

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Cr. No. 10-3448
)	
KEVIN GARNER,)	
)	
Defendant.)	

INFORMATION TO ESTABLISH PRIOR
CONVICTIONS PURSUANT TO 21 U.S.C. § 851

Pursuant to 21 U.S.C. § 851, the United States files this Information to establish defendant Kevin Garner's ("Defendant") prior convictions.

Defendant is charged by Indictment in this cause with violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C). Prior to committing the violation charged in the Indictment, Defendant was convicted of the following felony drug offenses, upon which the United States will rely for the purpose of increasing Defendant's punishment herein:

1. CR 89-0888: Trafficking (by distribution), in New Mexico Second Judicial District Court. A copy of the judgment filed in CR 89-0888 dated May 15, 1990, is attached hereto as Exhibit 1.

2. CR 97-0642: Possession of a Controlled Substance, in New Mexico Second Judicial District Court. A copy of the judgment filed in CR 97-0642 dated August 5, 1998, is attached hereto as Exhibit 2.

3. CR 2007-00210: Possession of a Controlled Substance in violation of N.M.. Stat. Ann. § 30-31-23 in New Mexico Second Judicial District Court. A copy of the judgment filed in CR 2007-00210 dated May 30, 2008 is attached hereto as Exhibit 3.

Therefore, Defendant is subject to the following enhanced penalty in this cause: imprisonment for a period of not more than 30 years; a fine not to exceed the greater of twice that authorized in accordance with the provisions of Title 18, or both; and a term of supervised release not less than six (6) years.

Respectfully submitted,

KENNETH J. GONZALES
United States Attorney

ELECTRONICALLY FILED

Joel R. Meyers
Assistant U.S. Attorney
P.O. Box 607
Albuquerque, NM 87103
(505) 346-7274

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of December, 2010, I filed the foregoing Information electronically through the CM/ECF system, which is designed to cause counsel of record for the defendant to be served by electronic means.

ELECTRONICALLY FILED

Joel R. Meyers
Assistant U.S. Attorney