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Attorneys for Plaintiff  
 9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 JONATHON REDONDO-ROSALES,

16 Defendant.

No. CR 25-679-JLS

GOVERNMENT'S NOTICE OF MOTION AND  
 MOTION IN LIMINE #2 TO PRECLUDE  
 SELF-DEFENSE ARGUMENTS

Hearing Date: September 26, 2025  
 Hearing Time: 8:30 am  
 Location: Courtroom of the  
 Hon. Josephine L.  
 Staton

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 19 Plaintiff United States of America, by and through its counsel  
 20 of record, the Acting United States Attorney for the Central District  
 21 of California and Special Assistant United States Attorney Robert K.  
 22 Quealy, hereby files its Motion In Limine #2 to preclude defendant  
 23 from raising a self-defense theory at trial.

24 This motion in limine is based upon the attached memorandum of  
 25 points and authorities, the files and records in this case, and such  
 26 further evidence and argument as the Court may permit.  
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<sup>1</sup> Authorized to Practice Pursuant to Local Rule 83-2.1.4.2

1 On September 12, 2025, government and defense counsel met and  
2 conferred regarding this motion via email. Defense counsel has  
3 indicated defendant opposes the relief sought in this motion.

4 Dated: September 16, 2025

Respectfully submitted,

5 BILAL A. ESSAYLI  
6 Acting United States Attorney

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

10 /s/

11 \_\_\_\_\_  
12 ROBERT K. QUEALY  
13 Special Assistant United States  
14 Attorney

15 Attorneys for Plaintiff  
16 UNITED STATES OF AMERICA  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

On August 2, 2025, defendant JONATHON REDONDO-ROSALES ("defendant") forcibly assaulted Federal Protective Service Officer Z.C. by intentionally striking at and hitting Z.C.'s face. Defendant struck at the victim in an attempt to avoid being detained after defendant had jumped onto the hood of a government vehicle. For this conduct, defendant has been charged in an information with Simple Assault of a Federal Officer, a Class A Misdemeanor, in violation 18 U.S.C. § 111(a)(1).

The Ninth Circuit permits two forms of self-defense: (1) ignorance of the official status of the person assaulted (United States v. Feola, 420 U.S. 671, 686 (1975)); and (2) an excessive force defense (United States v. Span, 970 F.2d 573, 579 (9th Cir. 1992)). For defendant to argue self-defense at trial under an ignorance defense, he is required to first make an offer of proof that: (1) he did not know the victim was a federal officer or employee; (2) defendant's use of force -- striking at the victim's face -- was reasonably necessary to defend himself against the victim's (purported) immediate use of unlawful force; and (3) such force was no more force than reasonably necessary under the circumstances. See Ninth Circuit Model Jury Instruction No. 8.3 (2022 ed.). For defendant to argue self-defense against an excessive use of force, he must show "(1) a reasonable belief that the use of force was necessary to defend himself against the immediate use of unlawful force and (2) the use of no more force than was reasonably necessary in the circumstances." See United States v. Acosta-Sierra, 690 F.3d 1111, 1126 (9th Cir. 2012) (cleaned up).

1 To date, the government has neither received any offer of proof  
2 nor expects a meritorious offer of proof as to how defendant can  
3 establish a prima face case of self-defense. Because defendant is  
4 unable to establish a prima facie case that the elements of self-  
5 defense against under either theory are met, the Court should  
6 preclude him from raising that affirmative defense at trial.

7 **II. FACTUAL BACKGROUND**

8 On August 2, 2025, defendant was present among a group of  
9 protestors at the Alameda Street Entrance to the Roybal Federal  
10 Building located on the 500 block of North Alameda Street in Los  
11 Angeles. Defendant walked across North Alameda Street towards the  
12 federal building as a federal vehicle was exiting onto the street.  
13 Defendant stepped in front of the vehicle and then intentionally  
14 collapsed on the hood of the car.

15 As victim Z.C., a Federal Protective Services (FPS) officer, and  
16 approximately two other FPS officers approached defendant to detain  
17 him for obstructing a government vehicle, defendant retreated from  
18 victim Z.C. and swatted with his left hand towards Z.C.'s face.  
19 Defendant was holding a straw hat in his left hand at the time of the  
20 strike. At the time of the assault, victim Z.C. was reaching towards  
21 defendant to detain him.

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Exhibit A: Screen Capture from USAO\_000053

III. LAW AND ARGUMENT

A. The Defendant Must Proffer Prima Facie Evidence for Each Element of His Affirmative Defense.

"If a defendant cannot proffer legally sufficient evidence of each element of an affirmative defense, then he is not entitled to present evidence in support of that defense at trial." United States v. Cramer, 532 F. App'x 789, 791 (9th Cir. 2013) (upholding order excluding self-defense theory at trial when defense proffer was insufficient to meet elements as matter of law); see also United States v. Biggs, 441 F.3d 1069, 1071 (9th Cir. 2006) (discussing requirement defendant proffer elements of self-defense before trial).

While this prima facie burden is not a high one, defendant still needs to put forth "evidence upon which the jury could rationally sustain the defense." United States v. Houston, 648 F.3d 806, 816 (9th Cir. 2011) (upholding preclusion of affirmative defense of duress based on insufficient proffer). As the Supreme Court has made clear, the requirement that a defendant first establish a prima facie case for each element of an affirmative defense is an important

1 protection against "wasting valuable trial resources." United States  
2 v. Bailey, 444 U.S. 394, 417 (1980).

