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PRESS RELEASE

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**ALBUQUERQUE MAN SENTENCED TO 78-MONTH IMPRISONMENT
ON FEDERAL NARCOTICS AND FIREARMS CONVICTION**

This afternoon, United States District Judge James O. Browning sentenced **Kevin Garner**, a 22-year old Albuquerque resident, to a 78-month term of imprisonment based on his conviction on federal narcotics and firearms charges. Garner also was sentenced to a three-year term of supervised release.

On October 15, 2009, Garner and two other Albuquerque men, Anthony Mirabal, 30, and David Aguilar, 30, were arrested based on narcotics trafficking and firearms charges. The three men were indicted on November 4, 2009 and charged with (1) conspiracy to distribute more than 500 grams of cocaine; (2) possession of more than 500 grams of cocaine with intent to distribute; and (3) using and carrying a firearm in relation to a drug trafficking crime.

United States Attorney Kenneth J. Gonzales said that the investigation of this case began when the Albuquerque Police Department received a tip asserting that Mirabal was trafficking cocaine. Based on that tip, members of the Region I Narcotics Task Force conducted surveillance in the vicinity of the residence located at 603 Smith Street, SE in

Albuquerque where they observed a vehicle arrive at that location. According to the criminal complaint, Garner and his co-defendants got out of the vehicle and entered the residence where they met with an officer who was acting in an undercover capacity. Inside the residence, Garner stood guard at the front door and Aguilar stood guard at the back door of the residence while Mirabal conducted a drug transaction in the presence of the undercover officer. During the transaction, Mirabal produced two white brick-like substances and tested the substance in the presence of the officer. Shortly thereafter, members of the Region 1 Task Force entered the residence and arrested Garner, Mirabal and Aguilar. Garner had a loaded handgun in his possession at the time of his arrest. The two brick-like substances weighed more than 2 kilograms and tested positive for cocaine.

On August 5, 2010, Garner entered a guilty plea to a criminal information charging him with conspiracy to possess cocaine with intent to distribute and using a firearm in relation to a drug trafficking crime under a plea agreement with the United States Attorney's Office. Garner was remanded into the custody of the United States Marshal Service at the time of his plea. Today, he was sentenced to 78-months imprisonment under the terms of his plea agreement.

On August 6, 2010, co-defendant Mirabal also entered a guilty plea to a criminal information charging him with conspiracy to possess cocaine with intent to distribute and using a firearm in relation to a drug trafficking crime. On November 8, 2010, Judge Browning sentenced Mirabal to a 106-month term of imprisonment to be followed by a

three years supervised release. Mirabal is serving his sentence. Aguilar was acquitted on August 12, 2010 after trial.

The case was prosecuted by Assistant United States Attorney John C. Anderson and was investigated by the Region I Narcotics Task Force, the Albuquerque Police Department and the Federal Bureau of Investigation.

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