

**U.S. District Court  
District of Columbia (Washington, DC)  
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00616-RCL-1**

Case title: USA v. SMITH

Date Filed: 10/06/2021

Magistrate judge case number: 1:21-mj-00548-RMM

Assigned to: Judge Royce C. Lamberth

**Defendant (1)**

**DONALD SMITH**

represented by **Christopher O'Malley**  
FEDERAL PUBLIC DEFENDER'S OFFICE  
800-840 Cooper Street, Suite 350  
Camden, NJ 08102  
856-757-5341  
Fax: 856-757-5273  
Email: christopher\_o'malley@fd.org  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Public Defender or Community Defender Appointment*

**Pending Counts**

- 18:1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds (1)
- 18:1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly and Disruptive Conduct in a Restricted Building or Grounds (2)
- 40:5104(e)(2)(D); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Disorderly Conduct in a Capitol Building (3)
- 40:5104(e)(2)(G); VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS; Parading, Demonstrating, or Picketing in a Capitol Building (4)

**Disposition**

**Highest Offense Level (Opening)**

Misdemeanor

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

COMPLAINT in Violation of 18:1752(a)(1), 18:1752(a)(2), 40:5104(e)(2)(D) and 40:5104(e)(2)(G)

**Disposition**

**Plaintiff**

**USA**

represented by **Christopher Amore**  
DOJ-USAO  
District of New Jersey  
970 Broad Street  
Ste 700  
Newark, NJ 07102  
973-645-2757  
Email: christopher.amore@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Assistant U.S. Attorney*

| Date Filed | #                 | Docket Text   |
|------------|-------------------|---|
| 07/28/2021 | <a href="#">1</a> | SEALED COMPLAINT as to DONALD SMITH (1). (Attachments: # <a href="#">1</a> Statement of Facts) (zstd) [1:21-mj-00548-RMM] (Entered: 07/28/2021)   |
| 07/28/2021 | <a href="#">2</a> | MOTION to Seal Case by USA as to DONALD SMITH. (Attachments: # <a href="#">1</a> Text of Proposed Order)(zstd) [1:21-mj-00548-RMM] (Entered: 07/28/2021)  |
| 07/28/2021 | <a href="#">4</a> | ORDER granting <a href="#">2</a> Motion to Seal Case as to DONALD SMITH (1). Signed by Magistrate Judge Robin M. Meriweather on 7/28/2021. (zstd) [1:21-mj-00548-RMM] (Entered: 07/28/2021)   |
| 07/29/2021 | <a href="#">5</a> | Arrest Warrant Returned Executed on 7/29/2021 in Lindenwold, NJ as to DONALD SMITH. (bb) [1:21-mj-00548-RMM] (Entered: 07/30/2021)  |
| 07/29/2021 |                   | Case unsealed as to DONALD SMITH (bb) [1:21-mj-00548-RMM] (Entered: 07/30/2021)   |
| 07/29/2021 |                   | Arrest of DONALD SMITH in New Jersey. (zstd) [1:21-mj-00548-RMM] (Entered: 07/30/2021)  |
| 08/05/2021 |                   | MINUTE ORDER as to Defendant DONALD SMITH : It is hereby ORDERED that Defendant DONALD SMITH appear for an initial appearance on Thursday, August 5, 2021 at 1:00 p.m. before Magistrate Judge Robin M. Meriweather. The hearing will be conducted by video teleconference; call-in instructions will be provided to counsel prior to the hearing. Counsel for the United States is directed to ensure that counsel for Defendant has received this Order and will provide the information to Defendant. If Defendant does not have counsel, counsel for the United States is directed to contact the Office of the Federal Public Defender for the District of Columbia and provide their office with the information contained in this Order. If the parties have questions about this Order or the scheduled hearing, please contact the Courtroom Deputy at 202-354-3083; So Ordered by Magistrate Judge Robin M. Meriweather on 8/5/2021. (kk) [1:21-mj-00548-RMM] (Entered: 08/05/2021) |
| 08/05/2021 |                   | ORAL MOTION by Defendant DONALD SMITH to Appoint Counsel. (kk) [1:21-mj-00548-RMM] (Entered: 08/09/2021)  |
| 08/05/2021 |                   | JOINT ORAL MOTION by USA and Defendant DONALD SMITH to Exclude Time Under the Speedy Trial Act From 8/5/2021 to 10/7/2021. (kk) [1:21-mj-00548-RMM] (Entered: 08/09/2021)   |

