

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	)	
	)	
v.	)	No. 21-cr-203 (JDB)
ALEXANDER SHEPPARD	)	
	)	
Defendant.	)	
_____	)	

**MOTION FOR LEAVE TO FILE] MOTION FOR NEW TRIAL AND MOTION TO  
POSTPONE SENTENCING**

Alexander Sheppard, through undersigned counsel, requests that the Court permit the defense to file a motion for new trial pursuant to Federal Rules of Criminal Procedure 33 in light of the decision in *United States v. Fischer*, No. 22-3038, 2023 WL 2817988 (D.C. Cir. Apr. 7, 2023). In support, undersigned counsel submits as follows:

1. After consultation and careful reading of the opinion, it is apparent that the Circuit Court has defined the element “corruptly” in 18 U.S.C. § 1512(c)(2) in a manner that was inconsistent with the jury instruction given in Mr. Sheppard’s trial. Specifically, Mr. Sheppard requested “corruptly” to be defined as to “bring about an unlawful result or a lawful result by some unlawful method, with a hope or expectation or other financial gain or to obtain an unlawful benefit for himself or an association.” *See Sheppard*, ECF No. 73. This definition is precisely what the Circuit Court in *Fischer* opined as a possible definition. Specifically, Judge Pan acknowledged this definition while ultimately stating the issue was not squarely before the Court and so did not decide which definition was correct. However, Judge Walker, his concurrence, disagreed and stated that the Court should decide the definition and that this definition is the only one that renders this statute constitutional. In this regard, Judge Walker’s definition is controlling.

