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PRESS RELEASE

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**For Immediate Release**

**October 6, 2010**

**FOUR NAVAJO MEN CHARGED IN**  
**CONNECTION WITH SEPTEMBER 4, 2010 HOMICIDE**

On September 29, 2010, a federal grand jury in Albuquerque, NM indicted **Brian Thompson**, 20, of Standing Rock, NM, **Presley Shorty**, 21, of Littlewater, NM, **Kelvin Augustine**, 20, of Crownpoint, and **Byron Pahe**, 20, of Crownpoint, NM, in connection with the murder of Vinton Wally and assault on his son, Nathaniel Wally, in Littlewater, NM on September 4, 2010. The indictment charges the four defendants with the following offenses:

- Count 1 charges Thompson and Shorty with the murder of Vinton Wally. If convicted of this offense, Thompson and Wally each face up to a lifetime imprisonment, a maximum \$250,000 fine and five years supervised release.
- Counts 2 through 4 charge Thompson with assaulting Nathaniel Wally with intent to commit murder; assaulting Nathaniel Wally with a dangerous weapon, and assault resulting in serious bodily harm. On Count 2, Thompson faces a maximum twenty years imprisonment, a maximum \$250,000 fine and up to five years supervised release. If convicted Counts 3 and/or 4, he faces a maximum ten years imprisonment, a maximum \$250,000 fine and up to five years supervised release.
- Counts 5 and 6 charge Thompson with using a firearm in connection with the murder of Vinton Wally and the assault on Nathaniel Wally,

respectively. If convicted of these firearms offenses, Thompson faces a minimum ten years imprisonment to run consecutive to any other sentence imposed on the underlying murder and assault offenses.

- Count 7 of the indictment charges Pahe with misprision of a felony based on the allegation that he assisted in concealing the firearm used in the murder of Vinton Wally and assault on Nathaniel Wally. Pahe faces up to three years imprisonment, a maximum \$250,000 fine and up to three years supervised release if convicted of this offense.
- Count 8 charges Augustine as an accessory after the fact based on the allegation that he drove Thompson and Shorty from the scene of the murder and assault in order to hinder and prevent their apprehension. Augustine faces up to fifteen years imprisonment, a maximum \$250,000 fine and up to three years supervised release if convicted of this offense.

The four defendants previously were charged in a criminal complaint filed on September 6, 2010. Thompson has been in federal custody since September 17, 2010 and is detained pending trial. Shorty has been in federal custody since September 23, 2010 and also is detained pending trial. Thompson and Shorty are scheduled to appear in federal court for arraignment on the indictment on October 7, 2010, and Pahe is scheduled for arraignment on October 14, 2010. Earlier today, Augustine was arraigned on the Indictment in federal court and has been ordered to reside at a half-way house pending trial.

The charges against the four defendants arise out of a gang-related confrontation that occurred in the early morning hours of September 4, 2010 in a Native Housing Authority complex in Littlewater, NM. According to the criminal complaint, at approximately 1:00 a.m. that day, the four defendants, alleged members of a local gang

called the “Dark Side Boys,” went to the housing complex in a sedan driven by Augustine with the intention of provoking a confrontation with members of the Wally family. At the complex, Shorty and Pahe got out of the sedan and provoked Vinton and Nathaniel Wally into a physical altercation. The complaint alleges that, during the altercation, Shorty instructed Thompson, who remained in the sedan, to shoot Vinton Wally. Thompson fired three shots, one of which struck Vinton Wally. Thompson drove the sedan for a short distance while Shorty and Pahe ran behind it. Thompson then fired another two shots, including one that struck Nathaniel Wally. Vinton and Nathaniel Wally were taken to the Crownpoint Indian Health Services facility where Vinton Wally was pronounced dead on arrival, and Nathaniel Wally was treated for a gunshot wound to the back.

The case was investigated by the Federal Bureau of Investigation and the Navajo Nation Department of Public Safety, Crownpoint Division, and is being prosecuted by Assistant U.S. Attorney Jack Burkhead.

Charges in indictments are only accusations. All criminal defendants are presumed innocent unless proven guilty beyond a reasonable doubt.