

APPEAL,CAT B,CLOSED

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00198-TSC-1**

Case title: USA v. SMOCKS

Magistrate judge case number: 1:21-mj-00058-RMM

Date Filed: 03/09/2021

Assigned to: Judge Tanya S.
Chutkan

Defendant (1)

TROY ANTHONY SMOCKS
also known as
KENNETH HARRIS
also known as
TONY SANDERS
also known as
VINCENT SHELTON
also known as
TROY PEREZ

represented by **John L. Machado**
LAW OFFICE OF JOHN MACHADO
503 D Street, N.W.
503 D Street, NW
Suite 310
Washington, DC 20001
703-989-0840
Email: johnlmachado@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

18:875(c); INTERSTATE
COMMUNICATIONS –
THREATS; Threats in Interstate
Communications.

(1)

18:875(c); INTERSTATE
COMMUNICATIONS –
THREATS; Threats in Interstate
Communications.

(2)

Disposition

Defendant sentenced to Fourteen (14) months of
incarceration; Thirty-Six (36) months of
supervised release and a special assessment of
\$100.00

Oral motion by government to dismiss count;
heard and GRANTED.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints**Disposition**COMPLAINT in VIOLATION of
18 U.S.C. 875(c)**Plaintiff**

USA

represented by **Michael Justin Friedman**
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-6765
 Fax: (202) 252-7792
 Email: michael.friedman@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

Date Filed	#	Page	Docket Text
01/14/2021	<u>1</u>		SEALED COMPLAINT as to TROY ANTHONY SMOCKS (1). (Attachments: # <u>1</u> Affidavit in Support) (zltf) [1:21-mj-00058-RMM] (Entered: 01/14/2021)
01/14/2021	<u>3</u>		MOTION to Seal Case by USA as to TROY ANTHONY SMOCKS. (Attachments: # <u>1</u> Text of Proposed Order)(zltf) [1:21-mj-00058-RMM] (Entered: 01/14/2021)
01/14/2021	<u>4</u>		ORDER granting <u>3</u> Motion to Seal Case as to TROY ANTHONY SMOCKS (1). Signed by Magistrate Judge Robin M. Meriweather on 1/14/2021. (zltf) [1:21-mj-00058-RMM] (Entered: 01/14/2021)
01/15/2021	<u>5</u>		MOTION to Unseal Case by USA as to TROY ANTHONY SMOCKS. (Attachments: # <u>1</u> Text of Proposed Order)(zltf) [1:21-mj-00058-RMM] (Entered: 01/15/2021)
01/15/2021	<u>6</u>		ORDER Granting <u>5</u> MOTION to Unseal Case by USA as to TROY ANTHONY SMOCKS (1). Signed by Magistrate Judge G. Michael Harvey on 1/15/2021. (zpt) [1:21-mj-00058-RMM] (Entered: 01/18/2021)
01/15/2021			Case unsealed as to TROY ANTHONY SMOCKS (zltf) [1:21-mj-00058-RMM] (Entered: 01/19/2021)
01/15/2021			Arrest of TROY ANTHONY SMOCKS in US District Court Eastern District of Texas (Sherman). (bb) [1:21-mj-00058-RMM] (Entered: 02/09/2021)
01/25/2021	<u>7</u>		Rule 5(c)(3) Documents Received as to TROY ANTHONY SMOCKS from US District Court Eastern District of Texas (Sherman) Case Number

