

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 09-00296-01-CR-W-FJG
	)	
<b>JOHN B. ANGELL ET AL.,</b>	)	
	)	
Defendant.	)	

**NOTICE AND INFORMATION OF INTENT TO USE PRIOR CONVICTIONS  
TO ENHANCE PUNISHMENT PURSUANT TO TITLE 18, U.S.C. § 851**

Comes now the United States of America, by Matt J. Whitworth, United States Attorney, and Jeffrey Valenti, Assistant United States Attorney, both for the Western District of Missouri, and informs the defendant, John B. Angell, that it will seek enhanced punishment against him in the above-referenced case pursuant to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A), which provides in pertinent part:

In the case of a violation of subsection (a) of this section involving— . . .

**(viii)** . . . 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers. . . .

such person shall be sentenced to a term of imprisonment which may not be less than 10 years or more than life . . . a fine not to exceed \$4,000,000. . . . If any person commits such a violation after a prior conviction for a felony

drug offense<sup>1</sup> has become final, such person shall be sentenced to a term of imprisonment which may not be less than 20 years and not more than life imprisonment . . . , a fine not to exceed the greater of twice that authorized in accordance with the provisions of Title 18, or \$8,000,000 . . . or both. . . . If any person commits a violation of this subparagraph . . . after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence [\$8,000,000] . . . [A]ny sentence under this subparagraph shall, in the absence of such a prior conviction(s), impose a term of supervised release of at least 5 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 10 years in addition to such term of imprisonment. . . . The court shall not place on probation or suspend the sentence of any person sentenced under this subparagraph.

It is the intention of the government to rely on the following prior felony drug conviction:

**John B. Angell:**

Three counts of Unauthorized Possession of Controlled Substances, class 4 felonies, case number 95-557, in the Circuit Court of Meade County, South Dakota.

a. Date of Conviction: August 12, 1995.

b. Sentence: one year in the South Dakota State Penitentiary, execution of sentence suspended, with placement on probation for a period of one year.

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<sup>1</sup> See 21 U.S.C. § 802(44) for a definition of “felony drug offense.”

A certified copy of this conviction may be reviewed at the Office of the United States Attorney. This information and notice is made pursuant to Title 21, United States Code, Section 851.

Respectfully submitted,

Matt J. Whitworth  
United States Attorney

By */s/Jeffrey Valenti*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on November 18, 2009, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to counsel of record.

*/s/Jeffrey Valenti*

Jeffrey Valenti  
Assistant United States Attorney