

STATE OF NEW MEXICO  
IN THE MAGISTRATE COURT  
DONA ANA COUNTY

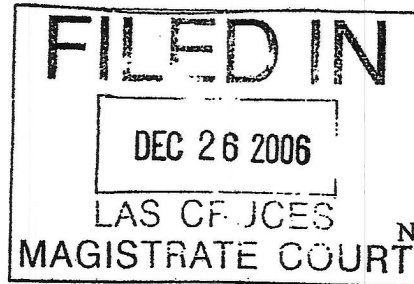
STATE OF NEW MEXICO

v.

GABRIEL ADRIAN AVILA

DOB: 12-14-1979  
SOC: 648-18-6361

ADDRESS: NEW MEXICO DEPARTMENT OF CORRECTIONS



NO. \_\_\_\_\_

### STATEMENT OF FACTS IN SUPPORT OF CRIMINAL COMPLAINT

AFFIANT BEING A FULL TIME, SALARIED, LAW ENFORCEMENT OFFICER WITH THE DONA ANA COUNTY SHERIFF'S DEPARTMENT ACTING IN THE CAPACITY OF INVESTIGATOR HAS LEARNED THE FOLLOWING INFORMATION:

#### CASE SYNOPSIS:

1. On August 31, 2003 at approximately 1118 hours, officers of the Las Cruces Police Department were dispatched to an area at the far end of Lohman Avenue, south of the old Las Cruces land fill in the desert area in reference to a possible dead body. Officer Greg Martinez of the Las Cruces Police Department's Patrol Division was the first officer to arrive on scene. Officer Martinez made contact with Thomas Richardson who led Officer Martinez to the body. Officer Martinez observed the lifeless body of a female, who appeared to have a dark colored shirt on and long hair. She was nude from the waist down. Officer Martinez secured the area and notified a Patrol Sergeant. The determination was made that the area where the dead body was located was outside the Las Cruces city limits but in Dona Ana County, New Mexico. The Dona Ana County Sheriff's Department was notified and they responded to the scene.
2. Deputies from the Dona Ana County Sheriff's Department arrived and took over the scene, led by Investigator John Lovelace. He interviewed Thomas Richardson and his wife, Theresa Johnson there at the scene. They indicated that they went to the above above-mentioned area to do some target shooting when they observed the partially nude body of a female lying on the ground. When they realized that she was dead they called 911, reported the body and drove out to Lohman Avenue to meet the Police Officers.
3. Investigator Lovelace called for additional resources to assist him with the investigation to include the Sheriff's Department Crime Scene Unit; Deputy Michael Kinney is a member of the CSI unit and was involved with processing the crime scene. The decedent was wearing a dark tank top and a pair of jeans that were wrapped around her waist. She was lying face down and her legs were spread apart. One leg of the jeans was between her legs. There were no shoes on the victim and none were located in and around the crime scene. She was still wearing a pair of diamond stud earrings and a toe ring, however, there was no other jewelry found at the scene. The scene was thoroughly photographed and processed for physical evidence. Medical Investigator Monica Burke arrived on scene and pronounced the victim dead. There were some initial signs that the victim may have been sexually assaulted and strangled to death. Later on during the day the victim was identified as Katie Sepich who was reported missing by her boyfriend, Joe Bischoff.
4. On 09-09-2003, forensic evidence recovered from the body of Katie Sepich at autopsy was sent to Orchid Cellmark, a private laboratory in Dallas, Texas. This evidence consisted of the anal, oral and vaginal swabs, her fingernail clippings and a blood spot. The lab reported that DNA from a male donor was detected on both the anal and vaginal swabs. DNA from a male donor was also found under two of Katie Sepich's fingernails. The lab reported that the entire DNA is from the same male donor. The DNA from the vaginal swab was found to have originated from male sperm cells. The lab was unable to identify from where the DNA from the anal swab had originated from. There were presumptive tests run on the fingernail clippings that were positive for blood, however the lab was unable to tell whether the DNA originated from blood or skin cells.

*[Handwritten signature]*  
12/26/06

5. In September of 2003, Orchid Cellmark sent the DNA profile mentioned above to John Krebsbach, who is the Chairman of the New Mexico DNA Identification System Oversight Committee and the Administrator of the New Mexico DNA Identification Administrative Center. Shortly thereafter, Mr. Krebsbach uploaded the profile into the Combined DNA Identification System (CODIS).

