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 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 JOSEPH BLANDON SAAVEDRA,

16 Defendant.

ED CR No. 25-310-KK

UNITED STATES' OPPOSITION TO
DEFENDANT'S MOTION TO DISMISS OR
FOR ALTERNATIVE REMEDIES DUE TO
SPOILIATION OF THE EVIDENCE AND
VIOLATION OF FEDERAL RULE OF
CRIMINAL PROCEDURE 16;
DECLARATIONS & EXHIBITS

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 19 Plaintiff United States of America, by and through its counsel
 20 of record, the First Assistant United States Attorney for the Central
 21 District of California and Assistant United States Attorney Courtney
 22 N. Williams, hereby files its Opposition to Defendant Joseph Blandon-
 23 Saavedra's Motion to Dismiss or for Alternative Remedies Due to
 24 Spoliation of the Evidence and Violation of Federal Rule of Criminal
 25 Procedure 16 (Dkt. No. 42.)

26 This Opposition is based upon the attached memorandum of points
 27 and authorities, the attached declaration and exhibits, the files and
 28

1 records in this case, and such further evidence and argument as the
2 Court may permit.

3 Dated: November 3, 2025

Respectfully submitted,

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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **I. INTRODUCTION**

3 Joseph Blandon-Saavedra ("defendant") used his vehicle to
4 assault two law enforcement officers while they were on duty inside
5 their service vehicles. The damage was photographed and documented.
6 Defendant was charged with two counts of assault on a federal officer
7 with a dangerous weapon in violation of 18 U.S.C. § 111(a)(1), (b).
8 More specifically, defendant reversed into M.P.'s vehicle (count one)
9 and forwarded into B.T.'s vehicle (count two). After the assault,
10 B.T.'s vehicle was repaired while M.P.'s vehicle is still available
11 for inspection.

12 Defendant moves to dismiss this case, arguing that his due
13 process rights were violated because B.T.'s law enforcement vehicle
14 was repaired. However, defendant has failed to meet his burden to
15 demonstrate that the car had exculpatory value and ignores that
16 comparable evidence exists in the form of photographs. Moreover,
17 defendant cannot establish that the government acted in bad faith in
18 repairing a service vehicle.

19 And even if defendant were able to establish these elements—he
20 cannot—he fails to explain why dismissal of the indictment is the
21 only appropriate remedy when the vehicle repair only affects one
22 count of the indictment. Defendant's motion should be denied.

23 **II. STATEMENT OF FACTS**

24 The United States adopts its statement of facts as contained in
25 its opposition to defendant's motion to dismiss indictment (Dkt. 31.)
26 The United States supplements its statement of facts with the
27 following:
28

1 Following defendant's arrest on September 4, 2025 for assault on
2 federal law enforcement officers, B.T.'s vehicle was towed to the ERO
3 Field Office and M.P.'s vehicle was driven back to the ERO field
4 Office. (See Declaration of Julius Garcia ("Garcia Decl.") ¶¶ 3,5;
5 exhibit 3, photographs.).

6 According to policy, if a government vehicle is involved in an
7 accident, the Homeland Security Investigations ("HSI") agent, in this
8 case B.T., must immediately report the accident to his supervisor and
9 local law enforcement. (See Declaration of Raul Flores II ("Flores
10 Decl.") ¶ 5.) That agent and/or his supervisor is then expected to
11 obtain estimates for repair. On September 4, 2025, the same day and
12 only hours after defendant drove his vehicle into M.P. and B.T.'s
13 service vehicles, HSI Supervisory Special Agent Micah Spooner-Wyman
14 started the process for having the B.T.'s vehicle repaired. (See
15 Exhibit 1, E-mails Regarding Repair, pages 13-14; see also exhibit 2,
16 estimates and receipts for repair.) Then from September 4, 2025¹ to
17 September 15, 2025, agents sent various messages discussing the
18 repair process and potential estimate costs to repair the damaged
19 vehicle. (Id. at 2-12.) Based on the repair receipts, on September
20 16, 2025, the repairs were approved and paid for. (Exhibit 2, at
21 23.) Agent Garcia picked up the repaired vehicle on October 29,
22 2025. (See Exhibit C to defendant's motion, E-mail Chain Between
23 Defense Counsel and Government Regarding Inspection of Vehicles.).

24 **III. LEGAL STANDARD**

25 The Due Process Clause does not "impos[e] on the police an
26

27
28 ¹ All references are based on the dates, numbers and times of
the e-mails and estimates from HSI. The person who can provide more
clarity is currently furloughed.

