

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

MAR 2 2019

UNITED STATES OF AMERICA

**v.**

RICHARD H. SMITH and  
MELLISSA STACY ANN SMITH

CR. NO.

[21 U.S.C. § 846;

21 U.S.C. § 841;

18 U.S.C. § 2;

18 U.S.C. § 924(c);

18 U.S.C. § 1956(h)]

## INDICTMENT

The Grand Jury charges:

COUNT 1  
(Conspiracy)

Beginning from an unknown date to the Grand Jury, and continuing up to and including the date of this Indictment, in Montgomery County, within the Middle District of Alabama and elsewhere, the defendant,

RICHARD H. SMITH,

and others, did knowingly and intentionally conspire, combine and agree together and with others to distribute and possess with intent to distribute a controlled substance, to wit: a mixture and substance containing a detectable amount of cocaine hydrochloride, more commonly known as “cocaine powder,” in violation of Title 21, United States Code, Section 841(a)(1). All in violation of Title 21, United States Code, Section 846.

COUNT 2  
(Possession with Intent to Distribute Controlled Substance)

On or about December 17, 2017, in Montgomery County, within the Middle District of Alabama, the defendant,

RICHARD H. SMITH,

did knowingly and intentionally possess with intent to distribute a controlled substance, to wit: a mixture and substance containing a detectable amount of cocaine hydrochloride, more commonly known as “cocaine powder,” a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1). All in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNT 3

(Possessing a Firearm During and in Relation to a Drug-Trafficking Crime)

On or about December 17, 2017, in Montgomery County, within the Middle District of Alabama, the defendant,

RICHARD H. SMITH,

did knowingly, during and in relation to, and possessed a firearm in furtherance of, a drug-trafficking crime for which he may be prosecuted in a court of the United States, that is, a violation of Title 21, United States Code, Section 846 as set forth in Count 1 of this Indictment and a violation of Title 21, United States Code, Section 841(a)(1) as set forth in Count 2 of this Indictment. All in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

COUNT 4

(Money Laundering Conspiracy)

Beginning from an unknown date to the Grand Jury, and continuing up to and including the date of this Indictment, in Montgomery County, within the Middle District of Alabama and elsewhere, the defendants,

RICHARD H. SMITH and  
MELLISSA STACY ANN SMITH,

did knowingly combine, conspire, confederate, and agree with each other, and with other persons known and unknown to the Grand Jury, to commit offenses under Title 18, United States Code, Section 1956(a)(1), namely: to knowingly conduct financial transactions affecting interstate or

foreign commerce, which financial transactions involved the proceeds of a specified unlawful activity, namely: the distribution of controlled substances, knowing the financial transaction was designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of the said specified unlawful activity, and that while conducting such financial transactions knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i). All in violation of Title 18, United States Code, Section 1956(h).

FORFEITURE ALLEGATION-1

A. The allegations contained in Counts 1 and 2 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 21, United States Code, Section 853.

B. Upon conviction of the offenses in violation of Title 21, United States Code, Sections 841(a)(1) and 846, set forth in Counts 1 and 2 of this Indictment, the defendants,

RICHARD H. SMITH and  
MELLISSA STACY ANN SMITH,

shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from proceeds the said defendants obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offenses in violation of Title 21, United States Code, Sections 841(a) and 846. The property includes, but is not limited to, a 2012 BMW 328xi sedan, VIN: WBAKF5C56CE656802, with all appurtenances and attachments thereon, seized by the Drug Enforcement Administration on December 17, 2017; a Smith & Wesson 9mm handgun; and, live ammunition.

C. If any of the property described in this forfeiture allegation as a result of any act or omission of the defendants:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty,

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

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

FORFEITURE ALLEGATION-2

A. The allegations contained in Count 3 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 924(d)(1) by Title 28, United States Code, Section 2461(c).

B. Upon conviction of the offenses in violation of Title 18, United States Code, Section 924(c)(1)(A)(i) set forth in Count 3 of this Indictment, the defendant,

RICHARD H. SMITH,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) by Title 28, United States Code, Section 2461(c), any firearms and ammunition involved in the commission of the offenses in violation of Title 18, United States Code, Section 924(c)(1)(A)(i). The property includes, but is not limited to, a Smith & Wesson 9mm handgun and live ammunition.

C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty,

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

All pursuant to Title 18, United States Code, Section 924(d)(1) by Title 28, United States Code, Section 2461(c).

#### FORFEITURE ALLEGATION-3

A. The allegations contained in Count 4 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 982(a)(1).

B. Upon conviction of the offenses in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and (h), set forth in Count 4 of this Indictment, the defendants,

RICHARD H. SMITH and  
MELLISSA STACY ANN SMITH,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property constituting or derived from proceeds the said defendants obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offenses in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and (h). The property includes, but is not limited to, a 2012 BMW 328xi sedan, VIN: WBAKF5C56CE656802, with all appurtenances and attachments thereon, seized by the Drug Enforcement Administration on December 17, 2017.

C. If any of the property described in this forfeiture allegation as a result of any act or omission of the defendants:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty,

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

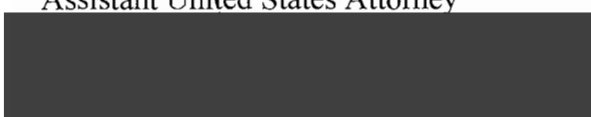
All pursuant to Title 18, United States Code, Section 982(a)(1).

A TRUE BILL:

  
Foreperson

  
LOUIS V. FRANKLIN, SR.  
UNITED STATES ATTORNEY

  
Curtis E. Jr.  
Assistant United States Attorney

  
R. Randolph Neeley  
Assistant United States Attorney