**19.5 Obstruction of Justice—Official Proceeding
(18 U.S.C. § 1512(c))**

**Comment**

Section 1512(c)(2) “requires a showing of nexus,” namely that “(1) the obstructive conduct be connected to a specific official proceeding that was (2) either pending or was reasonably foreseeable to the defendant when he engaged in the conduct.” *United States v. Lonich*, 23 F.4th 881, 905 (9th Cir. 2022) (alterations omitted) (quoting *United States v. Young*, 916 F.3d 368, 385 (9th Cir. 2019)).

*See* Comment to Instruction 4.12 (Corruptly). Although the Ninth Circuit has not yet defined “corruptly” for purposes of § 1512(c), the court has “affirmed an instruction stating that ‘“corruptly” meant acting with “consciousness of wrongdoing”’ because it, ‘if anything, . . . placed a higher burden of proof on the government than [§] 1512(c) demands.’” *Lonich*, 23 F.4th at 906 (quoting *United States v. Watters*, 717 F.3d 733, 735 (9th Cir. 2013)).