

United States District Court

SOUTHERN

DISTRICT OF

FLORIDA

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

ELODIA CAPILLA DIEGO and  
FIDEL GONZALEZ

CASE NUMBER: 08-3515-EC

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. From in or around May 2008 through on or about November 19, 2008, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants ELODIA CAPILLA DIEGO and FIDEL GONZALEZ did knowingly, in and affecting interstate and foreign commerce, recruit, harbor, transport, provide, and obtain by any means a person knowing that force, fraud, and coercion would be used to cause that person to engage in a commercial sex act, and that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act, and benefitted financially from this conduct; in violation of Title 18, United States Code, Sections 1591(a)(1), 1591(a)(2), and 2.

I further state that I am a Special Agent with Immigration and Customs Enforcement, and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

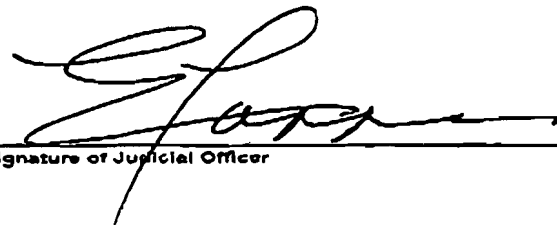
  
MILDRED LABOY  
IMMIGRATION & CUSTOMS ENFORCEMENT

Sworn to before me, and subscribed in my presence,

NOVEMBER 20, 2008  
Date

at MIAMI, FLORIDA  
City and State

EDWIN G. TORRES  
UNITED STATES MAGISTRATE JUDGE  
Name and Title of Judicial Officer

  
Signature of Judicial Officer

## AFFIDAVIT OF MILDRED LABOY

I, Mildred Laboy, having been first duly sworn, do hereby depose and state as follows:

1. I am a Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement (hereinafter referred to as "ICE"). I have been employed with ICE since March of 2003. Prior to that, I was employed with the United States Department of Justice, Immigration and Naturalization Service as a Special Agent. As a Special Agent, I have conducted numerous administrative and criminal investigations of individuals who have violated statutes relating to the immigration laws of the United States, including individuals involved in the smuggling and trafficking of human victims into the United States.

2. Because this affidavit is being submitted for the limited purpose of securing arrest warrants and a criminal complaint, I have not included each and every fact known to law enforcement concerning this investigation. Rather, I have set forth only the facts that I believe are necessary to establish probable cause that **ELODIA CAPILLA DIEGO** and **FIDEL GUTERREZ GONZALEZ** violated Title 18, United States Code, Sections 1591(a)(1), 1591(a)(2), and 2, in that the Defendants did knowingly, in and affecting interstate and foreign commerce, recruit, harbor, transport, provide and obtain by any means a person knowing that force, fraud, and coercion would be used to cause that person to engage in a commercial sex act, and that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act, and benefitted financially from this conduct.

3. The statements contained in this affidavit are based in part upon the investigation that I have personally conducted; upon information provided to me by other law enforcement officers; and on my experience and background as a Special Agent.

## SUMMARY OF THE INVESTIGATION

### VICTIM 2

1. On September 5, 2008, law enforcement encountered a minor victim (hereinafter referred to as "Victim 2"), who had been victimized by a prostitution/human trafficking ring associated with the one described by another victim, Victim 1.<sup>1</sup> Victim 2 was illegally smuggled into the United States by her "husband"/trafficker, TIMOTEO REYES-PEREZ, when she was 14 years old. She was initially taken to live in Queens, New York. Soon after, she was transported and housed in Atlanta, Georgia. In February 2008, she was brought to Miami, Florida. There she was housed but did not work as a prostitute until several months later. Ultimately, however, her husband forced her to begin working as a prostitute in the Spring/Summer of 2008. He would periodically threaten and beat her. Victim 2 describes how she was moved weekly from locations in Homestead, West Palm Beach, and Ft. Myers. On occasions, Victim 2 would ride up with the traffickers and other victims to different brothels in Florida. She described how other women were being forced in the same ways, and how the traffickers were threatening many of the women's families and children back in Mexico. Victim 2 stated that she often rode in a green van, which was driven by ARTURO ROJAS-GONZALEZ
2. In October 2008, Victim 2 took law enforcement to several of the residences that she knew the traffickers were using as either brothels or "stash" houses. One of the residences she identified as a "stash house" was **805 Bradley Street, Apartment B., West Palm Beach, FL**. Victim 2 also identified **1331 Wellington Street, West Palm Beach, FL**, as a "stash"

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<sup>1</sup> Also arrested with Victim 2 was another female who has since admitted to working as a prostitute in South Florida.

house.

