

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	CASE NO. 21-CR-129 (ABJ)
v.	:	
	:	
GABRIEL GARCIA,	:	
also known as "Gabriel Agustin Garcia"	:	
	:	
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 April 3, 2022, Defendant Garcia filed a Motion to Dismiss Count Two of the Superseding Indictment and Memorandum of Law, filed through counsel on April 3, 2022, which cited Judge Nichols's Order in *Miller*. See ECF No. 67.

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,

MATTHEW M. GRAVES
United States Attorney
D.C. Bar No. 481052

By: /s/ Angela N. Buckner
Angela N. Buckner
DC Bar #1022880
Assistant United States Attorney
United States Attorney's Office
555 Fourth Street, N.W.
Washington, DC 20530
Phone: (202) 252-2656