NO. _____

In The Supreme Court of the United States

CAROLYN J. EDLIND,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

Appellant was indicted for witness tampering under 18 U.S.C. § 1512(b)(1), which states someone is guilty if they "knowingly use intimidation, threaten, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to…influence, delay, or prevent the testimony of any person in an official proceeding." The question presented is:

Did the court below err in ruling that there was sufficient evidence to convict the Appellant of using corrupt persuasion toward a witness with the intent to influence, delay or prevent the testimony of the witness, or corruptly intending to subvert or undermine the due administration of justice?

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The Fourth Circuit Court of Appeals selected its opinion for publication in the Federal Reporter. The decision is reported at *United States v. Edlind*, 887 F.3d 166 (4th Cir. 2018). The District Court also published an opinion in this case. The decision is reported at *United States v. Chujoy*, 207 F. Supp. 3d 626 (W.D. Va. 2016).

JURISDICTION

The Fourth Circuit filed its decision on April 10, 2018, and the petitioner did not file a motion for rehearing. This Court has jurisdiction under 28 U.S.C. § 1254(1) to review the circuit court's decision on a writ of certiorari.

STATUTORY PROVISIONS INVOLVED

18 U.S.C. § 1503. Influencing or injuring officer or juror generally

> (a) Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate, in the discharge of his duty, or injures any such grand or petit juror in his person or property on account of any verdict or indictment assented to by him, or on account of his being or having been such juror, or injures any such officer, magistrate judge, or other committing magistrate in his person or property on account of the performance of his official duties, or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be punished as provided in subsection (b). If the offense under this section occurs in connection with a trial of a criminal case, and the act in violation of this section involves the threat of physical force or physical force, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.
>
> (b) The punishment for an offense under this section is—

(1) in the case of a killing, the punishment provided in sections 1111 and 1112;

(2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than 20 years, a fine under this title, or both; and

(3) in any other case, imprisonment for not more than 10 years, a fine under this title, or both.

18 U.S.C. § 1512. Tampering with a witness, victim, or an informant

(a)(1) Whoever kills or attempts to kill another person, with intent to—

(A) prevent the attendance or testimony of any person in an official proceeding;

(B) prevent the production of a record, document, or other object, in an official proceeding; or

(C) prevent the communication by any person to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;

shall be punished as provided in paragraph (3).

(2) Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to—

(A) influence, delay, or prevent the testimony of any person in an official proceeding;

(B) cause or induce any person to—

(i) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

(ii) alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official proceeding;

(iii) evade legal process summoning that person to appear as a witness, or to produce a record,

document, or other object, in an official proceeding; or

(iv) be absent from an official proceeding to which that person has been summoned by legal process; or

(C) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings;

shall be punished as provided in paragraph (3).

(3) The punishment for an offense under this subsection is—

(A) in the case of a killing, the punishment provided in sections 1111 and 1112;

(B) in the case of—

(i) an attempt to murder; or

(ii) the use or attempted use of physical force against any person;

imprisonment for not more than 30 years; and

(C) in the case of the threat of use of physical force against any person, imprisonment for not more than 20 years.

(b) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—

(1) influence, delay, or prevent the testimony of any person in an official proceeding;

(2) cause or induce any person to—

(A) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

(B) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;

(C) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

(D) be absent from an official proceeding to which such person has been summoned by legal process; or

(3) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation supervised release, parole, or release pending judicial proceedings;

shall be fined under this title or imprisoned not more than 20 years, or both.

(c) Whoever corruptly—

(1) alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or

(2) otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so,

shall be fined under this title or imprisoned not more than 20 years, or both.

(d) Whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from—

(1) attending or testifying in an official proceeding;

(2) reporting to a law enforcement officer or judge of the United States the commission or possible commission of a Federal offense or a violation of conditions of probation supervised release, parole, or release pending judicial proceedings;

(3) arresting or seeking the arrest of another person in connection with a Federal offense; or

(4) causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or assisting in such prosecution or proceeding;

or attempts to do so, shall be fined under this title or imprisoned not more than 3 years, or both.

(e) In a prosecution for an offense under this section, it is an affirmative defense, as to which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully.

(f) For the purposes of this section—

(1) an official proceeding need not be pending or about to be instituted at the time of the offense; and

(2) the testimony, or the record, document, or other object need not be admissible in evidence or free of a claim of privilege.

