

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF LA.

2021 DEC 10 P 5:27

CAROL L. MICHEL  
CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

INDICTMENT FOR VIOLATIONS  
OF THE FEDERAL GUN CONTROL ACT

**FELONY**

**21-174**

UNITED STATES OF AMERICA

\*

CRIMINAL NO.

v.

\*

SECTION:

**SECT. J MAG. 4**

PERCY SMITH

\*

VIOLATIONS: 18 U.S.C. § 922(g)(1)  
18 U.S.C. § 924(a)(2)

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The Grand Jury charges that:

**COUNT 1**

On or about June 19, 2021, in the Eastern District of Louisiana, the defendant, **PERCY SMITH**, knowing that he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: a conviction in case number 458-892 "B," in the 22<sup>nd</sup> Judicial District Court, State of Louisiana, for Aggravated Battery, in violation of LA-R.S. 14:34; a conviction in case number 562-136 "J," in the 22<sup>nd</sup> Judicial District Court, State of Louisiana, for Aggravated Flight from a Police Officer, in violation of LA-R.S. 14:108.1; and a conviction in case number 566-030 "J," in the 22<sup>nd</sup> Judicial District Court, State of Louisiana, for Burglary of

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an Inhabited Dwelling, in violation of LA-R.S. 14:62.2, did knowingly and intentionally possess a firearm, to wit: a Kimber Micro 9, 9 mm caliber handgun, serial number PB0284917, said firearm having been in and affecting interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

### **COUNT 2**

On or about June 30, 2021, in the Eastern District of Louisiana, the defendant, **PERCY SMITH**, knowing that he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: a conviction in case number 458-892 “B,” in the 22<sup>nd</sup> Judicial District Court, State of Louisiana, for Aggravated Battery, in violation of LA-R.S. 14:34; a conviction in case number 562-136 “J,” in the 22<sup>nd</sup> Judicial District Court, State of Louisiana, for Aggravated Flight from a Police Officer, in violation of LA-R.S. 14:108.1; and a conviction in case number 566-030 “J,” in the 22<sup>nd</sup> Judicial District Court, State of Louisiana, for Burglary of an Inhabited Dwelling, in violation of LA-R.S. 14:62.2, did knowingly and intentionally possess a firearm, to wit: a Ruger LCP, .380 caliber handgun, serial number 372380436, said firearm having been in and affecting interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

### **NOTICE OF FORFEITURE**

1. The allegations of Counts 1 and 2 of this Indictment are incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States.

2. As a result of the offenses alleged in Counts 1 and 2, the defendant, **PERCY SMITH**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), any firearm or ammunition involved in or used in the commission of said offenses, including but not limited to any of the following:

Kimber Micro 9, 9mm caliber handgun, bearing serial number PB0284917;

Ruger LCP, .380 caliber handgun, bearing serial number 372380436.

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

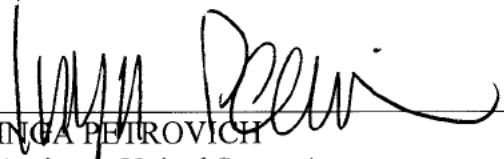
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

the United States shall seek a money judgment and, pursuant to Title 21, United States Code, Section 853(p), forfeiture of any other property of the defendant up to the value of said property.

A TRUE BILL:

  
FOREPERSON

DUANE A. EVANS  
UNITED STATES ATTORNEY

  
INGA PETROVICH  
Assistant United States Attorney

New Orleans, Louisiana  
December 10, 2021