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21 UNITED STATES OF AMERICA

22 UNITED STATES DISTRICT COURT

23 FOR THE CENTRAL DISTRICT OF CALIFORNIA

24 UNITED STATES OF AMERICA,

25 No. 2:25-cr-501-SVW

26 Plaintiff,

27 GOVERNMENT'S MOTION IN LIMINE TO
EXCLUDE POST-ASSAULT EVIDENCE

v.

28 BRAYAN RAMOS-BRITO,

29 Hearing Date: September 15, 2025
30 Hearing Time: 11:00 am
31 Location: Courtroom of the
32 Hon. Stephen V.
33 Wilson

34 Defendant.

35 Plaintiff United States of America, by and through its counsel
36 of record, the Acting United States Attorney for the Central District
37 of California and Assistant United States Attorneys Patrick D. Kibbe
38 and Jehan Pernas Kim, hereby files its motion in limine to exclude a
39 video of defendant and witness Jose Mojica being arrested after
40 defendant assaulted Agent J.M., and any testimony or argument
41 regarding how defendant and Mojica were arrested, under Federal Rules
42 of Evidence 401, 402, and 403.

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

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/s/
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Defendant Brayan Ramos-Brito should be precluded from introducing into evidence the video in Exhibit A, which is video taken after defendant struck Agent J.M. and that shows the arrest of defendant and witness Mojica, and any evidence or argument regarding how defendant and witness Jose Mojica were arrested.

The video that defendant intends to introduce in Exhibit A and any testimony or argument regarding how he and Mojica were arrested are plainly irrelevant under Rules 401 and 402 because this purported evidence happened after defendant struck Agent J.M. Furthermore, the arrest of defendant was conducted by agents other than Agent J.M. Therefore, it is irrelevant to whether defendant intentionally and forcibly assaulted Agent J.M. or any theory of self-defense, since it comes after the assault.

Even if the Court were to find this evidence had any relevance, which it does not, it should be excluded under Rule 403. Immigration enforcement is highly politicized now. Indeed, defendant's assault of Agent J.M. in this case occurred during a protest of immigration enforcement. Admission of evidence of how defendant and Mojica were arrested risks producing a decision based not on the law and the evidence presented at trial, but on unfair prejudice, confusing the issues, and misleading the jury. It would also waste time. This is exactly what Rule 403 is designed to prevent.

II. STATEMENT OF FACTS

As described more fully in the Government's motion in limine to preclude defendant's argument for self-defense, which is incorporated here by reference, on June 7, 2025, defendant Brayan Ramos Brito went

1 to an office complex that contained an HSI office in Paramount
2 California where individuals had gathered to protest immigration
3 enforcement. When he arrived, defendant took an aggressive stance,
4 made his hands into fists, swore at agents, and at times stood inches
5 away from their faces. During this time, defendant and another
6 individual, Jose Mojica, were in the street, in the way of oncoming
7 traffic and vehicles that were attempting to turn into the office
8 complex. When Agent J.M. pushed another protestor out of the way of
9 incoming traffic, defendant shoved Agent J.M. Shortly thereafter,
10 when another vehicle was approaching, Agent Mejorado attempted to
11 move the protestors, including defendant and Mojica, out of the
12 street. Agent Mejorado placed his hand on defendant's arm, and
13 defendant swatted it away.

14 Agent J.M. then pushed defendant back several feet. Defendant
15 walked back toward J.M. with his fists clenched and ultimately struck
16 J.M. in his chest.

17 Agents then grabbed defendant to arrest him for assaulting Agent
18 J.M. In an apparent attempt to stop them from doing so, Mojica
19 jumped on the back of defendant and wrapped his arms around him.
20 Agents then had to physically separate defendant and Mojica. Agents
21 pulled defendant away from Mojica by the leg to arrest him.
22 Meanwhile, other agents carried Mojica away from the scene and
23 arrested him. Agent J.M. was not one of the agents who pulled
24 defendant away from Mojica or who carried Mojica away from the scene
25 to be arrested.

