

1 Katherine McBroom, CBN 223559
2 McBroom Law, P.C.
3 242 26th Street, Unit C
4 Santa Monica, CA 90402
5 Telephone: (310) 893-5198
6 kmcbroom@mcbroomlegal.com

7 Attorney for Defendant
8 JONATHAN REDONDO-ROSALES

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 JONATHAN REDONDO-
15 ROSALES

16 Defendant.

CASE NO. CR 25-679-JLS

JONATHAN REDONDO-
ROSALES’ REPLY IN SUPPORT
OF MOTION TO COMPEL
BRADY DISCOVERY

Hearing Date: January 23, 2026

Hearing Time: 8:30 a.m.

Trial Date: February 3, 2026

Location: Courtroom of the Hon.

Josephine L. Stanton

17 Defendant Jonathan Redondo-Rosales (“Mr. Redondo-Rosales”), through
18 his counsel of record, Katherine C. McBroom, hereby files his Reply in support
19 of Motion to Compel *Brady* Discovery. (Dkt. 53).

20 **I. INTRODCUTION**

21 On August 2, 2025, while attending a protest on Alameda Street,
22 Department of Homeland Security (“DHS”) Federal Protective Services (“FPS”)
23 Inspectors struck Mr. Redondo Rosales with a vehicle. Thereafter, they rushed at
24

1 and pushed Mr. Redondo-Rosales to the pavement, then tackled him a second
2 time slamming his head into the ground. Thereafter, while officers pinned him
3 down, Mr. Redondo-Rosales was pepper sprayed in the face. Inspectors Z.C.,
4 Terpstra, and Murberg claim that Mr. Redondo-Rosales intentionally struck
5 Inspector Z.C. in the face thus justifying their use of excessive force in detaining
6 and arresting Mr. Redondo-Rosales.

7 The government has decided not to call the alleged victim, Inspector Z.C.,
8 as a trial witness presumably because he suffered a 2021 assault conviction which
9 he concealed from the United States Attorney's Office ("USAO") and the DHS.
10 Mr. Redondo-Rosales is nevertheless entitled to discovery concerning Inspector
11 Z.C. efforts to conceal his criminal record as well as potentially exculpatory
12 materials contained in each of the Inspector's personnel files. Evidence of a
13 pattern and practice of use of force by each of the Inspectors as well as any
14 misconduct bearing on their credibility bolster's Mr. Redondo-Rosales' defense
15 and is proper impeachment material.

16 The government argues Mr. Redond-Rosales is not entitled to these
17 materials because he has failed to make a prima facie showing of materiality and
18 because his request is overbroad. The government is wrong. As the government
19 pointed out in its opposition, they are obligated under *Brady v. Maryland*, 373
20 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972) to disclose
21 evidence in their possession that is favorable to the defense *or* that may be used
22 by the defense for impeachment purposes. Mr. Redondo-Rosales' request for
23 discovery is narrowly tailored to material bearing on the Inspector's credibility
24 and any pattern and practice of false reporting and use of excessive force.

25 **II. ARGUMENT**

26 **A. Mr. Redondo-Rosales Has Demonstrated the Materiality of the** 27 **Discovery Sought**

1 Front and center in this case is whether the FPS Inspectors were acting
2 lawfully when pursuing and detaining Mr. Redondo-Rosales and whether the
3 assault allegations against Mr. Redondo-Rosales were manufactured in order to
4 justify the use of excessive force. Mr. Redondo-Rosales is entitled to learn
5 whether any of the Inspectors have been investigated or disciplined for acts of
6 dishonestly including false reporting and use of excessive force. Such
7 information would be helpful to the defense as it supports the theory that the
8 Inspectors are alleging assault to justify their own misconduct and would reflect
9 poorly on their credibility.

10 Rule 16 "grants criminal defendants a broad right to discovery." *United*
11 *States v. Muniz-Jaquez*, 718 F.3d 1180, 1183-84 (9th Cir. 2013) (quoting *United*
12 *States v. Stevers*, 603 F.3d 747, 752 (9th Cir. 2010). The "materiality"
13 requirement is satisfied by a presentation of facts which would tend to show that
14 the government is in possession of information helpful to the defense. *Muniz-*
15 *Jaquez*, 718 F.3d at 1183-84. Rule 16 permits discovery that is "relevant to the
16 development of a possible defense." *Id.* (quoting, *United States v. Mandel*, 914
17 F.2d 1215, 1219 (9th Cir.1990)).