		4:21-mj-33-KPJ (bb) [1:21-mj-00058-RMM] (Entered: 02/09/2021)
03/09/2021	<u>8</u>	INDICTMENT as to TROY ANTHONY SMOCKS (1) count(s) 1-2. (zhsj) (Entered: 03/09/2021)
03/15/2021	<u>10</u>	NOTICE of Unrepresented Person Appearance by TROY ANTHONY SMOCKS. "Leave to File Granted" by Judge Tanya S. Chutkan on 3/15/2021. (zhsj) (Entered: 03/16/2021)
03/18/2021	<u>13</u>	NOTICE of Filing by USA as to TROY ANTHONY SMOCKS (Attachments: # <u>1</u> Exhibit A)(Friedman, Michael) (Entered: 03/18/2021)
03/18/2021	<u>14</u>	NOTICE OF ATTORNEY APPEARANCE: John L. Machado appearing for TROY ANTHONY SMOCKS (Machado, John) (Entered: 03/18/2021)
03/25/2021	<u>15</u>	RESPONSE by USA as to TROY ANTHONY SMOCKS re: <u>10</u> Notice (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Friedman, Michael) Modified Text on 3/29/2021 (zhsj). (Entered: 03/25/2021)
03/29/2021	<u>16</u>	MOTION to Dismiss on Speedy Trial Act Violations by TROY ANTHONY SMOCKS. (Attachments: # <u>1</u> Supplement Pro Se Motion to Dismiss)(Machado, John) (Entered: 03/29/2021)
04/02/2021		Minute Entry for proceedings held before Judge Tanya S. Chutkan: Video (VTC) Arraignment and Status Conference as to TROY ANTHONY SMOCKS held on 4/2/2021. Plea of Not Guilty entered as to Counts: 1-2. Government Response to Defendant's <u>16</u> Motion to Dismiss is due by 4/12/2021, any Reply is due by 4/14/2021. If Defendant files a Bond Review Motion by 4/5/2021 the Government shall Respond by 4/12/2021, any Reply is due by 4/14/2021. Another Video (VTC) Status Conference and Hearing on any pending Motions is set for 4/14/2021 at 11:30 AM before Judge Tanya S. Chutkan. Bond Status of Defendant: Defendant appeared by video, but remains committed; Court Reporter: Bryan Wayne; Defense Attorney: John L. Machado; US Attorney: Michael Justin Friedman. (jth) (Entered: 04/02/2021)
04/04/2021	<u>19</u>	Amended MOTION to Dismiss on Speedy Trial Act Violations by TROY ANTHONY SMOCKS. (Attachments: # <u>1</u> Exhibit Pro Se Motion to Dismiss)(Machado, John) (Entered: 04/04/2021)
04/06/2021	<u>20</u>	MOTION for Reconsideration of Detention Order by TROY ANTHONY SMOCKS. (Attachments: # <u>1</u> Exhibit 1 - Order of Detention Pending Trial, # <u>2</u> Exhibit 2 - Social Media post, # <u>3</u> Exhibit 3 - Social Media post)(Machado, John) (Entered: 04/06/2021)
04/12/2021	<u>21</u>	Memorandum in Opposition by USA as to TROY ANTHONY SMOCKS re <u>19</u> Amended MOTION to Dismiss on Speedy Trial Act Violations (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J)(Friedman, Michael) (Entered: 04/12/2021)
04/12/2021	<u>22</u>	Memorandum in Opposition by USA as to TROY ANTHONY SMOCKS re <u>20</u> MOTION for Reconsideration of Detention Order (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Friedman, Michael) (Entered: 04/12/2021)
04/13/2021	<u>24</u>	

