

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA : Case No: 21-cr-306-APM
: :
v. : :
: 18 U.S.C. §§ 1512(c)(2), 1752(a)(1), (b)(1)(A)
JON SCHAFFER, : :
: :
Defendant. : :

ADDENDUM TO STATEMENT OF OFFENSE

In *United States v. Fischer*, 603 U.S. ----, 144 S. Ct. 2176 (June 28, 2024), the Supreme Court held that to prove a violation of 18 U.S.C. § 1512(c)(2) “the Government must establish that the defendant impaired the availability or integrity for use in an official proceeding of records, documents, objects, or as we earlier explained, other things used in the proceeding, or attempted to do so.” 144 S. Ct. at 2190. In light of this holding, and pursuant to Federal Rule of Criminal Procedure 11, the United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, with the concurrence of his attorney, agree and stipulate to the below supplemental factual basis for the defendant’s guilty plea—that is, in addition to the facts admitted in the original Statement of Offense, if this case were to proceed to trial, the parties stipulate that the United States could prove the below additional facts beyond a reasonable doubt:

1. As the defendant admitted in the original statement of offense, which he adopted during his guilty plea, the defendant was aware at the time of this conduct on January 6, 2021, that “the Joint Session to certify the Electoral College results had commenced and that the Vice President had announced that he did not intend to stop the certification,” and that he took these actions “with the purpose of influencing, affecting, and retaliating against the conduct of government by stopping or delaying the Congressional proceeding by intimidation or coercion.”

2. The defendant's efforts to stop, impede, and delay the certification proceeding targeted—and were intended to target—all aspects of the proceeding, including impairing the availability or integrity of the records, documents, objects, and other things used in the proceeding. This includes, but is not limited to, the ballot certificates at issue in the proceeding.

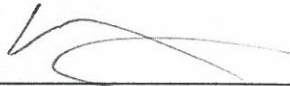
Limited Nature of Factual Basis

3. This addendum is meant to supplement and not replace the original Statement of Offense. It is not intended to constitute a complete statement of all facts known by the defendant or the government. Rather, it is a limited supplemental statement of facts intended to provide the minimal necessary factual predicate for the defendant's guilty plea.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
DC Bar No. 481052

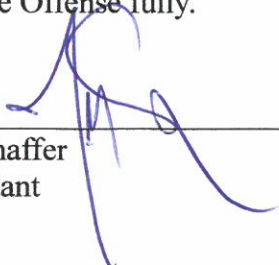
By:


Kathryn L. Rakoczy
D.C. Bar No. 994559
Assistant United States Attorney
U.S. Attorney's Office
for the District of Columbia
601 D Street NW
Washington, D.C. 20530

DEFENDANT'S ACKNOWLEDGMENT

I, Jon Schaffer, have read this Statement of the Offense and have discussed it with my attorney. I fully understand this Statement of the Offense. I agree and acknowledge by my signature that this Statement of the Offense is true and accurate. I do this voluntarily and of my own free will. No threats have been made to me nor am I under the influence of anything that could impede my ability to understand this Statement of the Offense fully.

Date: 10/8/24

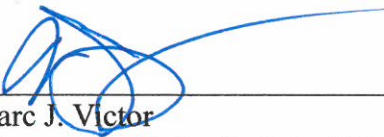


Jon Schaffer
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read this Statement of the Offense and have reviewed it with my client fully. I concur in my client's desire to adopt this Statement of the Offense as true and accurate.

Date: 10-10-24



Marc J. Victor
Attorney for Defendant Jon Schaffer