

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO. 10-_____**
v. : **DATE FILED: April 22, 2010**
JAMES SMITH, : **VIOLATIONS:**
a/k/a "Mookie" : **18 U.S.C. § 1951 (interference with**
: **interstate commerce by robbery - 1**
: **count)**
: **18 U.S.C. § 924(c)(1) (carrying and using**
: **a firearm during and in relation to a**
: **crime of violence - 1 count)**
: **Notice of forfeiture**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about February 16, 2010, in the Eastern District of Pennsylvania, defendant

**JAMES SMITH,
a/k/a "Mookie"**

attempted to unlawfully obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, in that the defendant attempted to take and obtain property, that is, money, from a person known to the grand jury as a law enforcement officer posing as a drug dealer, against his will, by means of actual and threatened force, violence and fear of injury, immediate and future, to the law enforcement officer's person and property.

In violation of Title 18, United States Code, Section 1951.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 16, 2010, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**JAMES SMITH,
a/k/a "Mookie"**

knowingly carried and used a firearm, that is, a Glock 23, .40 caliber semiautomatic pistol, serial number AVU216, loaded with 14 rounds of hollow point ammunition, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, interference with interstate commerce by robbery, in violation of Title 18, United States Code, Section 1951.

In violation of Title 18, United States Code, Section 924(c)(1).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violation of Title 18, United States Code, Section 924(c), as charged in this indictment, defendant

**JAMES SMITH,
a/k/a "Mookie"**

shall forfeit to the United States of America, the firearm and ammunition involved in the commission of this offense, including, but not limited to, a Glock 23, .40 caliber semiautomatic pistol, serial number AVU216, loaded with 14 rounds of hollow point ammunition, used by him on February 16, 2010.

All pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c).

A TRUE BILL:

GRAND JURY FOREPERSON


MICHAEL L. LEVY
United States Attorney