		ORDER: Granting <u>23</u> Sealed Motion for Leave to File Document Under Seal (This document is SEALED and only available to authorized persons.) as to TROY ANTHONY SMOCKS (1). Signed by Judge Tanya S. Chutkan on 04/12/2021. (tb) (Entered: 04/13/2021)
04/13/2021	<u>25</u>	REPLY TO OPPOSITION to Motion by TROY ANTHONY SMOCKS re <u>20</u> MOTION for Reconsideration of <i>Detention Order</i> (Machado, John) (Entered: 04/13/2021)
04/13/2021	<u>26</u>	REPLY TO OPPOSITION to Motion by TROY ANTHONY SMOCKS re <u>19</u> Amended MOTION to Dismiss on Speedy Trial <i>Act Violations</i> (Machado, John) (Entered: 04/13/2021)
04/14/2021		Minute Entry: Motions Hearing as to TROY ANTHONY SMOCKS held on 4/14/2021 before Judge Tanya S. Chutkan: re <u>20</u> MOTION for Reconsideration of <i>Detention Order</i> filed by TROY ANTHONY SMOCKS; heard and DENIED. Motions <u>18</u> and <u>19</u> to Dismiss on Speedy Trial <i>Act Violations</i> filed by TROY ANTHONY SMOCKS; heard and taken under advisement. Defendant remains detained. Court Reporter: Bryan Wayne; Defense Attorney: John Machado; US Attorney: Michael Friedman. (tb) (Entered: 04/15/2021)
05/07/2021	<u>30</u>	MOTION for Leave to File <i>Documents and Reopen Hearing on the Motion to Dismiss</i> by TROY ANTHONY SMOCKS. (Attachments: # <u>1</u> Exhibit Statement of Peter Stager, # <u>2</u> Exhibit Statement of William Chrestman, # <u>3</u> Exhibit Statement of Kyle Fitzsimmons, # <u>4</u> Exhibit WRWA Winter Storm Updates 2021 Valentines/Presidents Day, # <u>5</u> Exhibit WRWA Winter Storm Updates February 16–17, 2021)(Machado, John) (Entered: 05/07/2021)
05/07/2021	31	MOTION to Reopen Hearing on the Motion to Dismiss for Violation of the Speedy Trial Act by TROY ANTHONY SMOCKS. (See Docket Entry <u>30</u> to View Document). (zhsj) (Entered: 05/07/2021)
05/10/2021	<u>32</u>	ORDER: Denying <u>19</u> Motion to Dismiss for Speedy Trial as to TROY ANTHONY SMOCKS (1). Signed by Judge Tanya S. Chutkan on 05/07/2021. (tb) (Main Document 32 replaced on 5/11/2021) (ztb). (Main Document 32 replaced on 5/11/2021) (ztb). (Entered: 05/10/2021)
05/10/2021	<u>33</u>	MEMORANDUM OPINION as to TROY ANTHONY SMOCKS. Signed by Judge Tanya S. Chutkan on 05/07/2021. (tb) (Entered: 05/10/2021)
05/11/2021		MINUTE ORDER: The court has taken Defendants <u>30</u> MOTION for Leave to File Documents and Reopen Hearing on the Motion to Dismiss and 31 MOTION to Reopen Hearing on the Motion to Dismiss for Violation of the Speedy Trial Act under advisement. Briefing on these motions is hereby STAYED until further order of the court. SO ORDERED by Judge Tanya S. Chutkan on 05/10/2021. (tb) (Entered: 05/11/2021)
05/19/2021	<u>35</u>	ORDER: Granting <u>29</u> Sealed Motion for Leave to File Document Under Seal (This document is SEALED and only available to authorized persons.) as to TROY ANTHONY SMOCKS (1). Signed by Judge Tanya S. Chutkan on 05/19/2021. (tb) (Entered: 05/21/2021)
06/12/2021	<u>37</u>	MOTION for Hearing by USA as to TROY ANTHONY SMOCKS. (Friedman, Michael) (Entered: 06/12/2021)
06/12/2021	38	

		MOTION for Exclusion of Time Under the Speedy Trial Act by USA as to TROY ANTHONY SMOCKS. (See Docket Entry <u>37</u> to View Document). (zhsj) (Entered: 06/14/2021)
06/22/2021		Set/Reset Hearings as to TROY ANTHONY SMOCKS:Status Conference set for 7/2/2021 at 12:30 PM in Telephonic/VTC before Judge Tanya S. Chutkan. (tb) (Entered: 06/22/2021)
07/01/2021	<u>39</u>	Memorandum in Opposition by TROY ANTHONY SMOCKS re 38 MOTION to Exclude <i>Time Under the Speedy Trial Act</i> (Machado, John) (Entered: 07/01/2021)
07/02/2021	<u>40</u>	ORDER (REDACTED): Denying <u>30</u> Motion for Leave to File as to TROY ANTHONY SMOCKS (1) and denying 31 Motion for Hearing as to TROY ANTHONY SMOCKS (1). Signed by Judge Tanya S. Chutkan on 07/02/2021. (tb) (Entered: 07/02/2021)
07/02/2021		Minute Entry: Status Conference as to TROY ANTHONY SMOCKS held on 7/2/2021 before Judge Tanya S. Chutkan: Parties discussed possible disposition and the production of discovery. Order forthcoming regarding speedy trial exclusion. Status Conference set for 8/2/2021 at 10:30 AM in Telephonic/VTC before Judge Tanya S. Chutkan. Defendant remains detained. Court Reporter: Bryan Wayne; Defense Attorney: John Machado; US Attorney: Michael Friedman. (tb) (Entered: 07/03/2021)
07/12/2021	<u>42</u>	MOTION for Reconsideration re <u>30</u> MOTION for Leave to File <i>Documents and Reopen Hearing on the Motion to Dismiss</i> filed by TROY ANTHONY SMOCKS by TROY ANTHONY SMOCKS. (Machado, John) (Entered: 07/13/2021)
07/15/2021	<u>44</u>	ORDER: Granting 38 Motion for Exclusion of Time Under the Speedy Trial Act as to TROY ANTHONY SMOCKS (1). Signed by Judge Tanya S. Chutkan on 07/14/2021. (tb) (Entered: 07/15/2021)
07/21/2021	<u>45</u>	Unopposed MOTION for Protective Order by USA as to TROY ANTHONY SMOCKS. (Attachments: # <u>1</u> Exhibit A)(Friedman, Michael) (Entered: 07/21/2021)
07/26/2021	<u>46</u>	Memorandum in Opposition by USA as to TROY ANTHONY SMOCKS re <u>42</u> MOTION for Reconsideration re <u>30</u> MOTION for Leave to File <i>Documents and Reopen Hearing on the Motion to Dismiss</i> filed by TROY ANTHONY SMOCKS (Friedman, Michael) (Entered: 07/26/2021)
07/28/2021	<u>47</u>	ROTECTIVE ORDER setting forth procedures for handling confidential material; allowing designated material to be filed under seal as to TROY ANTHONY SMOCKS. Signed by Judge Tanya S. Chutkan on 07/28/2021. (tb) (Entered: 07/28/2021)
08/02/2021		Minute Entry: Status Conference as to TROY ANTHONY SMOCKS held on 8/2/2021 before Judge Tanya S. Chutkan: Parties discussed posture of case. Oral motion by defendant requesting Presentence Investigation Report; heard and GRANTED. REFERRAL SENT TO PROBATION OFFICE for Presentence Investigation as to TROY ANTHONY SMOCKS. Status Conference set for 8/18/2021 at 11:30 AM in Telephonic/VTC before Judge Tanya S. Chutkan. Oral motion by defendant to file reply to motion for

