

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

Case No.: 1:21-cr-00497-ABJ

ANTHONY ANTONIO,
Defendant.

**DEFENDANT’S AMENDED MOTION TO DISMISS COUNT 2:
OBSTRUCTION OF AN OFFICIAL PROCEEDING**

Defendant, ANTHONY ANTONIO, by and through his counsel, tenders this motion to dismiss the indictment as to Count 2, obstruction of an official proceeding under 18 U.S.C. §1512(c)(2) because the Government has failed to state an essential element of the offense. Where an indictment is defective for failing to state an offense, a pretrial motion to dismiss the defective indictment is warranted and the Court must dismiss an indictment which fails to state all essential elements of the crime charged. Federal Rules of Crim. Pro. 12 (b)(3)(B)(v). As a matter of law, the Electoral College certification in the Capitol building on January 6, 2021 was not an “official proceeding” under 18 U.S.C. § 1512(c)(2) or 18 U.S.C.S. § 1515(a)(1) and thus the charge must be dismissed. A memorandum in support is being simultaneously submitted.

I ASK FOR THIS

ANTHONY ANTONIO
By Counsel

_____/s/_____
Robert L. Jenkins, Jr., Esq.
Bynum & Jenkins Law
U.S. District Court Bar No.: CO0003
1010 Cameron Street

Alexandria, Virginia 22314
(703) 309 0899 Telephone
(703) 229 8652 Fax
RJenkins@BynumAndJenkinsLaw.com
Counsel for Defendant ANTHONY ANTONIO

Certificate of Service

I hereby certify that I caused a true and accurate copy of the foregoing to be served on all counsel of record via ECF on this January 27, 2023.

_____/s/_____
Robert L. Jenkins, Jr., Esq.
Bynum & Jenkins Law
U.S. District Court Bar No.: CO0003
1010 Cameron Street
Alexandria, Virginia 22314
(703) 309 0899 Telephone
(703) 229 8652 Fax
RJenkins@BynumAndJenkinsLaw.com
Counsel for Defendant ANTHONY ANTONIO