

UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

LANDON MITCHELL (2)

Case No. 1:21CR508(BAH)

NOTICE OF PUBLIC AUTHORITY DEFENSE

Mr. Landon Mitchell, through counsel, and pursuant to Federal Rule of Criminal Procedure 12.3, hereby gives notice that he may assert as a defense at trial that he was acting under actual or believed public authority at the time of the alleged offenses.<sup>1</sup> Mr. Mitchell submits that, on or about January 6, 2021, he was and believed he was directed and authorized to engage in the conduct set forth in the indictment by Donald J. Trump and his agents and representatives. At the time, Mr. Trump was vested with the full authority of the Executive Branch as President of the United States of America and was acting under color of that authority.

Respectfully submitted,

A.J. KRAMER  
FEDERAL PUBLIC DEFENDER

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<sup>1</sup> Federal Rule of Criminal Procedure 12.3 provides that a Notice of Public-Authority Defense “must be filed within the time for filing a pretrial motion, or at any later time the court sets.” Rule 12.3(a)(1). Trial is scheduled for January 9, 2023. Per the Court’s Minute Order, pre-trial Motions were due September 3, 2022, Responses due October 3, 2022, and Replies due by October 28, 2022. This Notice is filed on the date Oppositions are due and contemporaneous with Mr. Mitchell’s Response to the Government’s Motion *in Limine*, ECF. 46. Undersigned counsel note that counsel has been reviewing voluminous discovery and this and many other January 6 cases assigned to the Federal Public Defender and moves for leave to late-file the instant Notice. Mr. Mitchell has no objection to an extension for time to file a Response, should the government request one.

\_\_\_\_\_/s/\_\_\_\_\_  
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