3. Victim 2 described the differences between the brothels and the "stash" houses. She stated that the "stash" houses were locations where the traffickers or associates of the traffickers lived and places where the victim women were sent for a couple of days to a week at a time. Once the women arrived at the "stash" house, the trafficker would receive phone calls from clients, and the women would be disbursed to prostitute at individual clients' houses. Notably, when describing the "stash" houses that Victim 2 resided in, she stated that those locations often had families living in them and, from the outside, appeared to be normal residences. The brothels were residences where the victim women were sent to live for a few days to a week at a time and service clients out of that particular location. At least one person at the residence or brothel actually resided there and would watch over the girls.

4. At the time that law enforcement "rescued" Victim 2 on September 5, 2008, she had been working as a prostitute for approximately six uninterrupted weeks. She described details about certain locations including the following:

- In July or August of 2008, she was sent to **805 Bradley Street, Apt. B, West Palm Beach, Florida**, which is another "stash" house. She was at this location for approximately one week. During that week, an unidentified male would pick her up daily, in a blue sedan, and take her each evening to different residences or brothels where she would work as a prostitute. After working, she would be brought back to this location by the same unidentified male. This was not the first time she had stayed at this "stash" house. She explained details about her visits. She stated there was another Mexican female who was being used as a prostitute at this location. She also said that the residence belonged to a woman called "Ester" who drove a black mustang. She described the female in detail. She explained that "Ester" knew she was 15 years old and would also drive her to some clients homes for prostitution. Victim 2 also stated that "Ester" would take the money Victim 2 earned and would give Victim 2 her share of the money at the end of the week.

- In August 2008, she stayed at **1331 Wellington Street, West Palm Beach, Florida**, which is a "stash" house. **ARTURO ROJAS-GONZALEZ** drove her there, and dropped her off. She was at this location for approximately one week, and during that week she was sent to various homes or brothels to prostitute. With her at that stash house, was another Mexican female victim, who was also being trafficked. She was picked up from that location by an individual named "GR", who is related to **TIMOTEO REYES-PEREZ**. At the 1331 Wellington Street location, Victim 2 said that the person who drove her around to prostitute at various residences or brothels was an unidentified male who drives a blue Ford, that she described as a van-like vehicle. She said that the male who drove her resided at this location and had a family member who had a problem with her hand who also lived at the residence.

#### EXECUTION OF SEARCH WARRANTS

5. On November 19, 2008, a search warrant was executed at **805 Bradley Street, Apt. B, West Palm Beach, Florida**. **ELODIA CAPILLA DIEGO**, was identified as the resident of this location and matched the description provided by Victim 2. Found in the residence was an identification card with **ELODIA CAPILLA DIEGO'S** picture but identifying her first name as "Ester." Found in the residence were 30-40 condoms, 2-3 jars of lubricants; numerous identification cards for females, personal journals, and a black mustang belonging to **ELODIA CAPILLA DIEGO**. A 20 year old female was found in the residence and admitted to being a prostitute. She stated that she has been staying with **ELODIA CAPILLA DIEGO** for 6 months.

6. On November 19, 2008, another search warrant was executed at **1331 Wellington Street, West Palm Beach, Florida**. A blue Ford Expedition, which matched the description provided by Victim 2, was found at the location. **FIDEL GUITERREZ GONZALEZ** was the resident of the location and owner of the vehicle. He stated that he was the only person who drove the blue Ford Expedition. His wife, who also resides at the location, was missing four

fingers from one of her hands. There was an addition at the back of the residence that appeared to be partially used as storage and partially as living quarters. Many high heeled female shoes and articles of clothing were found at the location.

**CONCLUSION**

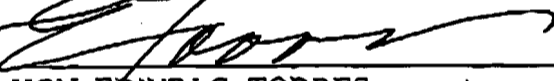
7. Based upon the above information, probable cause exists that **ELODIA CAPILLA DIEGO** and **FIDEL GUITERREZ GONZALEZ** violated Title 18, United States Code, Sections 1591(a)(1), 1591(a)(2), and 2; in that the Defendants did knowingly, in and affecting interstate and foreign commerce, recruit, harbor, transport, provide and obtain by any means a person knowing that force, fraud, and coercion would be used to cause that person to engage in a commercial sex act, and that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act, and benefitted financially from this conduct.

FURTHER AFFIANT SAYETH NAUGHT

Enforcement

  
Mildred Laboy  
Special Agent, Immigration & Customs

Sworn to me this  
20th day of November, 2008.

  
HON. EDWIN G. TORRES  
MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF FLORIDA