

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

2016 MAY 13 P 12:58

WILLIAM J. FLETCHER, JR.

**FELONY**

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

**SECOND SUPERSEDING INDICTMENT FOR VIOLATIONS OF THE  
FEDERAL CONTROLLED SUBSTANCES ACT,  
FIRST DEGREE MURDER THROUGH THE USE OF A FIREARM,  
USE OF INTERSTATE COMMERCE FACILITIES IN THE COMMISSION OF  
MURDER-FOR-HIRE, AND OBSTRUCTION OF JUSTICE**

<b>UNITED STATES OF AMERICA</b>	*	<b>CRIMINAL NO. 15-295</b>
<b>v.</b>	*	<b>SECTION: "I"</b>
<b>BARON SMITH</b>	*	<b>VIOLATION: 21 U.S.C. § 846</b>
a/k/a "Gee Gee"		21 U.S.C. § 841(a)(1)
<b>CALVIN ALEXANDER</b>	*	21 U.S.C. § 841(b)(1)(C)
a/k/a "Payday"		18 U.S.C. § 924(j)(1)
a/k/a "Cardee"	*	18 U.S.C. § 2
		18 U.S.C. § 1958(a)
		18 U.S.C. § 1512(k)

\* \* \*

The Grand Jury charges that:

**COUNT 1**

**(Conspiracy to Distribute Heroin and Cocaine Base)**

Beginning on a date unknown, but sometime prior to November 1, 2014, and continuing to on or about October 16, 2015, in the Eastern District of Louisiana and elsewhere, the defendants, **BARON SMITH**, a/k/a "Gee Gee," and **CALVIN ALEXANDER**, a/k/a "Payday," a/k/a "Cardee," did knowingly and intentionally combine, conspire, confederate, and agree with each other and other persons known and unknown to the Grand Jury, to distribute and possess

with the intent to distribute heroin, a Schedule I drug controlled substance, and cocaine base, a Schedule II drug controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); all in violation of Title 21, United States Code, Section 846.

**COUNT 2**

**(Distribution of Heroin Resulting in Death)**

On or about February 14, 2015, in the Eastern District of Louisiana, the defendant, **CALVIN ALEXANDER** a/k/a "Payday," a/k/a "Cardee," did knowingly and intentionally distribute a quantity of a mixture or substance containing a detectible amount of heroin, a Schedule I drug controlled substance, the use of such heroin resulting in the death and serious bodily injury of Eric Ferrara on February 14, 2015; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

**COUNT 3**

**(First Degree Murder of Quandell Beard Through the Use of a Firearm)**

On or about October 9, 2015, in the Eastern District of Louisiana, the defendants, **BARON SMITH**, a/k/a "Gee Gee," and **CALVIN ALEXANDER**, a/k/a "Payday," a/k/a "Cardee," and others known and unknown to the Grand Jury, aided and abetted by each other, did knowingly use and carry firearms, during and in relation to a drug trafficking crime, to wit; a conspiracy to distribute heroin and cocaine base, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and 846 and in the course of this violation caused the death of Quandell Beard through use of a firearm, whose killing is murder as defined in Title 18, United States Code, Section 1111, in that the defendants, **BARON SMITH**, a/k/a "Gee Gee," and **CALVIN ALEXANDER**, a/k/a "Payday," a/k/a "Cardee," with malice aforethought, did unlawfully kill Quandell Beard willfully, deliberately, maliciously, and with pre-meditation; all

in violation of Titles 18, United States Code, Section 924(j)(1) and Title 18, United States Code, Section 2.

**COUNT 4**

**(First Degree Murder of Elliot Smith Through the Use of a Firearm)**

On or about October 9, 2015, in the Eastern District of Louisiana, the defendants, **BARON SMITH**, a/k/a "Gee Gee," and **CALVIN ALEXANDER**, a/k/a "Payday," a/k/a "Cardee," and others known and unknown to the Grand Jury, aided and abetted by each other, did knowingly use and carry firearms, during and in relation to a drug trafficking crime, to wit; a conspiracy to distribute heroin and cocaine base, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C) and 846 and in the course of this violation caused the death of Elliot Smith through use of a firearm, whose killing is murder as defined in Title 18, United States Code, Section 1111, in that the defendants, **BARON SMITH**, a/k/a "Gee Gee," and **CALVIN ALEXANDER**, a/k/a "Payday," a/k/a "Cardee," with malice aforethought, did unlawfully kill Elliot Smith willfully, deliberately, maliciously, and with pre-meditation; all in violation of Titles 18, United States Code, Sections 924(j)(1) and 2.

**COUNT 5**

**(Conspiracy to Use Interstate Commerce Facilities in the Commission of a Murder-for-Hire of Quandell Beard and Elliot Smith)**

Beginning on or about September 23, 2015 and continuing to on or about October 16, 2015, in the Eastern District of Louisiana and elsewhere, the defendants, **BARON SMITH**, a/k/a "Gee Gee," and **CALVIN ALEXANDER**, a/k/a "Payday," a/k/a "Cardee," did knowingly and intentionally combine, conspire, confederate, and agree with each other and other persons known and unknown to the Grand Jury, to use and cause another to use a facility of interstate and foreign commerce, to wit: cellular telephones, with intent that the murders of Quandell Beard

and Elliot Smith be committed in violation of the laws of any state or the United States as consideration for a promise or agreement to pay, anything of pecuniary value, to wit: a quantity of heroin and cocaine base; all in violation of Title 18, United States Code, Section 1958(a).

