

FILED

AO 91 (Rev. 5/85) Criminal Complaint

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

United States District Court 10 JUL 13 AM 10:57

IN THE DISTRICT OF NEW MEXICO

CLERK - LAS CRUCES

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

Gene Collins Ahidley  
(DOB: 1987)  
An enrolled member of the Mescalero Apache  
Indian Reservation

CASE NUMBER: 10-1976 MJ

Mescalero, New Mexico

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 August 24, 2006 in Otero county, in the State and Judicial District of New Mexico defendant(s) did, (Track Statutory Language)

Assault Gailynn Padilla, an enrolled member of the Navajo Nation, resulting in serious bodily injury (serious head wounds). Ahidley punched, kicked and struck Padilla in the torso, head and face with his fists, feet and a 30 inch long and 3 inch diameter wood branch. The assault occurred within the exterior boundaries of the Mescalero Apache Indian Reservation, the territorial jurisdiction of the United States.

in violation of Title 18 United States Code, Section(s) 113(a)(3), 113(a)(6) and 1153(a)

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

Approved by Renee Camacho - 7/12/10

Continued on the attached sheet and made a part hereof:

AUSA - Jake Wishard  
Sworn to before me and subscribed in my presence,

7-13-10  
Date

Name & Title of Judicial Officer

Yes  NO

*Daniel J. Sarkozy*  
Signature of Complainant

SA Daniel J. Sarkozy  
Special Agent  
Federal Bureau of Investigation

Las Cruces, NM  
City and State

*Louder Martinez*  
Signature of Judicial Officer



1           4. On 08/24/2006 (the day of the assault), Gene  
2 Ahidley had been released from a halfway house located in Las  
3 Cruces, New Mexico after being granted a two (2) day pass for  
4 weekend travel to visit his family on the reservation.

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6           5. A verbal argument between Ahidley and Padilla  
7 began after the couple and their (then) two (2) year old son  
8 had left a party where Ahidley had been drinking. Padilla  
9 drove because Ahidley was too drunk to drive. Ahidley had  
10 Padilla drive him to a friend's home in the Pena Housing Area  
11 of the Mescalero Apache Indian Reservation. There, Ahidley  
12 bought seven (7) Percocet pills and consumed all seven (7) at  
13 the same time. The two began to argue as the truck passed the  
14 trash area on Penn Scott Drive, Mescalero, New Mexico. The  
15 couple argued over Ahidley's drinking and drug use. Ahidley  
16 instructed Padilla to drive into the far reaches of the Pena  
17 Housing Area (at the back of Penn Scott Drive). At this  
18 point, Ahidley wanted to drive the truck and the two switched  
19 positions. Ahidley drove the truck to his sister's (Rene  
20 Ahidley) house. Padilla had no idea why they drove there,  
21 Ahidley simply wanted to go there and Padilla was always  
22 fearful of challenging anything Gene Ahidley wanted to do, so  
23 she went along. About the time they arrived at Rene Ahidley's  
24 house, Padilla realized that Ahidley was the drunkest she had  
25 ever seen him. When the truck came to a stop, Padilla fearing  
26 for her safety, attempted to get out of the truck to walk  
27 home. Ahidley began punching her in the face and threatened  
28 to kill her if she attempted to leave again. Padilla, having

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1 only opened the door to depart, closed the door hoping this  
2 would quiet the situation. Instead, Ahidley said he was going  
3 to take her to a place where no one could hear them and said,  
4 "I'm going to hurt you." Ahidley drove the truck to a  
5 secluded area of the forest behind the Pena Housing Area.  
6 While Padilla was still holding Damon (then age 2) in her  
7 arms, Ahidley continued to punch her in the face. Once  
8 Ahidley had stopped the truck, he ordered her to put their son  
9 (Damon) down and then he pulled Padilla from the truck by her  
10 hair. All the while, Gene Ahidley was punching Padilla in the  
11 face, head, ears and kneeing her in the body and face. While  
12 being beaten, Padilla fell to the ground. Ahidley continued  
13 the beating as she laid on the ground, kicking her legs and  
14 back. During the beating, Ahidley tore Padilla's shirt off as  
15 she tried to return to the truck for protection. As Padilla  
16 tried to return to the truck, Ahidley searched for and found a  
17 log that Padilla estimated to be thirty (30") inches long and  
18 three (3") in diameter. Gene Ahidley used this log to  
19 continue his attack. He used the log to strike Padilla on the  
20 legs, the face and the back of her head. Padilla was begging  
21 Ahidley to stop the beating and finally he stopped.

22  
23 6. Padilla suffered injuries to her head, neck,  
24 torso and legs. Padilla suffered intense pain from the  
25 beating at the hands of Ahidley which she stills receives  
26 medical treatment for as of 04/01/2010.

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28 7. Padilla advised that on the day of the beating

1 administered by Ahidley (detailed above), in addition to  
2 attempting to shield her (then) two (2) year old son (Damon  
3 Ahidley), she was also two (2) weeks pregnant with the  
4 couples' third child.

5  
6 8. Ahidley was interviewed on 01/25/2008. During  
7 the interview, Ahidley admitted that he had beaten Padilla by  
8 punching and kicking her. Ahidley also admitted to striking  
9 Padilla with the branch described by Padilla.

10  
11 9. After the beating, Padilla noticed that Gene  
12 Ahidley became very calm. He apologized to her and became  
13 very nice to her. Gene Ahidley started to drive the truck to  
14 their home but the truck became 'high-centered' on a small  
15 rise requiring them to abandon the truck and walk home in the  
16 dark through the forest. Once home, Padilla walked directly  
17 upstairs to take a shower and clean up. Inside the house,  
18 Gene Ahidley attempted to shield Padilla from his parents so  
19 they would not see her condition. After showering, Padilla  
20 went to bed. Gene Ahidley came upstairs a short time later  
21 and forced Padilla to have sexual intercourse with him.  
22 Padilla felt humiliated being forced to have sex with Ahidley  
23 in her condition but felt she had no choice. She feared being  
24 beaten again.

25  
26 10. Ahidley is an enrolled member of the Mescalero  
27 Apache Indian Tribe (an Indian) and resides at 243 Penn Scott  
28 Drive, Mescalero, New Mexico. Padilla is an enrolled member

1 of the Navajo Nation (an Indian) and now resides in Cuba, New  
2 Mexico.

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4 11. The area known as the Pena Housing Area is  
5 located within the exterior boundaries of the Mescalero Apache  
6 Indian Reservation, the jurisdiction of the United States.

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8 12. Based on the above information, the Affiant  
9 believes that probable cause exists to support the following  
10 criminal charges:

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12  
13 Count 1: - On August 24, 2006, Gene Collins Ahidley did commit  
14 the crime of assault resulting in serious bodily injury to  
15 Gailynn Padilla, in violation of 18 U.S.C., Section 113(a)(6).

16  
17 Count 2: - On August 24, 2006, Gene Collins Ahidley did commit  
18 the crime of assault with a dangerous weapon with intent to do  
19 bodily harm against Gailynn Padilla, in violation of 18  
20 U.S.C., Section 113(a)(3).

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22 Count 3: - On March 6, 2010, Gene Collins Ahidley did commit  
23 a Crime on an Indian Reservation in violation of 18 U.S.C,  
24 Section 1153(a).

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Daniel J. Sarkozy

Daniel J. Sarkozy

Special Agent

Federal Bureau of Investigation

Las Cruces, New Mexico

Subscribed and sworn to before me this 13<sup>th</sup> day of July,  
2010.

Lourdes Martinez

U.S. Magistrate Judge