

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
DONALD SMITH

) Case: 1:21-mj-00548
) Assigned To : Meriweather, Robin M.
) Assign. Date : 7/28/2021
) 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) DONALD SMITH
who is accused of an offense or violation based on the following document filed with the court:

- Indictment
Superseding Indictment
Information
Superseding Information
[X] 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. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;
18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds;
40 U.S.C. § 5104(e)(2)(D) - Violent Entry and Disorderly Conduct on Capitol Grounds;
40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building.

Date: 07/28/2021
Issuing officer's signature: [Signature] 2021.07.28 14:19:11 -04'00'

City and state: Washington, D.C.
Printed name and title: Robin M. Meriweather, U.S. Magistrate Judge

Return
This warrant was received on (date) 07/28/2021, and the person was arrested on (date) 07/29/2021
at (city and state) Lindenwold, NJ
Date: 07/30/2021
Arresting officer's signature: [Signature]
Printed name and title: Nicole Conales Special Agent

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

DONALD SMITH

DOB: XXXXXX

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)

Case: 1:21-mj-00548

Assigned To : Meriweather, Robin M.

Assign. Date : 7/28/2021

Description: COMPLAINT W/ ARREST WARRANT

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of in the District of Columbia, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority,

18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds,

40 U.S.C. § 5104(e)(2)(D) - Violent Entry and Disorderly Conduct on Capitol Grounds,

40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building.

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Nicole Canales
Complainant's signature

Nicole Canales, Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 07/28/2021

2021.07.28 14:18:49 -04'00'

Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge
Printed name and title

## STATEMENT OF FACTS

Your affiant, Nicole Canales, is a Special Agent with the Federal Bureau of Investigation ("FBI"), currently assigned to the Philadelphia Division South Jersey Resident Agency. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, and prosecution of violations of Federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the U.S. Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.



*Evidence Linking DONALD SMITH to Assault on the U.S. Capitol*

On or about January 9, 2021, an anonymous online tip was submitted to the FBI National Threat Operations Center via tips.fbi.gov. The tip stated the following: "Donald smith of NJ who works at lawnside UPS was part of the group that stormed the capital building this week. He has videos on his phone and was bragging about it at work."

On or about January 12, 2021, the FBI received a tip from an individual known to law enforcement ("Witness-1") via the online portal located at <http://www.fbi.gov/USCapitol>. The tip from Witness-1 stated the following: "I work with a man who showed up with pictures and video of him and others storming the white house. He says he was in Nancy Pelosi's office and that it was the best day of his life. I do not condone these actions and would like to report him. His name is Donald Smith and we work at UPS in Lawnside NJ. I have a picture of him. Thank you in advance for your help." The photograph provided by Witness-1 is shown below.



On or about January 13, 2021, the FBI received a tip from another individual known to law enforcement ("Witness-2") via the online portal located at <http://www.fbi.gov/USCapitol>. The tip from Witness-2 stated the following: "This mans name is Donald Smith work at UPS Lawnside NJ." Witness-2 provided the photograph below, which appears to be a photo of a television showing news coverage of the January 6, 2021, riot at the Capitol Building.<sup>1</sup>



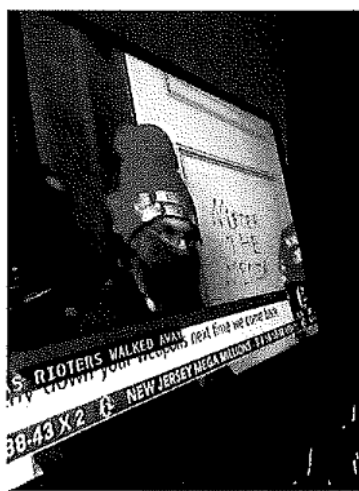
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<sup>1</sup> Law enforcement attempted to interview Witness-2 but has not been able to speak with Witness-2.

A search of the New Jersey Department of Motor Vehicles (“DMV”) for Donald Smith yielded numerous Donald Smith’s throughout the State of New Jersey. A search of the New Jersey Department of Labor and Workforce Development yielded one Donald Smith employed by the United Parcel Service (“UPS”). The FBI obtained DMV records specifically for a driver’s license photograph of the Donald Smith employed by UPS. Your affiant compared the photograph provided by Witness-1 to the driver’s license photograph. The photograph provided by Witness-1 appears consistent with the individual in the DMV photograph of Donald Smith (“DONALD SMITH”).

