

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
2020 NOV 13 A 11:25
A/O
CAROL L. MICHEL
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

**INDICTMENT FOR CONSPIRACY TO PASS ALTERED POSTAL
MONEY ORDERS, PASSING ALTERED POSTAL MONEY ORDERS,
THEFT OF GOVERNMENT PROPERTY, AND NOTICE OF FORFEITURE**

UNITED STATES OF AMERICA

v.

ANTOINE MERCHANT
ANTHONY SMALLS

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CRIMINAL NUMBER

SECTION:

VIOLATIONS:

20-00128
SECT. JMAG.4

18 U.S.C. § 371
18 U.S.C. § 500
18 U.S.C. § 641

The Grand Jury charges that:

COUNT 1
(Conspiracy to Pass Altered Postal Money Orders)

A. AT ALL TIMES MATERIAL HEREIN:

1. Defendants, ANTOINE MERCHANT (“MERCHANT”) and ANTHONY SMALLS (“SMALLS”), resided in the state of New York.

2. The Postal Money Orders purchased and altered in this matter were provided or issued by or under the direction of the United States Post Office Department or Postal Service and payable in the United States.

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B. THE CONSPIRACY:

Beginning at a time unknown and continuing through on or about October 30, 2019, in the Eastern District of Louisiana, and elsewhere, **ANTOINE MERCHANT** and **ANTHONY SMALLS**, and others known and unknown to the Grand Jury, did knowingly and willfully combine, conspire and agree with each other to commit certain offenses against the United States, that is, to pass and utter stolen United States Postal Money Orders, in violation of Title 18, United States Code, Section 500.

C. MANNER AND MEANS OF THE CONSPIRACY:

1. During the course of the conspiracy, conspirators, known and unknown to the Grand Jury, stole blank United States Postal Money Orders that had no assigned value but were worth up to \$1,000.00 each from a post office in New York, New York.

2. It was a further part of said conspiracy that the conspirators, known and unknown to the Grand Jury, altered the money orders, in a material respect, by assigning a numeric and written denomination to the blank United States Postal Money Orders.

3. It was a further part of said conspiracy that conspirators, known and unknown to the Grand Jury, would transfer the altered United States Postal Money Orders to **MERCHANT** and **SMALLS** and other persons known and unknown to the Grand Jury.

4. It was a further part of said conspiracy that, once the altered United States Postal Money Orders were received by **MERCHANT** and **SMALLS**, they, along with persons known and unknown to the Grand Jury, fraudulently cashed the altered United States Postal Money Orders at various United States Post Offices for the falsely assigned amounts.

5. It was further part of said conspiracy that **MERCHANT** and **SMALLS** stole a number of blank United States Postal Money Orders from a United States Post Office while in

Louisiana.

D. OVERT ACTS:

On or about the following dates, in furtherance of and to effect the objects thereof, **MERCHANT** and **SMALLS**, and co-conspirators, known and unknown to the Grand Jury, committed the following overt acts, among others, in the Eastern District of Louisiana and elsewhere:

1. On or about December 15, 2015, a number of blank United States Postal Money Orders were issued to the College Station Post Office in New York, New York, and thereafter stolen on an unknown date.

2. On or about October 28, 2019, **MERCHANT** and **SMALLS** traveled from New York, New York, to the Eastern District of Louisiana, with a number of the stolen College Station United States Postal Money Orders, which now had been assigned numeric and written denominations.

3. On or about October 28, 2019, **MERCHANT** rented a car and a hotel room in Kenner, Louisiana.

4. On or about October 28, 2019, **MERCHANT** and **SMALLS** drove to a United States Post Office located in Kenner, Louisiana, where at approximately 2:25 p.m., **SMALLS**, using an alias for identification, cashed a stolen College Station United States Postal Money Order ending in number 1047 with an altered face amount of \$850.00.

5. On or about October 28, 2019, **MERCHANT** and **SMALLS** drove to a United States Post Office located in Metairie, Louisiana, where at approximately 3:30 p.m., **SMALLS**, using an alias for identification, cashed a stolen College Station United States Postal Money Order ending in number 1036 with an altered face amount of \$850.00.

6. On or about October 29, 2019, **SMALLS**, after being unable to cash a fraudulent United States Postal Money Order, stole approximately 58 blank United States Postal Money Orders from a United States Post Office located in Prairieville, Louisiana.

All in violation of Title 18, United States Code, Sections 371.

COUNT 2
(Passing an Altered Postal Money Order)

A. AT ALL TIMES MATERIAL HEREIN:

The allegations of Section A of Count 1 are hereby realleged and incorporated herein in their entirety.

B. THE OFFENSE:

That on or about October 28, 2019, in the Eastern District of Louisiana, **ANTOINE MERCHANT** and **ANTHONY SMALLS**, defendants herein, did, with intent to defraud, did pass and utter to a United States Post Office as true and genuine, a forged and altered money order or postal note issued by or under the direction of the United States Post Office Department or Postal Service ending in number 1047, knowing any material numeric and written denominations or indorsement thereon to be false, forged, and counterfeited, or any material alteration therein to have been falsely made, in violation of Title 18, United States Code, Sections 500 and 2.

COUNT 3
(Passing an Altered Postal Money Order)

A. AT ALL TIMES MATERIAL HEREIN:

The allegations of Section A of Count 1 are hereby realleged and incorporated herein in their entirety.

B. THE OFFENSE:

That on or about October 28, 2019, in the Eastern District of Louisiana, **ANTOINE MERCHANT** and **ANTHONY SMALLS**, defendants herein, did, with intent to defraud, did pass and utter to a United States Post Office as true and genuine, a forged and altered money order or postal note issued by or under the direction of the United States Post Office Department or Postal Service ending in number 1036, knowing any material numeric and written denominations or indorsement thereon to be false, forged, and counterfeited, or any material alteration therein to have been falsely made, in violation of Title 18, United States Code, Sections 500 and 2.

COUNT 4
(Receiving Stolen Government Property)

A. AT ALL TIMES MATERIAL HEREIN:

The allegations of Section A of Count 1 are hereby realleged and incorporated herein in their entirety.

B. THE OFFENSE:

That on or about October 30, 2019, in the Eastern District of Louisiana, **ANTOINE MERCHANT** and **ANTHONY SMALLS**, defendants herein, did willfully and knowingly receive, conceal and retain stolen property of the United States, that is approximately eighty (80) United States Postal Money Orders, of a value exceeding \$1,000.00, with intent to convert said property to their own use, **ANTOINE MERCHANT** and **ANTHONY SMALLS** then knowing that said property to have been stolen; all in violation of Title 18, United States Code, Sections 641 and 2.

NOTICE OF FORFEITURE

1. The allegations of Counts 1 through 4 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 through 4, the defendants, **ANTOINE MERCHANT** and **ANTHONY SMALLS** shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any property real or personal which constitutes or is derived from proceeds traceable to said offenses.

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.



PETER G. STRASSER
UNITED STATES ATTORNEY



EDWARD J. RIVERA
Assistant United States Attorney

New Orleans, Louisiana
November 13, 2020