(g) In a prosecution for an offense under this section, no state of mind need be proved with respect to the circumstance—

(1) that the official proceeding before a judge, court, magistrate judge, grand jury, or government agency is before a judge or court of the United States, a United States magistrate judge, a bankruptcy judge, a Federal grand jury, or a Federal Government agency; or

(2) that the judge is a judge of the United States or that the law enforcement officer is an officer or employee of the Federal Government or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant.

(h) There is extraterritorial Federal jurisdiction over an offense under this section.

(i) A prosecution under this section or section 1503 may be brought in the district in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected or in the district in which the conduct constituting the alleged offense occurred.

(j) If the offense under this section occurs in connection with a trial of a criminal case, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(k) Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

18 U.S.C. § 1623. False declarations before grand jury or court

(a) Whoever under oath (or in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information, including any book, paper, document, record, recording, or other material, knowing the same to contain any false material declaration, shall be fined under this title or imprisoned not more than five years, or both.

(b) This section is applicable whether the conduct occurred within or without the United States.

(c) An indictment or information for violation of this section alleging that, in any proceedings before or ancillary to any court or grand jury of the United States, the defendant under oath has knowingly made two or more declarations, which are inconsistent to the degree that one of them is necessarily false, need not specify which declaration is false if—

(1) each declaration was material to the point in question, and

(2) each declaration was made within the period of the statute of limitations for the offense charged under this section.

In any prosecution under this section, the falsity of a declaration set forth in the indictment or information shall be established sufficient for conviction by proof that the defendant while under oath made irreconcilably contradictory declarations material to the point in question in any proceeding before or ancillary to any court or grand jury. It shall be a defense to an indictment or information made pursuant to the first sentence of this subsection that the defendant at the time he made each declaration believed the declaration was true.

(d) Where, in the same continuous court or grand jury proceeding in which a declaration is made, the person making the declaration admits such declaration to be false, such admission shall bar prosecution under this section if, at the time the admission is made, the declaration has not substantially affected the proceeding, or it has not become manifest that such falsity has been or will be exposed.

> (e) Proof beyond a reasonable doubt under this section is sufficient for conviction. It shall not be necessary that such proof be made by any particular number of witnesses or by documentary or other type of evidence.

28 U.S.C. § 1254. Courts of appeals; certiorari; certified questions

> Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:
>
> > (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;
> >
> > (2) By certification at any time by a court of appeals of any question of law in any civil or criminal case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy.

STATEMENT OF FACTS

On October 20, 2015, the petitioner, Carolyn Edlind, was indicted in the United States District Court for the Western District of Virginia, along with one alleged co-conspirator, Felix Chujoy, on five counts of witness tampering, perjury and obstruction of justice charges. (JA 18). Count One charges that from December 12, 2014, to the present, the defendants conspired together and with others to tamper with witnesses with the intent to influence, delay, or prevent the testimony of these witnesses in an official proceeding in the U.S. District Court for the Western District of Virginia, in violation of 18 U.S.C. § 1512(k). (JA 18). Count Two charges that from December 12, 2014, to the present, the defendants knowingly tampered with Michael Kwiatkowski, a witness, with the intent to influence, delay, or prevent the testimony of this witness in an official proceeding in the U.S. District Court for the Western District of Virginia, in violation of 18 U.S.C. § 1512(b)(1). (JA 19). Count Three

charges that the defendants did corruptly obstruct and impede or endeavor to influence, intimidate, or impede the due administration of justice by attempting to influence the testimony and statements of Michael Kwiatkowski, in violation of 18 U.S.C. § 1503. (JA 19). Count Four charges that on October 6, 2015, Carolyn J. Edlind while under oath and testifying in a proceeding before a Grand Jury, knowingly made false material statements in violation of 18 U.S.C. § 1623. (JA 19-21). Count Five charges that on October 6, 2015, Carolyn J. Edlind did corruptly obstruct and impede or endeavor to influence, intimidate, or impede the due administration of justice in a pending criminal investigation by falsely testifying and omitting material information, while under oath to a Grand Jury, in violation of 18 U.S.C. § 1503. (JA 22).

The District Court conducted a five day jury trial, and Petitioner was found guilty of all five counts by the jury on December 22, 2015. (JA 1-2). The District Court granted Mrs. Edlind's motion for acquittal and vacated the convictions for the two perjury counts, Counts Four and Five, on September 13, 2016. (JA 2). The District Court denied Edlind's motion for acquittal on Counts One through Three and denied the motion for acquittal of the codefendant Chujoy. (JA 1). On March 28, 2017, the District Court sentenced Edlind to a term of two years of probation, with six months of home confinement, two hundred hours of community service during those two years, a $300 mandatory special assessment, and a $900 fine. (JA 283-288). Edlind filed a timely Notice of Appeal to the Fourth Circuit Court of Appeals on April 4, 2017. (JA 289).