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| 08/09/2021 |                    | JOINT ORAL MOTION by USA and Defendant DONALD SMITH to Exclude Time Under the Speedy Trial Act from 8/9/2021 to 10/17/2021. (kk) [1:21-mj-00548-RMM] (Entered: 08/09/2021)  |
| 08/05/2021 |                    | Minute Entry for Initial Appearance as to DONALD SMITH held by video before Magistrate Judge Robin M. Meriweather on 8/5/2021 : Oral Motion by Defendant to Appoint Counsel, heard and granted. Camden, New Jersey Assistant Federal Public Defender Christopher O'Malley appointed to represent DONALD SMITH. The defendant agrees to appear by video. The Court advised the Government of its Rule 5(f) due process obligations. Preliminary Hearing/Status Hearing set for 10/7/2021 at 1:00 PM before Magistrate Judge G. Michael Harvey by telephonic/VTC. The defendant waives additional time to hold the preliminary hearing. Joint Oral Motion by USA and the Defendant to Exclude Time Under the Speedy Trial Act from 8/5/2021 to 10/7/2021, heard and granted in the interest of justice. Bond Status of Defendant: Defendant placed on Personal Recognizance Bond. Court Reporter: FTR Gold - Ctrm. 7; FTR Time Frames: 1:35:51 - 1:50:55 and 1:51:18 - 1:58:58. Defense Attorney: Camden, New Jersey AFD Christopher O'Malley; U.S. Attorney: Kelly Smith for Christopher Amore; Pretrial Officer: Da'Shanta Valentine-Lewis. (kk) Modified on 8/9/2021 (kk). [1:21-mj-00548-RMM] (Entered: 08/09/2021) |
| 08/05/2021 | <a href="#">8</a>  | ORDER Setting Conditions of Bond : Defendant DONALD SMITH placed on Personal Recognizance Bond, signed by Magistrate Judge Robin M. Meriweather on 8/6/2021, nunc pro tunc to 8/5/2021. (Attachment: Appearance Bond) (kk) [1:21-mj-00548-RMM] (Entered: 08/10/2021)  |
| 08/13/2021 | <a href="#">9</a>  | NOTICE OF ATTORNEY APPEARANCE: Christopher O'Malley appearing for DONALD SMITH (O'Malley, Christopher) [1:21-mj-00548-RMM] (Entered: 08/13/2021)  |
| 09/16/2021 | <a href="#">10</a> | Unopposed MOTION for Protective Order by USA as to DONALD SMITH. (Attachments: # <a href="#">1</a> Text of Proposed Order Protective Order)(Amore, Christopher) [1:21-mj-00548-RMM] (Entered: 09/16/2021)   |
| 09/20/2021 | <a href="#">11</a> | PROTECTIVE ORDER setting forth procedures for handling confidential material; allowing designated material to be filed under seal as to DONALD SMITH. Signed by Magistrate Judge Zia M. Faruqi on 9/20/2021. (ztl) [1:21-mj-00548-RMM] (Entered: 09/21/2021)  |
| 10/04/2021 | <a href="#">12</a> | Unopposed MOTION to Continue <i>and to Exclude Time Under the Speedy Trial Act</i> by USA as to DONALD SMITH. (Attachments: # <a href="#">1</a> Text of Proposed Order to Continue and Exclude Time Under the Speedy Trial Act)(Amore, Christopher) [1:21-mj-00548-RMM] (Entered: 10/04/2021)   |
| 10/05/2021 | <a href="#">13</a> | MOTION to Exclude Time Under The Speedy Trial Act by USA as to DONALD SMITH. (See docket entry <a href="#">12</a> to view document). (zstd) [1:21-mj-00548-RMM] (Entered: 10/05/2021)   |
| 10/06/2021 | <a href="#">14</a> | INFORMATION as to DONALD SMITH (1) count(s) 1, 2, 3, 4. (bb) (Entered: 10/07/2021)  |