On or about May 12, 2021, your affiant conducted an in-person interview with Witness-1 who works with DONALD SMITH at UPS. Witness-1 provided your affiant with DONALD SMITH’s cell phone number. Witness-1 stated that DONALD SMITH was not at work on January 6, 2021. According to Witness-1, when DONALD SMITH returned to work on January 7, 2021, he gloated about being at the U.S. Capitol on January 6, 2021, and being in House Speaker Nancy Pelosi’s office. Witness-1 also stated that DONALD SMITH showed photographs from the U.S. Capitol to his colleagues.

On or about May 14, 2021, your affiant conducted an in-person interview with another UPS employee (“Witness-3”) who works with DONALD SMITH. Witness-3 told your affiant that DONALD SMITH was not at work on January 6, 2021. Witness-3 stated that when DONALD SMITH returned to work on January 7, 2021, he was asked if he stormed the Capitol Building. According to Witness-3, DONALD SMITH replied that he did. Additionally, Witness-3 stated that DONALD SMITH claimed that he had a great time and was in House Speaker Nancy Pelosi’s office. According to Witness-3, in the days after January 6, 2021, another UPS employee (“Witness-4”) saw DONALD SMITH on television news coverage of the January 6, 2021, riot and took photographs of their television. Witness-4 shared the photos with other employees, including Witness-3.<sup>2</sup> According to Witness-3, the employees, including Witness-3, recognized DONALD SMITH in the photos based on a gray scarf he regularly wore to work. Witness-3 provided the photos to your affiant. Two of the photos provided by Witness-3 are shown below. The words “MURDER THE MEDIA” are written on the door that DONALD SMITH is walking past.



<sup>2</sup> Law enforcement has not yet interviewed Witness-4.



In the course of your affiant's investigation, your affiant has reviewed surveillance video from the CCTV of the U.S. Capitol Building on January 6, 2021. When reviewing the video from a camera located on the exterior of the Memorial Door, your affiant observed DONALD SMITH, wearing what appears to be the same red wool cap and scarf as in the photos above, walking through the Memorial Door at approximately 3:33 p.m. There appears to be writing on the Memorial Door in the same location as the "MURDER THE MEDIA" writing that is seen in the photos above provided by Witness-3. A screenshot of the video is shown below. DONALD SMITH is circled in red.



Your affiant also reviewed surveillance video taken by a camera located on the interior of the Memorial Door, which shows DONALD SMITH, wearing a backpack and the same red wool cap as shown above, exiting through Memorial Door. A screenshot of the video is shown below. DONALD SMITH is circled in red.

