

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
vs.)	Case No. 16-30061
)	
AARON J. SCHOCK,)	
)	
Defendant.)	

**GOVERNMENT'S MOTION FOR ORDER RESTRICTING
EXTRAJUDICIAL STATEMENTS**

The United States of America, by its attorneys, James A. Lewis, United States Attorney for the Central District of Illinois, Timothy A. Bass, Assistant United States Attorney, respectfully submits its motion for order restricting extrajudicial statements in this matter. The government states the following:

1. On November 10, 2016, Defendant Aaron J. Schock was charged in a 24-count indictment with various allegations of fraud, theft of government funds, making false reports to the Federal Election Commission and income tax violations. Defendant Schock is scheduled for his first appearance and arraignment on December 12, 2016.

2. The allegations in the indictment allege conduct that took place during a time when Defendant Schock was either a candidate for the United States Congress, or was a Congressman serving the 18th Congressional District in the State of Illinois. He is undoubtedly a public figure, and this matter has generated significant interest and pre-

trial publicity.¹

3. The local rules of the Central District of Illinois incorporate the provisions of the Illinois Rules of Professional Conduct for attorneys appearing before this Court. *See* Local Rule 83.6. One such rule limits extrajudicial statements that “pose a serious and imminent threat to the fairness of” a judicial proceeding. *See* Ill. Rules of Prof. Conduct R. 3.6(a) (2010).

4. Given the strong public interest in this matter and pre-trial publicity, the government respectfully requests that the Court enter an order, restricting the parties from making certain extrajudicial statements. The government does not seek a restriction of free speech, but only a narrow prohibition on any extrajudicial statements that “pose a serious and imminent threat to the fairness of” this criminal proceeding. Such a restriction is both necessary and appropriate. *See Gentile v. State Bar of Nevada*, 501 U.S. 1030 (1991); *In re Goode*, 821 F.3d 533 (5th Cir. 2016); *Chi. Council of Lawyers v. Bauer*, 522 F.2d 242 (7th Cir. 1975).²

5. In the event the Court concludes that a hearing on this motion is necessary, the government has no objection to the Court addressing the motion at the arraignment on December 12, 2016.

¹ The pre-trial publicity is detailed in the government’s response to Defendant Schock’s motion for intra-district transfer to the Peoria Division.

² Prior to filing this motion, the government requested the Defendant Schock agree to an order limiting extrajudicial statements. That request was declined.

Respectfully submitted,

JAMES A. LEWIS
UNITED STATES ATTORNEY

BY: s/Timothy A. Bass
Timothy A. Bass, Bar No. MO 45344
Assistant United States Attorney
318 S. Sixth Street
Springfield, IL 62701
Phone: 217/492-4450
Fax: 217/492-4044
tim.bass@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of December 2016, I filed the foregoing directly with the Clerk of Court using the CM/ECF system, which will send notice to the following:

Counsel of record

s/Timothy A. Bass
Timothy A. Bass, Bar No. MO 45344
Assistant United States Attorney
318 S. Sixth Street
Springfield, IL 62701
Phone: 217/492-4450
Fax: 217/492-4044
tim.bass@usdoj.gov