

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

2022 MAY 12 P 12:43

CAROL L. MICHEL
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

**INDICTMENT FOR VIOLATIONS OF THE FEDERAL GUN CONTROL ACT
AND THE FEDERAL CONTROLLED SUBSTANCES ACT**

UNITED STATES OF AMERICA

*

CRIMINAL NO. **22-101**

*

v.

*

SECTION:

SECT. G MAG. 4

*

DEVONTE SMITH

*

VIOLATIONS:

18 U.S.C. § 924(c)(1)(A)

18 U.S.C § 2

*

18 U.S.C. § 924(c)(1)(B)(ii)

18 U.S.C. § 922(o)

*

18 U.S.C. § 922(g)(1)

18 U.S.C. § 924(a)(2)

*

21 U.S.C. § 841(a)(1)

21 U.S.C. § 841(b)(1)(C)

*

21 U.S.C. § 841(b)(1)(D)

21 U.S.C. § 846

*

21 U.S.C. § 856(a)(1)

* * *

The Grand Jury charges that:

COUNT 1

(Possession and Discharge of Firearms in Furtherance of a Drug Trafficking Crime)

On or about March 30, 2022, in the Eastern District of Louisiana, the defendant, **DEVONTE SMITH**, did knowingly possess, brandish, and discharge firearms, including but not limited to a Brothers LA Arms, model AR-15, semi-automatic rifle, .223/5.56 caliber, bearing

COUNT 4
(Felon in Possession of a Firearm and Ammunition)

On or about March 30, 2022, in the Eastern District of Louisiana, the defendant, **DEVONTE SMITH**, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: a conviction on April 23, 2019, in the Criminal District Court for the Parish of Orleans, State of Louisiana, Case Number 544-741 “E,” for Possession of a Firearm by a Felon and Aggravated Assault with a Firearm, in violation of LA-R.S. 14:95.1 and 14:37.4, respectively, did knowingly possess in and affecting interstate commerce, firearms and ammunition, to wit: a Brothers LA Arms, model AR-15, semi-automatic rifle, .223/5.56 caliber, bearing serial number BBLA15-00754, and a Bear Creek Arsenal, model BCA15, multi-caliber, semi-automatic rifle, bearing serial number 44009, and ammunition, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 5
(Conspiracy to Distribute and Possess with the intent to Distribute Controlled Substances)

Beginning at a time unknown continuing to on or about March 30, 2022, in the Eastern District of Louisiana, the defendant, **DEVONTE SMITH**, did knowingly and intentionally combine, conspire, confederate and agree with other persons known and unknown to the Grand Jury, to distribute and possess with intent to distribute quantities of a mixture and substance containing a detectable amount of Cocaine, a Schedule II Controlled Substance, and quantities of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (“Fentanyl”), and Marijuana, both Schedule I Controlled Substances, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and 841(b)(1)(D); all in violation of Title 21, United States Code, Section 846.

COUNT 6
(Possession with the Intent to Distribute Marijuana)

On or about March 30, 2022, in the Eastern District of Louisiana, the defendant, **DEVONTE SMITH**, did knowingly and intentionally possess with the intent to distribute quantities of a mixture and substance containing a detectable amount of Marijuana, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D).

COUNT 7
(Maintaining a Drug-Involved Premises)

Beginning at a time unknown and continuing until March 30, 2022, in the Eastern District of Louisiana, the defendant, **DEVONTE SMITH**, and others known and unknown to the Grand Jury, did unlawfully and knowingly rent, use and maintain [REDACTED] New Orleans, Louisiana, on a temporary basis, for the purpose of distributing and using Marijuana, Cocaine, and Fentanyl, all controlled substances, in violation of Title 21, United States Code, Section 856(a)(1) and Title 18, United States Code, Section 2.

COUNT 8
(Possession with the Intent to Distribute Cocaine)

On or about November 17, 2021, in the Eastern District of Louisiana, the defendant, **DEVONTE SMITH**, did knowingly and intentionally possess with the intent to distribute quantities of a mixture and substance containing a detectable amount of cocaine, a Schedule II Controlled Substance, and a quantity of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (“Fentanyl”), a Schedule I Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C) and Title 18, United States Code, Section 2.

NOTICE OF FORFEITURE

1. The allegations of Counts 1 through 8 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, 2, 3 and 4, the defendant, **DEVONTE 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 the following:

Brothers LA Arms, model AR-15, semi-automatic rifle, .223/5.56 caliber, bearing serial number BBLA15-00754;

Bear Creek Arsenal, model BCA15, multi-caliber, semi-automatic rifle, bearing serial number 44009, and ammunition; and

Drop in auto sear conversion device and ammunition;

3. As a result of the offenses alleged in Counts 5, 6, 7, and 8, the defendant, **DEVONTE SMITH**, shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any property, constituting or derived from, any proceeds obtained directly or indirectly, as the result of said offenses, and any property used, or intended to be used, in any manner or part to commit, or to facilitate the commission of said offenses.

4. 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 jurisdiction of the Court;
- d. has been substantially diminished in value; or

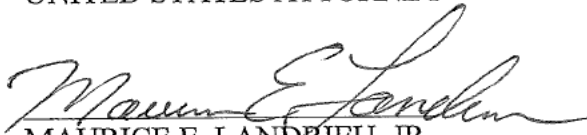
e. has been commingled with other property which cannot be subdivided without difficulty;

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 defendants up to the value of said property.

A TRUE BILL:


FOREPERSON

DUANE A. EVANS
UNITED STATES ATTORNEY


MAURICE E. LANDRIEU, JR.
Assistant United States Attorney
Bar Roll No. 22104

New Orleans, Louisiana
May 12, 2022