18 The Supreme Court has explained that a criminal defendant may compel
19 disclosure or *in camera* review of some materials if he or she "establish[es] a
20 basis," "some plausible showing," "for his claim that [something undisclosed]
21 contains material evidence." *Pennsylvania v. Ritchie*, 480 U.S. 39, 58 n.15,
22 (1987) (quoting *United States v. Valenzuela-Bernal*, 458 U.S. 858, 867(1982)).
23 This standard does not specifically require "a particularized showing of what
24 information" is sought for the simple reason that before disclosure a defendant
25 likely will not know the content of an undisclosed item. *Id.*

26 Courts differ as to the required showing in order to trigger production under
27 Rule 16(a)(1)(E)(i). See *United States v. Conder*, 423 F.2d 904, 910 (6th Cir.
28 1970); *United States v. Ross*, 511 F.2d 757, 762-63 (5th Cir. 1975), *Muniz-*

1 *Jaquez, supra*, 718 F.3d at 1183. Whatever showing is required, it appears to be
2 less onerous than the showing contemplated by *Ritchie* because Rule 16's
3 materiality bar differs from that applicable to *Brady*. "[M]aterial to preparing the
4 defense" may not necessarily be "material either to guilt or to punishment." *See*
5 *Muniz-Jaquez*, 718 F.3d at 1183 (concluding that Rule 16 is "broader than *Brady*"
6 because "[i]nformation that is not exculpatory or impeaching may still be relevant
7 to developing a possible defense").

8 Here, the information sought bears on the credibility of law enforcement
9 officers who Mr. Redondo-Rosales contends are mispresenting the circumstances
10 of his detention and arrest. Regardless of whether the information is proper
11 impeachment, the information sought is certainly helpful to the defense's theory.
12 Mr. Redondo-Rosales has met the very low threshold of establishing the
13 materiality of the discovery requested.

14 **B. Mr. Redondo-Rosales Is Entitled to Discover Impeachment Material**
15 **Regardless of Which Party Intends to Call the Witness at Trial**

16 The government argues that the defense solely seeks information concerning
17 the Inspectors' prior misconduct to impeach witnesses the government does not
18 intend to call at trial. A criminal defendant, however, may impeach his or her
19 own witness if the testimony is contrary to the evidence and injurious to the
20 defendant's case. Under Rule of Evidence 607, a party may impeach his or her
21 own witness so long as impeachment is not used as a method to introduce
22 otherwise inadmissible evidence. *See U.S. v. Scarbrough*, 470 F.2d 166, 168 (9th
23 Cir. 1972) (party can properly impeach own witness by use of out of court
24 statements where the testimony is contrary to that anticipated and where the
25 testimony is harmful to that party's case); *U.S. v. Dixon*, 547 F.2d 1079, 1084 (9th
26 Cir. 1976) (error to exclude informer's prior convictions for impeachment
27 purposes, even though defendants were calling him as a witness). In *Dixon*, the
28 Court stated that the defense strategy in calling an informer as a witness likely

1 went beyond impeachment, but rather the testimony would “support various
2 defense theories.” *Id.* The Court determined that because the witness made
3 statements that further incriminated defendants, the defense should have been
4 permitted to impeach that witness with prior convictions. *Id.*

5 The defense understands that it may not call law enforcement officers for
6 the sole purpose of attempting to admit their prior misconduct. The defense can
7 however call law enforcement witnesses to, among other things, demonstrate how
8 the allegations underlying this case are in no way supported by eyewitness and
9 video evidence. Further, if these witnesses provide unanticipated testimony that is
10 harmful to Mr. Redondo-Rosales’ case, the defense may absolutely impeach
11 those witnesses.

12 **C. Mr. Redondo-Rosales’ Discovery Request is Narrowly Tailored**

13 The government argues in conclusory fashion and without authority, that
14 Mr. Redondo-Rosales’ requests are overbroad and that the items sought are
15 undiscoverable. The government takes particular issue with the defense’s request
16 for information related to Z.C.’s concealment of his 2021 assault conviction from
17 not only the USAO’s office but also the DHS PFS. Whether Inspector Z.C.
18 misrepresented his criminal history to DHS bears directly on his credibility. And as
19 set forth above, should Inspector Z.C. provide unanticipated and harmful
20 testimony to the defense, under Rule 607, the defense is absolutely entitled to
21 impeach him despite having called him as a witness.

22 **IV. CONCLUSION**

23 For the foregoing reasons, the defense respectfully requests that the Court
24 grant Mr. Redondo-Rosales’ Motion to Compel *Brady* Discovery.

25 DATED: January 20, 2026

Katherine McBroom
Katherine McBroom
Attorney for JONATHAN
REDONDO-ROSALES