

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

CRAIG MICHAEL BINGERT,  
ISAAC STEVE STURGEON, and  
TAYLOR JAMES JOHNATAKIS,

Defendants.

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Case No. 21-CR-91 (RCL)

**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 15, 2022, Defendant Isaac Sturgeon filed a “Notice of Additional Authority Supporting [His] Motion to Dismiss,”<sup>1</sup> which cited and discussed Judge Nichols’s Order in *Miller*. See ECF No. 64. The government responded with a supplement to its memorandum in opposition to the motion to dismiss. See ECF No. 65.

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,

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<sup>1</sup> On December 7, 2021, Defendant Sturgeon filed his motion to dismiss Counts One, Three, Four, Five, and Six of the Superseding Indictment. Defendant Craig M. Bingert moved to adopt and join the motion on December 13, 2021. See ECF No. 56. Defendant Taylor J. Johnatakis moved to join the motion on December 29, 2021. See ECF No. 59. This Court granted both motions. See ECF No. 61; January 28, 2022 Minute Order.

and a copy of that decision is attached hereto as Exhibit 1.

Respectfully submitted,

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