

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

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**UNITED STATES,**

**v.**

**ROBERT MORSS,  
Defendant.**

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) **Crim. No. 21cr40**  
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**MORSS’S OPPOSITION TO GOVERNMENT’S  
MOTION IN LIMINE TO PRECLUDE CLAIM OF SELF-DEFENSE**

Defendant Robert Morss, by counsel, hereby files his Response in Opposition to Government’s Motion in Limine to Preclude Claim of Self-Defense (Doc 324).

The Government moves to prohibit Defendant from raising a claim of self-defense, or, in the alternative, to force Defendant to proffer facts supporting a claim of self-defense. Although the Government discusses the substance of self-defense claims, the Government fails to explain either why now, well before trial, is the proper time to preclude potential defenses or why it believes itself to be entitled to a preview of Defendant’s potential defense strategies. Absent such explanations, the Court should return to first principles: The Government is not entitled to preclude Defendant from raising a defense before any evidence has been adduced or to gain advance knowledge of Defendant’s defense strategies. Accordingly, this Court should deny the Government’s motion.

**ARGUMENT**

Federal Crim. Proc. Rules 12.1-12.3 explicitly provide a list of defenses that a defendant must disclose pretrial – alibi (Rule 12. 1), insanity (Rule 12.2), and public authority (Rule 12.3).

Self-defense is not among the listed defenses. Per the rules, the Government is not entitled to notice of an intent to assert self-defense, let alone a pretrial proffer of facts supporting such a claim.

To support its motion, the Government's Argument merely consists of arguing that Defendant is not entitled to self-defense based on the facts the Government has presented. The Government offers no argument as to why—at this stage—Defendant should be precluded from claiming self-defense. The Government offers no argument as to why it is entitled to a pretrial preview of Defendant's potential defense strategies.

### **CONCLUSION**

WHEREFORE for these reasons, the Court should deny the Government's motion in limine to preclude claims of self-defense or to require him to make a pretrial proffer of facts.

Respectfully submitted,

ROBERT MORSS

By Counsel

/s/  
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Certificate of Electronic Service

I hereby certify that on June 8, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System, with consequent service on all parties of record.

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

John C. Kiyonaga