After reading the briefs for appeal, the Fourth Circuit Court of Appeals ordered oral argument on the case, which was heard January 30, 2018. The Fourth Circuit Court of Appeals entered an order and published an opinion denying the appeal on April 10, 2018. *United States v. Edlind*, 887 F.3d 166 (4th Cir., 2018).

On December 12, 2014, Felix Adriano Chujoy was arrested on federal Indictment 5:14CR00055 and made an initial appearance in the United States District Court. The court released Chujoy on a $20,000 unsecured bond with the special condition to have no contact with employees of Inca's Secret or residents of 469 Eastover Drive and 452 Cardinal Drive, both of which were located in Harrisonburg, Virginia. (JA 296-298). The uncontroverted evidence presented by the government established that following his arrest, Felix sought the emotional support of a small circle of friends who were in no way connected with the charges in the above mentioned case, including Gary and Carolyn Edlind, Michael Kwiatkowski, and Christina Kang. (JA 24-25). Michael Kwiatkowski did not ever consider himself to be a "victim" or a "potential witness" in the above mentioned case. (JA 36-37, 25-26).

On March 18, 2015, Chujoy was arrested on Superseding Indictment 5:14CR00055. (JA 294-296). Chujoy was not committed to bond but detained on March 19, 2015, and he was incarcerated in the Rockingham County Jail from that date until his release again on bond on June 22, 2015. (JA 296). During this period of incarceration (and not subject to the aforementioned conditions of bond), Felix maintained or attempted contact with numerous friends by writing letters, receiving visitors, and making telephone calls from the jail. (JA 296-297).

On June 22, 2015, he was released from custody on a $20,000 unsecured bond with the special condition to avoid all contact, directly or indirectly, with any person who is or may become a victim or potential witness in the investigation or prosecution, including but not limited to: any former employee of Inca's Secret, and no contact with the following individuals: Maribel Ramos, Arturo Parihuche, Reyna Fuentes, Jose Diaz, Gerardo Mejia, Niceforo Carbajal, Ricardo Quispe, Rina Dominguez, and Marilu Tabora Milagros. (JA 296).

Trial testimony on the instant offense revealed Chujoy's close friendship with Michael Kwiatkowski along with the fact that the two men socialized with several mutual friends including Carolyn and Gary Edlind, Christina Kang, Yuri Jung, and Donald Smith. Often times, this group of friends would meet for dinner at El Charro Restaurant in Harrisonburg, Virginia, or dinner/special occasions at the home of Carolyn and Gary Edlind, also in Harrisonburg. (JA 23-25). Between March and June of 2015, the period that Chujoy was incarcerated, the dinners between the Edlinds, Mr. Kwiatkowski and Ms. Kang occurred approximately once every two to three weeks. (JA 35).

While incarcerated, Chujoy wrote a number of letters to Carolyn Edlind. (JA 126-127). During her Grand Jury testimony on October 6, 2015, Edlind told the government about these letters and provided them to the government. (JA 127-128). One letter written from Chujoy to Edlind dated June 3, 2015, in which he relays to Edlind that he had seen in discovery for the first time a report of Kwiatkowski's recent statement to law enforcement: "I'm pretty shocked by what it says, so I'm

hoping that it is either a big misunderstanding or that the feds are twisting it around. The interview says that according to Mike, my mom was very intimidating, that I can't be trusted, and that I'm always lying and making up stories. It goes on into more specific stories and examples that made me laugh." The letter continues, "Please make sure to meet with both of them so that Mike understands that much of the information he gave out is incorrect and could lead into me getting into a huge problem. Be nice to him about it, as I wouldn't want to offend him or have him take things personal. I understand that my jokes are sometimes stupid and between that and him not being able to tell when I was joking or not, his comments/interview are ludicrous. I hope you get to meet with them ASAP, as clarifying all this is pretty crucial." And, finally, a postscript: "He should probably also clarify that we didn't really start hanging out, until half way through 2014, as that would probably explain why we were always on two different pages and why he didn't really know much about me, or why he couldn't tell when I was joking." (JA 281-282).

