

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Joshua John Portlock

)
)
)
)
)
)

Case: 1:21-mj-00638

Assigned To : Faruqui, Zia M.

Assign. Date : 10/26/2021

Description: Complaint w/ Arrest Warrant

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) Joshua John Portlock

who is accused of an offense or violation based on the following document filed with the court:

- Indictment, Superseding Indictment, Information, Superseding Information, Complaint, Probation Violation Petition, Supervised Release Violation Petition, Violation Notice, Order of the Court

This offense is briefly described as follows:

- 18 U.S.C. § 111(a)(1)- Assaulting, Resisting, or Impeding Certain Officers
18 U.S.C. § 231(a)(3)- Civil Disorder
18 U.S.C. § 1752(a)(1)- Entering and Remaining in a Restricted Building or Grounds
18 U.S.C. § 1752(a)(2)- Disorderly and Disruptive Conduct in a Restricted Building or Grounds
18 U.S.C. § 1752(a)(4)- Engaging in Physical Violence in a Restricted Building or Grounds
40 U.S.C. § 5104(e)(2)(D)- Disorderly Conduct in a Capitol Building
40 U.S.C. § 5104(e)(2)(F)- Act of Physical Violence in the Capitol Grounds or Buildings



Zia M. Faruqui
2021.10.28 23:09:59
-04'00'

Date: 10/28/2021

Issuing officer's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge
Printed name and title

Return

This warrant was received on (date) 10/28/2021, and the person was arrested on (date) 11/3/2021
at (city and state) Smyrna, TN

Date: 11/3/2021

Arresting officer's signature

Christopher R. Potts, SA FBI
Printed name and title

**U.S. District Court
Middle District of Tennessee (Nashville)
CRIMINAL DOCKET FOR CASE #: 3:21-mj-02035-BA All Defendants
Internal Use Only**

ATTEST AND CERTIFY
A TRUE COPY
CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
Jm
Deputy Clerk

Case title: USA v. Portlock

Date Filed: 11/03/2021

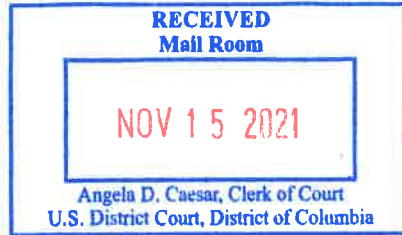
Date Terminated: 11/09/2021

Assigned to: Magistrate Judge Jeffery
S. Frensley

Defendant (1)

Joshua Portlock
Rule 5 to the District of Columbia
TERMINATED: 11/09/2021

represented by **Jerry Gonzalez**
Law Office of Jerry Gonzalez
8000 Highway 99
#456
Rockvale, TN 37153-9998
(615) 360-6060
Email: jgonzalez@jglaw.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment



Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

Disposition

18:111(a)(1)- Assaulting, Resisting, or Impeding Certain officers; 18:231(a)(3)- Civil Disorder; 18:1752(a)(1)- Entering and Remaining in a Restricted Building or Grounds; 18:1752(a)(2)- Disorderly and Disruptive Conduct in a Restricted


Building or Grounds; 18:1752(a)(4)-
 Engaging in Physical Violence in a
 Restricted Building or Grounds;
 40:5104(e)(2)(D)- Disorderly Conduct
 in a Capitol Building; 40:5104(e)(2)(F)-
 Act of Physical Violence in the Capitol
 Grounds or Buildings


