

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CR No. 21-208
vs.)	
)	Honorable Amit P. Mehta, U.S.D.J.
THOMAS WEBSTER,)	
)	
Defendant.)	
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NOTICE OF AFFIRMATIVE DEFENSES

TO: Brian P. Kelly
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Notice is hereby given that Thomas Webster, defendant in this case, intends to offer the affirmative defenses of Necessity, Justification, Duress, and Self-Defense to the charges of: Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon in violation of Title 18, United States Code, §§ 111(a)(1) and (b); Civil Disorder in violation of Title 18, United States Code, § 231(a)(3); Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon in violation of Title 18, United States Code, §§ 1752(a)(1) and (b)(1)(A); Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon in violation of Title 18, United States Code, §§ 1752(a)(2) and (b)(1)(A); Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon in violation of Title 18, United States Code, §§ 1752(a)(4) and (b)(1)(A); Disorderly Conduct within the Capitol Grounds or Buildings in violation of Title 40, United States Code, § 5104(e)(2)(D); and Act of Physical Violence within the Capitol Grounds or Buildings in violation of Title 40, United States Code, § 5104(e)(2)(F).

Defendant was present at the West Front of the Capitol Building in Washington, D.C. on January 6, 2021 at approximately 2:28pm when excessive force was used against him by Officer N.R. prior to the commission of any act or allegation being asserted by the Government in violation of defendant's Eighth Amendment rights.

Defendant intends to rely upon the Body-Worn Camera (BWC) footage from Officer N.R. from January 6, 2021 time-stamped from approximately 2:17pm to approximately 2:29pm as well as public source (YouTube) videos depicting Officer N.R.'s repeated use of excessive force. Defendant is unaware of the identities of those individuals depicted in the aforementioned videos who witnessed Officer N.R.'s use of excessive force.

This **notice** is in response to the Government's demand dated November 29, 2021.

Dated: Goshen, New York
December 2, 2021

A handwritten signature in black ink, appearing to read 'James E. Monroe', written over a horizontal line.

JAMES E. MONROE, ESQ.
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