



PRESS RELEASE

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LAS CRUCES MAN SENTENCED TO LIFE IMPRISONMENT
FOR KILLING A FEDERAL WITNESS

LAS CRUCES – Earlier today a federal judge in Las Cruces, N.M., sentenced Paul Othello Smalls, 44, of Las Cruces, to life imprisonment for killing a man who was aiding a federal investigation and four other related offenses, announced U.S. Attorney Kenneth J. Gonzales.

Smalls and two co-defendants, Glenn Dell Cook, 36, of Rialto, Cal., and Walter Melgar-Diaz, 29, a Mexican national, were indicted on Nov. 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.

The indictment alleged that, in late Dec. 2004, Smalls and his co-defendants conspired to kill Phillip Thomas Gantz, 32, of Roswell, N.M., to retaliate against Gantz for providing information to federal law enforcement about drug trafficking in the Roswell area. It further alleged that all four men were housed in a four-person cell in the medical unit of the Dona Ana County Detention Center (“jail”) at the time of the offenses charged, and that, in or about the early morning hours of on Dec. 30, 2004, Smalls and his co-defendants killed Gantz for assisting in a federal investigation.

Although trial of the case was delayed by protracted motions hearings and appellate proceedings, on Nov. 17, 2011, a jury convicted Smalls of all charges in the indictment. The evidence at trial established, among other things, that on Dec. 30, 2004, Smalls and his co-defendants killed Gantz at the jail by strangling him because he was a “snitch.” Smalls, who had been employed as a guard at the jail 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 then enlisted his co-defendants to assist him in carrying out his scheme. The responding medical investigator and jail officials initially believed that Gantz had died of natural causes. The autopsy revealed the cause of death as strangulation. A federal investigation into Gantz’s death was initiated after Cook told another inmate about the murder, and admitted that he, Smalls and Melgar-Diaz killed Gantz because he

was a “snitch.” The trial evidence included the results of substantial investigative efforts by the FBI and pertinent video surveillance from the jail.

Cook and Melgar-Diaz remain in federal custody pending their sentencing hearings, which have yet to be scheduled.

This case was investigated by the Roswell office of the FBI and the Doña Ana County Sheriff’s Office and was prosecuted by Assistant U.S. Attorneys Richard C. Williams and Luis A. Martinez.

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