

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

JON SCHAFFER,

Defendant.

Case No. 21-cr-306-APM

**PARTIES’ JOINT NOTICE REGARDING IMPACT OF *UNITED STATES v. FISCHER*
ON DEFENDANT’S GUILTY PLEA**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits this notice, on behalf of both the United States and Defendant Jon Schaffer and his counsel.

On April 16, 2021, the defendant accepted responsibility and pled guilty, pursuant to a cooperation plea agreement, to one count of Obstruction of an Official Proceeding, in violation of 18 U.S.C. §§ 1512(c)(2), and one count of entering and remaining in a restricted building or grounds with a deadly or dangerous weapon, in violation of 18 U.S.C. § 1752(a)(1), (b)(1)(A). Since that time, in *United States v. Fischer*, 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.” 603 U.S. ----, 144 S. Ct. 2176 (June 28, 2024) (emphasis added).


The parties agree that the facts admitted to by the defendant in his statement of offense during his guilty plea are sufficient to establish an attempted violation of Section 1512(c)(2). Nonetheless, out of an abundance of caution, the parties have attached here an addendum to the

statement of offense. The parties would ask that the Court place the defendant under oath at the start of the sentencing hearing to have him adopt the supplemental statement of offense, to make sure he understands the elements of the offense of obstruction of an official proceeding, as clarified by the Supreme Court in *Fischer*, and to have the parties declare on the record their position that there is a sufficient factual and legal basis to support the defendant's guilty plea.

Respectfully submitted,

MATTHEW M. GRAVES
UNITED STATES ATTORNEY

BY:



Kathryn L. Rakoczy
D.C. Bar No. 994-559
Assistant U.S. Attorney
U.S. Attorney's Office for the District of Columbia
601 D Street, N.W., Room 5.236
(202) 252-6928
Kathryn.Rakoczy@usdoj.gov