

FILED

2016 JUL 20 PM 4:28

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FL

UNITED STATES OF AMERICA

v.

CASE NO. 6:16-cr-135-ORL-40 KRS

18 U.S.C. § 922(g)(1)

PATRICK RICHARD SMTH

18 U.S.C. § 924(d) - Forfeiture

a/k/a Patrick R. Smith

28 U.S.C. § 2461(c) - Forfeiture

a/k/a Patrick Smith

INDICTMENT

The Grand Jury charges:

COUNT ONE

On or about May 31, 2016, in Volusia County, Florida, in the Middle District of Florida,

PATRICK RICHARD SMITH
a/k/a Patrick R. Smith
a/k/a Patrick Smith

the defendant herein, having been convicted of a crime punishable by imprisonment for a term exceeding one year, that is:

1. On February 12, 2003, a conviction for **aggravated battery**, in the Circuit Court, Seventh Judicial Circuit, in and for Volusia County, Florida, Case No. CRC 97-32726-CFAES;
2. On September 28, 2004, a conviction for **felony battery**, in the Circuit Court, Seventh Judicial Circuit, in and for Volusia County, Florida, Case No. 2004-31623CFAES;
3. On September 28, 2004, a conviction for **battery on a police officer**, Circuit Court, Seventh Judicial Circuit, in and for Volusia County, Florida, Case No. 2004-34759CFAES;

4. On January 11, 2010, a conviction for **uttering forged bills**, in the Circuit Court, Seventh Judicial Circuit, in and for Volusia County, Florida, Case No. 2009-34055CFAES; and
5. On April 16, 2015, a conviction for **manufacture of hashish and cannabis, and possession of cannabis with intent to sell**, in the Circuit Court, Seventh Judicial Circuit, in and for Volusia County, Florida, Case No. 2014 303442CFDB;

did knowingly possess a firearm and ammunition, namely: a Hi Point, model C9, 9 mm, serial number P109111, and seven (7) Winchester 9 mm rounds of ammunition, which firearm and ammunition had been shipped and transported in interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

FORFEITURES

1. The allegations contained in Count One of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures under Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the violation alleged in Count One of this Indictment, defendant, **PATRICK RICHARD SMITH, a/k/a Patrick R. Smith, a/k/a Patrick Smith**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of the offense, namely, a Hi Point, model C9, 9 mm, serial number P109111, and seven (7) Winchester 9 mm rounds of ammunition.

3. If any of the property described above, 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 party;
- 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 divided without difficulty,

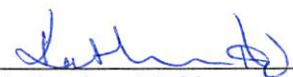
the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

A TRUE BILL,


Foreperson

A. LEE BENTLEY, III
United States Attorney

By: 
Iliany's Rivera Miranda
Assistant United States Attorney

By: 
Katherine M. Ho
Assistant United States Attorney
Chief, Orlando Division

UNITED STATES DISTRICT COURT
Middle District of Florida
Orlando Division

THE UNITED STATES OF AMERICA

vs.

PATRICK RICHARD SMITH
a/k/a Patrick R. Smith
a/k/a Patrick Smith

INDICTMENT

Violation:

18 U.S.C. § 922(g)(1)

A true bill,



Foreperson

Filed in open court this 20th day

of July, 2016.



Clerk

Bail \$ _____