		reconsideration; heard and GRANTED. Reply due by 8/3/2021. Defendant remains detained. Court Reporter: Bryan Wayne; Defense Attorney: John Machado; US Attorney: Michael Friedman. (tb) (Entered: 08/02/2021)
08/09/2021	<u>48</u>	Unopposed MOTION for Leave to File <i>Reply to Memorandum in Opposition</i> by TROY ANTHONY SMOCKS. (Machado, John) (Entered: 08/09/2021)
08/09/2021	<u>49</u>	REPLY TO OPPOSITION to Motion by TROY ANTHONY SMOCKS re <u>42</u> MOTION for Reconsideration re <u>30</u> MOTION for Leave to File <i>Documents and Reopen Hearing on the Motion to Dismiss</i> filed by TROY ANTHONY SMOCKS (Machado, John) (Entered: 08/09/2021)
08/17/2021		MINUTE ORDER as to TROY ANTHONY SMOCKS: Upon consideration of the Defendant's <u>43</u> Sealed Motion for Leave to File Document Under Seal, and for good cause shown, it is hereby ORDERED that the Motion is GRANTED; and it is FURTHER ORDERED that the attached Exhibits shall be filed under seal. SO ORDERED by Judge Tanya S. Chutkan on 08/17/2021. (tb) Modified on 8/17/2021 (signature date corrected) (tb). (Entered: 08/17/2021)
08/17/2021		MINUTE ORDER as to TROY ANTHONY SMOCKS: Upon consideration of the Defendant's <u>48</u> Unopposed Motion for Leave to File Reply to Memorandum in Opposition, and for good cause shown, it is hereby ORDERED that the Motion is GRANTED. SO ORDERED by Judge Tanya S. Chutkan on 08/17/2021. (tb) (Entered: 08/17/2021)
08/18/2021	<u>50</u>	ORDER: Denying <u>42</u> Motion for Reconsideration and <u>30</u> MOTION for Leave to File <i>Documents and Reopen Hearing on the Motion to Dismiss</i> filed by TROY ANTHONY SMOCKS as to TROY ANTHONY SMOCKS. Signed by Judge Tanya S. Chutkan on 08/18/2021. (tb) (Entered: 08/18/2021)
08/18/2021		Minute Entry: Status Conference as to TROY ANTHONY SMOCKS held on 8/18/2021 before Judge Tanya S. Chutkan: Parties discussed posture of the case. Status Conference set for 9/1/2021 at 9:30 AM in Telephonic/VTC before Judge Tanya S. Chutkan. Defendant remains detained. Court Reporter: Bryan Wayne; Defense Attorney: John Machado; US Attorney: Michael Friedman. (jth) (Entered: 08/18/2021)
09/01/2021		Minute Entry: Status Conference as to TROY ANTHONY SMOCKS held on 9/1/2021 before Judge Tanya S. Chutkan: Parties discussed the posture of the case. Another Status Conference / Possible Plea Hearing set for 9/13/2021 at 2:30 PM in Telephonic/VTC before Judge Tanya S. Chutkan. If the proceeding on 9/13/2021 is to be converted to a Plea, counsel must transmit the paperwork to chambers by 9/9/2021. The Court makes a finding that it is in the Interests of Justice that the time between 9/1/2021 and 9/13/2021 shall be excluded from the Speedy Trial Act calculation (START XT). Defendant remains detained; Court Reporter: Bryan Wayne; Defense Attorney: John Machado; US Attorney: Michael Friedman. (zjth) (Entered: 09/01/2021)
09/13/2021		Set/Reset Hearings as to TROY ANTHONY SMOCKS: Plea Agreement Hearing set for 9/29/2021 at 12:30 PM in Telephonic/VTC before Judge Tanya S. Chutkan. (tb) (Entered: 09/13/2021)
09/13/2021		MINUTE ORDER: It is hereby ORDERED that the Status Hearing previously scheduled for September 13, 2021 is hereby RESCHEDULED to September 29, 2021 at 12:30 PM as a Change of Plea Hearing. The Court finds in the interest