1 undifferentiated and absolute duty to retain and preserve all
2 material that might be of conceivable evidentiary significance in a
3 particular prosecution.” Arizona v. Youngblood, 488 U.S. 51, 58
4 (1988). When deciding whether to dismiss an indictment on these
5 grounds, “the evidence must be viewed in the government’s favor.”
6 United States v. Ubaldo, 859 F.3d 690, 703 (9th Cir. 2017).

7 For the government’s loss or destruction of evidence to rise to
8 the level of a due process violation, California v. Trombetta, 467
9 U.S. 479 (1984) and Youngblood require a defendant to establish that:
10 (1) the exculpatory value of the evidence was apparent before the
11 evidence was lost or destroyed; (2) the nature of the evidence was
12 such that the defendant would be unable to obtain comparable evidence
13 by other reasonably available means; and (3) the government agents
14 acted in bad faith in losing or destroying the evidence. See, e.g.,
15 United States v. Martinez-Martinez, 369 F.3d 1076, 1087 (9th Cir.
16 2004); United States v. Hernandez, 109 F.3d 1450, 1455 (9th Cir.
17 1997); United States v. Westerdahl, 945 F.2d 1083, 1087 (9th Cir.
18 1991).

19 The burden is on the defendant to prove the three elements
20 required to find a due process violation under Trombetta and
21 Youngblood. See Grisby v. Blodgett, 130 F.3d 365, 371 (9th Cir.
22 1997) (defendant could not show prejudice, and failed to show bad
23 faith); United States v. Lord, 711 F.2d 887, 891 n.3 (9th Cir. 1983)
24 (burden of proof for constitutional or due process violation is on
25 the defendant).

1 **IV. ARGUMENT**

2 **A. The Law Enforcement Service Cars Had No Apparent**
3 **Exculpatory Value**

4 First, defendant failed to establish that the government
5 spoliated any exculpatory evidence, as might warrant the
6 extraordinary remedy of dismissal. The "duty to preserve evidence is
7 limited to material evidence, i.e., evidence whose exculpatory value
8 was apparent before its destruction" Grisby v. Blodgett, 130
9 F.3d 365, 371 (9th Cir. 1997); see also Trombetta, 467 U.S. at 489-90
10 (original breath samples in DUI cases might have conceivably
11 contributed to defense, but chances were low that preserved samples
12 would have been exculpatory); United States v. Martinez-Martinez, 369
13 F.3d 1076, 1087 (9th Cir. 2004); see also United States v. Drake, 543
14 F.3d 1080, 1089-90 (9th Cir. 2008) (evidence that has the possibility
15 of exculpating a defendant while also having the possibility of
16 incriminating a defendant has no apparent exculpatory value). Mere
17 speculation that destroyed evidence would have proven exculpatory if
18 retained is insufficient. Youngblood, 488 U.S. at 58; see Paradis v.
19 Arave, 954 F.2d 1483, 1488 (9th Cir. 1992), vacated and remanded on
20 other grounds, 507 U.S. 1026 (1993) ("The mere failure to preserve
21 evidence which could have been subjected to tests which might have
22 exonerated the defendant does not constitute a due process
23 violation.").

24 Defendant fails to meet his burden. Here, the evidence to the
25 law enforcement and defendant's vehicles are consistent with the fact
26 that defendant deliberately crashed his car into two law enforcement
27 vehicles. Therefore, the evidence from the vehicles are inculpatory
28 evidence and not exculpatory evidence.

1 Defendant asserts the vehicle's loss precluded him from having
2 it examined by a defense expert who would have conducted test to
3 refute the officer's testimony regarding the crash. Defendant's
4 arguments are mere speculation, and the Court can just as easily
5 speculate that additional testing would have provided further proof
6 that defendant did in fact hit the officers.

7 But also, second, the fact that defendant would need an expert
8 to examine the vehicles demonstrates that there is no exculpatory
9 value that was readily apparent at the time it was repaired.

10 Defendant asks this Court to "imagine if the government charged
11 a man with criminally assaulting a federal officer with . . . a
12 firearm or a knife," but the evidence in this case is not like a
13 firearm or a knife. The evidence in this case is unique and is a
14 service vehicle that is instrumental in the officer's daily
15 profession and thus, it is not unreasonable that two months after the
16 incident, the agency had the vehicle repaired and returned to
17 service. Ultimately, the vehicle was inculpatory evidence, and the
18 government had no legal duty to forgo repairs once photographs had
19 been captured of the vehicle's damaged state.

