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<sup>1</sup>By statute, the term "aggravated felony" includes crimes



Before us, the appellant restates his Apprendi-based thesis. He starts with the general premise that, absent a waiver, any fact increasing the statutory maximum penalty must be charged in an indictment and proven to a jury beyond a reasonable doubt. Although he acknowledges that the Apprendi Court specifically carved out the fact of a prior conviction

Torres; and we deem ourselves bound to follow the holding in Almendarez-Torres unless and until the Supreme Court abrogates that decision. In so ruling, we align ourselves not only with precedent in this circuit, e.g., United States v. Johnstone, 251 F.3d 281, 286 n.7 (1st Cir. 2001); United States v. Terry, 240 F.3d 65, 73-74 (1st Cir.), cert. denied, 121 S. Ct. 1965 (2001), but also with an unbrokeeuue inof casvesfroem ou sister- e.g.

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