



# NEWS RELEASE

OFFICE OF THE UNITED STATES ATTORNEY  
WESTERN DISTRICT OF MISSOURI

**TODD P. GRAVES**

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**APRIL 21, 2003**

**FOR IMMEDIATE RELEASE**

## **APPEALS COURT UPHOLDS CONVICTION OF KC MAN IN 'LEN BIAS' CASE FOR COCAINE DISTRIBUTION RESULTING IN FATAL OVERDOSE FOR PRAIRIE VILLAGE WOMAN**

**KANSAS CITY, Mo.** – Todd P. Graves, United States Attorney for the Western District of Missouri, announced that the United States Court of Appeals for the Eighth Circuit today upheld the conviction and 28-year sentence of a Kansas City man who was sentenced last year for distributing cocaine that resulted in a fatal overdose for a 20-year-old Prairie Village, Kan., woman in May 2000.

**Derrick Bruce Smith**, 35, of Kansas City, Mo., was convicted by a federal jury on January 8, 2002, of one count of distribution of cocaine resulting in death, and one count of possession with intent to distribute cocaine. Evidence presented at trial, Graves said, showed that in the early morning hours of May 18, 2000, **Smith** distributed cocaine, and as a result of the use of the drug, Elizabeth Callison, 20, of Prairie Village, Kansas, died.

**Smith** was sentenced on Aug. 23, 2002, to 28 years and 4 months in federal prison without parole on Count One of a federal indictment. The court also sentenced **Smith** to 20 years in prison without parole on Count Two of the federal indictment, to be served concurrently. **Smith** appealed both the conviction and the sentence to the U.S. Court of Appeals.

In a ruling filed today, Graves said, the court noted that **Smith** had raised “several issues” in his appeal of that conviction and sentence, and concludes, “We reject them all.”

According to Graves, the case against **Smith** was the first of its kind to be brought in the Western District of Missouri under a federal statute that is sometimes referred to as the “Len Bias law.”

Under most circumstances, federal law provides a maximum punishment of 20 years in prison without parole, plus a fine up to \$1 million, for persons convicted of simple distribution of cocaine. However, Graves explained, the federal Anti-Drug Abuse Act of 1986 provides a minimum mandatory sentence of 20 years in prison without parole, and a possible maximum sentence of life without parole, for persons convicted of distributing controlled substances that result in death.

Congress passed the legislation partly in response to the June 19, 1986, death of Len Bias, a University of Maryland basketball star who overdosed on cocaine two days after being chosen as the No. 1 NBA draft pick of the Boston Celtics.

The case was prosecuted by Assistant U.S. Attorneys Mark A. Miller and David A. Barnes. The written brief submitted to the Court of Appeals was prepared by Assistant U.S. Attorneys Lajuana M. Counts and Phil M. Koppe of the district's newly created appellate unit. The case was investigated by the Kansas City, Mo., Police Department, the Jackson County Prosecuting Attorney's Office and Internal Revenue Service -- Criminal Investigation Division.

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This news release, as well as additional information about the office of the United States Attorney for the Western District of Missouri, is available on-line at

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