11/9/2021

Plaintiff

USA

represented by **Joshua A. Kurtzman**
 U.S. Attorney's Office (Nashville
 Office)
 Middle District of Tennessee
 110 Ninth Avenue, S
 Suite A961
 Nashville, TN 37203-3870
 (615) 401-6617
 Fax: (615) 401-6626
 Email: Joshua.Kurtzman@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
11/03/2021	<u>1</u>	Warrant issued in the District of Columbia returned executed in this District on 11/3/2021 as to Joshua Portlock. (jm) (Entered: 11/09/2021)
11/03/2021		Arrest (Rule 5) of Joshua Portlock. (jm) (Entered: 11/09/2021)
11/03/2021	<u>2</u>	Minute Entry for proceedings held before Magistrate Judge Jeffery S. Frensley: Initial Appearance in Rule 5(c)(3) Proceedings as to Joshua Portlock held on 11/3/2021. Defendant released on own recognizance, with conditions. (jm) (Entered: 11/09/2021)
11/03/2021	 <u>3</u>	CJA 23 Financial Affidavit by Joshua Portlock. (jm) (Entered: 11/09/2021)
11/03/2021	<u>4</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Joshua Portlock. Signed by Magistrate Judge Jeffery S. Frensley on 11/3/2021. (jm) (Entered: 11/09/2021)
11/03/2021	<u>5</u>	ORDER APPOINTING CJA PANEL ATTORNEY AND DIRECTING U.S. MARSHAL TO SERVE SUBPOENAS AT GOVERNMENT EXPENSE: Jerry Gonzalez, Esq., 8000 Highway 99, #456, Rocicvale, TN, is hereby appointed to represent Defendant, Joshua John Portlock. Signed by Magistrate Judge Jeffery S. Frensley on 11/3/2021. (jm) (Entered: 11/09/2021)

11/03/2021	<u>6</u>	ORDER as to Joshua Portlock: Pursuant to the Due Process Protections Act, the court reminds the government of its obligation under Brady v. Maryland, 373 U. S. 83 (1963), to disclose evidence favorable to the defendant and material to the defendant's guilt or punishment. The government is ordered to comply with Brady and its progeny. The failure to do so in a timely manner may result in consequences, including dismissal of the indictment or information, exclusion of government evidence or witnesses, adverse jury instructions, dismissal of charges, contempt proceedings, sanctions by the Court, or any other remedy that is just under the circumstances. Signed by Magistrate Judge Jeffery S. Frensley on 11/3/2021. (jm) (Entered: 11/09/2021)
11/03/2021	<u>7</u>	CONSENT TO APPEAR BY VIDEO CONFERENCE by Joshua Portlock. (jm) (Entered: 11/09/2021)
11/03/2021	<u>8</u>	ORDER Setting Conditions of Release as to Joshua Portlock. Signed by Magistrate Judge Jeffery S. Frensley on 11/3/2021. (jm) (Entered: 11/09/2021)
11/03/2021	<u>9</u>	WAIVER of Rule 5 & 5.1 Hearing by Joshua Portlock. (jm) (Entered: 11/09/2021)
11/09/2021	<u>10</u>	Rule 5(c)(3) Documents Transmitted to the District of Columbia as to Joshua Portlock. (jm) (Main Document 10 replaced on 11/9/2021) (jm). (Entered: 11/09/2021)
11/09/2021		(Court only) ***Case closed. (jm) (Entered: 11/09/2021)

11/03/2021		
11/03/2021		
11/03/2021		
11/09/2021		

AO 442 (Rev. 11/11) Arrest Warrant

ATTEST AND CERTIFY
A TRUE COPY
CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
By JM
Deputy Clerk

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
Joshua John Portlock

Case: 1:21-mj-00638
Assigned To : Faruqui, Zia M.
Assign. Date : 10/26/2021
Description: Complaint w/ Arrest Warrant

Defendant

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(name of person to be arrested) Joshua John Portlock
who is accused of an offense or violation based on the following document filed with the court:

- Indictment
- Superseding Indictment
- Information
- Superseding Information
- Complaint
- Probation Violation Petition
- Supervised Release Violation Petition
- Violation Notice
- Order of the Court

This offense is briefly described as follows:

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Zia M. Faruqui
2021.10.28 23:09:59
-04'00'

Date: 10/28/2021

Issuing officer's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge
Printed name and title

Return

This warrant was received on (date) 10/28/2021, and the person was arrested on (date) 11/3/2021
at (city and state) Smymna, TN

Date: 11/3/2021

Arresting officer's signature

Christopher R. Potts, SA FBI
Printed name and title

ATTEST AND CERTIFY
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CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
Deputy Clerk

