

PRESS RELEASE from United States Attorney's Office- District of Burlington, VT
BURLINGTON, VERMONT

November 4, 2021

Man Who Pointed Apparent Firearm at Police Officer Charged with Unlawfully Possessing a Firearm

The Office of the United States Attorney for the District of Vermont announced that Jeremiah Smith, 41, of Burlington, was charged today by criminal complaint with unlawfully possessing a firearm as a convicted felon. Smith is scheduled to appear on the charge before U.S. Magistrate Judge Kevin J. Doyle on November 5, 2021.

According to court records, on November 3, 2021, Burlington Police received a report of a stolen pickup truck, which had been stolen from Pine Street in Burlington. The owner also relayed that a 9mm firearm had been in the truck at the time it was stolen. Burlington Police were able to determine the vehicle was located on Pearl Street in Essex, Vermont. Essex Police Officers responded to the location of the vehicle, and observed Smith as the sole occupant. Smith refused to roll down his window or exit the vehicle after repeated requests, requiring the responding officer to break the window of truck. As the glass broke, Smith pointed what appeared to be a firearm at the Essex Police Officer. The officer drew his service firearm, backed away from the pickup, and ordered Smith out of the vehicle. Smith continued to refuse commands, and attempted to drive the pickup, which had been remotely disabled. Smith then exited the pickup truck and began walking away from the officer. Essex officers approached Smith and detained him. While taking him into custody, officers located a Ruger 9mm pistol in Smith's jacket pocket. A search of the vehicle resulted in the seizure of a realistic-looking pistol-style pellet gun from the driver's side floorboard. Smith is prohibited from possessing firearms under federal law due to a prior felony conviction.

If convicted of the charge alleged in the complaint, Smith faces a maximum sentence of ten years of imprisonment and a \$250,000 fine. The actual sentence however, would be determined by the Court with guidance from the advisory Federal Sentencing Guidelines. The Acting United States Attorney emphasized that the charge in the complaint is merely an accusation, and that the defendant is presumed innocent unless and until he is proven guilty. Acting United States Attorney Jonathan A. Ophardt commended the coordinated response of the Burlington Police Department and the Essex Police Department, and thanked the Bureau of Alcohol, Tobacco, Firearms, and Explosives for their investigatory assistance. Acting United States Attorney Ophardt added: "Our law enforcement officers routinely risk their lives to protect our communities. The quick work of Burlington and Essex officers not only recovered a stolen truck, but disarmed a person alleged to be prohibited from possessing firearms. I am exceedingly thankful that this armed encounter did not result in serious injury to officers or the defendant."

"Jeremiah Smith is accused of being a convicted felon in possession of a firearm. Smith is alleged to have endangered the community by illegally possessing a gun and pointing what appeared to be a firearm at an officer. Fortunately, Smith was taken into custody without incident," said Acting Special Agent in Charge Kenneth Kwak of the ATF Boston Field Division. "ATF and our law enforcement partners will continue to aggressively pursue those who illegally possess firearms and threaten the safety of our communities."

"We are fortunate that this incident did not result in an officer involved shooting and that the subject was able to be taken into custody without persons being injured," stated Essex Police Chief Ron Hoague. "This was solely due to the training and excellent judgment of our officers. They are to be commended for safely apprehending such a dangerous suspect."

The United States is represented in this matter by Assistant U.S. Attorney Andrew Gilman. Smith has not yet retained or been appointed counsel.

This case is part of Project Guardian, the Department of Justice's signature initiative to reduce gun violence and enforce federal firearms laws. Initiated by the Attorney General in the fall of 2019, Project Guardian draws upon the Department's past successful programs to reduce gun violence; enhances coordination of federal, state, local, and tribal authorities in investigating and prosecuting gun crimes; improves information-sharing by the Bureau of Alcohol, Tobacco, Firearms and Explosives when a prohibited individual attempts to purchase a firearm and is denied by the National Instant Criminal Background Check System (NICS), to include taking appropriate actions when a prospective purchaser is denied by the NICS for mental health reasons; and ensures that federal resources are directed at the criminals posing the greatest threat to our communities. For more information about Project Guardian, please see

<http://www.justice.gov/projectguardian/>.

To see the USDOT press release click here: <https://www.justice.gov/.../man-who-pointed-apparent...>