

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA :

v.

:

1:21-cr-234

:

JOSEPH FISCHER

:

NOTICE OF FILING

Undersigned counsel, on behalf of Joseph Fischer, respectfully submits the attached
for filing in the docket.

Respectfully submitted,

A.J. KRAMER
FEDERAL PUBLIC DEFENDER

_____/s/_____

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April 28, 2021

Alexis Loeb
Assistant United States Attorney
450 Golden Gate Avenue, 11th Fl.
San Francisco, CA 94102

Re: United States v. Joseph Fischer, 21-cr-234

Dear Ms. Loeb:

We are writing to you to request a Bill of Particulars regarding the offenses charged in the indictment dated March 19, 2021. A Bill of Particulars serves to provide a defendant with essential details of the charges against him to ensure that he is adequately “informed of the nature and cause of the accusation” under the Sixth Amendment and can be prepared to meet the charges and avoid surprise. *See Russel v. United States*, 369 U.S. 749, 763 (1962).

In count one, you charge Mr. Fischer with civil disorder, in violation of 18 U.S.C. § 231 (a)(3). Please indicate the facts that provide the basis for this count, specifically when the government believes the civil disorder arose, when the government believes Mr. Fischer knew about the civil disorder, and what acts Mr. Fischer committed to obstruct, impede or interfere with officers during the civil disorder.

In count two, you charge Mr. Fischer with assaulting, resisting, or impeding certain officers and aiding and abetting, in violation of 18 U.S.C. § 111(a)(1). Please indicate the nature of the offense you are alleging that Mr. Fischer committed (i.e. assaulting, resisting or impeding) and the name(s) of the officer(s)

that he allegedly assaulted. If you are charging Mr. Fischer as an aider and abettor, please indicate the individual(s) that you believe Mr. Fischer aided and abetted and the factual basis underlying your theory that Mr. Fischer shared the same intent as that individual.

In count three, you charge Mr. Fischer with obstruction of an official proceeding and aiding and abetting, in violation of 18 U.S.C. § 1512 (c)(2) and (2). You allege that Mr. Fischer “corruptly” obstructed, influenced, and impeded an official proceeding. Please proffer the facts underlying your allegation that Mr. Fischer had corrupt intent. In addition, please indicate whether you have charged Mr. Fischer as a principal offender or as an aider and abettor. If you are charging Mr. Fischer as an aider and abettor, please indicate the individual(s) that you believe Mr. Fischer aided and abetted and the factual basis underlying your theory that Mr. Fischer shared the same intent as that individual.

In counts four and five, you charge Mr. Fischer with entering and remaining in a restricted building (count four) and disorderly and disruptive conduct in a restricted building (count five) where the Vice President and Vice President-elect were temporarily visiting. Please indicate the nature of the violent conduct you are alleging for Mr. Fischer. Please also indicate the times that the Vice President and Vice President-elect were temporarily visiting and the times that you allege that Mr. Fischer was on Capitol grounds.

In count six, you charge Mr. Fischer with disorderly conduct in a Capitol Building. Please indicate the nature of the disorderly and disruptive conduct. Please also provide the facts underlying your allegation that Mr. Fischer intended to impede, disrupt and disturb the orderly conduct of a session of Congress. In doing so, please provide the relevant times that Congress was in session on January 6th as well as the times that Mr. Fischer was engaged in this conduct.

We would appreciate a timely response so that we may file a motion with the Court under Federal Rule of Criminal Procedure 7(f) if you decline to provide a Bill of Particulars.

Please let us know if you have any questions.

Best,

/s/ Lori Ulrich

/s/ Eugene Ohm

Lori Ulrich

Eugene Ohm

Attorneys for Joseph Fischer

Assistant Federal

Public Defenders