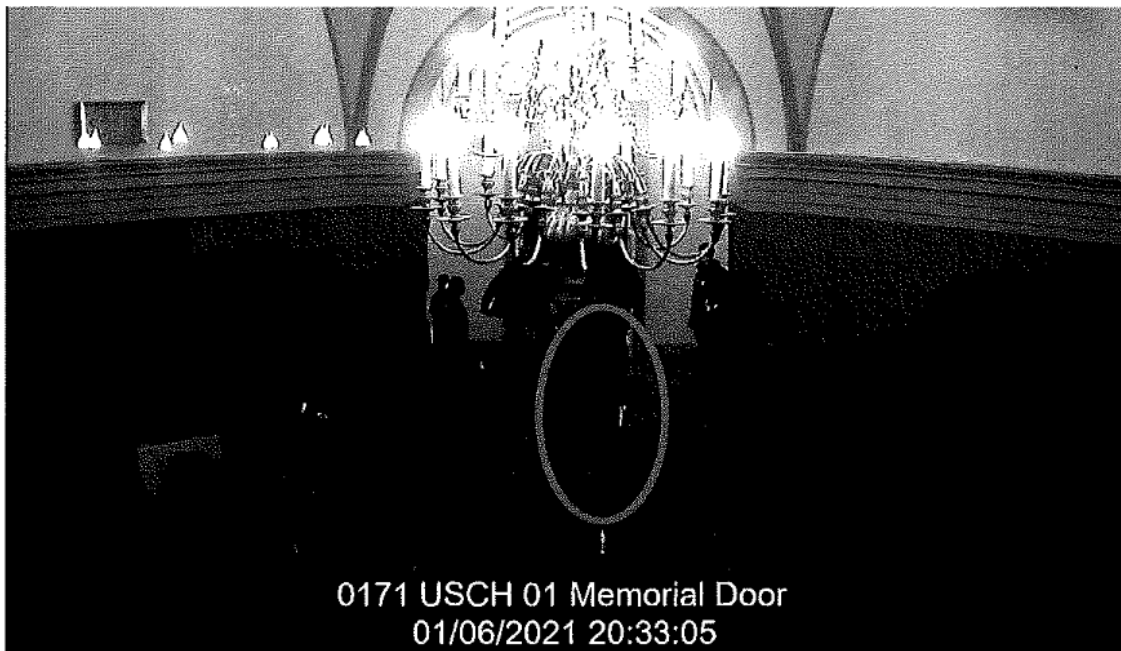
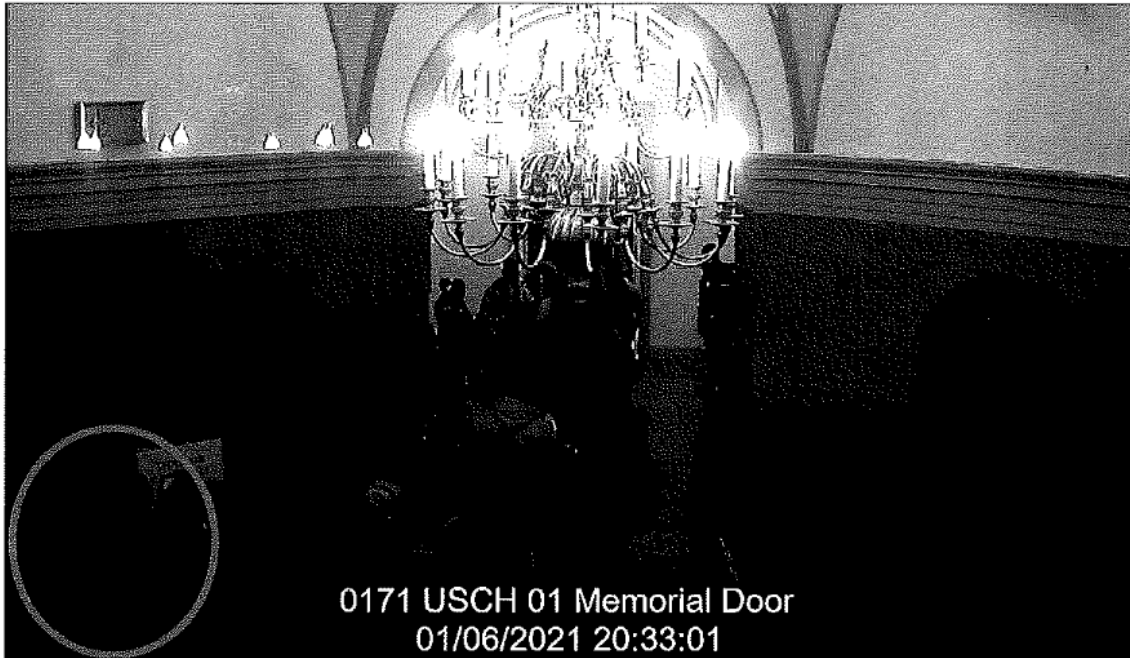


Your affiant also reviewed surveillance video recorded by a security camera near the interior of the House Wing Door. Your affiant observed DONALD SMITH walking through the hallway near the House Wing Door at approximately 3:02 p.m. He is observed wearing the same red wool cap, face covering, and backpack as in the photos above. Screenshots of the video are shown below. DONALD SMITH is circled in red.

