

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES

*

vs.

* Case No.: 22-15 APM

THOMAS E. CALDWELL

*

* * * * *

CALDWELL’S MOTION TO STAY SENTENCING HEARING

COMES NOW, Thomas E. Caldwell, by and through counsel, David W. Fischer, Esq., and respectfully requests that the sentencing hearing in this matter, currently scheduled for December 20, 2023, be vacated, and that sentencing in this matter be stayed until the U.S. Supreme Court resolves *Fischer v. United States*, and as grounds therefore states as follows:

- 1) Caldwell is awaiting sentencing by the Court subsequent to his guilty findings on Counts 4 & 13 of the Indictment, which charged him with, respectively, Obstruction of an Official Proceeding (18 U.S.C. § 1512(c)(2)) and Obstruction (evidence tampering) (18 U.S.C. § 1512(c)(1)). Sentencing in this matter is scheduled for December 20, 2023.
- 2) On December 13, 2023 the United States Supreme Court granted certiorari in *Fischer v. United States*, 64 F.4th 329 (2023), *cert. granted* 23-5572. The question presented to the Supreme Court in *Fischer* is: “Did the D.C. Circuit err in construing 18 U.S.C. § 1512(c) (“Witness, Victim, or Informant Tampering”), which prohibits obstruction

