FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT

APR 2 4 2012

FOR THE DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN CLERK UNITED STATES OF AMERICA, CRIMINAL NO. 1 Plaintiff, Count 1: 18 U.S.C. §§ 7 and 13 and N.M. VS. Stat. Ann. §§ 30-6-1(D)(2), (F), and (H) (1978): Child Abuse Resulting in Death; PETER JOHN ZAYAS and SOPHIA MONIQUE ZAYAS. Counts 2, 3 and 4: 18 U.S.C. §§ 7 and 13 and N.M. Stat. Ann. §§ 30-6-1(D)(1) and (2), and Defendants. (E) (1978): Child Abuse Resulting in Great Bodily Harm; Counts 5, 6 and 7: 18 U.S.C. §§ 7 and 13 and N.M. Stat. Ann. §§ 30-6-1(D)(1) and (2), and (E) (1978): Child Abuse Not Resulting in Death or Great Bodily Harm.

# INDICTMENT

The Grand Jury charges:

#### Count 1

On or between October 21, 2007 and October 22, 2007, in Otero County, in the District of New Mexico, at Holloman Air Force Base, a place within the special maritime and territorial jurisdiction of the United States, on land acquired for the use of the United States and under its exclusive jurisdiction, the defendants, PETER JOHN ZAYAS and SOPHIA MONIQUE ZAYAS, did knowingly, intentionally and negligently, and without justification, cause and permit Jane Doe, a child born on August 16, 2007, to be tortured, cruelly confined and cruelly punished, which resulted in the death of Jane Doe.

In violation of 18 U.S.C. §§ 7 and 13 and N.M. Stat. Ann. §§ 30-6-1(D)(2), (F), and (H) (1978).

## Count 2

On or between October 1, 2007 and October 21, 2007, in Otero County, in the District of New Mexico, at Holloman Air Force Base, a place within the special maritime and territorial jurisdiction of the United States, on land acquired for the use of the United States and under its exclusive jurisdiction, the defendants, PETER JOHN ZAYAS and SOPHIA MONIQUE ZAYAS, did knowingly, intentionally and negligently, and without justification, cause and permit Jane Doe, a child born on August 16, 2007, to be placed in a situation that may endanger Jane Doe's life or health and to be tortured, cruelly confined and cruelly punished, which resulted in great bodily harm to Jane Doe.

In violation of 18 U.S.C. §§ 7 and 13 and N.M. Stat. Ann. §§ 30-6-1(D)(1) and (2), and (E) (1978).

#### Count 3

On or between October 1, 2007 and October 21, 2007, in Otero County, in the District of New Mexico, at Holloman Air Force Base, a place within the special maritime and territorial jurisdiction of the United States, on land acquired for the use of the United States and under its exclusive jurisdiction, the defendants, PETER JOHN ZAYAS and SOPHIA MONIQUE ZAYAS, did knowingly, intentionally and negligently, and without justification, cause and permit Jane Doe, a child born on August 16, 2007, to be placed in a situation that may endanger Jane Doe's life or health and to be tortured, cruelly confined and cruelly punished, which resulted in great bodily harm to Jane Doe.

In violation of 18 U.S.C. §§ 7 and 13 and N.M. Stat. Ann. §§ 30-6-1(D)(1) and (2), and (E) (1978).

#### Count 4

On or between August 16, 2007 and October 8, 2007, in Otero County, in the District of New Mexico, at Holloman Air Force Base, a place within the special maritime and territorial jurisdiction of the United States, on land acquired for the use of the United States and under its exclusive jurisdiction, the defendants, **PETER JOHN ZAYAS** and **SOPHIA MONIQUE ZAYAS**, did knowingly, intentionally and negligently, and without justification, cause and permit Jane Doe, a child born on August 16, 2007, to be placed in a situation that may endanger Jane Doe's life or health and to be tortured, cruelly confined and cruelly punished, which resulted in great bodily harm to Jane Doe.

In violation of 18 U.S.C. §§ 7 and 13 and N.M. Stat. Ann. §§ 30-6-1(D)(1) and (2), and (E) (1978).

### Count 5

On or between October 1, 2007 and October 15, 2007, in Otero County, in the District of New Mexico, at Holloman Air Force Base, a place within the special maritime and territorial jurisdiction of the United States, on land acquired for the use of the United States and under its exclusive jurisdiction, the defendants, PETER JOHN ZAYAS and SOPHIA MONIQUE ZAYAS, did knowingly, intentionally and negligently, and without justification, cause and permit Jane Doe, a child born on August 16, 2007, to be placed in a situation that may endanger Jane Doe's life or health and to be tortured, cruelly confined and cruelly punished.

In violation of 18 U.S.C. §§ 7 and 13 and N.M. Stat. Ann. §§ 30-6-1(D)(1) and (2), and (E) (1978).

# Count 6

On or between October 14, 2007 and October 20, 2007, in Otero County, in the District of New Mexico, at Holloman Air Force Base, a place within the special maritime and territorial

jurisdiction of the United States, on land acquired for the use of the United States and under its exclusive jurisdiction, the defendants, PETER JOHN ZAYAS and SOPHIA MONIQUE ZAYAS, did knowingly, intentionally and negligently, and without justification, cause and permit Jane Doe.

a child born on August 16, 2007, to be placed in a situation that may endanger Jane Doe's life or

health and to be tortured, cruelly confined and cruelly punished.

In violation of 18 U.S.C. §§ 7 and 13 and N.M. Stat. Ann. §§ 30-6-1(D)(1) and (2), and (E) (1978).

Count 7

On or between October 20, 2007 and October 22, 2007, in Otero County, in the District of New Mexico, at Holloman Air Force Base, a place within the special maritime and territorial jurisdiction of the United States, on land acquired for the use of the United States and under its exclusive jurisdiction, the defendants, PETER JOHN ZAYAS and SOPHIA MONIQUE ZAYAS, did knowingly, intentionally and negligently, and without justification, cause and permit Jane Doe, a child born on August 16, 2007, to be placed in a situation that may endanger Jane Doe's life or health and to be tortured, cruelly confined and cruelly punished.

In violation of 18 U.S.C. §§ 7 and 13 and N.M. Stat. Ann. §§ 30-6-1(D)(1) and (2), and (E) (1978).

A TRUE BILL:

FOREPERSON OF THE GRAND JURY

ssistant United States Attorney

**<u>Pc</u>** 04/19/12 1:59pm