

For Immediate Release
April 13, 2011

**JURY CONVICTS NEW YORK MAN OF FEDERAL
COCAINE TRAFFICKING OFFENSE**

***Defendant Was Transporting More than 2.9 Kilograms of Cocaine
Concealed in Cereal Boxes from Arizona to New York***

ALBUQUERQUE – Yesterday afternoon in federal court in Albuquerque, a jury convicted **Richard Anthony McKenzie**, a 38-year-old resident of Uniondale, New York, of a cocaine trafficking offense after a two-day trial. At sentencing, McKenzie faces a mandatory minimum five-year term of imprisonment and a maximum forty-year term of imprisonment. McKenzie has been in federal custody since his arrest on July 7, 2008, and remains detained pending his sentencing hearing, which has yet to be scheduled.

United States Attorney Kenneth J. Gonzales said that McKenzie was arrested on July 7, 2008, after Drug Enforcement Administration (DEA) agents found approximately 2.9 kilograms of cocaine concealed in cereal boxes in McKenzie's possession. McKenzie was initially charged in a criminal complaint alleging a cocaine trafficking offense. A federal grand jury indicted McKenzie on July 22, 2008, charging him with possession of more than 500 grams of cocaine with intent to distribute.

The trial evidence established that, on July 7, 2008, a DEA agent and a task force officer (TFO), who were conducting an investigation at the Amtrak station, approached McKenzie, a passenger who was traveling from Flagstaff, Arizona to New York City, during the train's stop at the station. McKenzie agreed to speak with the DEA agent and TFO, and discussed his purpose and route of travel. Among other things, McKenzie told the officers that he was traveling by train in a luxury sleeper car at the cost of \$1,836.00 because he did not like to fly.

Thereafter, McKenzie consented to a search of his luggage. During the search, the DEA agent and TFO found an airline baggage tag on one of McKenzie's suitcases reflecting that he had traveled to Phoenix, Arizona by air on July 3, 2008. The search also revealed three boxes of cereal that appeared to be unopened but felt heavier than the listed weight.

According to trial testimony, after McKenzie refused to give the DEA agent permission to search the three cereal boxes or to have a certified drug detection canine sniff the boxes, the three men moved onto the train platform where the officers attempted to arrest McKenzie. McKenzie evaded arrest and locked himself in his sleeper car. While the DEA agent and TFO attempted to open the door to the sleeper car, McKenzie removed the window in his second story sleeper car and jumped out the window. The DEA agent and TFO observed McKenzie limping away down the platform toward a chain-link fence topped with razor wire. The officers apprehended McKenzie shortly thereafter.

The DEA agent seized McKenzie's personal property, including the three cereal boxes, which was left in the sleeper car when McKenzie fled. After the drug detecting canine alerted to the three cereal boxes, the DEA obtained a federal warrant to search the boxes. The search revealed that the boxes contained an aggregate of 3.5 gross kilograms (7.6 pounds) of cocaine. Subsequent lab testing revealed that the substances in the boxes contained approximately 2.9 kilograms (6.38 pounds) of actual cocaine.

The jury deliberated for an hour before returning a guilty verdict.

The case was investigated by the DEA, and is being prosecuted by Assistant United States Attorneys Damon P. Martinez and Samuel A. Hurtado.

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