

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

EDWARD GENE SMITH,

Defendant.

SUPERSEDING INDICTMENT

S2 25 Cr. 4 (PAE)

OVERVIEW

1. From at least in or about 2019 through at least in or about April 2023, EDWARD GENE SMITH, the defendant, drugged and sexually assaulted multiple female victims. SMITH, who was in his 40s and a successful executive at a global financial institution, met his victims on the Internet, where he sought out women decades younger and in very different financial circumstances than him. SMITH paid these women to travel to spend time with him, including at his residence on Central Park South in New York, New York. On multiple occasions, in that residence and elsewhere, SMITH drugged these women without their consent or knowledge and sexually abused them while they were incapacitated or unconscious, sometimes taking photographs or video recordings of his sexual abuse.

2. EDWARD GENE SMITH, the defendant, met one victim ("Victim-1") in or about 2020, initially over the Internet. SMITH paid Victim-1 to spend time with him, including by traveling to Florida, where they engaged in sexual activity. At least on or about April 23, 2023, SMITH drugged Victim-1, without Victim-1's consent or knowledge, and raped her in his Central Park South residence. SMITH then shared a video of himself digitally penetrating Victim-1, while Victim-1 was incapacitated or unconscious, with other individuals via an encrypted messaging application, where SMITH stated, among other things, "I don't get a chance to do this every day lol, but will be as active as I can."

3. EDWARD GENE SMITH, the defendant, met a second victim ("Victim-2") in or about 2019, when Victim-2 was a college student in the Midwest. On multiple occasions, SMITH drugged Victim-2, without Victim-2's consent or knowledge, sexually assaulted her, and raped her. As with Victim-1, SMITH took sexually explicit photographs of Victim-2, incapacitated or unconscious, in the Midwest and in his Central Park South residence. In or about early 2020, SMITH persuaded Victim-2 to relocate to New York City and paid for her travel. SMITH drafted personal notes planning for Victim-2's arrival in New York City, in which SMITH planned to, among other things, "[g]o through" Victim-2's "messages, location history, any slipups"; have "drunk night (drug + cocktails + hard liquor)" with Victim-2; make Victim-2 "say she's my slut" and "admit to wanting to be raped"; take "photos and videos ANYTIME (when she's not expecting it)"; and keep Victim-2 "tied up and drinking from dog bowl or peeing like that, rimming, plugs, piss and drunk porn." After Victim-2 arrived in New York City, SMITH controlled her finances, permitted her to socialize only with certain people, closely monitored her activities, and repeatedly drugged, raped, and sexually assaulted her.

4. In or about the same time period, from at least in or about 2019 through at least in or about June 2024, EDWARD GENE SMITH, the defendant, among other things, searched for, downloaded, organized, and stored images and videos of children being sexually abused, some with explicit file names.

5. In or about August 2024, after a search warrant was executed at the Central Park South residence of EDWARD GENE SMITH, the defendant, SMITH created a document containing false claims regarding Victim-1's access to SMITH's residence and computer and paid Victim-1 thousands of dollars to sign that document, with the intent to obstruct the investigation into his receipt and possession of child pornography.

COUNT ONE
**(Possession with Intent to Distribute and Distribution of a
Controlled Substance with the Intent to Commit Rape)**
(As to Victim-1)

The Grand Jury charges:

6. The allegations contained in paragraphs 1 through 5 of this Superseding Indictment are repeated, realleged, and incorporated as if fully set forth herein.

7. At least on or about April 23, 2023, in the Southern District of New York and elsewhere, EDWARD GENE SMITH, the defendant, knowingly and intentionally distributed and possessed with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and with intent to commit a crime of violence against an individual, distributed a controlled substance to that individual without that individual's knowledge, in violation of Title 21, United States Code, Section 841(b)(7), to wit, SMITH distributed a controlled substance to Victim-1, without Victim-1's consent or knowledge, with the intent to rape Victim-1.

8. The controlled substance involved in the offense was clonazepam, in violation of Title 21, United States Code, Section 841(b)(2).

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(2), and 841(b)(7).)

COUNT TWO
(Sex Trafficking by Force, Fraud, or Coercion)
(As to Victim-2)

The Grand Jury further charges:

9. The allegations contained in paragraphs 1 through 5 of this Superseding Indictment are repeated, realleged, and incorporated as if fully set forth herein.

10. From at least in or about 2019 through at least in or about 2020, in the Southern District of New York and elsewhere, EDWARD GENE SMITH, the defendant, knowingly, in and affecting interstate and foreign commerce, recruited, enticed, harbored, transported, provided,

obtained, maintained, patronized, and solicited a person, knowing and in reckless disregard of the fact that means of force, threats of force, fraud, and coercion, as described in Title 18, United States Code, Section 1591(e)(2), and a combination of such means, would be used to cause the person to engage in a commercial sex act, to wit, SMITH enticed and paid Victim-2 to meet with him and to move to New York City and caused Victim-2 to engage in sexual activity through force, fraud, and coercion, including by drugging, sexually assaulting, and raping her, controlling her finances, and controlling with whom she could associate.