6. On 12-18-2006, John Krebsbach notified Cold Case Investigator Mike Ulsh, of the Dona Ana County Sheriff's Department, of a CODIS match. Mr. Krebsbach sent a faxed letter to Investigator Ulsh informing him of a confirmed State DNA Identification System level offender match from the New Mexico DNA Identification System (NMDIS) to the Katie Sepich homicide case. The submitted DNA profile is identified as coming from one of the fingernails clippings of Katie Sepich, the DNA profile matches the profile from NMDIS offender number 0040054, Gabriel Adrian Avila, date of birth of 12-14-1979, social security number of 648-18-6361. Mr. Krebsbach stated in his letter that this match has been confirmed by fingerprint and Triple I checks and by repeat DNA analysis of Mr. Avila's NMDIS DNA sample.

On 12-21-2006 affiant learned from Detective Mark Myers of the Las Cruces Police Department's Criminal Investigation Division and from Cold Case Investigator Ricky Madrid of the Dona Ana County's Sheriff's Department the following information:

1. That they conducted an interview with Gabriel Adrian Avila and that Avila was informed of his Miranda Rights and that he stated to them that he understood his rights and was willing to waive his rights and would speak to them without an attorney present.
2. That Gabriel Avila was questioned about his involvement in the Katie Sepich homicide and he was told that his DNA was found underneath one of Katie Sepich's fingernails.
3. That Gabriel Avila admitted to being involved in the death of Katie Sepich.
4. That on the night of Katie Sepich's death he had been in the area of Roadrunner street when he came across a female walking down the street and that he almost hit her with his truck and that he stopped to offer the female some assistance.
5. That the female refused help and told him that she only lived a few blocks away.
6. That he drove off and then stopped on the side of the road to urinate and that when he was finished he started to drive off when he once again saw the same female walking down the street and that this time he decided to follow her.
7. That he saw her trying to get into a house and that he stopped and asked her if she needed help and that she told him that she lived at this house and that she did not have her house keys.
8. That he told her to ring the doorbell and that she told him that she did not want to wake her roommate's mother or family who were inside.
9. That he exited his truck and approached the female who was trying to open a window and that she told him that this was her bedroom window.
10. That he suddenly lost it and he grabbed the female from behind and took her down to the ground.
11. That he pulled her pants down and that he pulled his pants down and that he then raped her both vaginally and anally.
12. That he then started to strangle the female with his hands and that he stopped when she stopped moving and stopped breathing.
13. That he removed two rings from the female's hands and then he carried her to his truck where he drove her to an area in the desert by the hospital and that he dumped her body.

SAC  
12/24/06

14. That he found a bottle of alcohol in his truck and that he poured the alcohol on her body and that he set her on fire.

**BASED ON THE ABOVE STATED FACTS AND INFORMATION, AFFIANT PETITIONS THE COURT TO ACCEPT THIS STATEMENT OF FACTS IN SUPPORT OF CRIMINAL COMPLAINT CHARGING THE ABOVE NAMED DEFENDANT WITH THE ABOVE STATED CRIMES.**

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_, 2006.

\_\_\_\_\_  
Magistrate judge/clerk

AFFIANT:



**GREG BOEGLIN, INVESTIGATOR  
CRIMINAL INVESTIGATION DIVISION  
DONA ANA COUNTY SHERIFFS OFFICE**

SL  
2/20/06

CFS# 20-0307252

IN THE MAGISTRATE COURT

STATE OF NEW MEXICO

VS

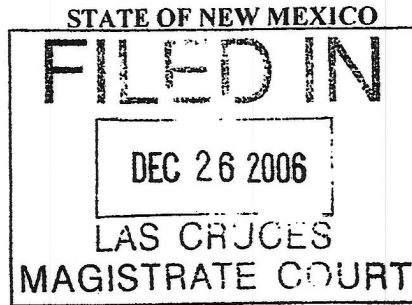
**GABRIEL ADRIAN AVILA**

Defendant(s)

DOB: 12-14-79

SOC: 648-18-6361

ADDRESS: NEW MEXICO DEPARTMENT OF CORRECTIONS



COUNTY OF DONA ANA

Number: *M-14-FL 200601177 OGD*  
Date Filed:

**CRIMINAL COMPLAINT**

**CRIME: First Degree Murder (Willful and Deliberate), Criminal Sexual Penetration in the Second Degree (Commission of a Felony)(2 counts), Tampering with Evidence, Kidnapping in the First Degree**

The undersigned, under penalty of perjury, complains and says that on or about the 31<sup>st</sup> day of August, 2003, in the County of Dona Ana, State of New Mexico, the above named defendant(s) did: (here state the essential facts):

