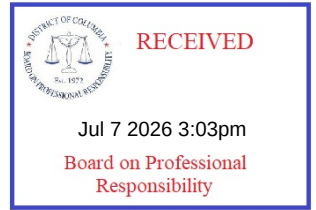


**DISTRICT OF COLUMBIA COURT OF APPEALS  
BOARD ON PROFESSIONAL RESPONSIBILITY**



---

**In the Matter of**

**ANTHONY E. SMITH,  
(Bar Number 415931)**

**A Member of the Bar of the  
D.C. Court of Appeals  
(Admitted on Oct. 14, 1988)**

---

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Disciplinary Docket No. 2025-D072**

**SPECIFICATION OF CHARGES**

The disciplinary proceedings instituted by this petition are based upon conduct that violates the standards governing the practice of law in the District of Columbia as prescribed by D.C. Bar Rule X and D.C. Bar Rule XI, § 2(b).

As provided by D.C. Bar Rule XI, § 1(a), the disciplinary system has jurisdiction because:

1. Respondent Anthony E. Smith is a member of the Bar of the District of Columbia Court of Appeals, having been admitted by motion on October 14, 1988, and assigned Bar. No. 415931.

The conduct and standards that Respondent violated, and the relevant facts, are as follows:

2. In April 2024, the D.C. Superior Court appointed Respondent to represent Lamont Smith in a pending criminal matter, *United States v. Smith*, Case No. 2024 FD3 003993 (D.C. Super. Court), and a domestic violence matter, *United States v. Smith*, 2024 DVM 000568.

3. The government had charged Mr. Smith with kidnapping and strangulation, both felonies, in the criminal matter. Mr. Smith was charged with three misdemeanors in the domestic violence matter.

4. Shawn Allen, an investigator who regularly worked with Respondent, assisted him in the Smith matters, including by interviewing witnesses and visiting the scene of the alleged crimes.

5. On May 23, 2024, the D.C. Court of Appeals issued an en banc decision in *Velasquez Cardozo v. United States*, 315 A.3d 658 (D.C. 2024), overturning its precedent that a momentary seizure against another could constitute kidnapping. The Court ruled that to hold or detain someone under the D.C. kidnapping statute “means to detain them for a substantial period of time, so that the perpetrator could fairly be described as holding another captive like a hostage or prisoner.”

6. In early June 2024, Smith agreed to plead guilty to strangulation in exchange for the government dismissing the kidnapping charge at sentencing. Smith also agreed to plead guilty to two of the misdemeanors in the domestic violence matter.

7. Prior to the plea, Respondent had not discussed with Smith the Court's decision in *Velasquez Cardozo* or the change in the law regarding the evidence required to prove kidnapping.

8. On June 10, 2024, the court accepted Smith's guilty plea to strangulation in the felony matter and guilty plea to two misdemeanors in the domestic violence matter, and scheduled his sentencing for August 2, 2024.

9. The court's web voucher system records reflect that on June 13, 2024, three days after Smith's plea, Respondent logged onto the court's web voucher system website and certified that the services reflected in the voucher for Allen's services in the felony matters were necessary to his legal representation of Smith. The court approved the investigator voucher in the felony matters for \$1,422.

10. On August 2, 2024, the court sentenced Smith to 32 months for felony strangulation followed by three years of supervised release. The court sentenced Smith to 150 days for each of the misdemeanor charges to run concurrently with each other but consecutively to the felony sentence.

11. On August 17, 2024, Respondent filed a motion to withdraw because Smith wanted to withdraw his guilty plea and have new counsel.

12. In September 2024, the court granted Respondent's motion to withdraw and appointed new counsel to represent Smith.

13. Successor counsel filed a motion to withdraw Smith’s guilty plea based in part on Respondent’s alleged ineffective assistance of counsel. Successor counsel also filed a motion to seal the records of the kidnapping charge in light of *Velasquez Cardozo*.

14. The court granted the government’s motion to stay its response to the motion to seal until 45 days after the court ruled on Smith’s motion to withdraw his guilty plea.

15. The court held a hearing on Smith’s motion to withdraw his guilty plea on April 2 and 3, 2025. The government called Respondent as its only witness.

16. During his testimony, Respondent admitted that he had not discussed the *Velasquez Cardozo* decision with Smith before his plea. Respondent claimed that the “major” or “main” issue was whether Smith had engaged in strangulation – the crime to which he pleaded guilty.

17. In cross-examining Respondent, Smith’s counsel asked him about the client file and whether he had produced everything in it, including his notes. Respondent denied having any notes of or written communications with his investigator. When counsel showed Respondent the voucher for Allen’s services, Respondent testified falsely that he had not certified the investigator voucher for payment and had not provided his login credentials to anyone who could have done

so. Respondent further testified that he had never seen the information depicted on the voucher for investigative services or the voucher itself.

18. Following his testimony, Respondent emailed Allen and told him that his voucher had come up at the hearing. Respondent did not ask Allen about the voucher, nor did Respondent tell Allen that he had not certified or approved the voucher.

19. In fact, Respondent had provided Allen his login credentials and Allen regularly assisted Respondent in requesting vouchers. Although Allen had completed the voucher for his time and services in the Smith matter, Respondent was aware of and had approved those services.

20. The court found that Respondent's claim of not certifying the voucher or providing his login credentials to someone else was impossible. The court later referred Respondent to Disciplinary Counsel.

21. In his responses to Disciplinary Counsel, Respondent reiterated that he had not certified the investigator's voucher for payment and that he had not provided his login credentials to someone else who could have certified it on his behalf. These statements were not true.

22. At the conclusion of the April 2025 hearing, the court granted Smith's motion to withdraw his guilty plea and vacated his sentence, finding that Respondent

had provided ineffective assistance by not advising Smith of the Court's decision in *Velasquez Cardozo* and the viability of the kidnapping charge.

23. On April 22, 2025, after the hearing, the government dismissed the kidnapping charge against Smith.

24. On May 6, 2025, Smith pleaded guilty to the strangulation charge and the government dismissed the charges in the domestic violence matter, including those to which Smith previously had pleaded guilty.

25. The court sentenced Smith to 32 months, followed by three years of supervised release.

26. Respondent's conduct violated the following Rules of Professional Conduct:

a. Rules 1.1(a) and 1.1(b), in that Respondent failed to provide competent representation to his client and failed to serve his client with skill and care;

b. Rule 1.4(b), in that Respondent failed to explain a matter to the extent reasonably necessary to permit his client to make informed decisions about the representation;

c. Rule 8.4(c), in that Respondent engaged in conduct involving dishonesty; and

d. Rule 8.4(d), in that Respondent engaged in conduct that seriously interfered with the administration of justice.

Respectfully submitted,

/s/ *Hamilton P. Fox, III*

---

Hamilton P. Fox, III  
Disciplinary Counsel



---

Julia L. Porter  
Deputy Disciplinary Counsel  
OFFICE OF DISCIPLINARY COUNSEL  
515 Fifth Street, N.W.  
Building A, Room 117  
Washington, D.C. 20001  
(202) 638-1501

### **VERIFICATION**

I do affirm that I verily believe that the facts stated in the Specification of Charges to be true. Signed on this 5<sup>th</sup> day of July 2026.



---

Julia L. Porter  
Deputy Disciplinary Counsel