20 **B. Comparable Evidence is Available**

21 Second, defendant failed to show that he was "unable to obtain
22 comparable evidence by other reasonably available means." Trombetta,
23 467 U.S. at 489. Trombetta does not require that the alternative
24 evidence be an exact substitute for that which is lost; it only
25 requires that the substitute evidence be "comparable." Id.
26 Comparable or substitute evidence may be of poorer quality than the
27 lost or destroyed evidence. See id. at 490.

28

1 Here, there are photographs that show the damage to the officers
2 and the defendant's vehicle. (See exhibit 3, photographs.) In fact,
3 the photographs are superior to the evidence he claims is material to
4 his case because the photographs depict the exact position of the
5 vehicles when defendant crashed his car into the two law enforcement
6 vehicles. The photographs are good quality and taken from different
7 angles.

8 Even if the car constituted potentially exculpatory evidence
9 that the government destroyed—which it does not—the officers
10 preserved comparable evidence, photographs. Thus, Defendant's motion
11 fails on this point as well. See Drake, 543 F.3d at 1089-90.

12 **C. Defendant Failed to Establish that the Government Acted in**
13 **Bad Faith**

14 Third, defendant failed to show that the government acted in bad
15 faith. This Court and the Supreme Court have both repeatedly stated
16 that, to warrant dismissal of the case against him, a defendant must
17 make a showing nearly tantamount to intentional misconduct by the
18 government. Trombetta, 467 U.S. at 479 (faulting defendants for
19 their failure to show evidence of "official animus towards [the
20 defendants]" or "a conscious effort to suppress exculpatory
21 evidence"); Youngblood, 488 U.S. at 58 (bad faith due process
22 violations are limited to "those cases in which the police themselves
23 by their conduct indicate that the evidence could form a basis for
24 exonerating the defendant"); Phillips v. Woodford, 267 F.3d 966, 987
25 (9th Cir. 2001) (finding no bad faith on the part of the police, in
26 part because the defendant made "no colorable showing, or indeed any
27 showing at all that the State destroyed the [vehicle] to prevent
28 disclosure of evidence favorable to the defense"); Featherstone v.

1 Estelle, 948 F.2d 1497, 1505 (9th Cir. 1989) (finding no evidence of
2 bad faith when photo from photo lineup was destroyed, but it was
3 “clear that [the destruction] was not deliberately done to deprive
4 petitioner of access to relevant evidence”); Mitchell v. Goldsmith,
5 878 F.2d 319, 322 (9th Cir. 1989) (“[T]he police did not know the
6 semen samples would have exculpated [defendant] when they failed to
7 perform certain tests or refrigerate [the samples], hence there was
8 no bad faith on the part of the police.”) (internal quotation marks
9 omitted). In other words, in this Circuit, to make a showing of bad
10 faith that will satisfy the Youngblood/Trombetta test, a defendant
11 essentially must show that the government acted with the intent of
12 depriving the defendant of access to exculpatory evidence. See United
13 States v. Flyer, 633 F.3d 911, 916 (9th Cir. 2011) (“Bad faith
14 requires more than mere negligence or recklessness.”); See United
15 States v. Hernandez, 109 F.3d 1450, 1455 (9th Cir. 1997) (“The mere
16 failure to preserve evidence which could have been subjected to tests
17 which might have exonerated the defendant does not constitute a due
18 process violation.”)

19 Defendant has failed to show any bad faith by the government.
20 In this case, HSI personnel are required to immediately report an
21 accident or collision to their supervisor and local law enforcement.
22 (Flores Decl. ¶ 5.) HSI has limited inventory of service vehicles,
23 approximately 11 loaner vehicles for approximately 450 officers, and
24 has been repairing damaged vehicles as soon as possible for officers
25 to utilize. (Id. ¶ 3.) The e-mails attached as Exhibit 1
26 demonstrate that B.T. followed the protocols set by his department
27 and reported the vehicle damaged. (See generally Exhibit 1.) His
28 supervisor then requested estimates to get the vehicle repaired

1 before the end of the 2025 fiscal year (September 20, 2025). (Id.)
2 The e-mails also show that officers started the inquiry into the
3 repair process even before the Complaint was filed in this case.
4 (See Exhibit 1, at 13-14.) There can be no bad faith when evidence
5 is not preserved due to adherence to standard procedures and
6 policies. See, e.g., United States v. Guerrero-Hidrogo, 710 F. App'x
7 774, 775 (9th Cir. 2018) (no bad faith because routine overwriting of
8 video every sixty days was not a product of "official animus" or of a
9 "conscious effort to suppress exculpatory evidence"); United States
10 v. LeGrande, 379 F. App'x 600, 601 (9th Cir. 2010) (same). Likewise,
11 there can be no bad faith here where HSI followed its own policies.
12 But also, there can be no bad faith when B.T. started the inquiry to
13 the repair process before a Complaint was even filed in this case.