		of justice (XT) that the time between 09/13/2021 and 09/29/2021 shall be excluded from the speedy trial calculation. SO ORDERED by Judge Tanya S. Chutkan on 09/13/2021. (tb) (Entered: 09/13/2021)
09/29/2021		Minute Entry: Plea Agreement Hearing as to TROY ANTHONY SMOCKS held on 9/29/2021d before Judge Tanya S. Chutkan: Plea of GUILTY entered by TROY ANTHONY SMOCKS (1) as to Count 1. Sentencing memoranda due by 10/13/2021. Sentencing set for 10/20/2021 at 12:30 PM in Telephonic/VTC before Judge Tanya S. Chutkan. The Final Presentence Report will be filed on Oct 4, 2021. Defendant remains detained. Court Reporter: Bryan Wayne; Defense Attorney: John Machado; US Attorney: Michael Friedman. (tb) (Entered: 09/30/2021)
09/29/2021	<u>52</u>	WAIVER of Trial by Jury as to TROY ANTHONY SMOCKS. Signed by Judge Tanya S. Chutkan on 09/29/2021. (tb) (Entered: 09/30/2021)
09/29/2021	<u>53</u>	STATEMENT OF OFFENSE by USA and TROY ANTHONY SMOCKS as to TROY ANTHONY SMOCKS. (tb) (Entered: 09/30/2021)
09/29/2021	<u>54</u>	PLEA AGREEMENT as to TROY ANTHONY SMOCKS. (tb) (Entered: 09/30/2021)
10/06/2021	<u>57</u>	Unopposed MOTION To Conduct Sentencing in Person by TROY ANTHONY SMOCKS. (Attachments: # <u>1</u> Text of Proposed Order)(Machado, John) (Entered: 10/06/2021)
10/07/2021		MINUTE ORDER as to TROY ANTHONY SMOCKS. Upon consideration of Defendant's <u>57</u> Unopposed Motion to Conduct Sentencing in Person, it is ORDERED that the <u>57</u> Motion is GRANTED. Sentencing is set for 10/18/2021 at 12:30 PM in Courtroom 9 (In Person) before Judge Tanya S. Chutkan. Signed by Judge Tanya S. Chutkan on 10/7/2021. (jth) (Entered: 10/07/2021)
10/12/2021	<u>58</u>	<p>TRANSCRIPT OF PLEA HEARING in case as to TROY ANTHONY SMOCKS before Judge Tanya S. Chutkan held on September 29, 2021; Page Numbers: 1–30. Date of Issuance: 10/12/2021. Court Reporter: Bryan A. Wayne. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 11/2/2021. Redacted Transcript Deadline set for 11/12/2021. Release of Transcript Restriction set for 1/10/2022.(Wayne, Bryan) (Entered: 10/12/2021)</p>
10/13/2021		

