

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

**INDICTMENT FOR POSSESSION OF MATERIALS INVOLVING
THE SEXUAL EXPLOITATION OF MINORS AND NOTICE OF FORFEITURE**

UNITED STATES OF AMERICA

*

CRIMINAL NUMBER:

19-157

v.

*

SECTION:

SECT. JMAG.2

ANDREW J. SMITH

*

VIOLATIONS: 18 U.S.C. § 2252(a)(4)(B)

18 U.S.C. § 2252(b)(2)

*

18 U.S.C. § 2253

* * *

The Grand Jury charges that:

COUNT 1

POSSESSION OF CHILD PORNOGRAPHY

Beginning at an unknown time, and continuing to on or about January 16, 2019, within the Eastern District of Louisiana and elsewhere, **ANDREW J. SMITH**, defendant herein, did knowingly possess and attempt to possess one or more matters, that is, a LG cellular phone (Model LML212VL), containing digital videos and visual depictions that had been mailed, shipped, and transported in interstate and foreign commerce, and that were produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce, by any means, including by computer, the production of which involved the use of a minor who was prepubescent and under

— Fee _____
— Process _____
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— CtRmDep _____
— Doc. No. _____

the age of twelve (12)-years-old engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and such visual depictions were of such conduct.

All in violation of Title 18, United States Code, Sections 2252(a)(4)(B) and (b)(2).

NOTICE OF FORFEITURE

1. The allegations contained in Count 1 of this Indictment are re-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 18, United States Code, Section 2253.

2. As a result of the offense alleged in Count 1, defendant, **ANDREW J. SMITH**, shall forfeit to the United States all property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and/or any property, real or personal, used or intended to be used to commit or to promote the commission of such offenses, in violation of Title 18, United States Code, Sections 2252(a)(4)(B) and 2253, including but not limited to:

- a. ASUS Laptop, Model E402 S SN# G5NOCV113721206;
- b. San Disk 8 GB Thumb Drive;
- c. Transcend 16 GB Thumb Drive;
- d. LG cellular phone, Model LML212VL IMEI 089654093702655577;
- e. Apple iPhone, Model IMEI 013968006792322; and
- f. Samsung cellular telephone, Model SM-5327VL IMEI 354308048310643.

3. If any of the property described above as being subject to forfeiture, 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;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 2253(o) to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Section 2253.

A TRUE BILL:



FOR PERSON

PETER G. STRASSER
UNITED STATES ATTORNEY

A handwritten signature in cursive script, appearing to read 'B M Klebba', written over a horizontal line.

BRIAN M. KLEBBA
Assistant United States Attorney

New Orleans, Louisiana
August 15, 2019