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News Release

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Maplewood felon indicted for possessing a .32-caliber revolver

Earlier today in federal court in Minneapolis, a 33-year-old felon from Maplewood was indicted for allegedly possessing a loaded .32-caliber revolver on January 25, 2011. The indictment charges Derek Lee Preston with one count of being a felon in possession of a firearm.

According to a law enforcement affidavit filed in the case, Preston was a passenger in a vehicle that was stopped by Minneapolis Police for committing traffic violations. Preston was asked to exit the vehicle, and officers found the weapon while searching him. In addition, officers recovered 7.5 grams of marijuana and nearly four grams of crack cocaine from Preston.

Because he is a felon, Preston is prohibited under federal law from possessing firearms or ammunition at any time. Preston's prior Hennepin County convictions include unlawful possession of a pistol (1997), attempted first-degree aggravated robbery (1997), fifth-degree controlled substance crimes (1999 and 2009), a second-degree controlled substance crime (2001), terroristic threats (2005), violation of a no-contact order (2009), attempted violation of a no-contact order (2009) and domestic assault (2010). Because of Preston's extensive criminal history, he may be subject to the federal armed career criminal statute at sentencing, which would mandate a 15-year minimum prison sentence if convicted of the charge presently levied against him. The charge carries a potential maximum penalty of life in prison. All sentences, of course, will be determined by a federal district court judge.

This case is the result of an investigation by the Minneapolis Police Department and the Violent Crime Impact Team for the United States Bureau of Alcohol, Tobacco, Firearms and Explosives. It is being prosecuted by Assistant U.S. Attorney Surya Saxena.

The case was charged federally through Project Exile Minneapolis. That law enforcement initiative was launched on July 22, 2010, as part of a City-wide effort to reduce gun violence.

Through Project Exile, the Minneapolis Police Department and the ATF work together to apprehend serial criminals for violations of gun laws. Then, the Hennepin County Attorney's Office teams up with the U.S. Attorney's Office to determine where those offenders will most effectively be prosecuted – state or federal court. Those determinations are based on the offenders' criminal histories and current charges, among other factors. To date, the U.S. Attorney's Office has brought charges against close to two dozen serious habitual criminals through Project Exile Minneapolis.

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An indictment is a determination by a grand jury that there is probable cause to believe that offenses have been committed by a defendant. A defendant, of course, is presumed innocent until he or she pleads guilty or is proven guilty at trial.