On June 6, 2015, Edlind sent text messages to Mr. Kwiatkowski and Ms. Kang asking them to meet to discuss some "serious stuff." Mr. Kwiatkowski showed the text messages to the case agent, which prompted an undercover recording of Mr. Kwiatkowski's meeting with Carolyn and Gary Edlind. (JA 296-298).

On June 16, 2015, Edlind and her husband met with Mr. Kwiatkowski for dinner at El Charro restaurant in Harrisonburg, Virginia. Mr. Kwiatkowski, who was cooperating with investigators, wore a recording device during dinner and recorded their conversation. (JA 297). The El Charro dinner conversation covers

many different topics, including much conversation of no relevance to the charges. Upon Kwiatkowski's arrival, Carolyn Edlind told him to sit on his phone and subsequently told him to leave his phone outside in her bicycle basket. (JA 232). She told Mr. Kwiatkowski that three weeks after he met with federal agents, she received a letter from Chujoy. In the letter, Chujoy said "Tell him not to say anything, don't write him, or do nothing." (JA 233). Edlind clarified to Mr. Kwiatkowski not to write Chujoy and that Chujoy would not write him. She further asked Mr. Kwiatkowski not to call Chujoy. (JA 233). As the dinner conversation continued, Edlind talked about how Chujoy jokes around, and that she told Chujoy not to do this, because he hurts feelings and not everybody understands his sense of humor. (JA 234). Edlind further characterized Chujoy as a liar and that he has it down to an art form. (JA 262). Towards the end of their dinner conversation, she told Mr. Kwiatkowski that she had been contacted by the defense lawyer who advised that the federal attorney would offer for her to come to the courthouse to speak with them, but that she didn't have to. (JA 272). Edlind then told Mr. Kwiatkowski that if they offer that to him, to just decline, that he did not need to do that. (JA 272). Edlind also told Kwiatkowski multiple times to "tell the truth." (JA 271). Kwiatkowski acknowledged at trial that he was not intimidated or threatened by the Edlinds. (JA 36-37).

ISSUE I

THE FOURTH CIRCUIT SHOULD HAVE RULED THAT THERE WAS NOT SUFFICIENT EVIDENCE TO ESTABLISH THAT APPELLANT USED CORRUPT PERSUASION AGAINST KWIATKOWSKI.

Denials of motions to vacate a conviction and enter a judgment of acquittal are reviewed by asking "whether, after reviewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Jackson v. Virginia*, 443 U.S. 307, 319 (1979).

Corrupt persuasion requires more than merely persuading a person to withhold testimony or attempting to influence testimony; corrupt persuasion requires the defendant to act dishonestly and with the specific intent to subvert or undermine the due administration of justice. "Only persons conscious of wrongdoing can be said to knowingly corruptly persuade." *Arthur Anderson LLP v. United States*, 544 U.S. 696, 706 (2005). In its opinion, the Fourth Circuit interpreted this Court's ruling in *Anderson* to mean that in order to satisfy the "corrupt" definition in § 1512(b), the Government needed "to prove 'a defendant's action was done voluntarily and intentionally to bring about false or misleading testimony…with the hope or expectation of some benefit to the defendant.'" *Edlind* at 174 (quoting *United States v. Sparks,* 791 F.3d 1188, 1192 (10th Cir. 2015). The court went on to give a few example of what has been found to satisfy this definition in other circuits, including directing a witness "to lie to investigators or at trial," suggesting that a witness misrepresent their relationship with the defendant, and telling a witness to lie to a grand jury about the defendant's drug dealing. *Id.* (quoting *Sparks* at 1192; *United*

States v. Bedoy, 827 F.3d 495, 510 (5th Cir. 2016); and *United States v. Burns*, 298 F.3d 523, 540 (6th Cir. 2002)).

The behavior in this case does not rise to the level of the convictions in the other circuits that the Fourth Circuit cited. There was no directive to a witness to lie or misrepresent the truth. Both Edlind and her husband told the witness multiple times to "tell the truth" and not to worry about how his testimony would affect Felix. (JA 271). Mr. and Mrs. Edlind go so far as to tell Kwiatkowski that if he feels an answer to a question will be bad for Felix, that he should "tell the truth" and that the "lawyers will take care of it" and "fix it"; "That's their job. Not your job, her job, my job." (JA 271).

