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 11 UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT

13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,
 15
 16 Plaintiff,
 17 v.
 18 JONATHON REDONDO-ROSALES,
 19 Defendant.

No. 2:25-CR-679-JLS

GOVERNMENT'S OPPOSITION TO
DEFENDANT'S MOTION IN LIMINE TO
COMPEL GRAND JURY INFORMATION AND
TRANSCRIPTS (DKT. 43)

Trial Date: October 21, 2025
 Trial Time: 9:00 a.m.
 Location: Courtroom of the
 Hon. Josephine L.
 Staton

22
 23 Plaintiff United States of America, by and through its counsel
 24 of record, the Acting United States Attorney for the Central District
 25 of California and Special Assistant United States Attorney Robert K.
 26 Quealy and Assistant United States Attorney Joshua J. Lee, hereby
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¹ Authorized to practice pursuant to Local Rule 83-2.1.4.2.

1 files its opposition to defendant's motion in limine to compel grand
2 jury information and transcripts. (Dkt. 43.)

3 This opposition is based upon the attached memorandum of points
4 and authorities, the files and records in this case, and such further
5 evidence and argument as the Court may permit.

6 Dated: October 2, 2025

Respectfully submitted,

7 BILAL A. ESSAYLI
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8 JOSEPH T. MCNALLY
9 Assistant United States Attorney
Acting Chief, Criminal Division

10
11 /s/

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Defendant Jonathon Redondo-Rosales is on a fishing expedition.
4 Defendant is charged by information with misdemeanor assault on a
5 federal officer, in violation of 18 U.S.C. § 111(a)(1).
6 Notwithstanding the fact that defendant was charged via information
7 with a misdemeanor, and therefore his case was not even required to
8 be presented to a grand jury, defendant seeks secret grand jury
9 material based on nothing more than bald speculation. Defendant's
10 claim is based on speculation that his case was presented to the
11 grand jury, speculation that an indictment was not returned, and
12 speculation even further that whatever occurred in secret grand jury
13 proceedings falls under the narrow exceptions to grand jury secrecy
14 or is Brady material and must be produced.

15 Defendant's desire to engage in a fishing expedition is no
16 reason to violate the requirements of grand jury secrecy. Rule
17 6(e)(2)(B) of the Federal Rules of Criminal Procedure prohibits the
18 disclosure of any information that would reveal "matters occurring
19 before the grand jury." This prohibition is broad. Courts
20 construing Rule 6(e), including the Ninth Circuit, have stated that
21 it extends to "anything which may reveal what occurred before the
22 grand jury," or "information which would reveal the identities of
23 witnesses or jurors, the substance of testimony, the strategy or
24 direction of the investigation, the deliberations or questions of the
25 jurors, and the like." Standley v. Department of Justice, 835 F.2d
26 216, 218 (9th Cir. 1987) (cleaned up). The exceptions to this rule
27 of secrecy are narrow and defendant has failed to meet the high
28 burden to pierce grand jury secrecy. His motion should be denied.

1 **II. ARGUMENT**

2 **A. Legal Standard**

3 The "proper functioning of our grand jury system depends upon
4 the secrecy of grand jury proceedings." Douglas Oil Co. v. Petrol
5 Stops Northwest, 441 U.S. 211, 218 (1979) (noting that the Supreme
6 Court has consistently recognized this premise). Indeed, "[s]ince
7 the 17th century, grand jury proceedings have been closed to the
8 public, and records of such proceedings have been kept from the
9 public eye. The rule of grand jury secrecy . . . is an integral part
10 of our criminal justice system." Id. at 218 n.9. The Supreme Court
11 has consistently recognized that this indispensable secrecy of grand
12 jury proceedings "must not be broken except where there is a
13 compelling necessity." United States v. Procter & Gamble Co., 356
14 U.S. 677, 682 (1958). The grand jury is a public institution which
15 serves the community, thus its secrecy is necessary to uphold, for
16 this institution "might suffer if those testifying today knew that
17 the secrecy of their testimony would be lifted tomorrow." Id.

