

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 10-00162-16-CR-W-FJG
)	
THEODORE S. WIGGINS,)	
)	
Defendant.)	

**NOTICE AND INFORMATION OF INTENT TO USE
PRIOR CONVICTION TO ENHANCE PUNISHMENT**

Comes now the United States of America, by Beth Phillips, United States Attorney, and Brent Venneman, Assistant United States Attorney, both for the Western District of Missouri, and informs the defendant, THEODORE S. WIGGINS, that it will seek to enhance the punishment against him in this Indictment pursuant to the provisions of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B), which provides in pertinent part:

. . . If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment which may not be less than 10 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 \$4,000,000 if the defendant is an individual . . . and shall, if there was such a prior conviction, impose a term of supervised release of at least 8 years in addition to such term of imprisonment. . . No person sentenced under this subparagraph shall be eligible for parole during the term of imprisonment imposed therein.

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

1. THEODORE S. WIGGINS was convicted on August 1, 2000, in the Circuit Court of Jackson County, Missouri, for distribution of a controlled substance, in Case Number CR98-03880, a class B felony. The defendant was sentenced to a term of imprisonment of ten years.

The government has obtained a certified copy of the sentencing and judgment with regard to this conviction, which 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,

Beth Phillips
United States Attorney

By: */s/ Brent B. Venneman*

Brent B. Venneman #17316
Assistant United States Attorney

Charles Evans Whittaker Courthouse
400 East Ninth Street, Fifth Floor
Kansas City, Missouri 64106
Telephone: (816) 426-2771

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on December 28, 2010, 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:

Susan L. Dill
818 Grand Boulevard
Suite 550
Kansas City, Missouri 64106

/s/ Brent B. Venneman

Brent Venneman
Assistant United States Attorney