

**GAM**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO.</b> 16cr 105
<b>v.</b>	:	<b>DATE FILED:</b> 3/22/16
<b>WILLIAM UPSON,</b> a/k/a "Jamal,"	:	<b>VIOLATIONS:</b>
<b>TODD SMITH,</b> a/k/a "Tyrone Smith"	:	<b>21 U.S.C. § 841(a)(1) (possession with intent to distribute controlled substances – 1 count)</b>
	:	<b>21 U.S.C. § 860 (possession with intent to distribute controlled substances within 1,000 feet of a school – 1 count)</b>
	:	<b>18 U.S.C. § 924(c) (possession of a firearm in furtherance of a drug trafficking crime – 1 count)</b>
	:	<b>18 U.S.C. §§ 922(g)(1), 924(e) (possession of a firearm by a convicted felon – 1 count)</b>
	:	<b>Notice of forfeiture</b>

**FILED**  
**MAR 22 2016**  
 MICHAEL E. KUNZ, Clerk  
 By \_\_\_\_\_ Dep Clerk

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

On or about February 16, 2015, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**WILLIAM UPSON,  
a/k/a "Jamal," and  
TODD SMITH,  
a/k/a "Tyrone Smith,"**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, a mixture and substance containing a detectable amount of fentanyl, a mixture and substance containing a detectable amount of cocaine base ("crack"), and a mixture and substance containing a detectable amount of cocaine, each of which is a Schedule

II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 16, 2015, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**WILLIAM UPSON,  
a/k/a "Jamal," and  
TODD SMITH,  
a/k/a "Tyrone Smith,"**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, a mixture and substance containing a detectable amount of fentanyl, a mixture and substance containing a detectable amount of cocaine base ("crack"), and a mixture and substance containing a detectable amount of cocaine, each of which is a Schedule II controlled substance, within 1,000 feet of the real property comprising the James J. Sullivan School, a public elementary school, located at 5300 Ditman Street, in Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

In violation of Title 21, United States Code, Section 860(a), and Title 18, United States Code, Section 2.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 16, 2015, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**WILLIAM UPSON,  
a/k/a "Jamal," and  
TODD SMITH,  
a/k/a "Tyrone Smith,"**

knowingly possessed, and aided and abetted the possession of, a firearm, that is, a Beretta .32 caliber semi-automatic handgun, serial number DAA434263, Model Tomcat 3032, loaded with one round of ammunition in the chamber and seven rounds of ammunition in the magazine, in furtherance of a drug trafficking crime for which they may be prosecuted in a court of the United States, that is, possession with intent to distribute a controlled substance in violation of Title 21, United States Code, Section 841(a)(1), as charged in Count One.

In violation of Title 18, United States Code, Sections 924(c)(1) and 2.

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 16, 2015, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**WILLIAM UPSON,  
a/k/a "Jamal," and  
TODD SMITH,  
a/k/a "Tyrone Smith,"**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate and foreign commerce a firearm, that is, a Beretta .32 caliber semi-automatic handgun, serial number DAA434263, Model Tomcat 3032, loaded with one round of ammunition in the chamber and seven rounds of ammunition in the magazine.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(e).

**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 21, United States Code, Sections 841(a)(1) and 860(a), set forth in this indictment, defendants

**WILLIAM UPSON,  
a/k/a "Jamal," and  
TODD SMITH,  
a/k/a "Tyrone Smith"**

shall forfeit to the United States under Title 21, United States Code, Section 853:

(a) Any and all real and/or personal property, which the defendants used in any manner or part, to facilitate the commission of the violations charged in this indictment, including but not limited to, the following:

(1) \$3,175.

(b) Any and all real and/or personal property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violations charged in this indictment.

2. If any of the property described above as being subject to 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 property of said defendants up to the value of said property listed above as being subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

3. As a result of the violations of Title 18, United States Code, Sections 922(g)(1), 924(c) and 924(e) set forth in this indictment, defendants

**WILLIAM UPSON,  
a/k/a "Jamal," and  
TODD SMITH,  
a/k/a "Tyrone Smith"**

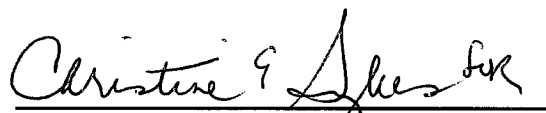
shall forfeit to the United States of America, the firearm and ammunition involved in the commission of such offenses including, but not limited to, a Beretta .32 caliber semi-automatic handgun, serial number DAA434263, Model Tomcat 3032, and eight live rounds of ammunition.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

**A TRUE BILL:**



**FOREPERSON**

  
**ZANE DAVID MEMEGER**  
United States Attorney