MAGISTRATE JUDGE FRENSELY COURTROOM MINUTES FOR CRIMINAL PROCEEDINGS

U.S.A. v. Joshua Portlock, No. 3:21-mj-2035

ATTORNEY FOR GOVERNMENT: Josh Kurzman

ATTORNEY FOR DEFENDANT: Jerry Gonzalez A FPD Panel Retained

PRETRIAL SERVICES/PROBATION OFFICER: Kimberly Hancy

INTERPRETER NEEDED? YES NO LANGUAGE/INTERPRETER: _____
 PRESENT ON TELEPHONE

INITIAL APPEARANCE ON A SUMMONS ARRESTED ON: 11.3.21

- DEFENDANT HAS A COPY OF:
- Complaint Indictment Information Supervised Release Pet. Other _____
 - Defendant advised of the charges and the maximum penalties
 - Defendant has a copy of notice of rights
 - Defendant advised of right to counsel Counsel retained
 - Defendant sworn and/or certified under penalty of perjury and financial affidavit filed FPD Appointed
 - Defendant advised of right to silence
 - Defendant advised of right to Consular notification
 - Government motion for detention
 - Defendant temporarily detained ICE detainer on defendant
 - Defendant waived detention hearing Defendant reserved right to hearing in future
 - Defendant to remain in Federal custody Defendant to be returned to State custody
 - Defendant advised of right to preliminary hearing Defendant waived preliminary hearing
 - GOVERNMENT and DEFENDANT advised of Due Process Protections Act of 2020
 - Defendant to remain on current conditions of supervised release
 - Defendant released on:
 - Own recognizance with conditions of release standard special
 - Appearance bond in the amount of: _____
 - Property bond [description of property]: _____
 - Performance bond [as set out in conditions of release]
 - RULE 5 - Defendant advised of right to identity hearing Defendant waived identity hearing
 - RULE 5 - Defendant reserved right to have preliminary hearing in District of Prosecution
 - RULE 5 - Defendant elected to have detention hearing in District of Prosecution
 - RULE 5 - DEFENDANT ADVISED OF RIGHT TO RULE 20 TRANSFER

PRELIMINARY/DETENTION/ARRAIGNMENT CONTINUED TO: _____

GRAND JURY WAIVED IN OPEN COURT [Defendant sworn and advised of rights by Court]

ARRAIGNMENT
 Defendant acknowledges he/she has copy of Indictment/Information Court advised Def. of penalties
 Defendant waives reading thereof Indictment/Information read to defendant by Judge
PLEA: GUILTY NOT GUILTY Defendant intends to plead guilty and case referred to DJ

DATE: 11.3.21 TOTAL TIME: 43 minutes
BEGIN TIME: 3:03 pm END TIME: 3:46 pm

Digitally Recorded

TEST AND CERTIFY
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CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
By SM
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA)
)
 v.)
)
 JOSHUA PORTLOCK)

ORDER NO. 3:21-mj-2035

On the basis of Defendant's affidavit in this cause, the Court determines that Defendant:

- is financially able to employ counsel and, therefore, denies his application for appointment of counsel at government expense.
- is financially unable to employ counsel and appoints the Office of the Federal Public Defender to represent him.
- is financially unable to pay the fee of any witness and pursuant to Rule 17(b), of the Federal Rules of Criminal Procedure, the Clerk shall issue a subpoena for any witness, PROVIDED that Defendant and his counsel shall submit subpoenas only for those witnesses whose presence is necessary to present an adequate defense to the charge or charges.
- Upon Motion of the Government, the Court may order repayment or partial repayment from Defendant for the attorney and witness fees for these services should it appear Defendant has such ability at a later time.

It is so ORDERED.

Dated: November 3, 2021



JEFFERY S. FRENSLEY
United States Magistrate Judge

cc: United States Attorney
Federal Public Defender
United States Probation
United States Marshal

ATTEST AND CERTIFY
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CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
By Jm
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION


UNITED STATES OF AMERICA)
Plaintiff)
v.)
JOSHUA PORTLOCK)
Defendant)

Case No. 3:21-mj-2035
Magistrate Judge Frensley

ORDER

Pursuant to the Due Process Protections Act, the court reminds the government of its obligation under Brady v. Maryland, 373 U. S. 83 (1963), to disclose evidence favorable to the defendant and material to the defendant's guilt or punishment. The government is ordered to comply with Brady and its progeny. The failure to do so in a timely manner may result in consequences, including dismissal of the indictment or information, exclusion of government evidence or witnesses, adverse jury instructions, dismissal of charges, contempt proceedings, sanctions by the Court, or any other remedy that is just under the circumstances.