3 **B. Defendant Cannot Establish a Prima Facie Case for Each**  
4 **Element of Self Defense.**

5 Here, defendant cannot proffer prima facie evidence of any of  
6 the three required elements of self-defense, let alone all of them.  
7 The elements for self-defense set forth in the Model Ninth Circuit  
8 Jury Instructions, 8.3 Assault on Federal Officer or Employee—  
9 Defenses are: (1) the defendant did not know that the victim was a  
10 federal officer or employee; (2) the defendant reasonably believed  
11 that use of force was necessary to defend oneself against an  
12 immediate use of unlawful force; and (3) the defendant used no more  
13 force than appeared reasonably necessary in the circumstances. See  
14 Ninth Circuit Model Criminal Jury Instructions, No. 8.3 (2022 ed.)  
15 (emphasis added).

16 First, there is no reasonable dispute that defendant did not  
17 know that the victim was a federal officer. Defendant was present  
18 with a group of protestors outside a federal building, the victim was  
19 wearing a uniform at the time of the assault clearly identifying him  
20 as a federal officer, and the victim approached the defendant with  
21 other uniformed officers to detain the defendant after the defendant  
22 jumped onto a federal vehicle and attempted to flee.

23 Second and third, defendant cannot establish that he reasonably  
24 believed he needed to use force to defend himself from an immediate  
25 use of unlawful force or that the force he used was no more than was  
26 reasonably necessary. As an initial matter, defendant has no right  
27 to resist a detention -- lawful or unlawful. See, e.g., United  
28 States v. Span, 970 F.2d 573, 579 (9th Cir. 1992); Arpin v. Santa

1 Clara Valley Transp. Agency, 261 F.3d 912, 921 (9th Cir. 2001) (“The  
2 absence of probable cause does not grant an individual the right to  
3 offer resistance. . . . An individual’s limited right to offer  
4 reasonable resistance is only triggered by an officer’s bad faith or  
5 provocative conduct.”); Robinson v. City of San Diego, 954 F. Supp.  
6 2d 1010, 1023 (S.D. Cal. 2013) (“[I]f a person has knowledge, or by  
7 the exercise of reasonable care, should have knowledge, that he is  
8 being arrested by a peace officer, it is the duty of such person to  
9 refrain from using force . . . to resist such arrest. Even if the  
10 arrest was unlawful, that would not justify or excuse an assault upon  
11 the officer. The remedy for improper police conduct is in the  
12 courts, not in private reprisal.”)

13 Nor could defendant reasonably believe he needed to use force to  
14 “defend” himself. Rather, the officers were lawfully detaining  
15 defendant after he had jumped on a federal vehicle. Victim Z.C.’s  
16 contact with defendant was thus not a use of unlawful force such that  
17 an objectively reasonable person in defendant’s position would  
18 believe self-defense to be necessary. See United States v. Streit,  
19 962 F.2d 894, 899 (9th Cir. 1992), as amended (Apr. 23, 1992)  
20 (upholding preclusion of self-defense theory at trial because federal  
21 agents were justified in using force to restrain defendant during  
22 arrest and defendant had no right to respond with force in self-  
23 defense); see also United States v. Acosta-Sierra, 690 F.3d 1111,  
24 1126 (9th Cir. 2012) (an objective standard, rather than a subjective  
25 one, applies to the requirement that there be a reasonable belief  
26 that self-defense was necessary).

27 To the contrary, defendant escalated the encounter when he  
28 swatted at the victim’s face. In such circumstances, defendant is

1 “foreclosed from presenting a theory of self-defense because he  
2 preemptively attacked.” United States v. McNeal, 765 F. App’x 193,  
3 194 (9th Cir. 2019); Acosta-Sierra, 690 F.3d at 1126 (“[A]n  
4 individual who is the attacker cannot make out a claim of self-  
5 defense as a justification for an assault.”).

6 **C. Defendant Cannot Establish Prima Facie Evidence of the**  
7 **Elements of Self Defense from Excessive Force.**

8 An individual may make out an affirmative defense of self-  
9 defense against a federal law enforcement official who uses excessive  
10 force in a “narrow range of circumstances.” Acosta-Sierra, 690 F.3d  
11 at 1126; Span, 970 F.2d at 580 (noting that an individual has a  
12 limited right to offer reasonable resistance to arrest that is  
13 triggered by the officer’s bad faith or provocative conduct). Only  
14 in those “narrow circumstances” does a defendant not need to  
15 establish he was ignorant the victim was a federal officer or  
16 employee. See United States v. Ornelas, 906 F.3d 1138, 1148 (9th  
17 Cir. 2018). Defendant must, however, still offer evidence to show  
18 “(1) a reasonable belief that the use of force was necessary to  
19 defend himself against the immediate use of unlawful force and  
20 (2) the use of no more force than was reasonably necessary in the  
21 circumstances.” Acosta-Sierra, 690 F.3d at 1126 (cleaned up); United  
22 States v. Urena, 659 F.3d 903, 907 (9th Cir. 2011).

23 There is nothing in the record to suggest victim Z.C. used  
24 unlawful excessive force, or any other provocative conduct, against  
25 defendant. And for the reasons already discussed above, defendant  
26 cannot meet the burden to show she both (1) reasonably believed that  
27 use of force was necessary to defend herself against the immediate  
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1 use of unlawful force, and (2) used no more force than reasonably  
2 necessary in the circumstances.

3 **IV. CONCLUSION**

4 For the foregoing reasons, the government respectfully requests  
5 that this Court grant its motion.

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