

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

RALPH JOSEPH CELENTANO III,

Defendant.

Crim. Action No. 22-186 (TJK)

**DEFENSE OPPOSITION TO THE UNITED STATES' MOTION *IN LIMINE* TO
PRECLUDE SELF DEFENSE OR DEFENSE OF OTHERS**

The Defendant, Ralph Celentano, through counsel, moves the Court to deny the government's motion to preclude Mr. Celentano from raising a claim of self-defense or defense of others as premature.

The Federal Rules of Criminal Procedure require defendants to provide notice of certain defenses "within the time provided for filing a pretrial motion," but self-defense or defense of others is not among them. *See* Fed Rs. Crim. P. 12.1, 12.2, 12.3. Nothing in the law requires Mr. Celentano to preview his theory of defense in advance of trial and the government offers no argument for why the defense should be compelled by this Court to do so.

As the Honorable Amit P. Mehta stated in an Order denying the government's motion to preclude the defense from raising self-defense or defense of others in *United States v. Thomas Webster*, "whether self-defense is available pretrial 'as a matter of law' is not the correct inquiry. The question is whether Defendant would be entitled to a self-defense instruction at the close of the case." ECF 21-cr-208, No. 75, p. 3. Judge Mehta correctly found that the Court could not determine pretrial what evidence presented at trial would support, "whether weakly or otherwise," a claim of self-defense or defense of others. *Id.* And, in denying the government's

motion stated, “the court will not, at this stage, foreclose a self-defense defense based solely on the government’s view of the evidence.” *Id.* See also *United States v. Patrick Edward McCaughey, III, et al.*, ECF 21-cr-040, No. 410, p.4 (denying the government’s motion to preclude a self-defense theory in advance of trial as premature).

For the forgoing reasons, Mr. Celentano requests that the Court deny the government’s motion to preclude Mr. Celentano from raising a claim of self-defense or defense of others as premature.

Respectfully submitted,

/s/ _____
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