



Department of Justice

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Northern District of California**

FOR IMMEDIATE
RELEASE
November 17, 2011
6599

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THREE BAY AREA RESIDENTS CHARGED WITH OXYCODONE TRAFFICKING

Possession Of Firearms Alleged; \$235,524 Cash Seized

SAN FRANCISCO - A federal grand jury in San Francisco returned an indictment in which three Bay Area residents are charged variously with conspiracy; possession with intent to distribute oxycodone and oxymorphone; distribution of oxycodone and oxymorphone; and possession of a firearm by a felon, United States Attorney Melinda Haag announced.

Kim Whatley, 51, of Hayward, Calif., was charged with one count of conspiracy to possess with intent to distribute and to distribute oxycodone, three counts of possession with intent to distribute and distribution of oxycodone and/or oxymorphone, and one count of possession of a firerarm by a felon. Lobis Burton, 72, of Pittsburg, Calif., was charged with one count of conspiracy to possess with intent to distribute and to distribute oxycodone and two counts of possession with intent to distribute and distribution of oxycodone. Ella Mae Simpson, 54, of Hayward, Calif., was charged with one count of conspiracy to possess with intent to distribute and to distribute oxycodone, three counts of possession with intent to distribute and distribution of oxycodone, and one count of possession of a firerarm by a felon.

According to the indictment, which was unsealed yesterday, the three defendants conspired to possess and distribute oxycodone. The defendants also each allegedly engaged in individual hand-to-hand sales of oxycodone and oxymorphone in the Bay Area. In addition, the

indictment alleges that Whatley and Simpson are both convicted felons and each possessed a firearm. The indictment also contains forfeiture allegations for the firearms and \$235,524 in cash that was seized by the government.

The maximum statutory penalty for each count of Conspiracy to Possess with Intent to Distribute and to Distribute Oxycodone and each count of Possession with Intent to Distribute and Distribution of Oxycodone and/or Oxymorphone, in violation of Title 21, U.S.C. §§ 846, 841(a)(1), and (b)(1)(C) is 20 years in prison and a fine of \$1,000,000. The maximum statutory penalty for each count of Felon in Possession of a Firearm, in violation of Title 18, U.S.C. § 922(g)(1) is 10 years in prison and a fine of \$250,000. However, any sentence following conviction would be imposed by the court after consideration of the U.S. Sentencing Guidelines and the federal statute governing the imposition of a sentence, 18 U.S.C. § 3553.

The defendants are scheduled for their initial appearance in District Court on Dec. 9, 2011, before U.S. District Court Judge Susan Illston.

Katherine Dowling and Natalie Wight are the Assistant U.S. Attorneys who are prosecuting the case with the assistance of Rawaty Yim. The prosecution is the result of a seven month, multi-district investigation by the Federal Bureau of Investigation, Drug Enforcement Agency, and Health and Human Services.

Please note, an indictment contains only allegations against an individual and, as with all defendants, these defendants must be presumed innocent unless and until proven guilty.

Further Information:

Case #: 11-0832 SI

A copy of this press release may be found on the U.S. Attorney's Office's website at www.usdoj.gov/usao/can.

Electronic court filings and further procedural and docket information are available at <https://ecf.cand.uscourts.gov/cgi-bin/login.pl>.

Judges' calendars with schedules for upcoming court hearings can be viewed on the court's website at www.cand.uscourts.gov.

All press inquiries to the U.S. Attorney's Office should be directed to Jack Gillund at (415) 436-6599 or by e-mail at Jack.Gillund@usdoj.gov.

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