**COUNT 6**

**(Conspiracy to Obstruct Justice)**

Beginning at a time unknown but prior to on or about December 28, 2015 and continuing until the date of this Superseding Indictment, in the Eastern District of Louisiana and elsewhere, the defendant, **CALVIN ALEXANDER**, a/k/a "Payday," a/k/a "Cardee," did knowingly and intentionally combine, conspire, confederate, and agree with other persons known and unknown to the Grand Jury to:

- (a) attempt to intimidate and corruptly persuade Travon Pitts, with the intent to influence, delay, and prevent the testimony of Travon Pitts in an official proceeding, in violation of Title 18, United States Code, Sections 1512(b)(1); and
- (b) hinder, delay, and prevent Travon Pitts' communication to a law enforcement officer information relating to the commission or possible commission of a federal offense, in violation of Title 18, United States Code, Sections 1512(b)(3);

All in violation of Title 18, United States Code, Section 1512(k).

**NOTICE OF SPECIAL FINDINGS**

1. The Grand Jury incorporates by reference and realleges the allegations contained in Counts 3, 4, and 5 and makes the following special findings:
2. As to Counts 3, 4, and 5 defendant **CALVIN ALEXANDER**, a/k/a “Payday,” a/k/a “Cardee,”:
  - a. was 18 years or older at the time of the offense;
  - b. intentionally killed Quandell Beard (18 U.S.C. § 3591(a)(2)(A));
  - c. intentionally killed Elliot Smith (18 U.S.C. § 3591(a)(2)(A));
  - d. intentionally inflicted serious bodily injury that resulted in the death of Quandell Beard (18 U.S.C. § 3591(a)(2)(B));
  - e. intentionally inflicted serious bodily injury that resulted in the death of Elliot Smith (18 U.S.C. § 3591(a)(2)(B));
  - f. intentionally participated in one or more acts, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than a participant in the offense, and Quandell Beard would die as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(C));
  - g. intentionally participated in one or more acts, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than a participant in the offense, and Elliot Smith would die as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(C));
  - h. intentionally and specifically engaged in one or more acts of violence, knowing that the act or acts created a grave risk of death to a person, other than one of the

participants in the offense, such that participation in such act or acts constituted a reckless disregard for human life, and Quandell Beard died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(D)); and

- i. intentionally and specifically engaged in one or more acts of violence, knowing that the act or acts created a grave risk of death to a person, other than one of the participants in the offense, such that participation in such act or acts constituted a reckless disregard for human life, and Elliot Smith died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(D)).

#### **NOTICE OF DRUG FORFEITURE**

1. The allegation of Counts 1 and 2 of this Superseding Indictment are alleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 21, United States Code, Section 853.

2. As a result of the offenses alleged in Counts 1 and 2, the defendants, **BARON SMITH**, a/k/a “Gee Gee,” and **CALVIN ALEXANDER**, a/k/a “Payday,” a/k/a “Cardee,” shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the defendants obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts 1 and 2 of this Superseding Indictment.

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

- 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 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), to seek forfeiture of any other property of said defendant up to the value of the above-forfeitable property.

All in violation of Title 21, United States Code, Section 853.

#### **NOTICE OF GUN FORFEITURE**

1. The allegations of Counts 3 to 5 of this Superseding Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c).

2. As a result of the offenses alleged in Counts 3 to 5, the defendants, **BARON SMITH** and **CALVIN ALEXANDER** a/k/a "Payday," a/k/a "Cardee," 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, any firearm or ammunition, which was involved in or used in knowing violations alleged in Counts 3 to 5 of this Superseding Indictment.

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this Notice of Forfeiture, as a result of any act or omission of the defendants:

- 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;

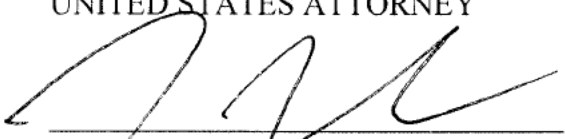
it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A), 924(j), and 924(d)(1), made applicable through Title 28, United States Code, Section 2461.

A TRUE BILL



KENNETH ALLEN POLITE, JR.  
UNITED STATES ATTORNEY



JONATHAN L. SHIH  
Assistant United States Attorney

New Orleans, Louisiana  
May 13, 2016



FORM OBD-34

No. 15-295 "I"

**UNITED STATES DISTRICT COURT**

Eastern District of Louisiana  
Criminal Division

**THE UNITED STATES OF AMERICA**

vs.

**BARON SMITH, a/k/a "Gee Gee" and CALVIN  
ALEXANDER, a/k/a "Payday", a/k/a "Cardee"**

**INDICTMENT**

**SECOND SUPERSEDING INDICTMENT FOR  
VIOLATIONS OF THE FEDERAL CONTROLLED  
SUBSTANCES ACT, FIRST DEGREE MURDER  
THROUGH THE USE OF A FIREARM, USE OF  
INTERSTATE COMMERCE FACILITIES IN THE  
COMMISSION OF MURDER-FOR-HIRE, AND  
OBSTRUCTION OF JUSTICE**

**VIOLATIONS: 21 U.S.C. §§ 846, 841(a)(1) & 841(b)(1)(C)  
18 U.S.C. §§ 924(j)(1), 2, 1958(a), and  
1512(k)**

Filed in open court this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2016.

Clerk

Bail, \$

  
Jonathan L. Shih, Assistant United States Attorney