

United States District Court 11 MAY 20 PM 5: 54

IN THE DISTRICT OF NEW MEXICO CLERK LAS CRUCES

UNITED STATES OF AMERICA

v.

Elina Sihombing, a.k.a  
Siti E. Sihombing  
and  
David Girle

CRIMINAL COMPLAINT

CASE NUMBER: 11-1348 MJ

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 7, 2007 in Dona Ana county, in the

State and Judicial District of New Mexico defendant(s) did, (Track Statutory Language) knowingly provide or obtain the labor or services of a person by anyone by means of force, threats of force, physical restraint, or threats of physical restraint to that person, knowingly recruit, harbor, transport, or obtain by any means, any person for labor or services, & knowingly conceal, confiscate, or possess any actual or purported passport or other immigration document, or any other actual or purported government identification document.

in violation of Title 18 United States Code, Section(s) 1589, 1590, 1592.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:  
Official Title

See Attachment A

Continued on the attached sheet and made a part hereof:

Yes  No

AUSA - Alfred Perez/Jessica Jarvis  
Sworn to before me and subscribed in my presence,

Ida M. D'Antonio  
Signature of Complainant  
SA Ida M. D'Antonio  
Special Agent  
Federal Bureau of Investigation

May 20, 2011  
Date  
LOURDES A. MARTINEZ  
U.S. MAGISTRATE JUDGE  
Name & Title of Judicial Officer

at Las Cruces, N. M.  
City and State  
Lourdes Martinez  
Signature of Judicial Officer

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IN THE DISTRICT OF THE UNITED STATES  
FOR THE DISTRICT OF NEW MEXICO

United States of America )  
 )  
vs. )  
Elina Sihombing, a.k.a )  
Siti E. Sihombing )  
and )  
David Girle )

No. 11-1348 MJ

Attachment A

AFFIDAVIT

I, Ida M. D'Antonio, being first duly sworn, hereby  
depose and state as follows:

1. This affidavit concerns an investigation into  
two subjects who conspired to violate two individuals civil  
rights by trafficking them into the United States (U.S.),  
forced them into labor, and concealed their immigration  
documents. This affidavit is made in support of a criminal  
complaint charging ELINA SIHOMBING, also known as (a.k.a.)  
Siti E. Sihombing, hereinafter referred to as SIHOMBING, and  
DAVID GIRLE, hereinafter referred to as GIRLE, with  
violations of Forced Labor in violation of Title 18, United  
States Code, (U.S.C.) § 1589, which makes it a crime for any  
person to knowingly provide or obtain the labor or services  
of a person by anyone by means of force, threats of force,  
physical restraint, or threats of physical restraint to that  
person; Trafficking with respect to peonage, slavery,  
involuntary servitude, or forced labor in violation of Title

*Ida M. D'Antonio*

1 18 U.S.C. § 1590, which makes it a crime for any person to  
2 knowingly recruit, harbor, transport, or obtain by any means,  
3 any person for labor or services, and Unlawful conduct with  
4 respect to documents in furtherance of trafficking, peonage,  
5 slavery, involuntary servitude, or forced labor in violation  
6 of Title 18 U.S.C. § 1592, which makes it a crime for anyone  
7 to knowingly destroy, conceal, remove, confiscate, or possess  
8 any actual or purported passport or other immigration  
9 document, or any other actual or purported government  
10 identification document.

11  
12 2. I am a Special Agent (SA) of the Federal Bureau  
13 of Investigation (FBI) currently assigned to the Albuquerque  
14 Division, Las Cruces Resident Agency (LCRA), and have been  
15 employed by the FBI for approximately fourteen and a half  
16 years. During my career, I have investigated a variety of  
17 criminal violations to include civil rights crimes including  
18 Forced Labor, Trafficking, and Document Servitude. As a  
19 Special Agent of the FBI, I am authorized to investigate  
20 violations of Title 18, United States Code, Sections 1589,  
21 1590, and 1592.

22  
23 3. All the facts set forth in this Affidavit are  
24 personally known to me or have been made known to me by other  
25 sworn law enforcement officers.

