

UNITED STATES DISTRICT COURT
Western District of North Carolina

UNITED STATES OF AMERICA

v.

Lisa Smith
Defendant

Case No: 3:23-mj-00227-DCK

Charging District's Case No: 23-mj-2052 (AMD)

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

I understand that I have been charged in another district, the District of New Jersey

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

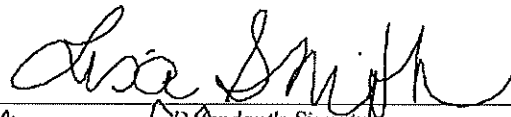
- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary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

I agree to waive my right(s) to:

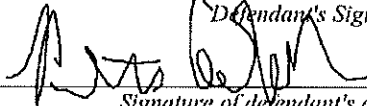
- ☒ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting 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: July 18, 2023



Defendant's Signature



Signature of defendant's attorney (if any)

Peter Adolf

Printed name of defendant's attorney (if any)

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Charging District: District of New Jersey
Charging District's Case No: 23-mj-2052 (AMD)

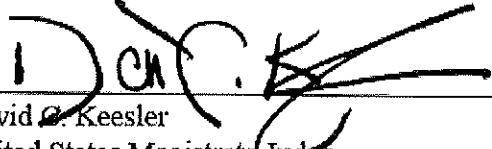
**ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT
WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL**

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Place: Appear as directed by the District of New Jersey.	Courtroom No.: Date and Time
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The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.

Date: July 18, 2023


 David G. Keesler
 United States Magistrate Judge

UNITED STATES DISTRICT COURT
Western District of North Carolina

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v.

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Defendant

Case Number: 3:23-mj-00227-DCK

ORDER SETTING CONDITIONS OF RELEASE

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

- (1) The defendant shall not commit any federal, state or local crime.
- (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 shall live at a place approved by the probation officer. The probation officer shall be notified in advance of any change in living arrangements (such as location and the people with whom the defendant lives) or phone number. If advance notification is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.

RELEASE ON PERSONAL RECOGNIZANCE OR UNSECURED BOND

It is further ordered that the defendant be released on condition that:

- ☒ (4) The defendant promises to appear in court as required and, if convicted, surrender to serve any sentence imposed.
- ☒ (5) The defendant executes an unsecured bond binding the defendant to pay to the United States the sum of Twenty five thousand (unsecured) (\$25,000) in the event of a failure to appear as required or surrender to serve any sentence imposed.

ADDITIONAL CONDITIONS OF RELEASE

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the Court finds the following are the least restrictive condition(s) necessary to reasonably assure the appearance of the person as required as 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 _____, who resides at _____, phone number _____, who agrees (a) to supervise the defendant in accordance with all of the conditions of release, (b) to use every effort to assure the defendant's appearance at all scheduled court proceedings, and (c) to notify the Court immediately if the defendant violates any condition of release.

☐ The defendant is placed in the custody of this custodian for all purposes.

☐ The defendant is placed in the custody of this custodian for transportation purposes only.

By signing below, the third-party custodian acknowledges that failure to comply may subject him/her to adverse consequences.

Signature of Third-Party Custodian

Date

- ☒ (7) The defendant shall:
- ☒ (a) report to the probation office in a manner and frequency as directed by the Court or probation officer.
 - ☒ (b) work full time (at least 30 hours per week) at lawful employment, actively seek such gainful employment or be enrolled in a full time educational or vocational program unless excused by the probation officer. The defendant shall notify the probation officer within 72 hours of any change regarding employment or education.
 - ☒ (c) surrender any passport to the Office of Probation and Pretrial Services.
 - ☒ (d) obtain no passport or other international travel document.
 - ☒ (e) abide by the following restrictions on personal association, residence, or travel:

The defendant shall not leave the federal judicial district where he/she is authorized to reside without first getting permission from the Court or the probation officer. Further, the defendant shall not communicate or interact with any person he/she knows is engaged in criminal activity.

 - ☐ The defendant shall not communicate or interact with any person he/she knows to be convicted of a felony unless granted permission to do so by the probation officer.
 - ☒ In addition to the Western District of North Carolina, the defendant may travel or reside in the following districts: District of New Jersey.
 - ☒ (f) avoid all contact, directly or indirectly, with any person who is or may become a victim or witness in the investigation or prosecution, including but not limited to: co-defendants, See attachment.
 - ☐ (g) seek and obtain reasonable medical treatment as follows:

