



**PRESS RELEASE**

**CONTACT:** Elizabeth M. Martinez  
Executive Assistant U.S. Attorney  
Public Affairs Officer  
[elizabeth.martinez@usdoj.gov](mailto:elizabeth.martinez@usdoj.gov)  
505.224.1469

**For Immediate Release**

**May 15, 2012**

**RETIRED ALBUQUERQUE OPTOMETRIST SENTENCED TO  
PROBATION FOR UNLAWFUL POSSESSION OF FIREARMS**

ALBUQUERQUE – This morning, a federal judge sentenced retired optometrist **Phillip Simmons**, 61, of Albuquerque, to a five-year term of probation and pay a \$15,000 fine for unlawfully possessing firearms and ammunition. The judge also ordered Simmons to participate in and successfully complete a substance abuse program approved by the U.S. Probation Office. Simmons also was ordered to forfeit his 39 firearms and ammunition.

Simmons was arrested on July 13, 2011 based on a three-count indictment charging him 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.

U.S. Attorney Kenneth J. Gonzales said that Simmons entered a guilty under a plea agreement with his Office on November 29, 2011. During his 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 were dismissed after Simmons was sentenced.

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

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