

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

**OFFENSE CHARGED**

18 U.S.C. § 922(g)(1) - Felon in Possession of a Firearm;  Petty  
18 U.S.C. § 924(d)(1) - Gun Forfeiture  Minor  
 Misdemeanor  
 Felony

PENALTY: Maximum prison sentence 10 years  
Maximum fine \$250,000  
Maximum term of supervised release 3 years  
Mandatory special assessment \$100  
Forfeiture

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

**FILED**  
MAR 21 2013

**DEFENDANT - U.S.**

ERIC DEMETRIUS SMITH

DISTRICT COURT NUMBER

**CR13-00185**

CW

**DEFENDANT**

**IS NOT IN CUSTODY**

- 1)  Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2)  Is a Fugitive
- 3)  Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4)  On this charge
- 5)  On another conviction }  Federal  State
- 6)  Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution  
Santa Rita Jail

Has detainer been filed?  Yes  No

If "Yes" give date filed

DATE OF ARREST **03/15/2013**

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY **03/18/2013**

This report amends AO 257 previously submitted

**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

FEDERAL BUREAU OF INVESTIGATION

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY  DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form **MELINDA HAAG**

U.S. Attorney  Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) **RODNEY C. VILLAZOR**

**ADDITIONAL INFORMATION OR COMMENTS**

**PROCESS:**

SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

Arraignment  Initial Appearance

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments:

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

**FILED** *CW*

MAR 21 2013

VENUE: Oakland

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES OF AMERICA,

v.

ERIC DEMETRIUS SMITH,

**CR13-00185** *CW*

DEFENDANT.

**INDICTMENT**

18 U.S.C. § 922(g)(1) - Felon in Possession of a Firearm;  
18 U.S.C. § 924(d)(1) - Gun Forfeiture

A true bill.

*[Signature]*  
Foreman

Filed in open court this 21 day of March 2013

*[Signature]*  
Clerk

Bail, \$ no bail warrant  
*Kandis W. [Signature]* 3/21/13

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MELINDA HAAG (CSBN 132612)  
United States Attorney

**FILED**

MAR 21 2013

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

**CR13-00185**

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
ERIC DEMETRIUS SMITH, )  
 )  
Defendant. )

No. )  
 )  
VIOLATION: 18 U.S.C. § 922(g)(1) - )  
Felon in Possession of a Firearm; )  
18 U.S.C. § 924(d)(1) - Gun Forfeiture )  
 )  
OAKLAND VENUE )

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 922(g)(1) - Felon in Possession of Firearm)

On or about April 7, 2012, in the Northern District of California, the defendant,  
ERIC DEMETRIUS SMITH,  
having been previously convicted of a felony crime punishable by a term of imprisonment  
exceeding one year, did knowingly possess a firearm, described as a Springfield XD .40 caliber  
pistol with serial number XD425908, in and affecting commerce, in violation of Title 18, United  
States Code, Section 922(g)(1).

FORFEITURE ALLEGATION: (18 U.S.C. § 924(d)(1) – Gun Forfeiture)

1. The factual allegations contained in Count One of this Indictment are realleged

INDICTMENT

1 and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to  
2 the provisions of 18 U.S.C. § 924(d)(1).

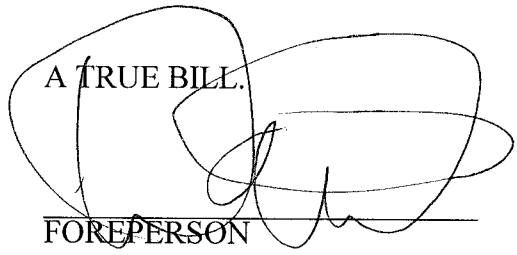
3 2. Upon a conviction for the offense alleged in Count One, the defendant,  
4 ERIC DEMETRIUS SMITH,  
5 shall forfeit to the United States any firearm involved in or used in any knowing violation of said  
6 offense, including but not limited to the following property:

7 a. Springfield XD .40 caliber pistol with serial number XD425908  
8 and twenty-six 9 millimeter bullets.

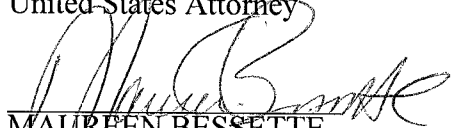
9 Pursuant to Title 18, United States Code, Section 924(d)(1).

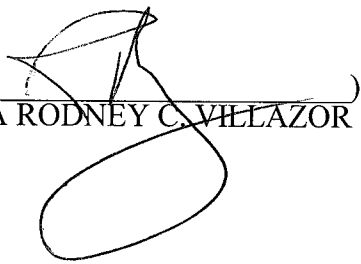
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DATED: 3/21/2013

A TRUE BILL.  
  
FOREPERSON

MELINDA HAAG  
United States Attorney

  
MAUREEN BESSETTE  
Chief, Oakland Branch

(Approved as to form:   
AUSA RODNEY C. VILLAZOR

United States District Court  
Northern District of California

FILED *CW*  
MAR 21 2013

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

CRIMINAL COVER SHEET

**Instructions:** Effective January 3, 2012, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case. Please place this form on top of the Defendant Information Form.

Case Name:

USA v. ERIC DEMETRIUS SMITH

Case Number:

CR13-00185 *CW*

Total Number of Defendants:

1  2-7 \_\_\_\_\_ 8 or more \_\_\_\_\_

Is This Case Under Seal?

Yes \_\_\_\_\_ No

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes \_\_\_\_\_ No

Venue (Per Crim. L.R. 18-1):

SF \_\_\_\_\_ OAK  SJ \_\_\_\_\_

Is this a death-penalty-eligible RICO Act gang case?

Yes \_\_\_\_\_ No

Assigned AUSA (Lead Attorney):

RODNEY C. VILLAZOR

Comments:

[Empty rectangular box for comments]

Date Submitted:

03/21/2013

PRINT