

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

THOMAS B. ADAMS, JR.,

Defendant.

Case No. 21-cr-354 (APM)

JOINT STATUS REPORT IN RESPONSE TO COURT’S JULY 8, 2024, ORDER

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Thomas B. Adams, Jr., with the concurrence of his attorney, respectfully submit this response to the Court’s July 8, 2024, Minute Order. The Court ordered that the parties propose a course of action in light of the decision in *Fischer v. United States*, 603 U.S. ___, 2024 WL 3208034 (June 28, 2024).

On January 30, 2023, following a stipulated bench trial, this Court convicted Adams of Count One, Obstruction of an Official Proceeding, in violation of 18 U.S.C § 1512(c)(2), and Count Two, Entering and Remaining on Restricted Grounds, in violation of 18 U.S.C § 1752(a)(1).

In *Fischer*, the Supreme Court held that Section 1512(c) does not cover “all means of obstructing, influencing, or impeding any official proceeding.” Op. 8. The Court explained that the Government must establish that the defendant impaired the availability or integrity for use in an official proceeding of records, documents, objects, or other things used in the proceeding – such as witness testimony or intangible information – or attempted to do so. *Id.* at 9, 16. The Supreme Court remanded the case to the D.C. Circuit for further proceedings. *Id.*

Given the remand to the Circuit and the ongoing litigation in *Fischer*, the Government is still evaluating *Fischer’s* impact on this and other January 6 cases; therefore, the parties request

that the Court schedule a status conference in 30 days in this matter.

On January 10, 2024, the Court granted the defendant's Motion for Release from Custody Pending Appeal. ECF No. 86. Based on the information currently known to the Government, the Government will not make an application that defendant be returned to custody in advance of the status conference.

Respectfully submitted,

MATTHEW M. GRAVES
UNITED STATES ATTORNEY

By: /s/ Carolina Nevin
CAROLINA NEVIN
Assistant United States Attorney
601 D Street NW
Washington, D.C. 20530
NY Bar No. 5226121
(202) 803-1612
carolina.nevin@usdoj.gov

A. J. KRAMER
Federal Public Defender for the District of
Columbia

By: /s/
Courtney L. Millian
Diane Shrewsbury
Assistant Federal Public Defenders
625 Indiana Avenue, NW
Washington D.C. 20004
202 208-7500
Attorneys for Defendant