



Department of Justice

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FELON INDICTED ON FEDERAL GUN CHARGE AFTER PISTOL WHIPPING ATLANTA POLICE OFFICER WHO ARRESTED HIM

Atlanta, GA - DONALD FRANK SMITH, 36, of Atlanta, Georgia has been indicted by a federal grand jury on charges of possession of a firearm by a convicted felon, in connection with the pistol whipping of an Atlanta police officer responding to a call. SMITH is not yet scheduled for an initial appearance on the federal charge and is currently being held in the Fulton County Jail on unrelated charges.

United States Attorney David E. Nahmias said, "Law enforcement officers who work on the front lines protecting our communities regularly encounter repeat offenders. This is a case of an alleged felon with a gun threatening our community and directly endangering the life of a law enforcement officer. We will continue to seek federal charges against dangerous recidivist offenders."

According to United States Attorney Nahmias, the indictment and a criminal complaint filed in this case: SMITH, a felon previously convicted of multiple felonies, allegedly assaulted a female victim while she was in her car at a gas station on Metropolitan Parkway on August 5, 2006. The victim escaped in her vehicle, but later that day she saw SMITH at a bus stop and called police. A responding Atlanta police officer arrived just after SMITH got onto the bus. After the officer stopped and boarded the bus, SMITH got into a physical confrontation with the officer. As the officer forced SMITH off the bus, SMITH allegedly pulled a Smith and Wesson .38 caliber handgun and struck the officer in the head with the gun, knocking him to the ground. Although SMITH continued to strike the officer, and the officer was bleeding profusely from the laceration to his head, the officer was able to subdue SMITH and arrest him.

The indictment charges one count of possession of a firearm by a convicted felon. The charge carries a maximum sentence of 10 years in prison and a fine of up to \$250,000.

This case is being investigated by the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

Assistant United States Attorney Angela M. Jordan is prosecuting the case.

Members of the public are reminded that the indictment contains only allegations. A defendant is presumed innocent of the charges and it will be the government's burden to prove a defendant's guilt beyond a reasonable doubt at trial.

For further information please contact David E. Nahmias (pronounced NAH-me-us), United States Attorney, or Charysse L. Alexander, Executive Assistant United States Attorney, through Patrick Crosby, Public Affairs Officer, U.S. Attorney's Office, at (404) 581-6016. The Internet address for the HomePage for the U.S. Attorney's Office for the Northern District of Georgia is www.usdoj.gov/usao/gan.