26 Based on a meet and confer with defense counsel, the Government
27 understands that the defense intends to introduce the video attached
28 to this motion in limine as Exhibit A. This video was uploaded to

1 social media. The video takes place after defendant assaulted Agent
2 J.M. The video begins at the time that agents are attempting to
3 arrest defendant and Mojica. A crowd is gathered around the area,
4 obstructing the view of where agents are struggling to separate
5 Mojica and defendant. The video shows two agents pulling defendant
6 by his right leg out of the crowd, toward the sidewalk, and away from
7 where Mojica is being arrested. Additional agents surround defendant
8 on the sidewalk and place him under arrest, by placing his hands
9 behind his back and handcuffing him while he is on the ground on his
10 chest. Agent J.M. is not one of the agents that pulls defendant
11 toward the sidewalk or places him under arrest. The video then shows
12 numerous agents surrounding Mojica and placing him under arrest while
13 he is on the ground. After this, the video shows agents walking
14 defendant, whose hands are handcuffed behind his back, inside the
15 gated area of the office complex. The video in Exhibit A does not
16 show defendant's assault on Agent J.M. or the events leading up to
17 it.

18 In addition to the video in Exhibit A, based on defendant's Ex
19 Parte Application for a Rule 17 subpoena, it appears the defense
20 intends to elicit testimony from Mojica that he and defendant were
21 "simultaneously pulled to the ground and placed in choke holds by
22 Border Patrol Employees." Dkt. 78 at 4.

23 For the reasons described below, the Court should preclude the
24 introduction of the video in Exhibit A and any testimony or argument
25 regarding how defendant and Mojica were arrested.

26 **III. ARGUMENT**

27 The video in Exhibit A that defendant intends to introduce
28 showing defendant and Mojica's arrests, and any testimony or argument

1 regarding how they were arrested, are inadmissible under Rules 401,
2 402, and 403.

3 First, the evidence is inadmissible because it is irrelevant
4 under Rule 402. Rule 401 permits the introduction of evidence "having
5 any tendency to make the existence of any fact that is of consequence
6 to the determination of the action more probable or less probable
7 than it would be without the evidence." Evidence that does not meet
8 this definition is inadmissible. Fed. R. Evid. 402. The video in
9 Exhibit A occurred after defendant struck Agent J.M. This post-
10 assault evidence is not probative of defendant's state of mind. Even
11 if the Court were to entertain defendant's arguments regarding self-
12 defense, which the Government addresses in its separate motion in
13 limine, the evidence would still be inadmissible because it is not
14 relevant to whether the defendant reasonably believed that force was
15 necessary to defend against an immediate use of lawful force by Agent
16 J.M. Thus, the evidence and argument should be excluded.

18 Second, the video in Attachment A, and any testimony or argument
19 regarding how defendant and Mojica were arrested, are inadmissible
20 under Rule 403. Rule 403 provides that "[t]he court may exclude
21 relevant evidence if its probative value is substantially outweighed
22 by danger of one or more of the following: unfair prejudice,
23 confusing the issues, misleading the jury, undue waste of time, or
24 needlessly presenting cumulative evidence." Fed. R. Evid. 403.
25 "Unfair prejudice means undue tendency to suggest decision on an
26 improper basis, commonly, though not necessarily, an emotional one."

1 United States v. Hankey, 203 F.3d 1160, 1172 (9th Cir. 2000)
2 (internal quotations marks and citation omitted). For the reasons
3 stated above, the video that defendant intends to introduce depicting
4 other agents pulling him away from Mojica and agents arresting them
5 is irrelevant to the issues of whether defendant knowingly assaulted
6 Agent J.M. or whether defendant reasonably believed that striking
7 Agent J.M. was necessary to defend against an immediate use of
8 unlawful force by Agent J.M. Even if the Court found this evidence
9 had some minor probative value, which it does not, that probative
10 value would be substantially outweighed by unfair prejudice,
11 confusing the issues, misleading the jury, and wasting time. The
12 charged crime in this case is misdemeanor assault on a federal
13 officer, and consequently the upcoming trial turns entirely on the
14 events *prior* to defendant's arrest, namely the circumstances of the
15 assault, and whether defendant has any valid claim of self-defense.
16 Defendant is instead attempting to focus the jury's attention on what
17 happened *after* the assault which is irrelevant - this is simply a
18 ploy to elicit sympathy from the jury and would be unfairly
19 prejudicial because it invites the jury to make a decision on an
20 improper emotional basis.

21 **IV. CONCLUSION**

22 For the foregoing reasons, the government respectfully requests
23 that this Court grant the government's motion in limine to preclude
24 the introduction of the video in Exhibit A, as well as any testimony
25 or argument regarding how defendant and Mojica were arrested.
26
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