18 This fundamental presumption of grand jury secrecy is now
19 embodied in Rule 6(e) of the Federal Rules of Criminal Procedure.
20 A court may permit disclosure of grand jury materials to defendant in
21 two narrow situations, under Rule 6(e)(3)(E)(i), when "preliminarily
22 to or in connection with a judicial proceeding," or Rule
23 6(e)(3)(E)(ii), when a defendant "shows that a ground may exist to
24 dismiss [an] indictment because of a matter that occurred before the
25 grand jury." Fed. R. Crim. P. 6(e)(3)(E)(i), (ii). Defendant does
26 not have any ground to dismiss an indictment; indeed, there is not
27 even an indictment in this case. Therefore, the only exception to
28

1 the strong presumption of grand jury secrecy is the exception in Rule
2 6(e) (3) (E) (i).

3 A court may permit the disclosure of grand jury materials to a
4 party under Rule 6(e) (3) (E) (i) only when the requesting party has
5 demonstrated a "particularized need" or "compelling necessity" for
6 disclosure which outweighs the policy of grand jury secrecy. Douglas
7 Oil Co., 441 U.S. at 217-22. The particularized need standard is
8 sufficiently met when the parties show "the material they seek is
9 needed to avoid a possible injustice in another judicial proceeding,
10 that the need for disclosure is greater than the need for continued
11 secrecy, and that their request is structured to cover only material
12 so needed." Id. at 222 (emphasis added).

13 Importantly, "[m]ere 'unsubstantiated, speculative assertions of
14 improprieties in the proceedings'" or other matters "do not supply
15 the 'particular need' required to outweigh the policy of grand jury
16 secrecy." United States v. Ferreboeuf, 632 F.2d 832, 835-36 (9th
17 Cir. 1980) (quoting United States v. Rubin, 559 F.2d 975, 988 (5th
18 Cir. 1977), vacated on other grounds, 439 U.S. 810 (1978)); see also
19 Costello v. United States, 350 U.S. 359, 363-64 (1956). Grand jury
20 testimony is not to be "released for the purpose of a fishing
21 expedition or to satisfy an unsupported hope of revelation of useful
22 information." United Kingdom v. United States, 238 F.3d 1312, 1321
23 (11th Cir. 2001) (internal quotes and citation omitted).

24 Further, the "proper functioning of our grand jury system
25 depends upon the secrecy of grand jury proceedings." Douglas Oil
26 Co., 441 U.S. at 218. Courts in using their discretion to grant or
27 deny such a motion to compel must consider the "possible effect upon
28 the functioning of future grand juries," as well as the immediate

1 effect on the particular grand jury at issue. Id. at 222
2 (acknowledging that “persons called upon to testify will consider the
3 likelihood that their testimony may one day be disclosed to outside
4 parties” and that “fear of future retribution or social stigma may
5 act as powerful deterrents to those who would come forward and aid
6 the grand jury in the performance of its duties”).

7 **B. Defendant Impermissibly Attempts to Use Brady to Engage in**
8 **a Fishing Expedition**

9 Defendant first attempts to compel discovery of grand jury
10 material by baselessly invoking Brady v. Maryland, 373 U.S. 83 (1963)
11 and speculating that grand jury information exists, and if such
12 information exists, that it might contain Brady information. This is
13 pure speculation, and it does not trump grand jury secrecy.

14 Brady does not create an absolute right of access to grand jury
15 testimony or information. See United States v. Natale, 526 F.2d
16 1160, 1170 (2d Cir. 1975) (Brady does not require that the government
17 disclose grand jury testimony of all witnesses); Gollaher v. United
18 States, 419 F.2d 520, 527 (9th Cir. 1969) (Brady does not support the
19 theory that the government must disclose grand jury testimony of
20 those it does not call as witnesses because those individuals may
21 have given testimony beneficial to defendant). “The heart of the
22 holding in Brady is the prosecution’s suppression of evidence”
23 favorable to the accused. Moore v. Illinois, 408 U.S. 786, 794
24 (1972) (emphasis added). The concept of ‘suppression’ implies that
25 the government has information in its possession of which the
26 defendant lacks knowledge and which the defendant would benefit from
27 knowing. See Giles v. Maryland, 386 U.S. 66, 96 (1967) (White, J.,
28 concurring).