| 10/14/2021 |                    | MINUTE ORDER as to DONALD SMITH: The parties are to appear for Arraignment set for 10/18/2021 at 12:00 PM by VTC before Judge Royce C. Lamberth. Video connection information will be emailed to the parties. Signed by Judge Royce C. Lamberth on 10/14/21. (lsj) (Entered: 10/14/2021)  |
| 10/14/2021 | <a href="#">16</a> | Unopposed MOTION to Continue <i>and to Exclude Time Under the Speedy Trial Act</i> by USA as to DONALD SMITH. (Attachments: # <a href="#">1</a> Text of Proposed Order to Continue and Exclude Time Under the Speedy Trial Act)(Amore, Christopher) (Entered: 10/14/2021)   |
| 10/14/2021 | <a href="#">19</a> | MOTION to Exclude Time Under the Speedy Trial Act by USA as to DONALD SMITH. (See DE <a href="#">16</a> to view document). (bb) (Entered: 10/20/2021)   |
| 10/15/2021 | <a href="#">17</a> | ORDER granting <a href="#">16</a> Motion to Continue as to DONALD SMITH; The arraignment set for 10/18/2021 is hereby vacated and reset for 12/20/2021 at 12:00 PM by VTC before Judge Royce C. Lamberth. The Court finds it in the interest of justice to toll the speedy trial clock until 12/20/2021. Signed by Judge Royce C. Lamberth on 10/15/2021. (lcrcl2) (Entered: 10/15/2021)  |
| 10/17/2021 |                    | MINUTE ORDER as to DONALD SMITH: The Court's Order continuing this matter <a href="#">17</a> is hereby VACATED and the defendant's arraignment will take place as originally scheduled. Arraignment set for 10/18/2021 at 12:00 PM by VTC before Judge Royce C. Lamberth. Signed by Judge Royce C. Lamberth on 10/17/2021. (lcrcl2) (Entered: 10/17/2021)   |
| 10/18/2021 |                    | Minute Entry for video Arraignment held before Judge Royce C. Lamberth as to DONALD SMITH on 10/18/2021. Defendant arraigned on Counts 1-4. The Court makes a finding that Defendant enters a Plea of Not Guilty on Counts 1-4. Forthcoming Scheduling Order. Bond Status of Defendant: remains on personal recognizance; Court Reporter: Sara Wick; Defense Attorney: Christopher O'Malley; US Attorney: William Dreher (stand-in for Christopher Amore). (lsj) (Entered: 10/18/2021)  |
| 10/20/2021 | <a href="#">20</a> | LEAVE TO FILE DENIED- Non-Negotiable Notice of Acceptance as to DONALD SMITH This document is unavailable as the Court denied its filing. Signed by Judge Royce C. Lamberth on 10/20/2021. (bb) (Entered: 10/21/2021)   |
| 10/20/2021 | <a href="#">21</a> | LEAVE TO FILE DENIED- Notice of and Rescission of attachment a Defense Counsel's Acceptance for Cause as to DONALD SMITH This document is unavailable as the Court denied its filing. Signed by Judge Royce C. Lamberth on 10/20/2021. (bb) (Entered: 10/21/2021)   |
| 10/20/2021 | <a href="#">22</a> | LEAVE TO FILE DENIED- Non-Negotiable Notice of Acceptance as to DONALD SMITH This document is unavailable as the Court denied its filing. Signed by Judge Royce C. Lamberth on 10/20/2021. (bb) (Entered: 10/21/2021)   |
| 10/20/2021 | <a href="#">23</a> | LEAVE TO FILE DENIED- Non-Negotiable Notice of Acceptance as to DONALD SMITH This document is unavailable as the Court denied its filing. Signed by Judge Royce C. Lamberth on 10/20/2021. (bb) (Entered: 10/21/2021)   |
