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CARLITOS RICARDO PARIAS

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**

12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.
15 CARLITOS RICARDO PARIAS,
16 Defendant.

Case No. 2:25-cr-00904-FMO

**DEFENSE STATUS REPORT
REGARDING TRIAL;
DECLARATION OF COUNSEL**

18 Defendant Carlitos Ricardo Parias, by and through his attorneys of record,
19 Federal Public Defender Cuauhtemoc Ortega and Deputy Federal Public Defender
20 Gabriela Rivera, hereby files this status report regarding trial in this matter, which is set
21 to commence on December 30, 2025.

22 Respectfully submitted,

24 DATED: December 24, 2025

By */s/ Gabriela Rivera*

25 CUAUHEMOC ORTEGA
Federal Public Defender
26 GABRIELA RIVERA
Deputy Federal Public Defender
27 Attorneys for CARLITOS RICARDO PARIAS
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DECLARATION OF GABRIELA RIVERA

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2 1. I am the Deputy Federal Public Defender assigned to represent Carlitos
3 Ricardo Parias. My colleague, Federal Public Defender Cuauhtemoc Ortega, also
4 represents Mr. Parias. I have been appointed to represent him since his initial
5 appearance on October 27, 2025.

6 2. This declaration is made to provide the Court with additional information
7 regarding the defense’s stymied efforts to prepare Mr. Parias’s case for trial. Defense
8 counsel will be prepared to address this declaration in further detail at the pretrial
9 conference, which is scheduled to take place on December 29, 2025.

10 3. Trial in this matter is currently set to commence on December 30, 2025.
11 As memorialized in the defense’s recently filed *ex parte* application to dismiss the
12 indictment (Dkt. 54) and the reply in support of that application (Dkt. 63), the executive
13 branch’s ongoing detention of Mr. Parias has impeded the defense’s ability to prepare
14 for trial and provide Mr. Parias with adequate representation at trial. There has been no
15 meaningful change in defense counsel’s access to Mr. Parias. As of this filing, Mr.
16 Parias remains detained at the remote Adelanto Detention Center, where he is hours
17 away from his attorneys.

18 4. Government counsel’s repeated failures to comply with Court-ordered
19 deadlines has further frustrated the defense’s ability to adequately represent Mr. Parias
20 and prepare for trial.

21 a. For example, and as addressed in a prior defense filing (Dkt. 66),
22 the government failed to comply with the Court-ordered deadline for the government’s
23 supplemental disclosures, including the disclosure of information under *United States v.*
24 *Henthorn*. Rather than comply with the deadline, the government sought an extension
25 of the deadline long after the deadline had already passed. (Dkt. 64.)

26 b. As another example, on December 10, 2025, after the discovery
27 cutoff, the government produced for the first time the body-worn camera footage
28 recorded by Officer Jaime Avina, the agent who ran up to the passenger side of Mr.

1 Parias's car, smashed in his window, and then shot Mr. Parias as Mr. Parias was
2 looking in the opposite direction. The defense has been requesting such video
3 recordings since October 28, 2025. A report produced to the defense on December 21
4 indicates that the government has been in possession of that video since at least
5 November 10--a month before it produced the video to the defense.

6 c. To take another example, on December 21, government counsel
7 produced for the first time two percipient witness reports that appear to have been
8 created on October 21. This production occurred two months after the reports appear to
9 have been created, weeks after the discovery cutoff, nine days before the current trial
10 date, and only after defense counsel raised in a filing that the government had failed to
11 provide any meaningful reports of percipient witnesses to the alleged assault (Dkt. 66).

12 5. The government's delayed and incomplete discovery appears to be part of
13 a pattern of defying this Court's deadlines.

14 a. For example, although joint jury instructions were to be submitted
15 to the Court 14 days before the pretrial conference (Dkt. 42), government counsel
16 provided their proposed instructions to the defense for the first time on December 23.

17 b. To take another example, government counsel was ordered to file a
18 trial memorandum 7 days before the pretrial conference. The Court ordered that the
19 trial memorandum be accompanied by a declaration from government counsel
20 addressing the government's compliance with its discovery obligations, including
21 *Brady*, and its efforts to comply with those obligations. (Dkt. 42.) As of this filing, the
22 government has not filed any such declaration.

23 6. The government's repeated failure to comply with Court-imposed
24 deadlines and its discovery obligations has prejudiced the defense's ability to
25 adequately prepare for trial. Indeed, this prejudice is compounded by the fact that the
26 federal government continues to detain Mr. Parias in a remote detention center hours
27 away from his legal counsel. The defense currently anticipates filing a motion to
28 dismiss due to government misconduct. That motion may address not only the officers'

1 dangerous conduct related to the October 21 incident but also the government's
2 interference with Mr. Parias's ability to adequately and timely prepare for trial. In short,
3 the misconduct issues related to the prosecution of Mr. Parias have only increased
4 rather than been resolved. For these reasons and others, the defense currently
5 anticipates that Mr. Parias will not be prepared to proceed to trial on December 30,
6 2025.

7
8 I declare under penalty of perjury that the foregoing is true and correct to the best
9 of my knowledge and belief.

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11 Executed December 24, 2025 at Los Angeles, California.

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13 */s/ Gabriela Rivera*
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15 GABRIELA RIVERA
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