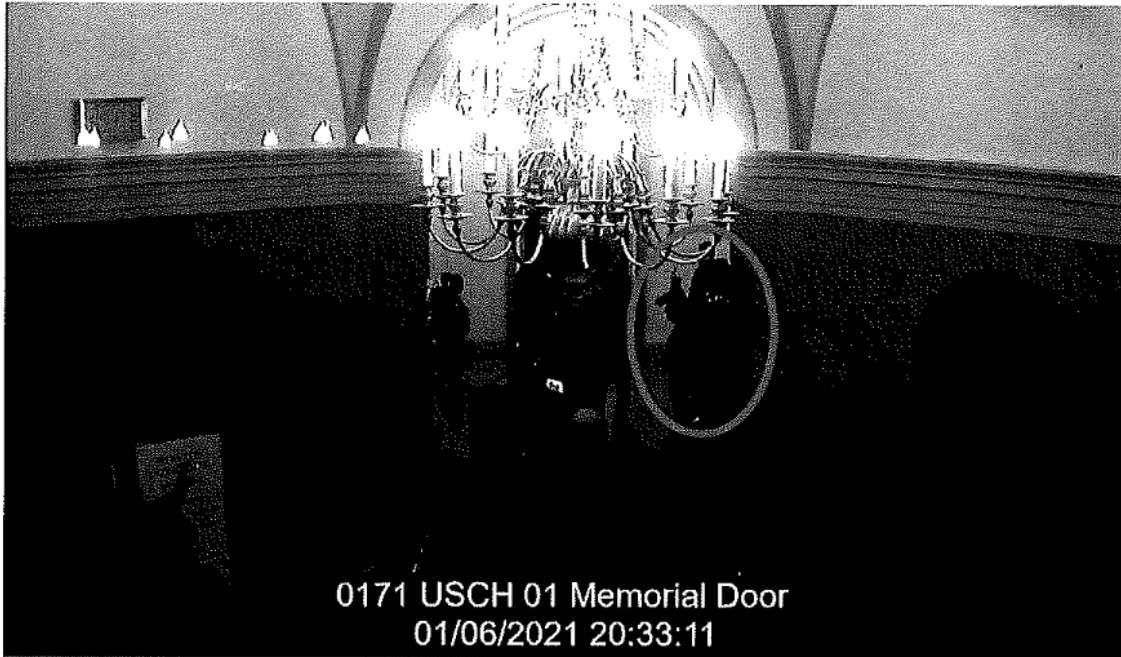




Your affiant reviewed additional surveillance video recorded from another camera located near the interior of the Memorial Door. In that video, at approximately 3:33 p.m., DONALD SMITH is seen walking through the Capitol Building wearing the same red wool cap and carrying the same backpack as the screengrabs above. At one point in the video, he appears to hold up his cell phone. He then appears to head towards the exit of the Capitol Building. Screenshots of the video are shown below. DONALD SMITH is circled in red.







In the course of my investigation, your affiant obtained a search warrant, which was served on T-Mobile US, Inc., for the records associated with the cell phone number of DONALD SMITH, which was provided to the FBI by Witness-1. Based on records received from T-Mobile, the phone number is subscribed by DONALD SMITH with the same date of birth and social security number as the DONALD SMITH identified through the information obtained from the DMV.

Additionally, your affiant reviewed the data session records for DONALD SMITH's phone number. The records show that on the morning of January 6, 2021, at approximately 6:53 a.m., DONALD SMITH's cell phone was located in Lindenwold, New Jersey. Throughout the morning the cell phone moved south from Lindenwold, New Jersey, to Carney's Point, New Jersey, to Newark, Delaware, to Aberdeen, Maryland, to Baltimore, Maryland, to Silver Spring, Maryland, ultimately arrived in Washington, D.C. at approximately 10:08 a.m.

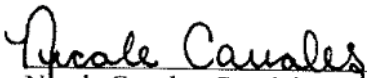
A review of the data sessions on January 6, 2021, from approximately 10:08 a.m. through approximately 6:24 p.m., DONALD SMITH's cell phone was in Washington, D.C. At approximately 6:24 p.m., DONALD SMITH's cell phone travels north from Washington, D.C. to Silver Spring, Maryland, to Baltimore, Maryland, to Aberdeen, Maryland, to Newark, Delaware, to Carney's Point, New Jersey, ultimately arriving in Lindenwold, New Jersey at approximately 9:08 p.m.

Based on the aforementioned evidence, there is probable cause to believe that DONALD SMITH was present inside the U.S. Capitol building during the riot and related offenses that occurred at the U.S. Capitol building, located at 1 First Street, NW, Washington, D.C. 20510 on January 6, 2021 and participated in the obstruction of the Congressional proceedings.


Accordingly, your affiant also submits that there is probable cause to believe that DONALD SMITH violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.



Your affiant submits there is also probable cause to believe that DONALD SMITH violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

  
Nicole Canales, Special Agent  
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 28th day of July 2021.

