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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID JOSE HUERTA,

Defendant.

No. CR 2:25-cr-00841-SB

**GOVERNMENT'S TRIAL
MEMORANDUM**

Trial Date: February 17, 2026
Trial Time: 8:30 a.m.
Location: Courtroom of the Hon.
Stanley Blumenfeld Jr.

Information: December 12, 2025
Pretrial Conf.: February 3, 2026
Trial: February 17, 2026
Last Day: March 28, 2026

Plaintiff United States of America, by and through its counsel of record, the First Assistant United States Attorney for the Central District of California and Assistant United States Attorneys Neil Thakor and Chris S. Bulut, hereby files its Trial

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1 Memorandum.

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3 Dated: January 28, 2026

Respectfully submitted,

4 TODD BLANCHE
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6 First Assistant United States Attorney

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9 /s/
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13 UNITED STATES OF AMERICA
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TRIAL MEMORANDUM

I. SUMMARY OF FACTS

A. Federal Agents Obtain a Warrant to Search Ambiance Apparel and Seize Evidence of Federal Crimes

In 2025, an I-9 audit was conducted on Ambiance Apparel, a business that had previously been convicted of eight felonies, revealing it was illegally hiring unlawful aliens as employees using fraudulent documents and stolen social security numbers. On June 5, 2025, federal agents obtained a warrant to search Ambiance Apparel's business and warehouse locations and seize evidence of violations of: 8 U.S.C. § 1324(a) (Harboring Aliens); 8 U.S.C. § 1324a (Unlawful Employment of Aliens); 18 U.S.C. § 1001 (False Statements); 18 U.S.C. § 1015(e), (False Statements Regarding Naturalization or Citizenship); 18 U.S.C. § 1546 (Fraud/Misuse of Visas or Permits); and 42 U.S.C. § 408(a)(7)(B) (Fraudulent Use of Social Security Numbers). The warrant was supported by probable cause and signed and approved by Magistrate Judge Margo Rocconi.

The warrant authorized agents to search multiple locations for the business, including the premises on East 15th Street, Los Angeles, California 90021 (the "Warrant Location"), among two other locations not at issue in this case. In addition, it authorized agents to seize evidence of employment records, identification documents of the employees, and digital devices, among other things.

B. Federal Agents Plan a Full-Day Operation to Execute the Search Warrant

Federal agents planned an operation to execute the search warrant at the Warrant Location, which was estimated to take up an entire day. The operation included approximately 56 federal agents split up into different functions including: (a) searching for evidence and interviewing employees; (b) detaining individuals located inside the premises; and (c) securing the perimeter of the business. In addition, the government

1 hired a private contractor to help transport any detainees from the Warrant Location to
2 the Federal Building at 300 N. Los Angeles Street.

3 On June 6, 2025, between 9:00 a.m. and 9:30 a.m., federal agents served and
4 began executing the warrant at the Warrant Location. Because the business initially
5 denied agents entry into the location, they did not gain access to execute the warrant
6 until after 9:30 a.m.

7 **C. Demonstrators, Including Defendant, Block the Entrance to the**
8 **Warrant Location**

9 Shortly thereafter, between 10:30 a.m. and 11:45 a.m., demonstrators began to
10 show up at the Warrant Location and congregated near the entrance to the front gate.
11 During this initial period, before defendant arrived, the demonstrators did not block the
12 driveway and repeatedly allowed vehicles to enter and exit the Warrant Location through
13 the front gate.

14 A little after 11:30 defendant arrived at the Warrant Location. He immediately
15 positioned himself directly in middle of the driveway of the front gate and began yelling
16 at agents and reaching into the gate's entrance. Other demonstrators followed suit and
17 joined the defendant in the middle of the driveway blocking the entrance to the Warrant
18 Location.

19 Within a few minutes of arriving, defendant sat down in the middle of the
20 driveway to the entrance of the front gate. Two other demonstrators joined the defendant
21 on sitting on the ground blocking the entrance. Defendant repeatedly gestured and yelled
22 commands to others, such as "sit down!" and "keep making a circle" in order to further
23 block the entrance. During this time, defendant continued to yell at agents on the other
24 side of the gate.

25 **D. Defendant's Actions Blocked Law Enforcement Vehicles from Entering**
26 **The Search Warrant Location**

27 Defendant's actions obstructed at least two vehicles attempting to enter the search
28 warrant location.

1 At approximately 12:15 p.m., a government contractor arrived and attempted to
2 enter the Warrant Location through the front gate. The van was clearly associated with
3 the search warrant execution, and not the protestors, as evidenced by the fact that it had
4 police lights and sirens activated, and because agents both signaled for the vehicle to
5 enter and opened the gate entrance for it as it pulled into the driveway. As agents inside
6 the premises opened the gate for the van to enter, the crowd, including defendant,
7 converged in the middle of the driveway blocking its path.

