

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

TROY ANTHONY SMOCKS

I, Jeff Janczyk, being first duly sworn, depose and state as follows:

AFFIANT'S BACKGROUND

1. I am a Detective Sergeant with the Metropolitan Police Department in Washington, D.C., and have been employed as a sworn law enforcement officer since 2004. I am currently assigned to the Joint Terrorism Task Force of the Federal Bureau of Investigation. I am familiar with the facts and circumstances set forth below from my personal participation in the investigation, my review of documentation and publicly-available information, and my conversations with other law enforcement officers. Where the actions, statements, and conversations of others are recounted herein, they are recounted in substance and part, unless otherwise indicated. Where the affidavit contains items in quotation marks, those quotations are based on agent notes and may not be completely verbatim. Because this affidavit is being submitted for the limited purpose of supporting a criminal complaint, I am setting forth only those facts and circumstances necessary to establish probable cause for the issuance of the requested complaint. Unless otherwise indicated, all written and oral statements referred to herein are set forth in substance and in part, rather than verbatim.

PURPOSE OF AFFIDAVIT

2. This affidavit is in support of a criminal complaint charging Troy Anthony Smocks ("Smocks") with having knowingly and willfully transmitted in interstate or foreign commerce any communication containing any threat to injure the person of another, in violation of 18 U.S.C. § 875(c). Smocks has used aliases including Kenneth Harris, Tony Sanders, Vincent Shelton, and Troy Perez.

FACTUAL BASIS SUPPORTING PROBABLE CAUSE

3. The U.S. Capitol, which is located at First Street, Southeast, in Washington, D.C., is secured 24 hours a day by the 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 closed to members of the public.
4. January 6, 2021, a joint session of the United States Congress convened at the United States Capitol. 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. Vice President Michael R. Pence was present and

presiding in the Senate chamber.

5. With the joint session underway and with Vice President Pence presiding, 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.
6. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades and officers of the U.S. Capitol Police, and the crowd advanced to the exterior façade of the building. At such time, the joint session was 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.
7. 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 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.
8. Smocks is a resident of the State of Texas.
9. Smocks is the user of a social media account operated by Parler, LLC (“Parler”), a provider of electronic communication and remote computing services headquartered in the State of Nevada. User of the Parler service communicated with each other through various means, including by writing and publishing posts on the service. Parler had a significant user base of right-wing extremists and conspiracy theorists, and posts on the service often contained far-right wing content, anti-Semitic remarks, violent rhetoric, and conspiracy theories such as those espoused by QAnon.
10. Smocks made posts on the Parler service with the Parler account identified as ‘ColonelTPerez’, or @Colonel007. Smocks is not in the United States military and is not a Colonel in any military or law enforcement organization. Subscriber information associated with the Parler account makes clear that Smocks was the user of the account, including the associated telephone number, email address, and IP address, all of which corresponded with Smocks and his address in Texas. Additionally, I have reviewed a driver’s license photo for Smocks, and it clearly matches a photo used on the Parler account for @Colonel007.
11. I learned from a review of travel records that Smocks traveled by airplane from Texas to the Washington, D.C., area on January 5, 2021, and departed back to Texas on January 7, 2021. The illegal rioting activity occurred at the U.S. Capitol between these two days on January 6, 2021.

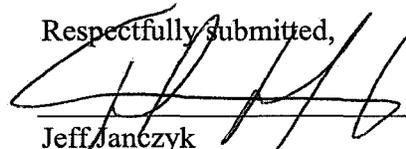
12. On January 6, 2021, Smocks used his Parler account to make the following post: “Today, January 6th, 2021, We Patriots by the millions have arrived in Washington, DC, carrying banners of support for the greatest President the World has ever known. But if we must... Many of us will *return on January 19th, 2021, carrying our weapons* in support of Our nation’s resolve, to which the world will never forget. *We will come in numbers that no standing army or police agency can match.* However, the police are NOT our enemy, unless they choose to be! All who will not stand with the American Patriots...or cannot stand with us, then, *that would be a good time for you to take a few vacation days.* -The American Patriot”. (Emphasis added.)
13. The January 6, 2021, post was viewed by other users on the Parler social media service at least 60,926 times.
14. On January 7, 2021, Smocks used his Parler account to make a post that included the following language: “So over the next 24 hours, I would say lets get our personal affairs in order. *Prepare our weapons, and then go get'em. Lets hunt these cowards down like the Traitors that each of them are.* This includes RINOS,¹ Dems, and Tech Execs. We now have the green light. [All] who resist US are enemies of Our Constitution, and must be treated as such. Today, the cowards ran as We took the Capital. They have it back now, only because We left. *It wasn't the building that We wanted. . . it was them!*” (Emphasis added.)
15. The January 7, 2021, post was copied and pasted on another social media service and electronic communication site, where it was viewed by others at least 54,000 times.
16. I have also reviewed YouTube videos posted by Smocks, using the alias ‘Colonel T Perez.’ In the videos from last year, Smocks issued a challenge to military veterans to conduct armed protest and to taunt protesters who aren’t willing to actually fire their weapons.
17. Smocks has made a flight reservation to depart the United States for a foreign country on the morning of January 15, 2020.

¹ Based on my training and experience, I know that “RINO” is an acronym for “Republican In Name Only.”

CONCLUSION

18. Based on the abovementioned facts, I submit there is probable cause to believe that on or about January 6 and 7, 2021, Smocks knowingly and willfully transmitted in interstate or foreign commerce communications containing threats to injure the person of another, in violation of 18 U.S.C. § 875(c).

Respectfully submitted,



JANCZYK

Jeff Janczyk
Detective Sergeant
Metropolitan Police Department

Subscribed and sworn before me by telephone pursuant to Fed. R. Crim. P. 4.1 on
January 14, 2021:

HON. Robin M. Meriweather
UNITED STATES MAGISTRATE JUDGE