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PRESS RELEASE

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**FORMER POJOAQUE PUEBLO OFFICIAL SENTENCED
TO A YEAR IMPRISONMENT ON FEDERAL CONVICTION**

Earlier today, Senior United States District Judge C. LeRoy Hansen sentenced **Linda Diaz**, the 53-year old former Lieutenant Governor of the Pueblo of Pojoaque, to a twelve-month term of imprisonment and to be followed by six-months home confinement and one-year supervised release for her conviction for leaving the scene of an accident resulting in death. Judge Hansen also ordered Diaz to surrender within sixty-days to a prison facility to be designated by the U.S. Bureau of Prisons.

Diaz was charged with leaving the scene of an April 4, 2009 accident that resulted in the death of Phillip Espinoza, a 31-year old resident of Chimayo, New Mexico, in an indictment filed in June 2009 and superseded in December 2009. During a three-day trial in February 2010, the evidence established that Mr. Espinoza was struck and killed in the early morning of April 4, 2009 by a motorist who left the scene of the accident, a location within the boundaries of the Pojoaque Pueblo Indian Reservation and in the vicinity of mile post 181 off of US 84-285. Although Diaz admitted driving her vehicle in the vicinity of the accident at approximately 4:25 a.m. on April 4, 2009 and hitting an object

or animal, Diaz denied knowing that she hit a person. Diaz testified that, had she known she hit a person, she would have stopped to render aid. Diaz claimed that she first learned she hit a person when she saw a news report about the discovery of Mr. Espinoza's body on the morning of April 5, 2009 – almost a full day after the Pojoaque Tribal Police Department (Pojoaque Police) responded to a call of a deceased man, later identified as Mr. Espinoza, found in a ditch located at mile post 181 off of US 84-285 – and that she immediately contacted the Pojoaque Police to report her concerns that she accidentally hit and killed Mr. Espinoza.

Other witnesses, however, provided testimony indicating that Diaz knew or was concerned that she hit a person at the time of the accident. Thus, Kathy Fierro, Diaz's sister, testified that Diaz called at approximately 4:30 a.m. on April 4, 2009 and asked her to drive to the scene of the accident and to report what she observed. Ms. Fierro testified that she and her daughter drove past the scene of the accident as requested and observed nothing out of the ordinary, and then continued to Diaz's home to report their lack of findings. Ms. Fierro testified that, upon arrival, she found Diaz in a state of hysterics. Ms. Fierro's daughter also testified about Diaz's distraught emotional state.

Jose Sarmiento, Diaz's son, also provided testimony undercutting Diaz's claim that she first learned that she struck a person on April 5, 2009. Mr. Sarmiento testified that on the morning of April 4, 2009 – only hours after the fatal accident – after he observed the damage to Diaz's vehicle, Diaz and he discussed the possibility that she hit a person.

At trial federal prosecutors established that, in the hours before the accident, Diaz had been drinking alcohol and had been up for more than 22 hours. In his closing argument and based on the testimony indicating that Diaz knew she struck a person, Assistant United States Attorney Jack E. Burkhead argued that Diaz was motivated to leave the scene of the accident instead of rendering aid to Mr. Espinoza or contacting law enforcement authorities because she was concerned about the alcohol on her breath.

On February 19, 2010, a federal jury rejected Diaz's claim that she was unaware that she struck a person, and found Diaz was guilty of knowingly leaving the scene of an accident resulting in great bodily injury or death.

Following Diaz's sentencing, United States Attorney Kenneth J. Gonzales said:

This is a tragic case in which there are no winners, only losers. In the early hours of April 4, 2009, one man's life ended and one woman's life was destroyed. The impact of the accident in this case, however, goes far beyond one man and one woman. The Espinoza family has lost a son, a young man in the prime of life and with a bright future before him; the Pueblo of Pojoaque has lost a leader who selflessly devoted herself to the betterment of her community. Cognizant of these losses, a jury nevertheless concluded that Ms. Diaz committed a crime when she left the scene of the accident that resulted in Mr. Espinoza's death, and today the Court has handed down an appropriate sentence.

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

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