

For Immediate Release
November 17, 2011

**FEDERAL JURY FINDS LAS CRUCES MAN GUILTY
OF KILLING FEDERAL WITNESS**

Defendant Faces Sentence of Life Imprisonment

LAS CRUCES – U.S. Attorney Kenneth J. Gonzales announced that, this morning, a federal jury sitting in Las Cruces convicted **Paul Othello Smalls**, 44, of Las Cruces, N.M., of killing a man who was aiding a federal investigation and four other related charges after a seven-day trial. At sentencing, which has yet to be scheduled, Smalls faces a sentence of life imprisonment.

Smalls and his two co-defendants, Glenn Dell Cook, 35, of Rialto, Cal., and Walter Melgar-Diaz, 28, a Mexican national, were indicted on November 6, 2006, and charged with (1) conspiracy to retaliate against a witness or informant; (2) retaliation against a witnesses or informant; (3) conspiracy to tamper with a witness or informant; (4) tampering with a witness or informant; and (5) killing a person aiding a federal investigation. According to the indictment, in late December 2004, Smalls and his co-defendants conspired to kill Phillip Thomas Gantz, 32, of Roswell, N.M., in order to retaliate against Gantz for providing information to federal law enforcement about drug trafficking in the Roswell area. The indictment alleged that all four men were housed in a four-person cell in the medical unit of the Dona Ana County Detention Center (DACDC) at the time of the offenses charged, and that, in or about the early morning hours of on December 30, 2004, Smalls and his co-defendants killed Gantz for assisting in a federal investigation.

Melgar-Diaz and Cook previously entered guilty pleas to Counts 1-5 of the indictment, with Melgar-Diaz's plea occurring on October 26, 2007 and Cook's plea occurring on March 8,

2011. Melgar-Diaz and Cook each face a maximum penalty of life imprisonment.

Trial commenced against Smalls on November 7, 2011. The evidence established that, after Gantz's arrest on federal methamphetamine trafficking and firearms charges in May 2003, Gantz pled guilty and began cooperating with the FBI and a local narcotics trafficking task force by providing information about the people with whom he was involved in methamphetamine trafficking in the Roswell area. In December 2004, Gantz was detained in the DACDC after he had pled guilty to federal methamphetamine and firearms charges. More specifically, Gantz was housed with Smalls and his two co-defendants in a four-person cell in the medical unit.

The jury heard testimony that, in late December 2004, Smalls told Cook and Melgar-Diaz that Gantz was to be killed because he was a "snitch." Smith, who had been employed as a guard at the DACDC in 2002 and 2003, devised a scheme to quietly suffocate Gantz so that it would appear as if he had died of natural causes – an asthma attack – so that no one would suspect that he had been murdered, and enlisted Cook and Melgar-Diaz to assist him in carrying out his scheme. At some point after lights out on December 29, 2004, Smalls and his cohorts murdered Gantz. While Smalls restrained Gantz's legs and feet so that he could not kick the top bunk or the wall and Cook pinned Gantz's arms and mid-section, Melgar-Diaz pressed a plastic bag over Gantz's mouth and nose. As Melgar-Diaz pressed his fists into the sides of Gantz's neck, the pressure crushed Gantz's carotid arteries against the back of his neck, cutting off the flow of blood to his brain and resulting in strangulation.

After finding Gantz's lifeless body on the morning of December 30, 2004, officials initially thought that Gantz had died of natural causes. The pathologist who performed the autopsy on Gantz concluded that Gantz had died of strangulation as opposed to an asthma attack.

Smalls testified in his own defense at trial and denied any involvement in the events leading to Gantz's death. During his testimony, Smalls testified that he was asleep when Gantz was murdered.

The jury deliberated approximately five hours before returning a verdict of guilty on each of the five counts in the indictment.

The case was investigated by the FBI's Roswell Office and Doña Ana County Sheriff's Office, and is being prosecuted by Assistant U.S. Attorneys Richard C. Williams and Luis A. Martinez.

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