



Written by [Rebecca Terrell](#) on June 28, 2024

SCOTUS J6 Ruling — Does It Matter?

Conservatives are enraged over Supreme Court Justice Amy Coney Barrett's dissent in a SCOTUS decision handed down today. It potentially effects hundreds of J6ers as well as the U.S. Department of Justice's (DOJ) prosecution of Donald Trump.



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The reputedly conservative justice sided with leftists Elena Kagan and Sonia Sotomayor in the 6-3 decision that overruled DOJ's use of 18 U.S.C. §1512(c)(2) against J6 defendants. Liberal Justice Ketanji Brown Jackson was among those who upheld the decision.

SCOTUS ruled that 1512(c)(2) only applies to destruction of physical evidence in judicial proceedings or investigations. It said that these parameters do not apply to those who participated in the rally that occurred at the U.S. Capitol on January 6, 2021.

Donald Trump is charged with two counts of 1512(c)(2) violations.

Will J6ers Go Free?

J6ers with whom I've spoken are happy about the outcome of this case, but are not necessarily optimistic that it will help them.

SCOTUS' ruling could drastically change how sentencing is calculated, but most J6ers are faced with additional charges and enhancements. Unless a defendant already received maximum sentences for every charge (which is not the case for any sentences of which I am aware), a judge could simply resentence for an identical time period or even add time at his or her discretion. See Julie Kelly's tweets posted below for further explanation.

Case Background

[Fischer v. USA](#) involved two J6ers convicted of violating 1512(c)(2), but they argued that the certification of a federal election is *not* a judicial proceeding. They and many J6ers believe that 1512(c)(2) was applied to their cases to boost sentences, because conviction under this statute can mean up to 20 years in prison.

Ignoring case precedent of applying 1512(c)(2) only to judicial proceedings, judges in J6 cases repeatedly referenced one another's rulings to warrant use of the statute.

There is another section of federal law, 1505, that applies to obstruction of proceedings before other



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bodies, such as Congress, but it carries a sentence of not more than five years — four times lighter than 1512(c)(2). J6ers believe this to be a case of massive judicial collusion and political oppression.

Added in the wake of the Enron scandal in 2002, 1512(c)(2) prohibits tampering with evidence or obstructing an official proceeding. The statute was written because executives at the corrupt energy company had ordered employees to shred incriminating documents.



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