

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

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|---------------------------|---|------------------------|
| UNITED STATES OF AMERICA, | : | |
| Plaintiff, | : | CASE NO. 1:21-cr-00161 |
| v. | : | JUDGE WALTON |
| DUSTIN BYRON THOMPSON, | : | |
| Defendant. | : | |

**DEFENDANT’S RESPONSE TO GOVERNMENT’S ADDITIONAL PROPOSED JURY
INSTRUCTIONS**

In its Additional Proposed Jury Instructions, ECF No. 75, the government requests that the Court provide Tenth Circuit Pattern Instruction 1.19, which directs the jury to evaluate the evidence adduced at trial only as it pertains to Defendant and the charged offenses, and not to consider whether Defendant or any other individual committed any other offense. Defendant does not object to the inclusion of this instruction.

The government further requests a limiting instruction concerning the statements made by former President Donald J. Trump and Rudolph Giuliani on January 6, 2021. In light of the Court’s previous decision, to wit: that neither a public authority nor an entrapment by estoppel instruction will be given, Defendant has no additional objection¹ to this instruction to that extent that it confines the jury’s consideration to his state of mind or intent. However, Defendant further submits that the Court’s previous ruling renders the last sentence of the proposed instruction irrelevant, unnecessary, and potentially confusing. As neither former President Donald J. Trump’s nor Rudolph Giuliani’s legal power to authorize the events of January 6, 2021, is a matter in

¹While Defendant maintains his objection to the exclusion of those jury instructions, he understands the ruling of the Court and does not intend to elicit testimony or make arguments about actual authority in contravention of that ruling.

controversy in this case and further, because this instruction could be interpreted a commentary about the reasonableness of Defendant's belief, he respectfully objects to its inclusion.

Respectfully submitted,

/s/ Samuel H. Shamansky
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was filed with the Clerk of Court for the United States District Court for the District of Columbia using the CM/ECF system, which will send notification of such filing to Assistant U.S. Attorney William Dreher, 700 Stewart Street, Suite 5220, Seattle, Washington 98101 on April 8, 2022.

/s/ Samuel H. Shamansky
SAMUEL H. SHAMANSKY