

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 10-00162-15-CR-W-FJG
)	
MYLIN D. SMITH,)	
)	
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, MYLIN D. SMITH, 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. . . . 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...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 convictions:

SMITH was convicted on June 10, 2002, in the Circuit Court of Jackson County, Missouri, of sale of a controlled substance, in Case Number CR01-02675, a class B felony. Imposition of sentence was suspended and SMITH was placed on probation for a term of three years. On July 13, 2004, probation was revoked by the court and SMITH was sentenced to a term of imprisonment of five years.

SMITH was also convicted on June 10, 2002, in the Circuit Court of Jackson County, Missouri, of possession of a controlled substance, in Case Number CR01-002892, a class C felony. Imposition of sentence was suspended and SMITH was placed on probation for a term of three years. On July 13, 2004, probation was revoked by the court and SMITH was sentenced to a term of imprisonment of five years.

SMITH was also convicted on July 8, 2004, in the Circuit Court of Jackson County, Missouri, of trafficking in drugs in the second degree, in Case Number CR04-00119, a class B felony. SMITH was sentenced to a term of imprisonment of five years.

The government has obtained a certified copy of the sentencing and judgment with regard to these convictions, which have been made available through discovery and 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*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on May 31, 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:

/s/ Brent B. Venneman

Brent Venneman
Assistant United States Attorney