



Front Page

Saturday, July 9, 2005

Rape Case Dropped; Firefighter Says Allegation 'Shattered' His Life

By Carolyn Carlson
Journal Staff Writer

Last December, Jon Aquilina was living his dream. He had a good job as a civilian firefighter at Kirtland Air Force Base and said his life was moving in the right direction.

Then, two days after Christmas, he was arrested after being accused of date rape. He spent two days in jail, lost his job, and his life went to hell.

"All I have ever wanted to do is to be a firefighter. I had built up my life towards that goal, and, with one allegation, it has been shattered," Aquilina said.

Now, he said, he can't even get a minimum wage job because the rape allegation turns up on background checks.

Aquilina's parents took out a second mortgage on their home to help pay for legal help.

In June, the Bernalillo County District Attorney's Office dropped the case, declining to present it to a grand jury.

Aquilina's accuser told the Bernalillo County Sheriff's Department that he slipped her a date-rape drug commonly known as "roofie" in a bottle of whiskey and sexually assaulted her.

But Deputy District Attorney David Waymire said in an interview last week that witness statements provided by Aquilina's attorney indicated the sex was consensual.

None of the other people at the party who said they drank out of the same whiskey bottle had any problems, he said.

And he said because there was a three-month lag between the incident and the arrest, the allegations could not be proven.

Aquilina has said all along that he and the woman drank alcohol and had consensual sex at the party. He has maintained there was no rape and no drugging.

Aquilina said that, after his arrest, local newspapers and broadcast media jumped all over the story. He said one television station ran the story repeatedly encouraging any other "potential victims" to come forward while showing his face and the house where he rented a room.

He said all of this stunned him because he thought that, once he told his

side, the allegations would be cleared up and he would not be arrested. But that did not happen.

"This has shaken my life up, and I now know that bad things can happen to good people," Aquilina said.

Aquilina's attorney, Cammie Nichols, said the allegations leading to Aquilina's arrest are based on one person's statement.

She said when the eight or so people who were at the party were interviewed, it became clear "(the woman) lied."

"Yet I am grateful in this case that the process worked well and that the charges were dismissed," she said.

"What has happened (to his reputation) is really tragic, and I wish I could eliminate it from his record, but it is impossible to clear it from all of the different databases that picked it up," Nichols said.

Court records have identified the woman as Laura Montoya Gallardo, 29, who could not be reached for comment.

The incident occurred during a Sept. 19 house party in Paradise Hills, according to a criminal complaint based on the woman's account.

The woman waited more than a month to notify authorities.

She gave deputies a verbal statement on Oct. 21 and a taped statement on Dec. 6.

Aquilina, now 29, was arrested on Dec. 27.

At the time, he was renting a room in the house to store his belongings before leaving for firefighter training in Texas. He said he was not living in the house but had stayed there a couple of times over a week and a half.

When deputies arrived to interview Aquilina, they found marijuana plants growing in a garage. Aquilina said he was only renting a room and knew nothing about the plants. Two other men were arrested in connection with the marijuana.

Deputies arrested him on the spot.

Chief Deputy David Linthicum said Wednesday that "everybody that could be contacted by the detective was contacted, but not everyone was interviewed prior to the arrest."

When asked who was interviewed, he declined to say and referred the question to the District Attorney's Office.

Nichols said the witnesses told her that no one from the Sheriff's Department had contacted them before Aquilina's arrest. One was interviewed by deputies in February after the arrest.

Aquilina said he had moved to New Mexico a year earlier to take the job at Kirtland. He said he had worked toward a career in emergency services for nearly eight years, including a three-year stint in the Navy.

He earned a degree in emergency administration and planning from the University of North Texas.