

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	No. 21-CR-24 (EGS)
	:	
ROBERT GIESWEIN,	:	
Defendant.	:	

**GOVERNMENT’S NOTICE OF SUPPLEMENTAL AUTHORITY
REGARDING DEFENDANT’S MOTION TO DISMISS 18 U.S.C. § 1512(c)(2)**

On March 7, 2022, Judge Nichols granted a motion to dismiss a count charging defendant Garret Miller with a violation of 18 U.S.C. § 1512(c)(2), which prohibits corruptly obstructing, influencing, or impeding an official proceeding. *United States v. Miller*, No. 21-cr-119, ECF 73, Order (D.D.C. Mar. 7, 2022). On March 16, 2022, Defendant Gieswein filed a Notice of Additional Authority, which attached Judge Nichols’s Order in *Miller*. ECF No. 112.

The United States of America, by and through undersigned counsel, hereby notifies the Court of additional authority that addresses the arguments considered in *Miller*. Specifically, on May 2, 2022, the Honorable John D. Bates denied a motion to dismiss 18 U.S.C. § 1512(c)(2) and rejected the contention that the statute prohibits only obstruction that occurs with respect to a document, record, or other object. *United States v. Sean McHugh*, 21-cr-453 (JDB), ECF 64 (May 2, 2022). Judge Bates issued a 26-page Memorandum Opinion setting forth the Court’s reasoning, and a copy of that decision is attached hereto as Exhibit 1.

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Respectfully submitted,

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