

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT

OCT 21 2009

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

MATTHEW J. DYKMAN

Plaintiff,

CLERK
CRIMINAL NO. 09cr 3070JB

vs.

Count 1: 18 U.S.C. §§ 1153,
2241(c), and 2246(2)(c):
Aggravated Sexual Abuse with
Children.

IRVIN BITSILLY,

Defendant.

Count 2: 18 U.S.C. §§ 1153,
2242(2), and 2246(2)(A): Sexual
Abuse.

INDICTMENT

The Grand Jury charges:

Count I

On or between June 27, 2009, and July 1, 2009, in Indian Country, in McKinley County, in the District of New Mexico, the defendant, **IRVIN BITSILLY**, an Indian, knowingly engaged and attempted to engage in a sexual act with Jane Doe #1, a child known to the grand jury, who had not then attained the age of twelve (12) years, and the sexual act consisted of the penetration, however slight, of the vagina of Jane Doe #1 by the defendant's hand, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

In violation of 18 U.S.C. §§ 1153, 2241(c) and 2246(c).

Count 2

On or between November 1, 2002 and January 30, 2003, in Indian Country, in McKinley County, in the District of New Mexico, the defendant, **IRVIN BITSILLY**, an Indian, knowingly engaged and attempted to engage in a sexual act with Jane Doe #2, a child known to the grand jury, who was incapable of appraising the nature of the conduct, and could not communicate unwillingness to engage in the sexual act, and the sexual act consisted of the penetration, however slight, of the genital opening of Jane Doe by the defendant's penis.

In violation of 18 U.S.C. §§ 1153, 2242(2) and 2246(2)(A).

A TRUE BILL:

/s/
FOREPERSON OF THE GRAND JURY

Assistant United States Attorney

October 14, 2009 (8:29am)