- 1) Kill Katie Sepich, with the deliberate intention to take away the life of Katie Sepich or any other human being, a capital offense, contrary to 30-2-1(A)(1), NMSA 1978.
- 2) Cause Katie Sepich to engage in sexual intercourse by the use of force, coercion or threats of force or violence, and the defendant did so during the commission of kidnapping, a felony, a second degree felony, contrary to 30-9-1(D), NMSA 1978.
- 3) Cause Katie Sepich to engage in anal intercourse by the use of force, coercion or threats of force or violence, and the defendant did so during the commission of kidnapping, a felony, a second degree felony, contrary to 30-9-1(D), NMSA 1978.
- 4) Destroy, change or hide the body or clothing of Katie Sepich with the intent to prevent the apprehension, prosecution or conviction of himself, a third degree felony, contrary to 30-22-5, NMSA 1978.
- 5) Take, restrain, transport or confine Katie Sepich by force, intimidation or deception, with the intent to inflict death, physical injury or a sexual offense on Katie Sepich and the defendant did not voluntarily free Katie Sepich in a safe place and inflicted physical injury or a sexual offense on Katie Sepich, a first degree felony, contrary to 30-4-1, NMSA 1978.

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE SUBJECT TO THE PENALTY OF IMPRISONMENT TO MAKE A FALSE STATEMENT IN A CRIMINAL COMPLAINT.

**If Probable Cause Determination Required:**

Probable Cause Found ; Not Found   
(If no found, complaint dismissed & defendant released)

Date: 12/26/06  
Judge: [Signature]

[Signature]  
Greg Boeglin #912

Complainant  
Criminal Investigator, D.A.S.O.

Title, (if any)

Approved: [Signature]

Title CDDA

(This complaint may not be filed without the prior payment of a filing fee, unless approved by the District Attorney or a law enforcement officer authorized to serve an arrest or search warrant. Approval of the District Attorney or a law enforcement officer is not otherwise required.)

Distribution Instructions

1 Copy - Court                      1 Copy - Defendant    1 Copy - Plaintiff

[Supreme Court Approved, August 13, 1991; as amended, effective November 1, 1991.]

**NATIONWIDE JURISDICTION**

BOND : \$ 1,000.00  
 Surety Bond  Unsecured Appearance Bond  
 100 % Cash Bond  Property Bond

**STATE OF NEW MEXICO**  
IN THE MAGISTRATE COURT  
COUNTY OF DOÑA ANA

State of New Mexico

No. M-14-FR-200601177  
OLIVIA N. GARCIA

v.

GABRIEL ADRIAN AVILA, Defendant

NEW MEXICO DEPARTMENT OF CORRECTIONS

DOB: December 14, 1979

OFFICER: GREG BOEGLIN

SSN: 648-18-6361

AGENCY: D.A.S.O.

LICENSE # HEIGHT Ft In WEIGHT

EYE COLOR

HAIR COLOR

**WARRANT FOR ARREST**

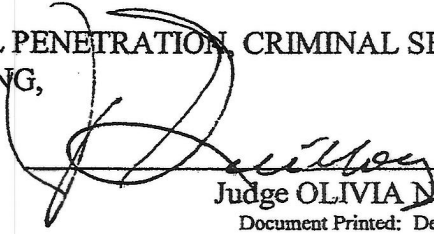
THE STATE OF NEW MEXICO

TO ANY OFFICER AUTHORIZED TO EXECUTE THIS WARRANT:<sup>1</sup>

BASED ON A FINDING OF PROBABLE CAUSE, YOU ARE HEREBY COMMANDED to arrest the above-named defendant and bring the defendant without unnecessary delay before me<sup>2</sup>: to answer the charge of: (here state common name and description of offense charged)

MURDER 1ST DEG (WILLFUL/DLBR), CRIMINAL SEXUAL PENETRATION, CRIMINAL SEXUAL PENETRATION, TAMPERING WITH EVIDENCE, KIDNAPPING,

Dated: 12-26-06

  
Judge OLIVIA N. GARCIA  
Document Printed: December 26, 2006

<sup>1</sup> An Arrest Warrant may be directed to a full-time salaried state or county law enforcement officer, a municipal police officer, a campus security officer, or an Indian tribal or pueblo law enforcement officer.

<sup>2</sup> If the judge is unavailable, defendant must be brought forthwith before designee for setting of conditions of release. A defendant accused of a bailable offense may not be held without the setting of conditions of release. (Rules 6-401, 8-401.)

**RETURN WHERE DEFENDANT IS FOUND**

I arrested the above-named defendant on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and served a copy of this warrant on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title