

For Immediate Release
November 29, 2011

**RETIRED ALBUQUERQUE OPTOMETRIST PLEADS
GUILTY TO UNLAWFUL POSSESSION OF FIREARMS**

ALBUQUERQUE – Earlier today, **Phillip Simmons**, 61, a retired Albuquerque optometrist, pled guilty to unlawfully possessing firearms and ammunition under a plea agreement with the U.S. Attorney's Office. Under the terms of his plea agreement, Simmons will be sentenced to a minimum three-year term of probation, during which he must participate and successfully complete a substance abuse program approved by the U.S. Probation Office. Simmons also will forfeit 39 firearms and ammunition seized from his residence when he was arrested on July 13, 2011.

U.S. Attorney Kenneth J. Gonzales said that Simmons was indicted on June 22, 2011, and charged with (1) being an unlawful user and addict of a controlled substance in possession of firearms; (2) possession of heroin with intent to distribute, and (3) possession of marijuana with intent to distribute. At the time, Simmons was prohibited from possessing firearms and ammunition because he was an unlawful user of heroin and was addicted to that controlled substance.

During today's plea hearing, Simmons admitted that he was a user of and addicted to heroin on August 19, 2010, when authorities recovered 39 firearms and ammunition from his residence. Under the terms of Simmons' plea agreement, Counts 2 and 3 of the indictment will be dismissed after Simmons is sentenced.

The case was investigated by the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Albuquerque Police Department, and was prosecuted by Assistant U.S. Attorney C. Paige Messec.

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