

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

<b>UNITED STATES OF AMERICA</b>	:	Crim. No. 13-383 (SRC)
	:	
<b>v.</b>	:	
	:	18 U.S.C. § 371
<b>JAMES ROY SMITH,</b>	:	18 U.S.C. § 2421
<b>a/k/a "Mister Smith"</b>	:	18 U.S.C. § 2

**SUPERSEDING INFORMATION**

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges:

**COUNT ONE**

**(Conspiracy to Transport Individuals to Engage in Prostitution)**

**The Conspiracy**

1. From in or about February 2009 through in or about June 27, 2010, in Union County, in the District of New Jersey, and elsewhere, defendant

**JAMES ROY SMITH,  
a/k/a "Mister Smith,"**

did knowingly and intentionally conspire and agree with C.W., an unindicted co-conspirator, and others, to commit an offense against the United States, namely, transporting individuals in interstate commerce with intent that such individuals engage in prostitution, contrary to Title 18, United States Code, Section 2421.

**Object of the Conspiracy**

2. It was the object of the conspiracy for defendant **JAMES ROY SMITH** and his

co-conspirators, including C.W., to profit from transporting individuals to numerous states around the United States to engage in acts of prostitution.

### **Manner and Means**

3. It was part of the conspiracy that the conspirators would and did recruit and induce women to engage in prostitution in various locations around the United States.

4. It was further part of the conspiracy that the conspirators would place advertisements on Craigslist and Backpage.com for "adult entertainment:escort services" in order to attract and locate customers for their prostitution activities.

5. It was further part of the conspiracy that the conspirators would travel between states by car to engage in prostitution, typically using a black 2007 Cadillac Escalade, registered to L.E., the uncle of defendant JAMES ROY SMITH.

6. It was further part of the conspiracy that the conspirators would travel between states by airplane to engage in prostitution.

7. It was further part of the conspiracy that the conspirators would book lodging in or near the areas of the United States where they were engaging in prostitution.

### **Overt Acts**

8. In furtherance of the conspiracy and to effect the object thereof, defendant **JAMES ROY SMITH** and his co-conspirators, including C.W., committed and caused to be committed the following overt acts in New Jersey and elsewhere:

a. On or about February 19, 2009, C.W. caused an advertisement to be placed on Craigslist in order to obtain prostitution clients in the vicinity of Albuquerque, New Mexico.

b. On or about May 5, 2010, C.W. caused an advertisement to be placed on

Nebraska.Backpage.com under the category "adult entertainment:escorts."

c. On or about May 21, 2010, defendant **JAMES ROY SMITH** caused a hotel room to be booked at the Microtel Inn & Suites, in Lincoln Nebraska, for B.M., a woman that he had recruited to work as a prostitute.

d. On or about June 24, 2010, defendant **JAMES ROY SMITH** checked in to Room 504 at the Econolodge in Elizabeth, New Jersey under the name "Mister Smith."

e. On or about June 26, 2010, defendant **JAMES ROY SMITH** transported a number of women in the 2007 black Cadillac Escalade from Elizabeth, New Jersey to locations in Philadelphia, Pennsylvania so that they could engage in prostitution.

All in violation of Title 18, United States Code, Section 371.

**COUNT TWO**

**(Transporting Individual to Engage in Prostitution)**

1. Between on or about June 25, 2010 and on or about June 27, 2010, in Union County, in the District of New Jersey, and elsewhere, defendant

**JAMES ROY SMITH,  
a/k/a "Mister Smith,"**

knowingly transported and caused the transport of J.S., in interstate commerce, from New Jersey to Pennsylvania, with intent that J.S. engage in prostitution and any sexual activity for which any person can be charged with a criminal offense.

In violation of Title 18, United States Code, Section 2421 and Section 2.

## **FORFEITURE ALLEGATION**

1. The allegations contained in Count Two of this Indictment are incorporated by reference as though set forth in full herein for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 2428.

2. Upon conviction of a violation of Title 18, United States Code, Section 2421 as set forth in Count Two of this Indictment, the defendant shall, pursuant to Title 18, United States Code, Section 2428, forfeit to the United States all right, title, and interest in any and all property, real and personal, used or intended to be used to commit or to facilitate the commission of such violation, including a black 2007 Cadillac Escalade, Vehicle Identification Number 1GYFK66837R317405, that was seized on or about June 21, 2013, pursuant to a seizure warrant issued in United States District Court of New Jersey, on or about June 12, 2013, and any and all property, real and personal, constituting and derived from, any proceeds that such defendant obtained, directly or indirectly, as a result of such violation.

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:


- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided

without difficulty.

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as

incorporated by Title 28, United States Code, Section 982(b)(1), to seek forfeiture of any other property of such defendant up to the value of the forfeitable property described in paragraph

2.

  
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PAUL J. FISHMAN  
United States Attorney

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**SUPERSEDING INFORMATION FOR**

**18 U.S.C. §§ 371; 2421; and 2**

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**PAUL J. FISHMAN**  
*U.S. ATTORNEY NEWARK, NEW JERSEY*

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