

For Immediate Release  
January 12, 2012

**ARMED CAREER CRIMINAL RECEIVES 188 MONTH PRISON  
SENTENCE FOR UNLAWFUL POSSESSION OF FIREARM**

***Defendant Shot Father During Argument Over Seeking Employment***

ALBUQUERQUE – This afternoon, a U.S. District Judge sentenced, **Roman Kirby**, 37, of Albuquerque, to a 188-month term of imprisonment to be followed by three years of supervised release for being a felon in possession of a firearm and ammunition.

Kirby initially was charged as a felon in possession of a firearm and ammunition in a criminal complaint, and was indicted for that same offense on February 10, 2011. On March 29, 2010, Kirby was arrested on the federal charge and was transferred from state custody to federal custody. He has been in federal custody since that time.

According to the indictment, Kirby unlawfully possessed a firearm and ammunition in Bernalillo County on December 14, 2010. On that date, Kirby was prohibited from possessing firearms and ammunition because he previously had been convicted of numerous felonies in the state of New Mexico, including aggravated assault on a peace officer; aggravated battery; shooting at or from a motor vehicle; trafficking crack cocaine; bribery of a witness; attempted first degree murder; shooting at a dwelling or occupied building; felon in possession of a firearm; resisting, evading or obstructing an officer; and trafficking in methamphetamine.

On August 30, 2011, Kirby entered a conditional guilty plea to the indictment under a plea agreement with the U.S. Attorney's Office that permits him to appeal the court's order denying his motion to dismiss.

Court records reflect that the offense leading to Kirby's arrest in this case occurred on December 14, 2010, shortly after Kirby had been released from prison on a prior conviction and

while he was residing with his parents in Albuquerque. On that day, Kirby fell into an argument with his mother over whether Kirby was going to seek employment. Kirby's father intervened in the argument when he became concerned over the manner in which Kirby was speaking to his mother. As the argument over whether Kirby should seek employment escalated, Kirby retrieved a handgun from a closet, chambered a round, and pointed the handgun at his father's head. Kirby then lowered the handgun and shot his father in the hip. After shooting his father, Kirby pointed the handgun at his mother's head while she attempted to call the police, but did not shoot her. Kirby left his parent's residence on foot and was apprehended by law enforcement officers shortly thereafter.

U.S. Attorney Kenneth J. Gonzales said that the case was prosecuted by Assistant U.S. Attorney David M. Walsh, and by the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Albuquerque Police Department.

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