

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 10-00162-5-CR-W-FJG
)	
DELBERT ROBERSON,)	
)	
Defendant.)	

**AMENDED 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, DELBERT ROBERSON, 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)(A), 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 of not less than 20 years . . . a fine not to exceed the greater of twice that authorized in accordance with the provisions of Title 18 or \$8,000,000 if the defendant is an individual . . . and shall, if there was such a prior conviction, impose a term of supervised release of at least 10 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. DELBERT ROBERSON was convicted on January 28, 1999, in the Circuit Court of Jackson County, Missouri, for possession of a controlled substance, in Case Number CR97-05946, a class C felony. The defendant was sentenced to a term of imprisonment of two 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.

The government first filed this notice on December 28, 2010, but that filing erroneously stated that ROBERSON was convicted of distribution of a controlled substance, when in fact, the conviction was for possession of a controlled substance. This amended filing corrects that error and supersedes the previous filing.

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 March 24, 2011, 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:

Phillip R. Gibson
Thomason & Gibson LLC
2400 S. Lee's Summit Rd.
Suite 200
Independence, Missouri 64055

/s/ Brent B. Venneman

Brent Venneman
Assistant United States Attorney