



PRESS RELEASE

CONTACT: Elizabeth M. Martinez
Executive Assistant U.S. Attorney
Public Affairs Officer
elizabeth.martinez@usdoj.gov
505.224.1469

For Immediate Release

October 16, 2012

JICARILLA APACHE MAN PLEADS GUILTY TO SECOND DEGREE MURDER CHARGE INVOLVING DEATH OF A THREE-YEAR-OLD

ALBUQUERQUE – This morning in federal court, Jay Rutherford Paiz, 31, a member of the Jicarilla Apache Nation who resides in Dulce, N.M., entered a guilty plea to a second degree murder charge under a plea agreement with the U.S. Attorney's Office.

U.S. Attorney Kenneth J. Gonzales said that Paiz admitted killing his three-year-old son on July 20, 2008, at his residence, which is located on the Jicarilla Apache Indian Reservation, during today's plea hearing.

Court records reflect that Paiz was arrested on July 22, 2008, on a criminal complaint charging him with attempting to kill or to commit manslaughter of his three-year-old son through a pattern of child abuse. According to court filings, on July 20, 2008, the Jicarilla Apache Tribal Police Department and EMS responded to a call from Paiz's residence and observed Paiz walking towards them with his unresponsive son in his arms. A medical examination revealed that the child victim had multiple bruises on his head, ears, back, legs, pelvis and penis, which were in different stages of healing. The child victim required emergency surgery to release blood on the brain sustained from a head injury. The following day, the child victim's condition deteriorated and he had a "non-functioning brain" with a "grave prognosis." After the child victim died of his head injuries on July 23, 2008, Paiz was indicted on a first degree murder charge.

Today, Paiz pled guilty to an information charging him with second degree murder. Paiz's plea agreement reflects that he had custody of the child victim since July 9, 2008. Paiz admitted spanking and whipping the child with a belt because he would not listen. He also admitted that, on July 20, 2008, he was rough-housing with the child victim and his other son, and that the child victim hit his head on the wall when Paiz threw him on the bed. Paiz also admitted that he was intoxicated at the time he was rough-housing with his sons.

Under the terms of his plea agreement, Paiz faces a sentence of not less than 15 years and not more than 25 years of imprisonment. Paiz has been in federal custody since his arrest, and remains detained pending his sentencing hearing, which has yet to be scheduled.

The case was investigated by the Gallup Office of the FBI, with assistance from the Jicarilla Apache Tribal Police Department, and is being prosecuted by Assistant U.S. Attorney Paul H. Spiers.

#

12-268