 2021.07.28  
14:19:37 -04'00'

ROBIN M MERIWEATHER  
U.S. MAGISTRATE JUDGE

# UNITED STATES DISTRICT COURT

for the

District of New Jersey of New Jersey

United States of America

v.  
Donald Smith

Defendant

Case No. 21-mj-4010(MJS)

Charging District's Case No. 1:21-mj-548

## 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.~~
- 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
  - 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: 07/29/2021

Defendant's signature

Signature of defendant's attorney

Richard Coughlin  
Printed name of defendant's attorney



UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY  
OFFICE OF THE CLERK  
M. L. KING JR. FEDERAL BLDG. & U.S. COURTHOUSE  
50 WALNUT STREET, P.O. BOX 419  
NEWARK, NJ 07101-0419  
(973) 645-3730

CAMDEN OFFICE  
ONE JOHN F. GERRY PLAZA  
FOURTH & COOPER STREETS  
CAMDEN, NJ 08101

TRENTON OFFICE  
402 EAST STATE STREET  
Room 2020  
TRENTON, NJ 08608



William T. Walsh  
Clerk

REPLY TO: Camden

July 29, 2021

United States District Court for the District of Columbia  
333 Constitution Avenue N.W.  
Washington, D.C. 20001

**Re: U.S.A. -v- Donald Smith**  
**Our Docket No. 21-mj-4010 (MJS)**  
**Your Docket No. 1:21-mj-548**

Dear Clerk:

Please be advised that an Initial Appearance was held in the above-captioned case pursuant to Rule 5 of the Federal Rules of Criminal Procedure. You can obtain the original record by accessing CM/ECF through PACER. Kindly acknowledge receipt on the duplicate of this letter, which is provided for your convenience.

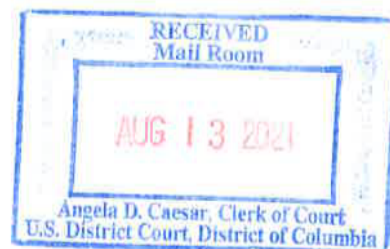
Sincerely,

WILLIAM T. WALSH, Clerk

By: \_\_\_\_\_ s/Sarah Eckert \_\_\_\_\_  
Deputy Clerk

RECEIPT ACKNOWLEDGED BY: \_\_\_\_\_

DATE: \_\_\_\_\_



## Instructions for Retrieving Electronic Case Files

1. Access the CM/ECF website for the District of New Jersey at <https://ecf.njd.uscourts.gov>
2. Click on: [Link to Electronic Filing System \(Live\)](#)
3. At the ECF/PACER Login Screen, enter your Court=s PACER Login and Password
4. On the CM/ECF toolbar, choose:

- \$ Reports
- \$ Docket Sheet
- \$ Enter Case Number in the following format: **[06mj1234]**
- \$ Run Report

< To view a document from the docket sheet, click on the blue Aunderlined@ document number;

< To download, click on File, Save a Copy and save to your specific directory;

< If the document does not have an underlined document number, it is either:

- \$ A text only entry and no document is attached, or

- \$ An entry made prior to electronic case filing and the original is enclosed, or

- \$ The document included an attachment too large for the electronic case filing system and is enclosed.

If you have any questions, our ECF help-desk telephone numbers are as follows:

- < Camden - 866-726-0726 or 856-757-5285
- < Newark - 866-208-1405 or 973-645-5924
- < Trenton - 866-848-6059 or 609-989-2004



UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY  
OFFICE OF THE CLERK  
M. L. KING JR. FEDERAL BLDG. & U.S. COURTHOUSE  
50 WALNUT STREET, P.O. BOX 419  
NEWARK, NJ 07101-0419  
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TRENTON OFFICE  
402 EAST STATE STREET  
Room 2020  
TRENTON, NJ 08608



William T. Walsh  
Clerk

REPLY TO: Camden

July 29, 2021

United States District Court for the District of Columbia  
333 Constitution Avenue N.W.  
Washington, D.C. 20001

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**Our Docket No. 21-mj-4010 (MJS)**  
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Dear Clerk:

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Sincerely,

WILLIAM T. WALSH, Clerk

By:           s/Sarah Eckert            
Deputy Clerk

RECEIPT ACKNOWLEDGED BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

UNITED STATES DISTRICT COURT

District of NEW JERSEY

UNITED STATES OF AMERICA
V.