		Set/Reset Hearings as to TROY ANTHONY SMOCKS: Sentencing Reset for 10/21/2021 at 01:45 PM in Courtroom 9– In Person before Judge Tanya S. Chutkan. (tb) (Entered: 10/13/2021)
10/15/2021	<u>59</u>	SENTENCING MEMORANDUM by USA as to TROY ANTHONY SMOCKS (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Friedman, Michael) (Entered: 10/15/2021)
10/19/2021	<u>60</u>	SENTENCING MEMORANDUM by TROY ANTHONY SMOCKS (Machado, John) (Entered: 10/19/2021)
10/21/2021		Minute Entry: Sentencing held on 10/21/2021 as to TROY ANTHONY SMOCKS (1) before Judge Tanya S. Chutkan on Count 1: Defendant sentenced to FOURTEEN (14) months of incarceration; Thirty–Six (36) months of supervised release and a special assessment of \$100.00; Oral motion by government to dismiss count 2; heard and GRANTED. Defendant remains committed. Court Reporter: Bryan Wayne; Defense Attorney: John Machado; US Attorney: Michael Friedman; Prob Officer: Aidee Gavito. (tb) (Entered: 10/21/2021)
10/24/2021	<u>63</u>	<p>TRANSCRIPT OF SENTENCING HEARING in case as to TROY ANTHONY SMOCKS before Judge Tanya S. Chutkan held on October 21, 2021; Page Numbers: 1–55. Date of Issuance: 10/24/2021. Court Reporter: Bryan A. Wayne. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 11/14/2021. Redacted Transcript Deadline set for 11/24/2021. Release of Transcript Restriction set for 1/22/2022.(Wayne, Bryan) (Entered: 10/24/2021)</p>
11/04/2021	<u>64</u>	MOTION to Amend/Correct <i>Sentence</i> by TROY ANTHONY SMOCKS. (Machado, John) (Entered: 11/04/2021)
11/05/2021		MINUTE ORDER as to TROY ANTHONY SMOCKS: The Government is instructed to file a response to Defendants <u>64</u> Motion to Amend/Correct Sentence by or before 11/19/21 pursuant to Local Criminal Rule 47(b). SO ORDERED by Judge Tanya S. Chutkan on 11/05/2021. (tb) (Entered: 11/05/2021)
11/19/2021	<u>65</u>	Memorandum in Opposition by USA as to TROY ANTHONY SMOCKS re <u>64</u> MOTION to Amend/Correct <i>Sentence</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit

		B)(Friedman, Michael) (Entered: 11/19/2021)
11/29/2021	<u>66</u>	REPLY TO OPPOSITION to Motion by TROY ANTHONY SMOCKS re <u>64</u> MOTION to Amend/Correct <i>Sentence</i> (Machado, John) (Entered: 11/29/2021)
12/03/2021	<u>67</u>	JUDGMENT as to TROY ANTHONY SMOCKS. Statement of Reasons Not Included. Signed by Judge Tanya S. Chutkan on 10/22/2021. (zhsj) (Entered: 12/07/2021)
12/03/2021	<u>68</u>	STATEMENT OF REASONS as to TROY ANTHONY SMOCKS re <u>67</u> Judgment Access to the PDF Document is restricted per Judicial Conference Policy. Access is limited to Counsel of Record and the Court. Signed by Judge Tanya S. Chutkan on 10/22/2021. (zhsj) (Entered: 12/07/2021)
12/20/2021	<u>69</u>	MEMORANDUM OPINION as to TROY ANTHONY SMOCKS. Signed by Judge Tanya S. Chutkan on 12/20/2021. (tb) (Entered: 12/20/2021)
12/20/2021	<u>70</u>	ORDER as to TROY ANTHONY SMOCKS: For the reasons stated in the accompanying Memorandum Opinion (ECF No. 69), Defendants Motion to Amend/Correct Sentence (ECF No. 64), is hereby DENIED. Signed by Judge Tanya S. Chutkan on 12/20/2021. (tb) (Entered: 12/20/2021)
09/09/2022	<u>72</u>	ORDER: Granting <u>71</u> Probation Petition as to TROY ANTHONY SMOCKS (1) to issue a summons and schedule a status hearing. Signed by Judge Tanya S. Chutkan on 09/07/2022. (tb) (Entered: 09/09/2022)
09/13/2022		Set/Reset Hearings as to TROY ANTHONY SMOCKS: Hearing on Violation set for 10/4/2022 at 12:30 PM in Telephonic/VTC before Judge Tanya S. Chutkan. (tb) (Entered: 09/13/2022)
09/24/2022		MINUTE ORDER as to (1) TROY ANTHONY SMOCKS: The court hereby reschedules the hearing re: <u>71</u> <i>Order on Probation Petition</i> for October 5, 2022 at 12:00 PM . Signed by Judge Tanya S. Chutkan on 9/24/2022. (lcac) (Entered: 09/24/2022)
09/29/2022		Set/Reset Hearings as to TROY ANTHONY SMOCKS: Revocation Hearing set for 10/5/2022 at 12:00 PM in Telephonic/VTC before Judge Tanya S. Chutkan. (tb) (Entered: 09/29/2022)
10/04/2022	<u>73</u>	NOTICE of Filing by TROY ANTHONY SMOCKS (Attachments: # <u>1</u> Amended Emergency Petition)(Machado, John) (Entered: 10/04/2022)
10/05/2022		MINUTE ORDER: As discussed during the October 5, 2022 hearing, Defendant shall file any motion related to his <u>73</u> Notice of Filing by October 14, 2022. The government shall respond by October 21, 2022. The court will then hold a hearing on October 25, 2022 at 2:30 PM via video teleconference. SO ORDERED by Judge Tanya S. Chutkan on 10/05/22. (zbt) (Entered: 10/05/2022)
10/05/2022		Minute Entry: Revocation Hearing as to TROY ANTHONY SMOCKS held on 10/5/2022 before Judge Tanya S. Chutkan: Parties discussed posture of case. Revocation Hearing continued to 10/25/2022 at 02:30 PM in Telephonic/VTC before Judge Tanya S. Chutkan. Defendant remains on supervised release. Court Reporter: Bryan Wayne; Defense Attorney: John Machado; US Attorney: Michael Friedman; Probation: Sean Stallman and Austin Labudda (TX Division). (tb) (Entered: 10/05/2022)

