

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

**UNITED STATES OF AMERICA** :  
 : **CASE NO. 21-CR-234-CJN**  
 v. :  
 :  
**JOSEPH W. FISCHER,** :  
 :  
 **Defendant.** :

**UNITED STATES’ NOTICE OF RECENT AUTHORITY RELEVANT TO DEFENDANT  
FISCHER’S MOTION TO DISMISS**

The United States respectfully files this notice to alert the Court and counsel to a recent decision in this district relevant to defendant Joseph Fischer’s motion to dismiss (ECF No. 54). In *United States v. Christopher Ray Grider*, 21-cr-22 (CKK), ECF No. 78 (D.D.C. Feb. 9, 2022), Judge Kollar-Kotelly rejected many of the same challenges Fischer brings to Count Three of the superseding indictment, which alleges a violation of 18 U.S.C. § 1512(c)(2). Specifically, Judge Kollar-Kotelly found that the January 6, 2021 certification of the Electoral College vote was an official proceeding, that Section 1512(c)(2) does not apply only to acts involving evidence tampering, and that the term “corruptly” is not vague. She also found that the government’s charging decisions regarding other January 6 defendants did not alter the vagueness analysis. The *Grider* opinion is attached to this filing.

Respectfully submitted,

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