APPEARANCE BOND

DONALD SMITH

Defendant

Case Number: 21-MJ-4010(MJS)

Non-surety: I, the undersigned defendant acknowledge that I and my ...

Surety: We, the undersigned, jointly and severally acknowledge that we and our ...

personal representatives, jointly and severally, are bound to pay to the United States of America the sum of \$ 100,000 UNSECURED

The conditions of this bond are that the defendant DONALD SMITH

(Name)

is to appear before this court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of defendant's release as may be ordered or notified by this court or any other United States District Court to which the defendant may be held to answer or the cause transferred. The defendant is to abide by any judgment entered in such matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment.

It is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which shall continue until such time as the undersigned are exonerated.

If the defendant appears as ordered or notified and otherwise obeys and performs the foregoing conditions of this bond, then this bond is to be void, but if the defendant fails to obey or perform any of these conditions, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any United States District Court having cognizance of the above entitled matter at the time of such breach and if the bond is forfeited and if the forfeiture is not set aside or remitted, judgment, may be entered upon motion in such United States District Court against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States.

This bond is signed on 7/29/2021 at Camden, New Jersey
Date Place

Defendant DONALD SMITH Address LINDENWOLD, NEW JERSEY

Surety Address

Surety Address

Signed and acknowledged before me on 7/29/2021 Date

WILLIAM T. WALSH, CLERK

Sarah Eckert, Deputy Clerk

Approved Judicial Officer



UNITED STATES DISTRICT COURT  
for the  
District of New Jersey

United States of America

v.

DONALD SMITH

*Defendant*

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)  
)  
)  
)

Case No. 21-MJ-4010(MJS)

**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 cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.
- (3) 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.
- (4) 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: U.S. District Court for the District of Columbia, virtually  
*Place*

on August 5, 2021 at 1:00 p.m.  
*Date and Time*

If blank, defendant will be notified of next appearance.

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

Unsecured Appearance Bond in the amount of \$100,000.00.

**ADDITIONAL CONDITIONS OF RELEASE**

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

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

(6) 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*

- (7) The defendant must:
  - (a) submit to supervision by and report for supervision to the U.S. Pretrial Services as directed, telephone number \_\_\_\_\_, no later than \_\_\_\_\_.
  - (b) continue or actively seek employment.
  - (c) continue or start an education program.
  - (d) surrender any passport to: U.S. Pretrial Services.
  - (e) not obtain a passport or other international travel document.
  - (f) abide by the following restrictions on personal association, residence, or travel: The defendant's travel is restricted to the District of New Jersey, District of Columbia (for court purposes only) unless otherwise approved by Pretrial Services.
  - (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: or mental health testing and treatment as deemed necessary by U.S. Pretrial Services.
  - (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.
  - (k) not possess a firearm, destructive device, or other weapon.
  - (l) not use alcohol (  ) at all (  ) excessively.
  - (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.
  - (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.
  - (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
    - (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; or
    - (iv) **Stand Alone Monitoring.** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.  
 Note: Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.

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**ADDITIONAL CONDITIONS OF RELEASE**

- (q) submit to the following location monitoring technology and comply with its requirements as directed:
- (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
  - (ii) Voice Recognition; or
  - (iii) Radio Frequency; or
  - (iv) GPS.
- (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.
- (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- (t) Report to District of Columbia for all future court proceedings as directed.
-



**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.

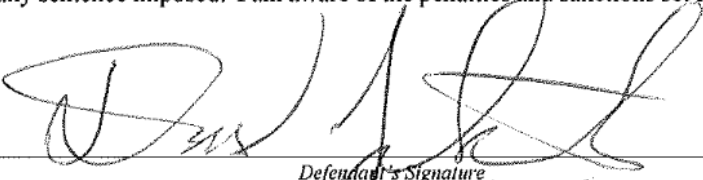
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (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**

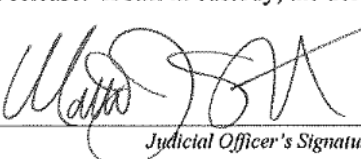
I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

  
 \_\_\_\_\_  
*Defendant's Signature*  
 \_\_\_\_\_  
 Underwood NJ  
 \_\_\_\_\_  
*City and State*