IT IS SO ORDERED.


JEFFERY S. FRENSLEY
United States Magistrate Judge

- Pretrial release revocation proceedings under 18 U.S.C. § 3148
- Appearances under Rule 40 of the Federal Rules of Criminal Procedure
- Misdemeanor pleas and sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure
- Proceedings under chapter 403 of title 18, United States Code (commonly known as the "Federal Juvenile Delinquency Act"), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.
- Felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure upon a finding by the presiding district judge that the plea or sentencing cannot be further delayed without serious harm to the interests of justice.

Having read the foregoing, I certify I have had sufficient opportunity to discuss the use of video conferencing with my attorney, and I voluntarily consent for the purpose noted above.

/s/ Josh Portlock by JG w permission

/s/ Jerry Gonzalez

Defendant

Defendant's Attorney

11-03-2021

Date

OPTIONAL CONSENT FOR DEFENDANT'S ATTORNEY

- Having consulted with Defendant, I certify that I have had sufficient opportunity to discuss the use of video teleconference with Defendant and Defendant has authorized me to inform the Court that Defendant consents to video conferencing as noted above.

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

ATTEST AND CERTIFY
A TRUE COPY
CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
By [Signature]
Deputy Clerk

United States of America)

v.)

Joshua
Jason Portlock
Defendant)

Case No. 3:21-mj-2035

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (3) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: <https://uscourts-dcd.zoomgov.com/j/16189525787?pwd=WIh3MUy5VTRZTUFSYXM5REliN2UvZz09>

Place

on November 9, 2021 at 1:00 p.m.

Date and Time

If blank, defendant will be notified of next appearance.

- (4) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- () (5) The defendant is placed in the custody of:
 Person or organization _____
 Address (only if above is an organization) _____
 City and state _____ Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____
Custodian Date

- (x) (6) The defendant must:
 - (x) (a) submit to supervision by and report for supervision to Pretrial Services as directed. Weekly contacts are required.
 telephone number _____, no later than _____.
 - (x) (b) continue or actively seek employment.
 - () (c) continue or start an education program.
 - (x) (d) surrender any passport to: the United States District Court Clerk
 - (x) (e) not obtain a passport or other international travel document.
 - (x) (f) abide by the following restrictions on personal association, residence, or travel: shall not travel outside of the Middle District of Tennessee unless preapproved by Pretrial Services. Defendant may not travel outside of the continental United States without court approval. The defendant must participate in all future proceedings as directed and may not go to Washington, D.C. unless he is appearing for court, meeting with Pretrial Services, or consulting with his attorney.
 - () (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including:

() (h) get medical or psychiatric treatment: _____

() (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____

() (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

(x) (k) not possess a firearm, destructive device, or other weapon.

() (l) not use alcohol () at all () excessively.

(x) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

[Signature] (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

() (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer. Any inpatient treatment may be followed by up to 90 days in a half-way house.

(x) (p) participate in one of the following location restriction programs and comply with its requirements as directed.

() (i) Curfew. You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or

(x) (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

() (iii) Home Incarceration. You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

(x) (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.

(x) You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

(x) (r) report as soon as possible within 48 hours, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

(x) (s) shall permit Pretrial Services Officer to visit you at home or elsewhere at any time, and allow Pretrial Services Officer to confiscate any contraband in plain view.

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (i.e., in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
(2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
(3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
(4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

Defendant's Signature

City and State

Directions to the United States Marshal

- (X) The defendant is ORDERED released after processing.
() The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date:

11/3/2021

Judicial Officer's Signature

United States Magistrate Judge Jeffery S. Frensey

Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

AO 466A (Rev. 12/17) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

ATTEST AND CERTIFY
A TRUE COPY
CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
By [Signature]
Deputy Clerk

United States of America

v.

Case No. 3:21-mj-2035

Joshua Jason Portlock
Defendant

Charging District's Case No. 1:21-mj-638

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court) District of Columbia

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
(2) an identity hearing to determine whether I am the person named in the charges;
(3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
(4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
(5) a hearing on any motion by the government for detention;
(6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- [] an identity hearing and production of the warrant.
[] a preliminary hearing.
[] a detention hearing.
[X] an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my
[X] preliminary hearing and/or [] detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 11/3/2021

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