(Title 18, United States Code, Sections 1591(a) and (b)(1).)

COUNT THREE
(Inducement to Travel to Engage in Unlawful Sexual Activity)
(As to Victim-2)

The Grand Jury further charges:

11. The allegations contained in paragraphs 1 through 5 of this Superseding Indictment are repeated, realleged, and incorporated as if fully set forth herein.

12. From at least in or about 2019 through at least in or about 2020, in the Southern District of New York and elsewhere, EDWARD GENE SMITH, the defendant, knowingly persuaded, induced, enticed, and coerced an individual to travel in interstate and foreign commerce to engage in sexual activity for which a person can be charged with a criminal offense, and attempted to do so, to wit, SMITH persuaded, induced, and paid Victim-2 to travel repeatedly from the Midwest to New York, so that SMITH could engage and attempt to engage in unlawful sexual activity with Victim-2 by drugging, sexually assaulting, and raping her, in violation of New York Penal Law Sections 130.35, 130.30, 130.25, 130.90, and 130.65-a.

(Title 18, United States Code, Section 2422(a).)

COUNT FOUR
(Receipt of Child Pornography)

The Grand Jury further charges:

13. The allegations contained in paragraphs 1 through 5 of this Superseding Indictment are repeated, realleged, and incorporated as if fully set forth herein.

14. From at least on or about June 3, 2023 through at least on or about June 6, 2023, in the Southern District of New York and elsewhere, EDWARD GENE SMITH, the defendant, knowingly received and distributed material that contained child pornography using a means and facility of interstate and foreign commerce and that had been mailed and had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, SMITH received files containing one or more sexually explicit images of a minor, using an electronic device, in New York, New York, via the Internet.

(Title 18, United States Code, Sections 2252A(a)(2)(B) and (b)(1).)

COUNT FIVE
(Possession of Child Pornography)

The Grand Jury further charges:

15. The allegations contained in paragraphs 1 through 5 of this Superseding Indictment are repeated, realleged, and incorporated as if fully set forth herein.

16. From at least in or about 2019 through on or about June 26, 2024, in the Southern District of New York and elsewhere, EDWARD GENE SMITH, the defendant, knowingly possessed and accessed with intent to view, a book, magazine, periodical, film, videotape, computer disk, and other material that contained an image of child pornography that had been mailed, shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, shipped and transported in and affecting

interstate and foreign commerce by any means, including by computer, to wit, SMITH possessed and accessed sexually explicit images and videos of minors, including images and videos of prepubescent minors and minors who had not attained 12 years of age, on and through electronic devices, in New York, New York.

(Title 18, United States Code, Sections 2252A(a)(5)(B) and (b)(2).)

COUNT SIX

(Falsification of a Document with Intent to Obstruct a Federal Investigation)

The Grand Jury further charges:

17. The allegations contained in paragraphs 1 through 5 of this Superseding Indictment are repeated, realleged, and incorporated as if fully set forth herein.

18. In or about August 2024, in the Southern District of New York and elsewhere, EDWARD GENE SMITH, the defendant, knowingly altered, destroyed, mutilated, concealed, covered up, falsified, and made a false entry in a record, document, and tangible object with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of a department and agency of the United States, and in relation to and in contemplation of such a matter, to wit, SMITH created a document containing false claims regarding Victim-1's access to SMITH's residence and computer and paid Victim-1 to sign that document, with the intent to impede, obstruct, and influence an investigation by the United States Attorney's Office for the Southern District of New York and the Federal Bureau of Investigation into SMITH's receipt and possession of child pornography.

(Title 18, United States Code, Sections 1519 and 2.)

FORFEITURE ALLEGATIONS

19. As a result of committing the offense alleged in Count One of this Superseding Indictment, EDWARD GENE SMITH, the defendant, shall forfeit to the United States, pursuant

to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offense and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

20. As a result of committing the offense alleged in Count Two of this Superseding Indictment, EDWARD GENE SMITH, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1594, any and all property, real and personal, involved in, used, or intended to be used to commit or to facilitate the commission of said offense; any and all property, real and personal, constituting or derived from proceeds obtained, directly or indirectly, as a result of said offense; and any and all property traceable to such property, including but not limited to a sum of money in United States currency representing the amount of property involved in said offense and proceeds traceable to the commission of said offense.

21. As a result of committing the offense alleged in Count Three of this Superseding Indictment, EDWARD GENE SMITH, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2428, any and all property, real and personal, constituting or derived from proceeds obtained, directly or indirectly, as a result of said offense; and any and all property, real or personal, that was used or intended to be used to commit or facilitate the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

22. As a result of committing the offenses alleged in Counts Four and Five of this Superseding Indictment, EDWARD GENE SMITH, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253, any and all property, real and personal, constituting or traceable to gross profits or other proceeds obtained from said offenses

and any and all property, real or personal, used or intended to be used to commit or promote the commission of said offenses or traceable to such property, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

Substitute Assets Provision

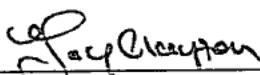
23. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- 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;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 1594, 2428, 2253;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


FOREPERSON



JAY CLAYTON
United States Attorney