

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

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|-----------------------------------|---|---|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. <u>11-00025-01/02/03/06/07-CR-W-SOW</u> |
| |) | |
| KEVION DARNELL BIFFORD, |) | |
| PRINCE EARL CLARENCE GILBERT, JR, |) | |
| CHARLES V. WILLIAMS, |) | |
| TAJ RUNNELL GRIFFIN, |) | |
| and |) | |
| DERON ANDREW SCOTT, |) | |
| |) | |
| Defendants. |) | |

**NOTICE OF PENALTY ENHANCEMENT AS A
CONSEQUENCE OF CRIMINAL STREET GANG AFFILIATION,
PURSUANT TO 18 U.S.C. SECTION 521**

The United States of America, by Beth Phillips, United States Attorney, and Bruce Rhoades, Assistant United States Attorney, both for the Western District of Missouri, pursuant to Title 18, United States Code, Section 521(b) and files its notice of intent to seek an enhanced sentence of up to ten (10) years per defendant based upon the listed defendants’ participation in or promotion of the “Click Clack” criminal street gang.

Title 18, United States Code, Section 521(a) defines a “Criminal street gang” as an ongoing group, club, organization, or association of five (5) or more persons -

- (A) that has as one (1) of its primary purposes the commission of one (1) or more of the following criminal offenses:
 - (1) a Federal felony involving a scheduled controlled substance for which the maximum penalty exceeds five years;
 - (2) a Federal felony crime of violence that has as an element the use or attempted use of physical force against the person of another, or;

- (3) a conspiracy to commit an offense described in paragraph (1) or (2).

The Government alleges, that the above-named defendants, are members of the “Click Clack” criminal street gang, which is an ongoing association of five (5) or more persons, whose primary purpose is the commission of multiple Federal felony controlled substance offenses and Federal felony crimes of violence involving the exhibition and use of firearms.

Further, pursuant to Title 18, United States Code, Section 521(d), the Government alleges that while committing these offenses, the individual defendants:

- (1) participated in the “Click Clack” criminal street gang with the knowledge that its members engage in or have engaged in a continuing series of offenses described above;
- (2) intended to promote or further the felonious activities of the “Click Clack” criminal street gang or maintain or increase their position in the gang; and
- (3) have been convicted within the past five (5) years of either:
 - A. One of the Federal felonies set out above;
 - B. A comparable State felony offense;
 - C. Any offense involving a substantial risk of physical force occurring against the person of another, or;
 - D. A conspiracy to commit any of the listed offenses.

WHEREFORE, under the circumstances described herein, the penalty for Count One of the Indictment in this matter is increased from a maximum of 40 years in prison to a maximum

sentence of 50 years imprisonment and the penalty for Count Two, Three, Four, Ten, Eleven, and Twelve is increased from a maximum of 20 years to a maximum of 30 years.

Respectfully submitted,

Beth Phillips
United States Attorney

By: */s/ Bruce Rhoades*

Bruce Rhoades
Assistant United States Attorney

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on February 9, 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/ Bruce Rhoades

Bruce Rhoades
Assistant United States Attorney

BR:jf