**Directions to the United States Marshal**

- ( ) 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: 7/29/2021

  
 \_\_\_\_\_  
*Judicial Officer's Signature*  
 \_\_\_\_\_  
 Hon. Matthew J. Skahill, U.S.M.J.  
 \_\_\_\_\_  
*Printed name and title*

**U.S. District Court**  
**District of New Jersey [LIVE] (Camden)**  
**CRIMINAL DOCKET FOR CASE #: 1:21-mj-04010-MJS-1**

Case title: USA v. SMITH

Date Filed: 07/29/2021

Date Terminated: 07/29/2021

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Assigned to: Magistrate Judge Matthew J.  
Skahill

**Defendant (1)**

**DONALD SMITH**  
*TERMINATED: 07/29/2021*

represented by **RICHARD COUGHLIN**  
OFFICE OF THE FEDERAL PUBLIC  
DEFENDER  
800 - 840 COOPER STREET  
SUITE 350  
CAMDEN, NJ 08102  
(856) 757-5341  
Email: richard\_coughlin@fd.org  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Public Defender or*  
*Community Defender Appointment*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

18:1752(a)(1) - KNOWINGLY ENTERING  
OR REMAINING IN ANY RESTRICTED  
BUILDING OR GROUNDS; 18:1752(a)(2)

**Disposition**

- DISORDERLY AND DISRUPTIVE  
CONDUCT IN A RESTRICTED  
BUILDING OR GROUNDS; 40:5104(e)(2)  
(D) - VIOLENT ENTRY AND  
DISORDERLY CONDUCT ON CAPITOL  
GROUNDS; 40:5104(e)(2)(G) -  
PARADING, DEMONSTRATING, OR  
PICKETING IN A CAPITOL BUILDING

## **Plaintiff**

**USA**

represented by **JASON M. RICHARDSON**  
OFFICE OF THE U.S. ATTORNEY  
CAMDEN FEDERAL BUILDING  
401 MARKET STREET  
P.O. BOX 1427  
CAMDEN, NJ 08101  
(856) 757-5026  
Email: jason.richardson@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Assistant US Attorney*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
07/29/2021		Arrest (Rule 5) of DONALD SMITH (se, ) (Entered: 08/09/2021)
07/29/2021	<a href="#">1</a>	Rule 5 Documents Received as to DONALD SMITH (se, ) (Entered: 08/09/2021)
07/29/2021	<a href="#">2</a>	Minute Entry for proceedings held before Magistrate Judge Matthew J. Skahill: Initial Appearance in Rule 5 Proceedings as to DONALD SMITH held on 7/29/2021. Attorney Appointment Hearing as to DONALD SMITH held on 7/29/2021. R. Coughlin, FPD appointed as counsel for defendant. Detention Hearing as to DONALD SMITH held on 7/29/2021. Ordered government's application to have bail set at \$100,000 unsecured bond with conditions is GRANTED. Order Setting Conditions of Release to be entered. Ordered defendant to appear virtually in the District of Columbia on 8/5/2021 at 1:00 p.m. Ordered defendant released after processing. (Court Reporter/Recorder ECR.) (se, ) (Entered: 08/09/2021)
07/29/2021	<a href="#">4</a>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to DONALD SMITH. RICHARD COUGHLIN for DONALD SMITH appointed. Signed by Magistrate Judge Matthew J. Skahill on 7/29/2021. (se, ) (Entered: 08/09/2021)
07/29/2021	<a href="#">5</a>	ORDER RE: Rule 5(f). Signed by Magistrate Judge Matthew J. Skahill on 7/29/2021. (se, ) (Entered: 08/09/2021)
07/29/2021	<a href="#">6</a>	WAIVER of Rule 5 Hearings by DONALD SMITH (se, ) (Entered: 08/09/2021)
07/29/2021	<a href="#">7</a>	ORDER Setting Conditions of Release as to DONALD SMITH (1) 100,000 unsecured with conditions (Finance notified). Signed by Magistrate Judge Matthew J. Skahill on 7/29/2021. (se, ) (Entered: 08/09/2021)
07/29/2021	<a href="#">8</a>	UNSECURED APPEARANCE BOND Entered as to DONALD SMITH in amount of \$ 100,000. (se, ) (Entered: 08/09/2021)
07/29/2021	<a href="#">9</a>	Rule 5 Letter sent to the U.S.D.C. for the District of Columbia re: DONALD SMITH. (se, )



(Entered: 08/09/2021)