

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

UNITED STATES OF AMERICA

Criminal No. 21-670 (CJN)

v.

STEPHEN K. BANNON,

Defendant.

NOTICE PURSUANT TO RULE 12.3, FEDERAL RULES OF CRIMINAL PROCEDURE

Defendant Stephen K. Bannon, through his undersigned counsel, hereby gives notice, pursuant to Rule 12.3 of the Federal Rules of Criminal Procedure, that he intends to assert defenses of public authority in this case, including actual and apparent authority. Mr. Bannon also intends to assert the defense of entrapment by estoppel.

At all times since the receipt of the subpoena underlying the charges in this case, the Defendant has acted in all regards with respect to that subpoena based upon (1) the authority of former United States President Donald J. Trump, arising from his invocation of executive privilege regarding Mr. Bannon and the subpoena and (2) the authority of the United States Department of Justice (and its constituent parts and branches), reflected in directly relevant, applicable, and legally binding, authoritative Opinions from the DOJ's Office of Legal Counsel and materials from other DOJ officials. Many of the relevant OLC Opinions and other DOJ materials reflect official DOJ policy going back consistently over six decades. The official materials include, but are not limited, to the written position of the former U.S. Attorney for the District of Columbia. Mr. Bannon has at all relevant times acted in reliance on and in conformity with all of the above. The official positions reflected therein prohibit his prosecution.

Dated: April 15, 2022

Respectfully submitted,

SILVERMAN|THOMPSON|SLUTKIN|WHITE, LLC

/s/ M. Evan Corcoran

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Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of April 2022, a copy of the foregoing Rule 12.3 Notice was filed through the Court's CM/ECF system and was served *via* electronic delivery on counsel of record.

/s/ M. Evan Corcoran

M. Evan Corcoran (D.C. Bar No. 440027)