

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

<b>UNITED STATES OF AMERICA</b>	:	
	:	<b>CASE NO. 1:21-cr-00552 (DLF)</b>
<b>v.</b>	:	
	:	
<b>KENNETH JOSEPH OWEN THOMAS,</b>	:	
	:	
<b>Defendant.</b>	:	

**GOVERNMENT’S REPLY TO DEFENDANT’S  
OPPOSITION TO THE GOVERNMENT’S MOTION  
TO PRECLUDE CERTAIN ARGUMENTS AND EVIDENCE**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully files this Reply to Defendant Kenneth Joseph Owen Thomas’s Response in Opposition (ECF No. 90) to the government’s Motion to Preclude Certain Arguments and Evidence (ECF No. 89).

**REPLY**

The government’s original filing requested, at minimum, notice and a proffer from the defense regarding affirmative defenses. The defense has now filed such a notice. ECF No. 91. For the reasons explained more fully in its Motion to Strike Defendant’s Affirmative Defenses (ECF No. 92), the United States respectfully moves the Court to preclude Thomas from raising the affirmative defenses of self-defense, necessity, justification, and duress at trial. In the alternative, the United States respectfully moves this Court to require Thomas to make a pre-trial proffer of facts that would permit the Court to decide whether he is entitled as a matter of law to assert any of these affirmative defenses. If the Court defers its ruling until the evidence is presented at trial, the United States respectfully moves this Court to preclude Thomas from raising any affirmative defenses in his opening statement.

**CONCLUSION**

Based on the above, the government respectfully requests that its motion be granted.

Respectfully submitted,

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