

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,	)	
	)	
v.	)	No. 21-cr-690 (RCL)
	)	
PHILIP SEAN GRILLO,	)	
	)	
Defendant	)	
_____	)	

NOTICE OF PUBLIC AUTHORITY DEFENSE

The defense, pursuant to Federal Rule of Criminal Procedure 12.3, hereby gives notice that it may assert as a defense at trial that the defendant was acting under actual or believed public authority at the time of the alleged offenses. The defense submits that that on January 6, 2021, the defendant was and believed he was authorized to engage in the conduct set forth in the indictment by the Capitol Police and by the Executive Branch of the United States and its various agents and representatives, vested with its full authority and acting under color of that authority.¹

¹ The government has filed a motion *in limine* to preclude the defendant from arguing an entrapment by estoppel defense, another form of the public authority defense. *See* ECF No. 48. The defendant here is simply serving notice, pursuant to Rule 12.3, that he may assert a defense of public authority and entrapment by estoppel. The defendant will address the government's motion to preclude in a separate response.

Respectfully submitted,

By: /s/ Michael Padden

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