8 Because the van's entry was obstructed, the agents inside the gate then left their
9 posts and walked into the driveway in order to clear the van's path. On the video of the
10 incident, agents can be heard telling demonstrators repeatedly to "get out the way."
11 Multiple individuals scattered around the front of the van, and some continued to walk in
12 front of the van as if it was not there attempting to enter. Defendant saw the van with
13 police lights activated, heard the repeated police sirens, and heard the agent's
14 instructions to "get out the way," but he did not; instead, defendant positioned himself in
15 front of the left bumper of the van with his hands on his hips. During this time the van
16 was blocked from entering the Warrant Location, one of its rear tires was slashed on the
17 side by a demonstrator. The van was ultimately able to drive inside the premises, and
18 the gate was closed, but the van could not be used immediately to assist in the operations
19 because of the deflated tire. The officers on the scene spent approximately 30 minutes
20 trying to locate a forklift to replace the tire.

21 **E. LAPD Is Called And Federal Agents and Officers from the Warrant**
22 **Location**

23 At approximately 1:00 p.m., Los Angeles Police Department ("LAPD") arrived at
24 the Warrant Location and formed a line protecting the entrance. LAPD then evacuated
25 the Warrant Location. As a result, the operation to execute the search warrant had to be
26 cut short and certain evidence and information could not be seized. Because the agents
27 could not exit the location through the front gate out of fear for their safety, they had to
28 effectively escape out of the back gate of the Warrant Location, which was previously

1 locked. As a result, federal agents were not able to collect all the information they
2 sought to obtain from the search warrant.

3 **II. ELEMENTS OF THE OFFENSE**

4 Defendant is charged by information with a violation of 18 U.S.C. § 1501 for
5 knowingly and willfully obstructing a federal officer of the United States in serving and
6 attempting to serve and execute a judicial writ of a court or signed by a Magistrate
7 Judge.

8 The elements of the offense are:

9 First, an officer or agent of the United States was attempting to execute a search
10 warrant;

11 Second, the defendant obstructed, resisted, or opposed the officer or agent; and

12 Third, defendant acted knowingly and willfully in obstructing, resisting, or
13 opposing the officer or agent executing the search warrant.

14 The defendant, however, does not need to know that the officer or agent was
15 attempting to execute the search warrant.

16 See 18 U.S.C. § 1501; United States v. Peifer, 474 F.Supp. 498, 505 (E.D. Pa.
17 1979), aff'd, 615 F.2d 1354 (3d Cir. 1980); Coleman v. United States, 268 F. 468, 471
18 (6th Cir. 1920).

19 **III. TIME ESTIMATE**

20 The government currently estimates calling four to five witnesses, including the
21 lead agent in charge of the operation of the search warrant, two law enforcement officers
22 who observed defendant's conduct, the driver of the van that was obstructed, and the
23 driver of the Jeep that was obstructed. In total, the government estimates its case-in-
24 chief to take two days.

1 **IV. APPLICABLE LEGAL AND EVIDENTIARY ISSUES**

2 **A. Pending Motions In Limine**

3 The parties have filed four motions in limine, two of which are unopposed. The
4 government has moved in limine: (1) to admit the search warrant and application to the
5 search warrant; (2) to preclude jury nullification; and (3) to exclude any alleged injuries
6 of defendant from his arrest, which is unopposed by the defense. The defendant has
7 moved in limine to (4) exclude Rule 404(b) evidence, which is unopposed by the
8 government.

9 **B. Arguments That Defendant's Conduct Is Protected by The First** 10 **Amendment**

11 The government anticipates that legal arguments mirroring those made in
12 defendant's motions to dismiss the indictment, specifically that defendant's actions are
13 protected by the First Amendment, may come up in trial. However, the issue of
14 defendant's actions being protected by the First Amendment will be resolved pre-trial,
15 and the jury instructions will adequately inform the jurors of the necessary elements of
16 the offenses. As a result, evidence and argument that the First Amendment permits
17 defendants' alleged conduct is a legal issue for the Court, not a fact issue for the jury.
18 See Sparf v. United States, 156 U.S. 51, 87 (1895) ("It would be absurd to say that the
19 determination of the law belongs to the jury, not court, if the court has power to set aside
20 that which the jury determines.") (citation omitted). During trial, the government intends
21 to object to any argument to the jury that the defendant's conduct is protected by the
22 First Amendment.

23 **C. Audio and Video Recordings**

24 The government intends to offer into evidence video recordings and photographs
25 of defendant from the incident. A recording is admissible upon a showing that it is
26 "accurate, authentic, and generally trustworthy." United States v. King, 587 F.2d 956,
27 961 (9th Cir. 1978). Testimony that a recording depicts evidence that the witness
28

1 observed is sufficient to authenticate the recording. Fed. R. Evid. 901(b); United States
2 v. Smith, 591 F.3d 974, 979-80 (8th Cir. 2010).

