

## Federal jury convicts Navajo man of manslaughter

Written by Staff Reports  
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ALBUQUERQUE, N.M.E – A federal jury on March 10 returned a guilty verdict on Brian Tony, 50, of Gallup. The jury found Tony guilty of voluntary manslaughter.

Tony, an enrolled member of the Navajo Nation, was arrested on June 3, 2016, on a criminal complaint charging him with killing a man by stabbing him in the head and neck and hitting him with a hammer. Tony killed the victim on the Navajo Nation in McKinley County on May 9, 2016. At the time, Tony was on supervised release for a prior conviction on a federal assault charge.

Tony, who was accompanied by his brother and his girlfriend, drove to a residence in Gallup and picked up the victim and the victim's friend. While at the residence, Tony retrieved a hammer and placed it in his vehicle.

He then drove them to Superman Canyon, where he and the victim got out of the vehicle and the victim was attacked out of sight of the other passengers.

Thereafter, the victim's friend attempted to get out of the vehicle after hearing the victim yell, but Tony's brother prevented him from doing so by threatening him with violence. The victim's friend testified that Tony later returned to the vehicle covered in blood, without the victim, and with the victim's knife sticking through his forearm.

While Tony and the victim were off on their own and out of the sight of the other three, the victim called "911," and requested assistance. The jury heard the victim's nearly 10-minute call to "911," during which the victim said that he was on foot in a ditch and was bleeding as the result of having been hit in the head with a hammer.

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The victim identified Tony as the person who hit him and described the vehicle in which they had traveled. The call ended with the victim saying, "Hurry, here he comes now! Hurry!"

The following day, law enforcement authorities found the victim's body in a ravine located by Rock Flats Road near Church Rock. A hammer was located in the ravine near the victim's body and a large rock with bloodstains was next to the victim's body. The victim was wearing an empty knife sheath on his belt.

An autopsy revealed that the victim had been stabbed repeatedly in the head and neck and had blunt-force trauma wounds on his head.

On Aug. 8, 2017, Tony was charged in a superseding indictment with first-degree murder and two counts of witness tampering. On Sept. 30, 2017, a jury convicted Tony of witness tampering.

Following Tony's arrest in June 2016, while he was detained at the Santa Fe County Detention Center, Tony called friends and relatives imploring them to convince a witness to leave town and to prevent him from testifying. In a number of these recorded calls, Tony can be heard attempting to dissuade his girlfriend from cooperating with law enforcement.

Tony has been in federal custody since his arrest and remains detained pending his sentencing hearing, which has not been scheduled. Tony faces up to 15 years in prison for the voluntary manslaughter conviction.

This case was investigated by the Gallup Resident Agency of the FBI Albuquerque Field Office and the Navajo Nation Division of Public Safety. Assistant United States Attorneys Joseph M. Spindle and Nicholas J. Marshall are prosecuting the case.