



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.



D. Lentz/iStock/Getty Images Plus

The dissent by ACB is a juvenile embarrassment. She is mimicking the words of DC judges who claimed the 4-hour disturbance at the Capitol was so unthinkable that Congress never envisioned that such an event would happen so 1512c2 applies.

Either a dunce or a pawn or both  
[pic.twitter.com/miW2ss0Lpy](https://pic.twitter.com/miW2ss0Lpy)

— Julie Kelly 🇺🇸 (@julie\_kelly2)  
[June 28, 2024](#)

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.

**BREAKING:** In a 6-3 decision written by Chief Justice John Roberts, the Supreme Court overruled DOJ's interpretation of a key statute used to wrongfully imprison hundreds of J6 defendants. The Court found that DOJ misconstrued the statute, which only pertains to destruction of... [pic.twitter.com/WyiQps4juP](https://pic.twitter.com/WyiQps4juP)

— Sean Davis (@seanmdav) [June 28, 2024](#)

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

SCOTUS has ruled against one of the statutes used to convict most of the J6 defendants. This decision should also affect Jack Smith's case against Trump. Our President continues to be revealed as innocent to all fake charges. It's time to release all of the J6 prisoners.

[pic.twitter.com/y6DMkvlc8i](https://pic.twitter.com/y6DMkvlc8i)

— Victoria 🇺🇸🇺🇸🇺🇸 (@Loveof1776) [June 28, 2024](#)



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LAWFARE: President Trump just keeps winning. The Fischer v. United States SCOTUS decision basically drove a stake through the heart of Special Prosecutor Jack Smith's case against Trump in the D.C. court. His case in Florida is falling apart.

[pic.twitter.com/Rqg1OxSKdK](https://pic.twitter.com/Rqg1OxSKdK)

— @amuse (@amuse) [June 28, 2024](#)

...This is a big win for Trump as well. It knocks out a substantial part of the case of Jack Smith against the former president. It also knocks out hundreds of convictions...

— Jonathan Turley (@JonathanTurley) [June 28, 2024](#)

## 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.

Also can't help but think this is a message to SCOTUS. Go ahead and reverse the most common nonviolent felony count in J6 prosecution, who cares?

For those in jail on other offenses and ask for resentencing—we'll just ask for more time on existing convictions. (This already... <https://t.co/WZfZfFvXT3>

— Julie Kelly ☐☐ (@julie\_kelly2) [March 20, 2024](#)

## 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 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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