3 All duly admitted recordings must be played in open court. The foundation that
4 must be laid for the introduction into evidence of recorded conversations is a matter
5 largely within the discretion of the trial court. There is no rigid set of foundational
6 requirements. Rather, the Ninth Circuit has held that recordings are sufficiently
7 authenticated under Federal Rule of Evidence 901(a) if sufficient proof has been
8 introduced “so that a reasonable juror could find in favor of authenticity or
9 identification,” which can be done by “proving a connection between the evidence and
10 the party against whom the evidence is admitted” and can be done by both direct and
11 circumstantial evidence. United States v. Matta-Ballesteros, 71 F.3d 754, 768 (9th Cir.
12 1995), opinion amended on denial of reh’g, 98 F.3d 1100 (9th Cir. 1996). Federal Rule
13 of Evidence 901 requires only that the government make “a prima facie showing of
14 authenticity so that a reasonable juror could find in favor of authenticity or
15 identification,” and the “probative force of the evidence offered is, ultimately, an issue
16 for the jury.” United States v. Blackwood, 878 F.2d 1200, 1202 (9th Cir. 1989).

17 **D. Admissibility of Defendant’s Statements**

18 At trial, the government will offer into evidence some of defendant’s prior
19 statements. A defendant’s statements, when offered by the government, are admissions
20 by a party-opponent and are therefore not hearsay. Fed. R. Evid. 801(d)(2); see United
21 States v. Ortega, 203 F.3d 675, 682 (9th Cir. 2000).

22 The government’s admission of defendant’s statements, however, does not allow
23 defendant to offer his own out-of-court statements into evidence. When offered by the
24 defendant, such statements are hearsay. In Ortega, the Ninth Circuit held that non-self-
25 inculpatory statements, even if made contemporaneously with other self-inculpatory
26 statements, are inadmissible hearsay, and the rule of completeness does not allow for
27 admission of that inadmissible hearsay. 203 F.3d at 682; see also United States v.
28

1 Collicott, 92 F.3d 973, 983 (9th Cir. 1996) (otherwise inadmissible hearsay not admitted
2 regardless of Federal Rule of Evidence 106).

3 This rule does not prevent defendant from presenting his defense at trial, including
4 by testifying. Defendant simply is not permitted to place any of his prior statements
5 before the Court without subjecting himself to cross-examination. See Ortega, 203 F.3d
6 at 682; United States v. Fernandez, 839 F.2d 639, 640 (9th Cir. 1988) (per curiam).
7 Thus, defendant may not introduce his prior statements through defense witnesses or by
8 cross-examining government witnesses with defendant's hearsay statements.

9 **E. Cross-Examination of Defendant**

10 The government does not know whether defendant intends to testify at trial. If
11 defendant testifies, the government should be permitted to cross-examine him fully
12 because a defendant who testifies at trial waives his right against self-incrimination and
13 subjects himself to cross-examination concerning all matters reasonably related to the
14 subject matter of his testimony. See Ohler v. United States, 529 U.S. 753, 759 (2000)
15 (“It has long been held that a defendant who takes the stand in his own behalf cannot
16 then claim the privilege against cross-examination on matters reasonably related to the
17 subject matter of his direct examination[.]”) (internal quotations omitted). A defendant
18 has no right to avoid cross-examination on matters which call into question his claim of
19 innocence. United States v. Miranda-Uriarte, 649 F.2d 1345, 1354 (9th Cir. 1981). The
20 scope of a defendant's waiver is co-extensive with the scope of relevant cross-
21 examination. United States v. Cuzzo, 962 F.2d 945, 948 (9th Cir. 1992).

22 **F. Reciprocal Discovery and Affirmative Defenses**

23 Federal Rule of Criminal Procedure 16 creates reciprocal discovery obligations for
24 a defendant to produce three categories of materials that a defendant intends to introduce
25 as evidence at trial: (1) documents and tangible objects; (2) reports of any examination
26 or tests; and (3) expert witness disclosures. Rule 16 imposes on defendant a continuing
27 duty to disclose this discovery. Fed. R. Crim. P. 16(b)(1)(A), (b)(1)(C), & (c). When a
28 party, including a defendant, fails to produce discovery as required, Rule 16 empowers

1 the district court to “prohibit that party from introducing the undisclosed evidence; or
2 enter any other order that is just under the circumstances.” Fed. R. Crim. P. 16(d)(2).
3 The Ninth Circuit has held that where a defendant fails to produce reciprocal discovery,
4 it is well within the district court’s discretion to exclude such defense evidence,
5 especially where the defense disclosure was made after the start of trial. See United
6 States v. Scholl, 166 F.3d 964, 972 (9th Cir. 1999), as amended on denial of reh’g (Mar.
7 17, 1999) (affirming exclusion under Rule 16 of documents that defense counsel had
8 possessed for some time but did not disclose until after the jury was sworn in, preventing
9 the government from fully investigating the issues raised by the documents).

10 On July 17, 2025, the government requested reciprocal discovery. The defense has
11 not yet provided any reciprocal discovery.

12 **V. MEET AND CONFER**

13 The parties have agreed to the following statement regarding its meet and confer
14 efforts over all trial documents, including this trial memorandum:

15 As the parties were addressing outstanding discovery issues and waiting for a new
16 case schedule, there was no meet and confer over these documents. The defense is not
17 consenting to any of the substance of the documents and will be prepared to submit the
18 remainder of the filings based on a new schedule requested and set by the Court.