Furthermore, the Fourth Circuit said that the intentional action must be done "'with the hope and expectation of some benefit to the defendant.'" *Edlind* at 174 (quoting *Sparks* at 1192). In all the other cases the Fourth Circuit cited, it was always the defendant trying to get others to lie or misrepresent facts about themselves to help out with criminal investigations or trials of the defendant. Assuming *arguendo* that Edlind was attempting to intentionally influence Kwiatkowski's grand jury testimony, she herself would have nothing to gain from said influence. Edlind was not charged with a crime or under investigation for human trafficking in the *Inca's Secrets* case. None of the statements she made to Kwiatkowski during the June 16 El Charro dinner conversation were about keeping herself out of trouble. She did not encourage her friend to lie or withhold any information about her conduct or conversations she had had with Kwiatkowski during his testimony. All the evidence

the government points to as witness tampering would only have been to Felix's benefit, not Edlind's.[1] The government failed to prove that element of corrupt persuasion as to how any of her conduct was to her benefit.

ISSUE II

THE FOURTH CIRCUIT SHOULD HAVE RULED THAT THERE WAS NOT SUFFICIENT EVIDENCE TO ESTABLISH THAT APPELLANT INTENDED TO INFLUENCE, DELAY OR PREVENT THE TESTIMONY OF KWIATKOWSKI.

Denials of motions to vacate a conviction and enter a judgment of acquittal are reviewed by asking "whether, after reviewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Jackson v. Virginia*, 443 U.S. 307, 319 (1979).

No evidence was presented at trial that Mrs. Edlind ever tried to delay, prevent or influence the testimony of Michael Kwiatkowski. In fact, Edlind was trying to make sure he had the right date for his appearance, and encouraged Kwiatkowski not to worry about testifying to the grand jury and to "just tell the truth." (JA 271).

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[1] Edlind was also convicted of conspiracy to commit witness tampering under U.S.C. § 1512(k) and challenged the sufficiency of the evidence on that count as well. The Fourth Circuit did not separately consider this conviction, because they held that Edlind was guilty of witness tampering under U.S.C. § 1512(b)(1), and that her multiple jail visits to Chujoy, receipt of the June 3 letter from Chujoy, and following its instructions to meet with Kwiatkowski were overt actions to prove the conspiracy. Edlind contends that her actions did not satisfy all the elements of § 1512(k) to sustain her conviction, as she lacked the corrupt intent, and therefore, there could be no meeting of the minds to sustain the conspiracy conviction, even if Chujoy's conviction for witness tampering stands. "The essence of conspiracy is 'the combination of minds in an unlawful purpose.'" *Smith v. United States*, 568 U.S. 106, 110 (2013) (quoting *United States v. Hirsch*, 100 U.S. 33, 34, (1879)).

Any such statements that the government presented to attempt to prove that Edlind attempted to influence Kwiatkowski's testimony were merely attempts to correct incomplete or inaccurate statements so that Kwiatkowski would tell the truth. Influencing a witness ***not*** to lie cannot meet this Court's definition of the witness tampering statute, as defined in *Anderson*. In fact, it is statutorily listed as an affirmative defense to § 1512(b)(1) "that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully." 18 U.S.C. § 1512(e). In this case, there were no instances of unlawful conduct such as intimidation or threats toward a witness, and Edlind, by her own recorded statements, was just trying to get the witness to testify truthfully.

ISSUE III

THE FOURTH CIRCUIT SHOULD HAVE RULED THAT THERE WAS NOT SUFFICIENT EVIDENCE TO ESTABLISH THAT APPELLANT IN CONTACTING KWIATKOWSKI CORRUPTLY INTENDED TO SUBVERT OR UNDERMINE THE DUE ADMINISTRATION OF JUSTICE.

Denials of motions to vacate a conviction and enter a judgment of acquittal are reviewed by asking "whether, after reviewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Jackson v. Virginia*, 443 U.S. 307, 319 (1979).

Indeed, the government's uncontroverted witnesses establish beyond question that Carolyn and Kwiatkowski in early 2015 were friends seeking to provide emotional support to Felix as he was going through the Alvarado case; that Felix wanted to continue that relationship by receiving visits from Kwiatkowski while Felix

was detained in the Rockingham County Jail; that Felix was surprised at some of the incorrect statements Kwiatkowski apparently made to law enforcement officers; that Felix asked Carolyn to reach out to Kwiatkowski to make sure Kwiatkowski told the truth; and Carolyn did indeed reach out to Kwiatkowski to encourage Kwiatkowski to tell the truth. Rather than corruptly undermining the administration of justice, the evidence supports a finding that the defendants believed they were seeking to achieve truth and justice.

CONCLUSION

The Court should grant the petition for a writ of certiorari and reverse the decision of the Fourth Circuit Court of Appeals.

Respectfully submitted,

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