



PRESS RELEASE

CONTACT: Elizabeth M. Martinez
Executive Assistant U.S. Attorney
Public Affairs Officer
elizabeth.martinez@usdoj.gov
505.224.1469

For Immediate Release

March 28, 2012

**TWO NON-INDIAN MEN FROM GRANTS, N.M., SENTENCED FOR
BURGLARIZING HOME ON THE NAVAJO INDIAN RESERVATION**

ALBUQUERQUE -- Earlier today a federal judge in Santa Fe, N.M., sentenced two non-Indian men from Grants, N.M., for burglarizing a home in Ramah, N.M., on the Navajo Indian Reservation. **Michael Bearden**, 34, was sentenced to a 36-month term of imprisonment to be followed by three years of supervised release. His nephew, **Joshua Bearden**, 24, was sentenced to 18 months of prison to be followed by three years of supervised release.

U.S. Attorney Kenneth J. Gonzales said that the two men were indicted on April 13, 2011, and charged with violating three state statutes that were assimilated for federal prosecution because there are no federal statutes that were applicable: (1) burglary, (2) attempted burglary, and (3) possession of burglary tools. Where state laws are adopted within federal jurisdiction, the offense is punishable as if it were a violation of the state statute. Under state law, the maximum penalty for a conviction on the burglary offense is three years of imprisonment, and the maximum penalty for a conviction on each of the other two offenses is 18 months in prison.

According to the indictment, Michael Bearden and Joshua Bearden burglarized one home on the Navajo Indian Reservation on April 15, 2008, and attempted to burglarize a second on that same day. Joshua Bearden has been in federal custody since his arrest on May 12, 2011, and Michael Bearden has been in federal custody since his arrest on May 23, 2011.

Court filings reflect that, in 2008, the Navajo Nation Department of Public Safety and the McKinley County Sheriff's Office were seeking two suspects in connection with a series of burglaries in Grants, Ramah and Vanderwagen. On April 15, 2008, a truck driven by Joshua Bearden with Michael Bearden as a passenger was stopped for speeding by a McKinley County Sheriff's Deputy. After observing DVDs and a DVD player in the bed of the truck during the traffic stop, the Deputy sought to ascertain if anyone had reported a burglary and learned that the Ramah Navajo Police Department had information regarding a burglary.

Thereafter, Michael Bearden and Joshua Bearden made post-arrest statements during which they admitted burglarizing a home in Ramah where they stole a DVD player, DVDs and jewelry, and attempting to burglarize a home south of Gallup, N.M. Both homes were located in the Navajo Indian Reservation.

On September 26, 2011, both men entered guilty pleas to Count 1 of the indictment, charging them with burglary, under plea agreements with the U.S. Attorney's Office. In entering his guilty plea, Michael Bearden admitted breaking into a home owned and occupied by a member of the Navajo Nation and stealing jewelry, electronics and DVDs. Joshua Bearden admitted that he assisted in burglarizing that same home by acting as a "lookout" and get-a-way driver for Michael Bearden.

The case was investigated by the Crownpoint Division of the Navajo Nation Department of Public Safety, the McKinley County Sheriff's Office and the FBI, and was prosecuted by Assistant U.S. Attorney Jack E. Burkhead.

###

12-85