

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

_____)	
UNITED STATES OF AMERICA)	
)	
v.)	Criminal Action No. 1:23-cr-00061-MN
)	
ROBERT HUNTER BIDEN,)	
)	
Defendant.)	
_____)	

MR. BIDEN'S NOTICE OF PARDON

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INTRODUCTION

Defendant Robert Hunter Biden respectfully provides notice of a Full and Unconditional Pardon that requires dismissal of the Indictment against him (D.E. 40) with prejudice and adjournment of all future proceedings in this matter. This notice is made because on December 1, 2024, the President of the United States of America, Joseph R. Biden, Jr., issued a full and unconditional pardon to Mr. Biden,¹ which he has accepted for, inter alia, the offenses specified in the Indictment in this case, No. 1:23-cr-00061-MN. A declaration confirming Mr. Biden's receipt and acceptance of the pardon is submitted to the Court as Exhibit A. The President's pardon moots Mr. Biden's pending and yet to occur sentencing and entry of judgment in this case and requires an automatic dismissal of the Indictment with prejudice. *See United States v. Wilson*, 32 U.S. 150, 160 (1833) ("A pardon is an act of grace, . . . which exempts the individual, on whom it is bestowed, from the punishment the law inflicts for a crime he has committed.") (Marshall, C.J.); *see also United States v. Flynn*, 507 F. Supp. 3d 116, 136 (D.D.C. 2020) ("Once accepted, a full and absolute pardon 'releases the wrongdoer from punishment and restores the offender's civil rights without qualification.'") (quoting *Absolute Pardon*, Black's Law Dictionary (10th ed. 2014)).

When alerted to a pardon by a defendant (or the government), courts dismiss pending indictments and adjourn future proceedings in those cases. *See United States v. Bannon*, No. 20 Cr. 00412-AT (S.D.N.Y. May 25, 2021), D.E. 117; *United States v. Zangrillo*, No. 19 Cr. 10080-19 (D. Mass. Feb. 10, 2021), D.E. 1725; *United States v. Kurson*, No. 20 Mag. 990-RML (E.D.N.Y. Feb. 4, 2021), D.E. 6; *United States v. Carter*, No. 20 Cr. 20222-KMW (S.D. Fla. Feb.

¹ White House Briefing Room, Statement from President Joe Biden, <https://www.whitehouse.gov/briefing-room/statements-releases/2024/12/01/statement-from-president-joe-biden-11/> (Dec. 1, 2024).

1, 2021), D.E. 23; *United States v. Flynn*, No. 17 Cr. 00232-EGS (D.D.C. Dec. 8, 2020), D.E. 311; *United States v. Arpaio*, No. 16 Cr. 01012-SRB (D. Az. Oct. 4, 2017), D.E. 243, 251 (dismissing case with prejudice and vacating the pending sentencing hearing where defendant was issued a presidential pardon after his conviction but prior to being sentenced); *see also United States v. Schaffer*, 240 F.3d 35, 37–38 (D.C. Cir. 2001) (dismissing as moot a case where defendant was pardoned between the district court ordering a retrial and convening the new trial). Accordingly, dismissal of the Indictment with prejudice and adjourning any future proceedings and entry judgment in this matter is now required.

CONCLUSION

For the reasons stated above, this Court must dismiss the Indictment against Mr. Biden with prejudice and adjourn all future proceedings in this matter. A Proposed Order is submitted along with this notice.

Dated: December 1, 2024

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2024, I filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

/s/ Abbe David Lowell
Abbe David Lowell

Counsel for Robert Hunter Biden