

**STATEMENT OF U.S. ATTORNEY GREG FOURATT
on Conviction of Linda Diaz for Felony Crime of Leaving the Scene
of an Accident Resulting in Death of Philip Espinoza**

A federal jury today convicted Linda Diaz, Lieutenant Governor of Pojoaque Pueblo, of the felony crime of leaving the scene of an accident that resulted in the death of Chimayó resident Philip Espinoza. At the time of his death, Mr. Espinoza was 31 years old. Ms. Diaz was the driver of a 2000 Mercury Grand Marquis that struck Mr. Espinoza from behind as he walked on US Highway 84/285 on the Pojoaque Pueblo at approximately 4:30 a.m. on Saturday, April 4, 2009. The force of the collision caused Mr. Espinoza to be flung onto the windshield, his head to smash into the surrounding frame, and his body then to hurtle more than twenty feet off the roadway. By its verdict, the jury concluded that Ms. Diaz failed to stop and render aid, and failed to notify authorities, as she was required to do under the law. Perhaps most important, the jury squarely rejected Ms. Diaz's testimony that she did not know that she had hit a person.

At 4:30 on that morning, Ms. Diaz already had been awake for 22 hours. She had spent the previous six hours socializing at three different locations. And she had consumed all or part of at least four beers and a quantity of tequila. This combination proved to be so potent that it left her unable to avoid running down and killing the 6'2", 220 lb victim.

But what happened next is the reason that Linda Diaz is going to federal prison. Instead of stopping and rendering aid, instead of offering comfort to a man in his last moments whose death she had senselessly caused, Ms. Diaz instead took off, concealed her involvement, and concocted a cover-up. Whether she fled to preserve her reputation or protect her political career, or because she was too intoxicated to deal coherently with the police, are questions that only she can answer. But whatever the reason, she fled the scene and chose not to notify law enforcement personnel until some 28 hours later, at a time when neither her breath nor her blood-alcohol content would have been incriminating.

The result in this case is no cause for celebration. This was an emotional and wrenching case for everyone concerned, especially the large and loving family of Philip Espinoza. And, sadly, it is only the latest prominent example of the blight that drinking and driving continues to inflict on innocent New Mexicans.

At sentencing, the United States intends to request the maximum possible prison sentence, as well as full restitution to Mr. Espinoza's family.

This case was prosecuted by Assistant United States Attorneys Jack Burkhead and Jennifer Rozzoni. The case was investigated by the Bureau of Indian Affairs, the New Mexico State Police, the Santa Fe County Sheriff's Office, and the Pojoaque Pueblo Police Department.

