

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

UNITED STATES OF  
AMERICA

v.

STEVEN PHILLIP  
CAPPUCCIO,

Defendant.

Crim. Action No. 21-40-8  
(TNM)

**NOTICE OF EXPERT EVIDENCE AND OF A MENTAL CONDITION**

COMES NOW STEVEN PHILLIP CAPPUCCIO, by and through the undersigned attorney, and files his Notice of Expert Evidence of a Mental Condition in accordance with Federal Rule of Criminal Procedure 12.2(b). Mr. Cappuccio intends to introduce expert evidence relating to his mental disease, defect, or condition bearing on the issue of guilt.

Mr. Cappuccio is charged with willfully committing alleged offenses stemming from the events at the Capitol on January 6th, 2021. (*See* Fifth Superseding Indictment, ECF No.179). Specifically, Mr. Cappuccio's charges

include one count in violation of 8 U.S.C. § 111 (Assaulting, Resisting, or Impeding Certain Officers or Employees); one count in violation of 18 U.S.C. § 111(b) (Assaulting, Resisting, or Impeding Certain Officers or Employees While Using a Deadly or Dangerous Weapon); one count in violation of 18 U.S.C. § 2111 and 2 (Robbery); one count in violation of 18 U.S.C. § 1512(c)(2) (Obstruction of an Official Proceeding); one count in violation of 18 U.S.C. § 231(a)(3) (Certain Acts During Civil Disorder); one count in violation of 18 U.S.C. §§ 1752(a)(2) and (b)(1)(A) (Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon); one count in violation of 18 U.S.C. §§ 1752(a)(4) and (b)(1)(A) (Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon); one count in violation of 40 U.S.C. § 5104(e)(2)(D) (Disorderly Conduct in a Capitol Building); and one count in violation of 40 U.S.C. (F) (Act of Physical Violence in the Capitol Grounds or Buildings). *Id.*

Mr. Cappuccio hereby notices his intent to provide expert evidence of a mental disease or defect or any other mental condition bearing on the issue of guilt in accordance with Rule 12.2(b).

Mr. Cappuccio intends to introduce expert evidence relating to a mental disease or defect or any other mental condition of the defendant bearing on the issue of guilt, specifically whether Mr. Cappuccio committed the acts willfully. *See* 18

U.S.C. § 2. Mr. Cappuccio's mental condition at the time of the alleged offense bears on his innocence in that it negates the required specific intent.

Mr. Cappuccio, hereby designates Dr. Stephen Nicholas Xenakis as his expert for trial. Dr. Xenakis will provide expert testimony relating to Mr. Cappuccio's mental condition including his diagnosis of PTSD and how it relates to his actions. The curricula vitae for Dr. Xenakis is attached as an exhibit to this filing.

Respectfully submitted,

/s/

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*Attorney for Defendant Steven Cappuccio*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 3, 2022, I will electronically file the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

/s/

Marina Thais Douenat  
Assistant Federal Public Defender