

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,)	
)	
v.)	
)	CRIM NO. 21-CR-198-TSC
TROY ANTHONY SMOCKS,)	Judge: Chutkan
)	
Defendant.)	

**DEFENDANT’S OPPOSITION TO UNITED STATES’
MOTION FOR STATUS HEARING AND
EXCLUSION OF TIME UNDER THE SPEEDY TRIAL ACT**

COMES NOW Troy Anthony Smocks, by and through counsel, and opposes the United States’ Motion for Status Hearing and Exclusion of Time Under the Speedy Trial Act (ECF No. 37). As reasons therefor, Mr. Smocks states as follows:

1. While this matter is related tangentially to the matters relating to the incident that occurred at the U.S. Capitol on January 6, 2021, it does not in any way appear to have extensive discovery as is present in other unrelated U.S. Capitol cases. This matter is simply related to two specific alleged threats made on social media that were never acted upon. The government’s additional discovery can therefore be provided in short order while respecting Mr. Smocks’ rights under the Speedy Trial Act, 18 U.S.C. § 3161(h), and should not be a reason to delay this matter.

2. With regard to the motion to reopen hearing, the Court issued an order staying briefing on the defendant's motion to reopen hearing until further order of the Court on May 11, 2021. Accordingly, since the matter is stayed, there is no pending motion before the court. Only today, July 1st, 2021, did the defense receive all the records it needed in order to provide its further argument on its motion. It is defense counsel's intention to finalize the supplement to its motion by July 8, 2021, and will therefore be requesting a motion schedule and hearing. Accordingly, the court should not exclude any prior time under the Speedy Trial Act since the court issued its order staying the motion. The defense concedes that it should exclude the time from the day that the supplement to the motion is filed, July 8, 2021 (should the court permit it), to the date of the scheduled hearing. All other time, however, should not be excluded.

3. With regard to the delay brought about due to the pandemic, defendant recognizes that this Honorable Court is following directives and orders being issued by the Chief Judge in that regard. However, the defendant asks that in determining what time, if any, should be excluded under the Speedy Trial Act, Mr. Smocks will presumably be preventively detained in jail while this case is pending. Upon information and belief, Mr. Smocks is currently spending approximately 23 hours daily in solitary confinement and, should this court not change his release

conditions, will remain in this condition until his case is resolved. Every additional day that the court excludes under the Speedy Trial Act is an additional day that Mr. Smocks' liberty will be limited.

WHEREFORE, for the reasons and arguments made above, Defendant Troy Anthony Smocks prays that the court not exclude time under the Speedy Trial Act.

Respectfully submitted,

TROY ANTHONY SMOCKS
By Counsel

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Certificate of Service

I hereby certify that a true copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system this 1st day of July, 2021, which will send a notification of such filing (NEF) to the following to all counsel of record.

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