14 **D. Dismissal is Not Warranted**

15 Finally, apart from defendant's failure to establish any of the
16 elements of a due process violation, he also fails to show that
17 dismissal is the only remedy, and that no less drastic alternatives
18 are available. See United States v. Kearns, 5 F.3d 1251, 1254 (9th
19 Cir. 1993); United States v. Morrison, 449 U.S. 361, 364-365 (1981)
20 (sanctions should be tailored to remedy constitutional violation
21 without unnecessarily infringing on competing interests).

22 Dismissal is not warranted. As an initial matter, defendant was
23 charged with two counts of assault on a law enforcement officer with
24 a deadly weapon. He crashed his vehicle into two separate law
25 enforcement service vehicles. Only B.T.'s vehicle was repaired. The
26 other vehicle is still available to be inspected². Even if the Court
27

28 ²² Defendant has still not inspected this vehicle.

1 found that the damage to the vehicles were exculpatory evidence, the
2 photographs are not comparable evidence, and the government acted in
3 bad faith, that still would not warrant dismissing the entire
4 indictment.

5 Also, Federal Rule of Criminal Procedure 16 does not require
6 dismissal. In each of the cases defendant references, the defense
7 attorneys in those cases made specific references to pieces of
8 evidence and asked that the government preserve them. They didn't
9 make blanket discovery requests and assume that evidence that they
10 deem material the government would also view as material to
11 defendant's defense. See United States v. Muniz-Jaquez, 718 F.3d
12 1180, 1183 (9th Cir. 2013) (defense counsel specifically requested
13 dispatch tapes); United States v. Hernandez-Meza, 720 F.3d 760, 768
14 (9th Cir. 2013) (defense counsel requesting naturalization
15 certificate); United States v. Lloyd, 992 F.2d 348 (D.C. Cir. 1993)
16 (defense counsel requesting tax returns). In this case, defense
17 counsel did not request that the government preserve the law
18 enforcement vehicles. Without such request, the law does not require
19 the government to do so.

20 But also, the rule specifically states, "upon a defendant's
21 request, the government must permit the defendant to inspect and to
22 copy . . . tangible objects . . . if the item is within the
23 government's possession, custody, or control and: (i) the item is
24 material to preparing the defense; [or] (ii) the government intends
25 to use the item in its case-in-chief at trial" (See Fed. R.
26 Crim. 16(a)(1)(E)) (emphasis added). Here, by the time defense
27 counsel requested to inspect the vehicles, B.T.'s vehicle was not in
28 the government's custody but was at a repair shop being repaired.

1 (See Exhibit 2, at 25.) Moreover, the government did not, and does
2 not, intend to use B.T. vehicle (or M.P.'s vehicle) in its case-in-
3 chief at trial.

4 Lastly, defendant argues that the damaged vehicles were referred
5 to in the government's production letter. (See Exhibit B to
6 defendant's motion.) This is not true. The government referenced
7 reports, an Instagram video, and defendant's statement in its
8 production letter. (Id.) The government also said that it would
9 make available for inspection anything pertaining to those reports
10 and video or audio recordings. Consistent with the production
11 letter, defendant is still free to inspect the metadata pertaining to
12 the photographs or defendant's recording and/or still free to
13 photocopy any of the reports and photographs in this case.

14 Ultimately, defendant can raise his concerns pertaining to
15 preservation of the truck before the jury by cross-examining officers
16 and arguing as to the thoroughness of the investigation during
17 closing arguments. Sanctions are neither necessary nor required
18 here. Defendant's motion should be denied in its entirety.

19 In short, defendant failed to present evidence that: (1) the
20 repaired vehicle had apparent exculpatory value at the time it was
21 lost, (2) he had no access to comparable evidence, or (3) the repair
22 of the vehicle was caused by anything other than negligence. Thus,
23 the loss of the evidence did not deny defendant the due process of
24 law, defendant failed to meet his burden, and this Court should deny
25 his motion.

26 **V. CONCLUSION**

27 For the foregoing reasons, the government respectfully requests
28 that this Court deny defendant's motion.