

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 09-00296-01/06-CR-W-FJG
)	
JOHN B. ANGELL ET AL.,)	
)	
Defendant.)	

**GOVERNMENT’S NOTICE OF INTENT TO USE
CONVICTION(S) AS IMPEACHMENT**

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 files its Notice of Intent To Use Conviction(s) as Impeachment, pursuant to Fed. R. Evid. 609(a)(1), if defendants Angell, Stewart, or Donkersloot testifies. The government states the following in support:

I. Procedural History

On September 23, 2009, a grand jury sitting in the Western District of Missouri returned a two-count indictment against the listed defendants in which they were charged under Count One with conspiracy to distribute methamphetamine, cocaine, and marijuana, all Scheduled Controlled Substances, between January 1, 2002 and July 31, 2007, contrary to the provisions of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A), all in violation of 21 U.S.C. § 846. Additionally, defendant Angell is charged under Count Two with retaliating against a witness for providing information to law enforcement regarding

violations of the Federal Narcotics Laws by members of the El Forastero and Galloping Goose Motorcycle Clubs, contrary to the provisions of 18, U.S.C. §§ 1513(b)(2) and (g).

This matter is currently set for jury trial commencing on Monday, December 14, 2009, before the Honorable Fernando J. Gaitan.

II. Prior Conviction(s)

a. John B. Angell

On August 12, 1995, John B. Angell was convicted of three counts of Unauthorized Possession of Controlled Substances, class 4 felonies, in case number 95-557, in the Circuit Court of Meade County, South Dakota, where he was sentenced to one year in the South Dakota State Penitentiary, execution of sentence suspended, with placement on probation for a period of one year.

b. Robert E. Stewart

On February 24, 1975 Robert E. Stewart was convicted of felony theft in Hennepin County, Minnesota and sentenced to probation.

On September 21, 1989, Robert E. Stewart was convicted of felony burglary in Hennepin County, Minnesota and sentenced to probation.

Robert E. Stewart appears to have one other conviction for forgery in which he received a 4-year sentence; as well as several drug arrests, for which the disposition is unclear. The government is awaiting documentation from Minnesota authorities to confirm these convictions. Upon receipt, this information will be forwarded to defense counsel.

c. Nicholas E. Donkersloot

On July 17, 1995, Nicholas E. Donkersloot was convicted of misdemeanor assault and sentenced to 30 days imprisonment in the county jail.

d. For each conviction, a certified copy of the conviction is available for inspection upon request.

III. Conclusion

Wherefore, the government respectfully files its notice of intent to use conviction(s) as impeachment, pursuant to Fed. R. Evid. 609(a)(1), should the listed defendants testify.

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 all counsel of record.

/s/ Jeffrey Valenti

Jeffrey Valenti

Assistant United States Attorney