

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA** \* **CRIMINAL NO. 15-039**

**v.** \* **SECTION: "E"**

**AVA SMITH** \*

\* \* \*

**FACTUAL BASIS**

Should this matter have proceeded to trial, the government would have proven, through the introduction of competent testimony and admissible evidence, the following facts, beyond a reasonable doubt, to support the allegations in the Indictment now pending against the defendant.

The government would establish that the case against the defendant, **AVA SMITH** ("**SMITH**"), began on December 16, 2014 when special agents from the Office of Inspector General for the United States Postal Service ("Postal OIG") received information that a significant amount of First Class and Standard mail had been discovered in a large black trash bag. The discarded mail was discovered by a concerned citizen who found the trash bag containing the mail in front of an abandoned building located at 2021 Laharpe Street, New Orleans, Louisiana 70116. This concerned citizen reported what he found to the Postal Service and they dispatched a postal employee to recover the bag of mail from Laharpe Street. A review of the discarded mail revealed 573 pieces of First Class Mail, 142 pieces of Standard Mail, and

30 pieces of Non-Profit Mail. The First Class Mail included bank and insurance statements/invoices, credit card and other bills/statements, and an envelope that contained an engagement ring.

Special agents determined the discarded mail was to be delivered on December 8, 2014, by the defendant, **SMITH**, who was employed by the Postal Service as a letter carrier. **SMITH** was assigned to the Bywater Post Office. The government would establish the defendant arrived for work on December 8, 2014, shortly before 7:00 a.m. and clocked out at approximately 5:15 p.m. and the defendant received overtime pay for December 8, 2014. In addition, the government would also establish the defendant failed to scan all of the Managed Scan Points (“MSP”) on her route on December 8, 2014. MSPs are bar codes throughout a letter carrier’s route that a letter carrier is required to scan in order to track a postal employee’s progress on his or her postal route.

Special agents with the Postal OIG interviewed **SMITH** on December 23, 2014, at the Bywater Post Office. After being advised of her *Miranda* rights, **SMITH** admitted to discarding the bag of mail. According to **SMITH**, she had to use the bathroom on the day in question (December 8th), but could not locate a bathroom and ended up having “an accident.” **SMITH** said she drove her USPS LLV (postal vehicle) from her assigned route to her house in Harvey, Louisiana to change clothes. **SMITH** said she was embarrassed and that’s why she did not contact her station. **SMITH** explained she took the trash bag from her home, placed the mail in the trash bag, and discarded the bag.

The government would establish that the agents showed **SMITH** some of the discarded mail. **SMITH** acknowledged the discarded mail and initialed and dated a representative sample of the recovered mail.

Various records and testimonial evidence, including testimony from representatives of the U.S. Postal Service-Office of Inspector General, and other witnesses would also be admitted to prove the facts set forth above.

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BRIAN M. KLEBBA  
Assistant United States Attorney  
New York Reg. No. 2938728

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Date

\_\_\_\_\_  
AVA SMITH  
Defendant

\_\_\_\_\_  
Date

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GEORGE CHANEY, JR.  
Counsel for Defendant

\_\_\_\_\_  
Date