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12
13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 UNITED STATES OF AMERICA,

16
17 Plaintiff,

18 v.

19 LUIS DALHET HIPOLITO,

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21 Defendant.

Case No.: CR 25-00596-SVW

**DEFENDANT’S OPPOSITION TO
GOVERNMENT’S *MOTION IN
LIMINE* TO PRECLUDE
IRRELEVANT AND PREJUDICIAL
POST-ASSAULT EVIDENCE**

Date: February 9, 2026

Time: 11:00 a.m.

Location: Courtroom of the Hon.
Stephen Wilson

OPPOSITION MEMORANDUM

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I. INTRODUCTION

Defendant Luis Hipolito respectfully opposes the government’s motion in limine seeking to exclude evidence of the officers’ actions during the arrest that followed the charged assault. The government contends that post-assault evidence—including footage, testimony, and references to Mr. Hipolito’s physical condition—is irrelevant and unduly prejudicial.

Where a defendant claims self-defense against a federal officer under 18 U.S.C. § 111, the jury must consider whether the officer’s use of force was lawful and whether the defendant reasonably believed that force was necessary to defend himself. Evidence of the arrest is therefore directly relevant to assessing whether the officers’ post-assault conduct was consistent with lawful force or demonstrated an escalation that may inform the reasonableness of the defendant’s perceptions and actions.

II. ARGUMENT

The government argues that the assault ended when Mr. Hipolito allegedly punched Officer C.C., rendering subsequent events irrelevant. However, self-defense claims are not limited to the instant of physical contact. Evidence regarding the officers’ post-assault use of force, including their methods of restraint and the defendant’s treatment during the arrest, bears directly on the reasonableness of the

1 defendant's perception of ongoing or imminent harm. Multiple video recordings
2 show that officers immediately escalated physical contact, struggled to control Mr.
3 Hipolito, and engaged with bystanders while attempting to secure him. A
4 reasonable jury could consider this evidence when evaluating whether the initial or
5 continued force by the officers contributed to the defendant's belief that defensive
6 action was necessary. Excluding such evidence would deprive the jury of the
7 context critical to evaluating the elements of self-defense.
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10 Post-assault conduct is also probative of the sequence and proportionality of
11 the force used. Ninth Circuit Model Criminal Jury Instruction 8.3 provides that a
12 defendant may use only the amount of force that reasonably appears necessary to
13 defend against unlawful force. If officers continued to apply force after the initial
14 confrontation, the jury is entitled to view that evidence when determining whether
15 Mr. Hipolito's response was reasonable or excessive. Denying the jury access to
16 these facts would restrict the context necessary for a fair assessment of the
17 defendant's state of mind.
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21 Where events unfold as part of a single, rapidly developing encounter, the
22 jury is not required to evaluate the charged contact in artificial isolation, but may
23 consider the full sequence of officer and defendant conduct in assessing
24 reasonableness and self-defense. In § 111 cases, the Ninth Circuit recognizes that a
25 defendant is entitled to argue and receive instructions on self-defense where the
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1 officer's use of force during the encounter may have been unlawful or excessive,
2 including where the defense theory is that the defendant acted reasonably in
3 response to the officer's force from the outset of the confrontation. *See United*
4 *States v. Moreno-Ornelas*, 253 F. Supp. 3d 1117, 1120–22 (C.D. Cal. 2017), *aff'd*,
5 744 F. App'x 441 (9th Cir. 2018). Consistent with that principle, Ninth Circuit
6 evidence law permits admission of acts occurring immediately before or after the
7 charged conduct when they are part of the same transaction or necessary to present
8 a coherent and comprehensible account of the events to the jury. *See United States*
9 *v. Vizcarra-Martinez*, 66 F.3d 1006, 1012–13 (9th Cir. 1995); *United States v.*
10 *DeGeorge*, 380 F.3d 1203, 1220 (9th Cir. 2004). Accordingly, evidence of officers'
11 post-assault actions during the continuous arrest sequence is properly considered by
12 the jury in evaluating the reasonableness of Defendant's perceptions and response.
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17 The government also argues that post-arrest evidence is unfairly prejudicial
18 or may confuse the jury. This overstates the risk of prejudice. Evidence is not
19 unfairly prejudicial merely because it may be emotionally compelling; it is
20 prejudicial under Rule 403 only if it would “appeal to the jury’s sympathies, arouse
21 its sense of horror, provoke its instincts to punish, or trigger other mainsprings of
22 human action” in a way unrelated to the issues at trial (*United States v. Blackstone*,
23 56 F.3d 1143, 1146 (9th Cir. 1995)). Here, the evidence is directly relevant to
24 assessing the reasonableness of the defendant’s response, not to provoke juror
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1 emotion. Proper jury instructions can mitigate confusion or prejudice.

2 **III. CONCLUSION**

3 For the foregoing reasons, evidence of the officers' actions during the post-
4 assault arrest is relevant to Mr. Hipolito's self-defense claim and should not be
5 excluded. Excluding this evidence would prevent the jury from evaluating the full
6 context of the charged assault, including whether the officers' conduct was lawful
7 and whether the defendant reasonably perceived a threat. The Court should
8 therefore deny the government's motion in limine in its entirety.
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13 Respectfully submitted,

14 Dated: February 6, 2026,
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