1 Here, defendant cannot plausibly claim that any purported grand
2 jury material that may exist as to him is both favorable to him and
3 to which he lacks knowledge of is being suppressed to qualify as
4 Brady. The government has already complied with its Brady
5 obligations in this case and will continue to do so. Presumably
6 defendant and his counsel can reasonably determine why or why not a
7 grand jury may or may not have indicted him for a felony assault
8 charged based on their assessment of the strength of the government's
9 case. But that a grand jury may or may not have agreed with
10 defendant's and his counsel's assessment of the strength of the
11 evidence does not make it Brady.¹

12 Defendant's other argument that "there is no reason to refuse to
13 tell defense whether or not a grand jury proceeding took place" is
14 simply wrong. (Dkt. 43 at 4.) The government is prohibited from
15 disclosing any information that would reveal "matters occurring
16 before the grand jury" under Rule 6(e), including "information which
17 would reveal the identities of witnesses or jurors, the substance of
18 testimony, the strategy or direction of the investigation, the
19 deliberations or questions of the jurors, and the like." Standley,
20 835 F.2d at 218 (cleaned up).

21 Because whether this case was presented to grand jury is not
22 Brady and is prohibited from disclosure by the government under Rule
23 6(e), defendant's motion must be denied.

27
28 ¹ The government is also aware of its separate obligation to
produce any grand jury transcript that contains its witness's
statements as required under the Jencks Act.

1 **C. Defendant Has Not Met the Burden of Showing a**
2 **Particularized Need Either**

3 Defendant's motion should be denied even if analyzed outside of
4 a Brady claim. Disclosure of grand jury material is still only
5 warranted when a party shows that they seek material only to avoid a
6 possible injustice in another judicial proceeding and that the need
7 for disclosure is greater than the need for continued secrecy. See
8 Douglas Oil Co., 441 U.S. at 218-22. Defendant's bald claim that
9 grand jury material that might exist may be "unfavorable to the
10 government and favorable to the defense" is still insufficient to
11 show a compelling particularized need. (Dkt. 43 at 4.)

12 Defendant's argument that any material may be favorable to him
13 is based on mere speculation, which is insufficient to meet
14 defendant's burden to pierce grand jury secrecy. See Ferreboeuf, 632
15 F.2d at 835 ("speculative assertions of improprieties in the
16 proceedings" do not supply the "particular need" required to outweigh
17 the policy of grand jury secrecy); see also United Kingdom, 238 F.3d
18 at 1321 ("[n]o grand jury testimony is to be released for the purpose
19 of a fishing expedition or to satisfy an unsupported hope of
20 revelation of useful information") (citation omitted); United States
21 v. Warren, 16 F.3d 247, 253 (8th Cir. 1994) ("a bare allegation that
22 the records are necessary to determine if there may be a defect in
23 the grand jury process does not satisfy the 'particularized need'
24 requirement.").

25 Defendant tries to avoid his failure to show a compelling
26 particularized need by shifting his burden to the government and
27 arguing that there is "little interest in secrecy at this point"
28 because the investigation is over. (Dkt. 43 at 4.) But if that were

1 the case, there would never be any need for grand jury secrecy after
2 an investigation concludes. That is not the law because Rule 6(e)
3 still requires secrecy and defendant still has the burden of
4 explaining why the rule of secrecy should be lifted; it is not the
5 government's burden to explain why it should remain. Even if it
6 were, however, the policy implications of grand jury secrecy always
7 remain. Indeed, the most significant policy implications of grand
8 jury secrecy that survives after a grand jury investigation is
9 concluded is that secrecy encourages witnesses to testify fully and
10 honestly without fear of retribution. This consideration is to be
11 given significant weight regardless of the status of the
12 investigation. See United States v. Sobotka, 623 F.2d 764, 767 (2d
13 Cir. 1980). And other than his speculative assertions, defendant
14 utterly fails to try to explain why his need should trump this
15 important policy consideration.

16 The need to hold defendants to their evidentiary burden prior to
17 ordering the disclosure of grand jury materials is larger than any
18 one individual case because the "proper functioning of our grand jury
19 system depends on the secrecy of grand jury proceedings." Douglas
20 Oil Co., 441 U.S. at 218 (citations omitted). Defendant's
21 speculative theories are simply an attempt to breach grand jury
22 secrecy. This is unwarranted, and allowing defendant's motion to
23 succeed would affect future cases and the institution of the grand
24 jury.

25 **III. CONCLUSION**

26 For the foregoing reasons, the government respectfully requests
27 that this Court deny defendant's motion.

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