

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT

NOV 04 2009

FOR THE DISTRICT OF NEW MEXICO **MATTHEW J. DYKMAN**
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY MIRABAL, DAVID AGUILAR,
and KEVIN GARNER,

Defendants.

CRIMINAL NO. 09-3207 JB

Count 1: 21 U.S.C. § 846: Conspiracy;

Count 2: 21 U.S.C. §§ 841(a)(1) and
(b)(1)(B): Possession with Intent to
Distribute 500 Grams and More of
Cocaine; 18 U.S.C. § 2: Aiding and
Abetting;

Count 3: 18 U.S.C. § 924(c)(1)(A):
Carrying a Firearm During and In
Relation to a Drug Trafficking Crime;
18 U.S.C. § 2: Aiding and Abetting.

INDICTMENT

The Grand Jury charges:

Count 1

On or about October 15, 2009, in Bernalillo County, in the District of New Mexico, the defendants, **ANTHONY MIRABAL, DAVID AGUILAR, and KEVIN GARNER**, did unlawfully, knowingly and intentionally combine, conspire, confederate, and agree with each other, and with other persons known and unknown to the Grand Jury, to commit the following offense against the United States, to wit: possession with intent to distribute 500 grams and more of a mixture and substance containing a detectable amount of cocaine, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1)(B).

In violation of 21 U.S.C. § 846.

Count 2

On or about October 15, 2009, in Bernalillo County, in the District of New Mexico, the defendants, **ANTHONY MIRABAL, DAVID AGUILAR, and KEVIN GARNER**, unlawfully, knowingly and intentionally possessed with intent to distribute 500 grams and more of a mixture and substance containing a detectable amount of cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), and 18 U.S.C. § 2.

Count 3

On or about October 15, 2009, in Bernalillo County, in the District of New Mexico, the defendants, **ANTHONY MIRABAL, DAVID AGUILAR, and KEVIN GARNER**, knowingly carried firearms, a Smith and Wesson 9 mm, serial number PDV8066 and a Smith and Wesson 9mm, serial number DSN1198, during and in relation to a drug trafficking crime for which the defendants may be prosecuted in a court of the United States: to wit, conspiracy to possess with intent to distribute 500 grams and more of a mixture and substance containing a detectable amount of cocaine, as charged in Count 1 of this indictment, and possession with intent to distribute 500 grams and more of a mixture and substance containing a detectable amount of cocaine, as charged in Count 2 of this indictment.

In violation of 18 U.S.C. § 924(c)(1)(A) and 18 U.S.C. § 2.

A TRUE BILL:

/s/
FOREPERSON OF THE GRAND JURY

Assistant United States Attorney