10/17/2022	<u>74</u>		MOTION for Leave to File <i>Objection to Probation Petition</i> by TROY ANTHONY SMOCKS. (Attachments: # <u>1</u> Text of Proposed Order)(Machado, John) (Entered: 10/17/2022)
10/17/2022	<u>75</u>		Memorandum in Opposition by TROY ANTHONY SMOCKS re <u>71</u> Probation Petition (Machado, John) (Entered: 10/17/2022)
10/18/2022			MINUTE ORDER: Defendant's <u>74</u> Motion for Leave to File is GRANTED. The government's response to Defendant's <u>75</u> Objection to Probation Petition shall be due October 26, 2022. The hearing scheduled for October 25, 2022 is hereby VACATED. The courtroom deputy will contact the parties to reschedule the hearing. SO ORDERED by Judge Tanya S. Chutkan on 10/18/2022. (tb) (Entered: 10/18/2022)
10/18/2022			Set/Reset Deadlines as to TROY ANTHONY SMOCKS: Response due by 10/26/2022. (tb) (Entered: 10/18/2022)
10/26/2022			Set/Reset Hearings as to TROY ANTHONY SMOCKS:Revocation Hearing set for 11/2/2022 at 10:00 AM in Telephonic/VTC before Judge Tanya S. Chutkan. (tb) (Entered: 10/26/2022)
10/26/2022	<u>76</u>		RESPONSE by USA as to TROY ANTHONY SMOCKS (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Friedman, Michael) (Entered: 10/26/2022)
11/07/2022	<u>77</u>		ORDER: Defendant's conditions of supervised release are MODIFIED for the reasons stated at the hearing held on November 2, 2022. See order for further details. Signed by Judge Tanya S. Chutkan on 11/02/22. (tb) (Entered: 11/07/2022)
11/07/2022	<u>78</u>		NOTICE OF APPEAL – Final Judgment by TROY ANTHONY SMOCKS re <u>77</u> Order. Fee Status: No Fee Paid. Parties have been notified. (Machado, John) (Entered: 11/07/2022)

United States District Court for the District of Columbia

UNITED STATES OF AMERICA)
 vs.) Criminal No. 21CR198(TSC)
Troy Anthony Smocks)

NOTICE OF APPEAL

Name and address of appellant: Troy Anthony Smocks
 1240 West Trinity Mills Road #313
 Carrollton, TX 75006

Name and address of appellant's attorney: John L. Machado, Esq.
 Law Office of John Machado
 503 D Street, NW Suite 310
 Washington, DC 20001

Offense: 18 U.S.C. § 875(c), Threats Via Interstate Communications

Concise statement of judgment or order, giving date, and any sentence:

Order modifying terms of Supervised Release Issued on
 November 2, 2022 (Dkt. 77). Original Judgment issued 12/3/21.

Name and institution where now confined, if not on bail: N/A

I, the above named appellant, hereby appeal to the United States Court of Appeals for the District of Columbia Circuit from the above-stated judgment.

