

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

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____
v. : **DATE FILED:** _____
ANDREW BARRINGTON SMART : **VIOLATION: 8 U.S.C. §§1326(a) and (b)(2)**
: **(Illegal reentry after deportation and commission**
: **of aggravated felony - 1 Count)**
: **Notice of Prior Conviction**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about June 26, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

ANDREW BARRINGTON SMART,

an alien and subject of Jamaica, who had previously been deported and removed from the United States on or about February 29, 1996, was found in the United States, having knowingly and unlawfully reentered the United States without first applying to the United States Attorney General or his successor, the Secretary for Homeland Security (Title 6, United States Code, Sections 202(3), (4) and 557), for permission to reapply for admission, and without receiving in response the express consent of the Attorney General or his successor to reapply for admission.

In violation of Title 8, United States Code, Sections 1326(a) and (b)(2).

NOTICE OF PRIOR CONVICTION

Defendant ANDREW BARRINGTON SMART committed the offense charged in Count One of this Indictment after having been convicted of at least one aggravated felony, as that term is defined and used in 8 U.S.C. §§ 1101(a)(43)(B) and 1326(b)(2), as follows:

On or about March 31, 1995, in the Court of Common Pleas in Philadelphia, Pennsylvania, defendant ANDREW BARRINGTON SMART was convicted of possession with intent to distribute and possession of “crack” cocaine, in violation of PA CRIM. CODE §§ 13(a)(16), and (a)(30), and was sentenced to six to twenty-three months incarceration.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney