, Whipple filed an argument claiming Avery was paid by “Pimps Up” director Brent Owens to play a character. Whipple also acknowledged in those filings that “an average viewer of this video would tend to believe that Avery was involved in the act of pandering ...”

Owens did not return the Sun’s calls, but colleagues of the filmmaker, who has made several documentaries about prostitution for HBO, scoffed at the suggestion that he would knowingly allow actors into a documentary.

Just days before the Mandalay Bay arrest, Avery was on tape again, though whether he knew it is up for question. Avery, who has a business in Milwaukee — a bar called Marjani’s — was recorded in an FBI wiretap talking to Milwaukee Alderman Michael McGee, who was later convicted in federal court for accepting bribes.

In multiple phone calls, Avery discusses transferring money to McGee, who prosecutors allege was helping Avery get a liquor license for the bar. At the time, Marjani’s liquor license was in the name of a woman, Shamika Evans, who was also with Avery at Midnight Cowboy in 2006, and at the Exel Inn in 2005.

When Wauwatosa officer Milotzky testified in Clark County Court, Whipple asked him whether Avery ever explained he was assisting FBI officials, or whether Milotzky was aware Avery had assisted other law enforcement in the past. Milotzky recalled a fellow officer getting such a call from the FBI and reporting that Avery was “an informant.”

In connection with what? That was never explained.

The Exel Inn event was well before the McGee incident, and Whipple, who brought the questions up during a hearing to determine what evidence would be allowed at trial, dropped the subject as quickly as he brought it up in court.

Judge Michelle Leavitt, who presided over that hearing, ultimately decided to allow the Springer and documentary evidence. Talking to attorneys for both sides of the case, she said: “I think its just so incredulous to believe that someone would go on TV with all these women and say, ‘I’m a pimp, and they do things and I take all their money,’ if it wasn’t true.”

Whipple, rather than fight the inclusion of the tapes, instead asked if more of the video footage could be allowed, calling it “so egregious or so outlandish and kind of over the top, that it kind of, I believe, it shows that the whole thing is not credible and not believable.”

It’s either so outlandish it’s true, or so outlandish it’s false. Let the jury decide.

Meanwhile, Whipple has attempted to have the courts recognize Avery as indigent — too poor to pay for the witnesses defense attorneys would like to call on his behalf. Leavitt, who watched the Springer show, questioned how a man with so much jewelry and a private defense attorney could be declared indigent.

Whipple said his client would explain, but without the prosecutors present, lest they use the information proving Avery’s poverty against him. While Avery’s indigent status remains unresolved, his proposed witness list is impressive: It includes the rappers 50 Cent, Ludacris, Ice T and Snoop Dogg, among others.

In May, Whipple announced that Avery had hired a second attorney to defend him: Andrew Leavitt, who happens to be the judge’s brother. Whipple, it turns out, is the lawyer of record for some of the women Avery hangs out with — people the prosecutors might like to have testify. Because this could be a conflict, Leavitt

will cross-examine these women, and leave the rest to Whipple. Of course, because James Leavitt was part of the Avery legal team, Judge Leavitt had to recuse herself.

Some would see this as a calculated effort to stall, or get the case moved to a different court, one where the judge hadn't revealed she was critical of Avery's claim. James Leavitt, however, asserts that Avery was going to hire him months ago but didn't get the money together until now.

Leavitt also acknowledges that Avery's claim that he was only acting is hard to believe. But he asserts, on behalf of his client, that it's true. "It was all an act," he said.

But why?

"That's a good question."

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The case is now before a different judge, and Avery has been out on bail — not the \$3,000 normally levied in pandering cases, but \$50,000 bail, set because Avery qualifies as a habitual criminal. He has never been arrested for pandering, but he has had a few felony convictions for robbery and possessing firearms.

As he waits to go to trial, Avery has launched a campaign claiming his innocence on MySpace, where he refers to himself as Mr. Marjani, the name of his Milwaukee bar, which he claims to have turned into a shoe store. He posted a few home videos as well — footage of him in an office, or on a porch, talking about his lifestyle and Snooky.

"That person is a beast," he says. "Definitely, definitely, definitely the perfect character."

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