11/7/22 /s/ Troy Antony Smocks

 DATE APPELLANT
 /s/ John L. Machado

 ATTORNEY FOR APPELLANT

GOVT. APPEAL, NO FEE
 CJA, NO FEE
 PAID USDC FEE
 PAID USCA FEE

Does counsel wish to appear on appeal? YES NO
 Has counsel ordered transcripts? YES NO
 Is this appeal pursuant to the 1984 Sentencing Reform Act? YES NO

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

)	
UNITED STATES OF AMERICA,)	
)	
)	
v.)	Criminal No. 21-cr-198 (TSC)
)	
TROY ANTHONY SMOCKS,)	
)	
)	
Defendant.)	
)	

ORDER

For the reasons stated at the hearing held on November 2, 2022, Mr. Smocks’s conditions of supervised release are MODIFIED as follows:

1. You must allow the probation officer to install computer monitoring software on any computer (as defined in 18 U.S.C. § 1030(e)(1)) you use.
2. Computer Search - You must submit your computers (as defined in 18 U.S.C. § 1030(e)(1)) or other electronic communications or data storage devices or media, to a search. You must warn any other people who use these computers or devices capable of accessing the Internet that the devices may be subject to searches pursuant to this condition. A probation officer may conduct a search pursuant to this condition only when reasonable suspicion exists that there is a violation of a condition of supervision and that the computer or device contains evidence of this violation. Any search will be conducted at a reasonable time and in a reasonable manner.

In addition, for the reasons stated at the hearing held on November 2, 2022, Mr. Smocks's oral Motion to Stay this Order pending appeal is DENIED.

Date: November 2, 2022

Tanya S. Chutkan
TANYA S. CHUTKAN
United States District Judge

UNITED STATES DISTRICT COURT

District of Columbia

UNITED STATES OF AMERICA

v.

TROY ANTHONY SMOCKS
aka KENNETH HARRIS; TONY SANDERS;
VINCENT SHELTON and TROY PEREZ

JUDGMENT IN A CRIMINAL CASE

Case Number: 21-198 (TSC)

USM Number: 05582-041

John Machado
Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) 1 of the Indictment filed on March 9, 2021.

pleaded nolo contendere to count(s) _____
which was accepted by the court.

was found guilty on count(s) _____
after a plea of not guilty.

FILED

DEC - 3 2021

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:875(c)	Threats in Interstate Communications.	1/6/2021	1

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

Count(s) Count Two (2) is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

10/21/2021

Date of Imposition of Judgment

Signature of Judge

Tanya S. Chutkan

U.S. District Judge

Name and Title of Judge

Date

10/22/2021

DEFENDANT: TROY ANTHONY SMOCKS aka KENNETH HARF
CASE NUMBER: 21-198 (TSC)

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

FOURTEEN (14) MONTHS ON COUNT ONE (1)

The court makes the following recommendations to the Bureau of Prisons:

That the defendant be incarcerated at a Bureau of Prisons' facility located in Dallas, TX.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: TROY ANTHONY SMOCKS aka KENNETH HARF
CASE NUMBER: 21-198 (TSC)

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

THIRTY-SIX (36) MONTHS ON COUNT ONE (1).

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: TROY ANTHONY SMOCKS aka KENNETH HARF
CASE NUMBER: 21-198 (TSC)

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: TROY ANTHONY SMOCKS aka KENNETH HARF
CASE NUMBER: 21-198 (TSC)

ADDITIONAL SUPERVISED RELEASE TERMS

1. To ensure compliance with the computer monitoring condition, the defendant must allow the probation officer to conduct initial and periodic unannounced searches of any computers (as defined in 18 U.S.C. § 1030(e)(1)) subject to computer monitoring. These searches shall be conducted to determine whether the computer contains any prohibited data prior to installation of the monitoring software, whether the monitoring software is functioning effectively after its installation, and whether there have been attempts to circumvent the monitoring software after its installation. The defendant must warn any other people who use these computers that the computers may be subject to searches pursuant to this condition.

The Probation Office shall release the presentence investigation report to all appropriate agencies, which includes the United States Probation Office in the approved district of residence, in order to execute the sentence of the Court. Treatment agencies shall return the presentence report to the Probation Office upon the defendant's completion or termination from treatment.

DEFENDANT: TROY ANTHONY SMOCKS aka KENNETH HARF
CASE NUMBER: 21-198 (TSC)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 100.00	\$	\$	\$	\$

The determination of restitution is deferred until _____, An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$	<u>0.00</u>	\$	<u>0.00</u>
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Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: TROY ANTHONY SMOCKS aka KENNETH HARR
CASE NUMBER: 21-198 (TSC)

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payment of \$ 100.00 due immediately, balance due
 - not later than _____, or
 - in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

The financial obligations are immediately payable to the Clerk of the Court for the US District Court, 333 Constitution Ave NW, Washington, DC 20001. Within 30 days of any change of address, the defendant shall notify the Clerk of the Court of the change until such time as the financial obligation is paid.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
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- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.