_____, including taking all medications as prescribed by a licensed health care practitioner.

ADDITIONAL CONDITIONS OF RELEASE

- ☐ (h) participate in a mental health evaluation and treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise the defendant's participation in the program (including, but not limited to provider, location, modality, duration, and intensity). The defendant shall take all mental health medications as prescribed by a licensed health care practitioner.
- ☐ (i) maintain residence at a halfway house or community corrections center, as the probation officer considers necessary.
- ☒ (j) not 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).
- ☒ (k) refrain from excessive use of alcohol.
- ☒ (l) not unlawfully purchase, possess, use, distribute or administer any narcotic or controlled substance or any psychoactive substances (including, but not limited to, synthetic marijuana, bath salts) that impair a person's physical or mental functioning, whether or not intended for human consumption, or any paraphernalia related to such substances, except as duly prescribed by a licensed medical practitioner.
- ☒ (m) participate in a program of testing for prohibited substance abuse (if deemed advisable by the probation officer). The defendant shall not obstruct or attempt to obstruct or tamper, in any fashion, with the efficiency and accuracy of the testing.
 - ☐ One positive drug screen requires that the defendant be returned to court.
- ☒ (n) participate in a substance abuse treatment program (if deemed advisable by the probation officer) and follow the rules and regulations of that program. The probation officer will supervise the defendant's participation in the program (including, but not limited to, provider, location, modality, duration, intensity).
- ☐ (o) attend and complete the substance abuse or treatment program located at _____, The defendant is to be released no later than _____ AM on _____. Upon his/her release from custody, the defendant shall be transported by the most direct means and way possible to this program. Upon successful completion of the program, the defendant shall:
 - ☐ remain out of custody and report to the United States Probation Office as soon as possible so that further proceedings can be scheduled to determine if the defendant will be allowed to continue to be released pending further proceedings.
 - ☐ be immediately returned to custody at a location as directed by the United States Marshals Service. The defendant is to be transported to such location by the most direct means and way possible.
- ☐ If the defendant fails to complete the program successfully, the defendant shall immediately be returned to custody.
- ☐ The defendant shall sign all waivers necessary to allow the probation officer to monitor the defendant's participation in the program.

ADDITIONAL CONDITIONS OF RELEASE

- ☐ (p) participate in the following location monitoring program component(s) and abide by its requirements as the probation officer instructs. For each component, the defendant shall maintain a telephone at the defendant's place of residence without any "call forwarding", "Caller ID services", "call waiting", dial-up computer modems, 1-800 long distance call block, fax machine, voice over protocol (VOIP), burglar alarm or three-way calling service. The location monitoring technology that will be used (i.e., Radio Frequency (RF), GPS, Voice Recognition, Mobile Biometric Application) is to be selected by the probation officer.
- ☐ The defendant shall submit to **curfew**, with location monitoring technology, and comply with its requirements as directed. During this time, the defendant is restricted to the defendant's residence between _____ and _____, or as directed by the probation officer.
- ☐ The defendant shall submit to **home detention**, with location monitoring technology, and comply with its requirements as directed. During this time, the defendant is restricted to the defendant's 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 pre-approved by the probation officer.
- ☐ The defendant shall submit to **home incarceration**, with location monitoring technology, and comply with its requirements as directed. During this time, the defendant is restricted to the defendant's residence 24 hours a day except for medical necessities and court appearances, or other activities specifically approved by the Court.
- ☐ The defendant shall submit to **standalone monitoring**. The defendant will have no residential curfew, home detention or home incarceration restrictions. However, the defendant must comply with the location or travel restrictions as imposed by the Court. Standalone monitoring should be used in conjunction with global positioning system (GPS) technology.
- ☐ The probation office is allowed up to three (3) business days to install the location monitoring technology.
- ☐ (q) pay the cost of location monitoring not to exceed the daily contractual rate. Payment for the location monitoring shall be made in accordance with the probation officer's direction.
- ☒ (r) notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.
- ☐ (s) support all dependents including any dependent child, or any person the defendant has been court ordered to support.
- ☐ (t) submit to a search if the probation officer has a reasonable suspicion that the defendant has committed a crime or a violation of a condition of supervision. Such a search may be conducted by a U.S. Probation Officer, and such other law enforcement personnel as the probation officer may deem advisable, without a warrant or the consent of the defendant. Such search may be of any place where evidence of the above may reasonably be expected to be found, including the defendant's person, property, house, residence, vehicle, communications or data storage devices or media, or office. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition.
- ☐ (u) comply with the standard sex offender conditions and any optional conditions as ordered (see attachment).
- ☐ (v) FOR SRV CASES: In addition to the conditions imposed herein, the defendant shall comply with any conditions of supervision previously imposed by the District Court. To the extent there is a conflict between the conditions, the District Court's conditions of supervised release shall control.
- ☐ (w) Additional conditions of release:

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

Charlotte, North Carolina

City and State

Directions to the United States Marshal

- ☒ The defendant is ORDERED released after processing.
- ☐ The defendant is ORDERED released after location monitoring is in place.
- ☐ 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 of release.

Date: July 18, 2023

David C. Keesler
United States Magistrate Judge

Avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including, but not limited to the following individuals: Eric Rivera, Adrienne Ponzo, James Wessels, Sieff Robert Sargeant, William Ingram, Yasha Barjona, Keisha Beard, Wendell Stevens, Eric Pritchett, Michael Jordan, Derrick Diaz, Daryl Williams, Michael Hayden, Kevin Evans, and Tommy Hawkins, unless in the presence of counsel;

UNITED STATES DISTRICT COURT
Western District of North Carolina

UNITED STATES OF AMERICA

VS.

APPEARANCE BOND

Case Number: 3:23-mj-00227-DCK

Lisa Smith

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
\$25,000 (unsecured), and there has been deposited in the Registry of the Court the sum of
\$_____ in cash or _____ (describe other security).

The conditions of this bond are that the defendant Lisa Smith
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 will 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 will 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 July 18, 2023 at Charlotte, North Carolina

Date

Place

Defendant:

Address: Cornelius, NC 28031

Surety:

Address: _____

Surety:

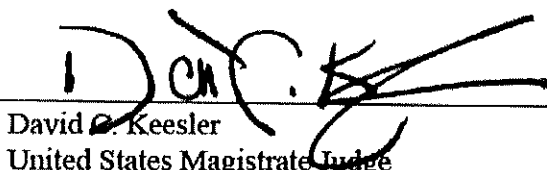
Address: _____

Signed and acknowledged before me on July 18, 2023 Michelle Anderton

Date

Deputy Clerk

Approved:


David C. Keesler

United States Magistrate Judge