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JRM USAO# 2022R00759

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

USDC - BALTIMORE
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UNITED STATES OF AMERICA	*	
	*	
v.	*	**CRIMINAL NO.** JRR23cr0002
	*	
DARNELL SMITH,	*	**(Possession of a Firearm and**
	*	**Ammunition by a Prohibited Person,**
Defendant.	*	**18 U.S.C. § 922(g)(1); Possession with**
	*	**Intent to Distribute a Controlled**
	*	**Substance, 21 U.S.C. § 841(a);**
	*	**Possession of a Firearm in**
	*	**Furtherance of a Drug Trafficking**
	*	**Crime, 18 U.S.C. § 924(c)(1)(A);**
	*	**Forfeiture, 18 U.S.C. § 924(d), 21**
	*	**U.S.C. § 853, 28 U.S.C. § 2461(c))**
	*	

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INDICTMENT

COUNT ONE
(Possession of a Firearm and Ammunition by a Prohibited Person)

The Grand Jury for the District of Maryland charges that:

On or about November 17, 2022, in the District of Maryland, the Defendant,

DARNELL SMITH,

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm and ammunition, to wit,

- a Glock, Model 30, .45 caliber pistol, with serial number NNV361;
- a Glock, Model 23 Gen 4, .40 caliber pistol, with serial number ABKD432US;
- thirteen rounds of .45 caliber ammunition; and
- fifteen rounds of .40 caliber ammunition;

and the firearms and ammunition were in and affecting commerce.

18 U.S.C. § 922(g)

COUNT TWO
(Possession with the Intent to Distribute a Controlled Substance)

The Grand Jury for the District of Maryland further charges that:

On or about November 17, 2022, in the District of Maryland, the Defendant,

DARNELL SMITH,

did knowingly and intentionally possess with intent to distribute a mixture or substance containing a detectable amount of marihuana, a Schedule I Controlled Substance.

21 U.S.C. § 841(a)(1)

COUNT THREE
(Possession of a Firearm in Furtherance of a Drug Trafficking Crime)

The Grand Jury for the District of Maryland further charges that:

On or about November 17, 2022, in the District of Maryland, the Defendant,

DARNELL SMITH,

did knowingly possess firearms, that is a Glock, Model 30, .45 caliber pistol bearing serial number NNV361 and a Glock, Model 23 Gen 4, .40 caliber pistol bearing serial number ABKD432US, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a), as alleged in Count Two of this Indictment.

18 U.S.C. § 924(c)(1)(A)

FORFEITURE ALLEGATION

The Grand Jury for the District of Maryland further finds that:

1. Pursuant to Fed. R. Crim. P. 32.2, notice is hereby given to the Defendant that the United States will seek forfeiture as part of any sentence in accordance with 18 U.S.C. § 924(d), 21 U.S.C. § 853, and 28 U.S.C. § 2461(c), in the event of the Defendant's conviction under any of the offenses charged in Counts One through Three of this Indictment.

Firearms and Ammunition Forfeiture

2. Pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), upon conviction of an offense alleged in Counts One or Three, the Defendant shall forfeit to the United States any firearms and ammunition involved in such offense(s).

Narcotics Forfeiture

3. Pursuant to 21 U.S.C. § 853(a), upon conviction of an offense in violation of the Controlled Substances Act, as alleged in Count Two, the Defendant shall forfeit to the United States:

a. any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such offense; and

b. any property used, or intended to be used, in any manner or part, to commit, or facilitate the commission of, such offense.

Property Subject to Forfeiture

4. The property to be forfeited includes, but is not limited to:

a. a Glock, Model 30, .45 caliber pistol, with serial number NNV361;

b. a Glock, Model 23 Gen 4, .40 caliber pistol, with serial number ABKD432US;

c. approximately thirteen rounds of .45 caliber ammunition; and

d. approximately fifteen rounds of .40 caliber ammunition;

Substitute Assets

5. Pursuant to 21 U.S.C. § 853(p) and 28 U.S.C. § 2461(c), if any of the property described above as being subject to forfeiture, as a result of any act or omission by 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 comingled with other property which cannot be divided without difficulty,

it is the intent of the United States to seek forfeiture of any other property of the Defendant up to the value of the property charged with forfeiture in the paragraphs above.

18 U.S.C. § 924(d)
21 U.S.C. § 853
28 U.S.C. § 2461(c)

Erek L. Barron
United States Attorney

A TRUE BILL:

SIGNATURE REDACTED

Foreperson

1/4/2023
Date