26  
27 4. On or around December 9, 2004, Dewi Lena  
28 Simangunsong, hereafter referred to as Dewi, was brought from

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1 Sumantra, Indonesia to Phoenix, Arizona (AZ) by Sihombing and  
2 Girle, who are a married. Sihombing is a distant relative of  
3 Dewi. Sihombing advised Dewi she would have a better future  
4 in the U.S. Dewi was told she could attend school and have a  
5 career. Never having access to her Visa to verify, Dewi was  
6 told that her Visa stated that the purpose for her coming to  
7 the U.S. was to be a nanny for Sihombing and Girle. Before  
8 departing Indonesia, Sihombing's mother warned Dewi that she  
9 should not go to the U.S., because Sihombing and Girle were  
10 going to "use" her. Dewi did not speak, write, or understand  
11 the English language.

12

13 5. Dewi began working as a nanny to Sihombing and  
14 Girle's one and a half year old daughter, Monique. Dewi's  
15 working hours were from 8:00 a.m. to 12:00 midnight every  
16 day. Additionally, Dewi was given the following chores:  
17 sweeping, mopping, laundry, ironing, and cooking. Dewi was  
18 never paid. She believed that Sihombing and Girle would pay  
19 for her to attend college, like they promised.

20

21 6. After three months, Dewi was told in addition  
22 to being a nanny, she had to assist in remodeling one of  
23 Sihombing and Girle's homes located at 4614 Desert Cove  
24 Avenue, Phoenix, AZ. Dewi's working hours changed to  
25 starting at 5:00 a.m. and ending at 11:00 p.m., Monday  
26 through Saturday, and after church on Sundays until 11:00  
27 p.m. Dewi received a 30 minute lunch and dinner break.

28

*Jan*

1           7. Dewi wanted to sleep in on Sundays, but  
2 Sihombing forced her to go to church. Dewi did not like to  
3 go against Sihombing, because when she did, Sihombing would  
4 yell at her, hit her, or pull Dewi's hair so hard, that  
5 Sihombing would have strands of Dewi's hair in her hands.  
6 Dewi described the remodeling as hard labor, including  
7 breaking concrete, painting, and helping with the roof. Dewi  
8 remodeled this house for two years.

9  
10           8. On or about December 2005, Sihombing's cousin,  
11 Desy Indri Sidabutar, hereinafter known as Indri, was brought  
12 from Indonesia to Phoenix by Sihombing and Girle. Indri was  
13 informed that she was to tell the U.S. Embassy that she was  
14 coming to the U.S. to be a nanny to Sihombing and Girle's  
15 second child, Matthew. Indri did not speak, write, or  
16 understand the English language.

17  
18           9. A week after Indri arrived, not only was she  
19 the nanny to Matthew, she began to assist Dewi with  
20 renovating Sihombing and Girle's house. Indri described the  
21 renovation as landscaping the front and back yards. Indri  
22 advised that they worked 16 hours days, breaking for an hour  
23 to eat lunch and dinner.

24  
25           10. On or about July 17, 2007, Sihombing and Girle  
26 purchased America's Best Value Inn hotel located at 2160 W.  
27 Picacho, Las Cruces, New Mexico (NM). Sihombing told Dewi  
28 and Indri that after they remodeled the hotel and sold it,

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1 she would pay them for their work. They all moved to Las  
2 Cruces and resided in a house attached to the hotel. All of  
3 them, Dewi, Indri, Sihombing, Girle, and their two kids all  
4 slept in one bedroom in one bed.

5  
6 11. Dewi and Indri's duties at the hotel consisted  
7 of housekeeping of the rooms, babysitting, laundry of the  
8 hotel linens, front desk clerk, and heavy labor regarding the  
9 landscape of the hotel. Work hours were from 8:00 a.m. to  
10 2:00 a.m., seven days a week, without any days off. They  
11 each had an hour for lunch and a 30 minute dinner break.  
12 They had to be available throughout the night to assists  
13 guests when they checked in. Dewi and Indri engaged in the  
14 above labor and hours from approximately July 7, 2007 until  
15 January 4, 2010, when they departed the hotel.

