

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

DANIEL ADAMS,
CODY CONNELL

Defendants.

Crim. Action No. 1:21CR084

**JOINT DEFENSE MOTION TO STAY SENTENCING PENDING SUPREME
COURT'S RESOLUTION OF *FISCHER v. UNITED STATES***

Daniel Adams, through counsel, jointly with counsel for Defendant Connell respectfully moves this Court to vacate the sentencing hearing presently scheduled for January 9, 2024, and to stay proceedings in this matter until after the Supreme Court resolves *United States v. Fischer*, 64 F.4d 329 (D.C. Cir. 2023), *cert. granted*, No. 23-5572, 2023 WL 8605748 (Dec. 13, 2023).

The question presented in *Fischer* is: "Did the D.C. Circuit err in construing 18 U.S.C. § 1512(c) ('Witness, Victim, or Informant Tampering'), which prohibits obstruction of congressional inquiries and investigations, to include acts unrelated to investigations and evidence?" See Petition for Certiorari, *Fischer v. United States*, No. 23-5572 (filed September 11, 2023).

Defendants Adams and Connell litigated this same question in their case and completed a stipulated trial in order to preserve the issue for appeal.¹ Indeed, § 1512(c) represents the lead felony in both defendants' cases, which thereby drives the recommended Guidelines sentencing range. Thus, resolution of *Fischer* will directly impact the validity of Defendants' convictions as well what sentence may be appropriate. Proceeding to sentencing in the cases at bar will potentially prejudice the defendants should the Supreme Court resolve *Fischer* in their favor. It will also involve the expenditure of judicial resources that ultimately may prove to have been unnecessary based on *Fischer's* outcome.

The undersigned has discussed this request with the United States and it is understood that the Government opposes this motion.

Therefore, in the interests of fairness and judicial economy, Defendants request that the Court stay sentencing in their case pending the Supreme Court's resolution of *Fischer*.

Respectfully Submitted,

A.J. KRAMER
FEDERAL PUBLIC DEFENDER

_____/s/_____
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¹ Connell and Adams jointly filed a motion to dismiss the § 1512(c) obstruction count, ECF. No.

_____/s/_____
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