| 10/20/2021 | <a href="#">24</a> | LEAVE TO FILE DENIED- Non-Negotiable Notice of Acceptance as to DONALD SMITH This document is unavailable as the Court denied its filing. Signed by Judge Royce C. Lamberth on 10/20/2021. (bb) (Entered: 10/21/2021)   |
| 10/20/2021 | <a href="#">25</a> | LEAVE TO FILE DENIED- Non-Negotiable Notice of Acceptance as to DONALD SMITH This document is unavailable as the Court denied its filing. Signed by Judge Royce C. Lamberth on 10/20/2021. (bb) (Entered: 10/21/2021)   |
| 10/20/2021 | <a href="#">28</a> | LETTER to the Federal Public Defender by DONALD SMITH. "Let this be filed" by Judge Royce C. Lamberth on 10/21/2021. (bb) (Entered: 10/21/2021)   |
| 10/21/2021 | <a href="#">26</a> | LEAVE TO FILE DENIED- Non-Negotiable Notice of Acceptance as to DONALD SMITH This document is unavailable as the Court denied its filing. Signed by Judge Royce C. Lamberth on 10/21/2021. (bb) (Entered: 10/21/2021)   |
| 10/21/2021 | <a href="#">27</a> | LETTER to the Court by DONALD SMITH. "Let this be filed. All relief requested is DENIED" by Judge Royce C. Lamberth on 10/21/2021. (bb) (Entered: 10/21/2021)   |
| 10/29/2021 | <a href="#">29</a> | NOTICE of Filing of Discovery Status Memos by USA as to DONALD SMITH (Attachments: # <a href="#">1</a> Exhibit 1 - July 12, 2021 Discovery Status Memo, # <a href="#">2</a> Exhibit A to July 12, 2021 Discovery Status Memo, # <a href="#">3</a> Exhibit 2 - Aug. 23, 2021 Discovery Scheduling Order, # <a href="#">4</a> Exhibit 3 - Sept. 14, 2021 Discovery Status Memo)(Amore, Christopher) (Entered: 10/29/2021)   |
| 10/29/2021 | <a href="#">31</a> | LETTER: Notice of Dishonor by DONALD SMITH. "Let this be filed. All relief DENIED" by Judge Royce C. Lamberth on 10/29/2021. (bb) (Entered: 11/05/2021)   |
| 10/29/2021 | <a href="#">32</a> | LETTER RE Notice of Dishonor by DONALD SMITH. "Let this be filed. All relief DENIED" by Judge Royce C. Lamberth on 10/29/2021. (bb) (Entered: 11/05/2021)   |
| 10/29/2021 | <a href="#">33</a> | LETTER RE Notice of Dishonor by DONALD SMITH. "Let this be filed. All relief DENIED" by Judge Royce C. Lamberth on 10/29/2021. (bb) (Entered: 11/05/2021)   |
| 10/29/2021 | <a href="#">34</a> | LETTER RE Notice of Dishonor by DONALD SMITH. "Let this be filed. All relief DENIED" by Judge Royce C. Lamberth on 10/29/2021. (bb) (Entered: 11/05/2021)   |
| 11/02/2021 | <a href="#">30</a> | ORDER as to DONALD SMITH, Defendant's unopposed motion to allow a psychological evaluation in an outpatient setting is granted. Counsel shall inform the Court concerning the results of the evaluation by 12/10/2021. Arraignment and status conference set for 12/20/2021 at 12:00 PM by VTC before Judge Royce C. Lamberth. Speedy Trial Clock tolled in the interest of justice from 10/18/2021 through 12/20/2021. Signed by Judge Royce C. Lamberth on 11/2/2021. (lcrcl2) (Entered: 11/02/2021)  |
| 11/09/2021 | <a href="#">35</a> | STATUS REPORT Regarding Discovery as of November 5, 2021 by USA as to DONALD SMITH (Amore, Christopher) (Entered: 11/09/2021)   |

| PACER Service Center |               |                  |                   |
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| Transaction Receipt  |               |                  |                   |
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