16  
17 12. In 2009, Dewi and Indri asked Girle about  
18 their Visas and passports. Girle first advised that it was  
19 fine and that it was in his possession, so he could safeguard  
20 it. Later, Girle advised them that their Visas had already  
21 expired. Dewi advised that this is when Sihombing and Girle  
22 had complete control over them. Dewi advised that neither  
23 she nor Indri were allowed to have friends, socialize away  
24 from the hotel, talk to any males, and their phone calls to  
25 their families were monitored and very limited. They never  
26 left the hotel, unless Sihombing and Girle took them  
27 somewhere, which was not very often. Dewi told Girle that  
28 she did not want to work for them any more and wanted to

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1 return to Indonesia. Girle apologized for the way Sihombing  
2 was treating them. He promised he would fix their papers,  
3 but he never did.

4  
5 13. Dewi and Indri were able to keep the tips they  
6 received from cleaning the hotel rooms. Dewi decided to buy  
7 a laptop to communicate with her family. With the help of  
8 other hotel employees, she was able to arrange the purchase  
9 of her laptop. When Sihombing learned that Dewi purchased  
10 the laptop, she became extremely angry and for one week, she  
11 withheld food from them. During that week, Dewi and Indri  
12 did not eat lunch, and ate a potato for dinner at one of the  
13 hotel guest's room. They finally departed the hotel with  
14 another employee, Maria Hernandez, and resided with her for  
15 two weeks trying to figure out what to do.

16  
17 14. Knowing they did not have any documentation  
18 and fearing being arrested by immigration officials, Dewi and  
19 Indri returned to the hotel to work. After about two weeks,  
20 on January 4, 2010, while working in the hotel, Indri was in  
21 the laundry room, and Sihombing entered and a fight ensued.  
22 A slap was heard by some employees, and Indri came out of the  
23 laundry room crying and had blood on her face from Sihombing  
24 scratching her face. The girls departed the hotel that day  
25 with another employee, Raul Hernandez.

26  
27 15. After a few days, Sihombing called the girls  
28 and told them to return to the hotel or she would call

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1 immigration and have them arrested. After a few weeks,  
2 Sihombing called the girls and told them to return to the  
3 hotel and Girle would fix their immigration papers. The  
4 girls feared that Sihombing would have them arrested, so they  
5 decided not to return to the hotel.

6  
7 16. On March 8, 2010, a three year resident of the  
8 hotel, Ann Marie Solomon, contacted Dewi and Indri and told  
9 them to meet her at a bus stop on Valley Dr. and she would  
10 provide them with their passports. When Dewi and Indri  
11 arrived to the bus stop, they were met by the U.S. Border  
12 Patrol. They asked for Dewi and Indri's passports, so  
13 Solomon handed the agents the girl's passports. The Border  
14 Patrol agents advised that the passports were expired and  
15 arrested Dewi and Indri.

16  
17 17. With the help of Raul Hernandez, Dewi and  
18 Indri were able to bond out of the Immigration and Customs  
19 enforcement's custody. The Hernandez family came across a  
20 Human Trafficking advertisement and called the number to  
21 report the above, which led to a multi-agency investigation.

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24 18. Your affiant believes that probable cause  
25 exists to charge ELINA SIHOMBING and DAVID GIRLE, with Forced  
26 Labor in violation of Title 18, United States Code, (U.S.C.)  
27 § 1589, which makes it a crime for any person to knowingly  
28 provide or obtain the labor or services of a person by any

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1 one by means of force, threats of force, physical restraint,  
2 or threats of physical restraint to that person; Trafficking  
3 with respect to peonage, slavery, involuntary servitude, or  
4 forced labor in violation of Title 18 U.S.C. § 1590, which  
5 makes it a crime for any person to knowingly recruit, harbor,  
6 transport, or obtain by any means, any person for labor or  
7 services; and Unlawful conduct with respect to documents in  
8 furtherance of trafficking, peonage, slavery, involuntary  
9 servitude, or forced labor in violation of Title 18 U.S.C. §  
10 1592, which makes it a crime for anyone to knowingly destroy,  
11 conceal, remove, confiscate, or possess any actual or  
12 purported passport or other immigration document, or any  
13 other actual or purported government identification document,  
14 and respectfully requests that warrants be issued for their  
15 arrests.

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19. Prosecution authorized by Alfred J. Perez,  
Deputy Branch Chief.



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Ida M. D'Antonio

Ida M. D'Antonio

Special Agent

Federal Bureau of Investigation

Subscribed and sworn to before me this 20<sup>th</sup> day of May,  
2011.

Lauder Martinez

U.S. Magistrate