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 UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 CARLITOS RICARDO PARIAS,

17 Defendant.

No. 2:25-cr-00904-FMO

GOVERNMENT'S RESPONSE TO DEFENSE  
STATUS REPORT REGARDING TRIAL  
(DKT. 73)

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 21 Plaintiff United States of America, by and through its counsel  
 22 of record, the First Assistant United States Attorney for the Central  
 23 District of California and Assistant United States Attorneys  
 24 Christopher Jones and Barr Benyamin, hereby files its Response to  
 25 Defense Status Report Regarding Trial (Dkt. 73).

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 The government submits this response to address defendant  
3 CARLITOS RICARDO PARIAS's Status Report Regarding Trial (Dkt. 73),  
4 filed on December 24, 2025. Defendant's Status Report is based on  
5 the declaration of his counsel, Gabriela Rivera.

6 The government has worked diligently to provide discovery to the  
7 defense in this reactive case that stemmed from the arrest of  
8 defendant on October 21, 2025. To date, the government has made nine  
9 productions of discovery totaling over 1,000 pages. This includes  
10 the November 26, 2025 production of body-worn camera footage worn by  
11 the law enforcement victim and a law enforcement witness on October  
12 21, 2025 (USAO\_000030-USAO\_000031) showing defendant committing the  
13 charged crimes, as well as other evidence produced to the defense  
14 before the December 5, 2025 discovery cutoff.<sup>1</sup>

15 Complicating matters, however, is the fact that the evidence in  
16 this case includes not simply evidence relating to defendant's  
17 charged conduct (the investigation of which was led by Homeland  
18 Security Investigations), but also evidence relating to the Federal  
19 Bureau of Investigation's ongoing investigation of the discharge of a  
20 firearm by law enforcement during defendant's October 2025 arrest.  
21 Notably, the shooting occurred after defendant committed the charged  
22 crimes, and the government does not seek to introduce at trial  
23 evidence obtained from this independent FBI investigation (the  
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26 <sup>1</sup> Defense counsel does not acknowledge this early video  
27 production in her declaration, focusing instead on another video of  
28 the incident that government counsel first learned of and received on  
December 3 and disclosed to defense on December 10, 2025. As stated  
in other filings, the government does not seek to introduce at trial  
this video, or any evidence produced after December 5, 2025.

1 government also maintains such evidence is not relevant or admissible  
2 at trial).

3 Although the FBI's investigation was initiated shortly after the  
4 shooting (which is why the FBI was conducting interviews in late  
5 October 2025), the government was unable to obtain the FBI reports  
6 until they were finalized. As such, the HSI case agent in this case  
7 only obtained a portion of the FBI's investigative file on or about  
8 December 4, 2025, and the remainder of the file on December 12 and  
9 18, 2025.

10 The government produced to defense counsel hundreds of  
11 photographs from the FBI file on December 5, 2025. The substance of  
12 the FBI investigative file required a protective order, however,  
13 because it involved third-party PII and an ongoing investigation.  
14 Defense counsel and the government stipulated to a protective order  
15 and the Court entered it on December 19, 2025. (Dkt. 70.) The  
16 government produced the remainder of the FBI's investigative files in  
17 its possession on December 19 and 21, 2025, pursuant to the  
18 protective order. As discussed in the government's declaration  
19 regarding discovery (Dkt. 74), the government received and produced  
20 on December 24, 2025 an HSI report summarizing the investigation.

21 Defense counsel is aware from her review of the discovery that  
22 FBI reports in the shooting investigation were being drafted as late  
23 as December 12, 2025. Moreover, defense counsel is also aware from  
24 the FBI report log she received as part of the discovery that the  
25 witness reports for interviews that occurred on October 21, 2025 were  
26 not created until between October 27, 2025 and December 4, 2025, and  
27 not October 21, as she claims. (See Dkt. 73 ¶ 4(c).) These reports,  
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1 which included third-party PII, were produced pursuant to the  
2 protective order.

3 As the government has repeatedly stated in filings, it does not  
4 plan to use any evidence produced after the December 5, 2025  
5 discovery cutoff in its case-in-chief. The government has also taken  
6 additional steps to satisfy discovery requests by the defense. For  
7 instance, defense counsel asked to view defendant's vehicle in  
8 person. That viewing occurred in South Los Angeles on December 19,  
9 2025, a date that was convenient for defense counsel's investigator.

10 The government has also worked diligently to investigate and  
11 produce Henthorn disclosures, as addressed in the government's filing  
12 of December 15, 2025. (Dkt. 64.)<sup>2</sup> On December 18, 2025, the  
13 government produced under the protective order a five-page letter and  
14 approximately 142 pages of exhibits which contain potential Henthorn  
15 disclosures for all law enforcement witnesses that the government  
16 intends to call and all of the federal law enforcement officers that  
17 were at the initial scene on October 21, 2025, regardless of whether  
18 the government plans to call them. As the government has stated in  
19 its trial brief (Dkt. 72 at 8), the government only intends to call  
20 three law enforcement witnesses, which means there is a small  
21 universe of Henthorn material to review. The government inquired on  
22 December 18 and 24, 2025 whether defendant intended to use any of  
23 this information for impeachment at trial, and defense counsel has  
24 not yet responded.

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27 <sup>2</sup> The defense already responded to the government's ex parte  
28 request to extend the Henthorn disclosure deadline (see Dkt. 64), yet  
uses its current filing to try to re-raise the issues. (See Dkt. 73  
¶ 4(a).)

1 In parallel to its efforts on discovery and Henthorn  
2 disclosures, the government has also moved expeditiously to prepare  
3 for trial, including filing its Trial Memorandum (Dkt. 42), which was  
4 filed about three hours after the December 22 deadline. The  
5 government has filed a separate document today confirming that it has  
6 complied with its Brady and Rule 5(f) obligations. Dkt. 74. The  
7 government also circulated proposed jury instructions to the defense  
8 and is awaiting a response on timing for a meet and confer on them.  
9 Further, the government sent defense a draft joint exhibit  
10 stipulation, a list of proposed factual stipulations, and questions  
11 regarding trial logistics. To date, defense counsel has not  
12 disclosed to the government any intent to rely on an affirmative  
13 defense or expert testimony, has not provided any reciprocal  
14 discovery, has not sent the government any proposed jury  
15 instructions, and has not reached out to government counsel to meet  
16 and confer on the trial. Defense counsel also has not reached out to  
17 the government to meet and confer regarding its intended filing of a  
18 motion to dismiss due to government misconduct.

19 In sum, the government has worked diligently to produce  
20 discovery, including the FBI's large investigative file which  
21 government counsel did not receive until December 2025, and made a  
22 robust Henthorn disclosure. The government has also made significant  
23 efforts, detailed above, to prepare for the trial as scheduled.  
24 Defense counsel does not allege that they are missing any information  
25 and -- as explained above -- the government has produced information  
26 pursuant to its discovery obligations in a reasonable timeframe and  
27 has agreed it will not use discovery produced after the discovery  
28 cutoff in its case.

1 Finally, defense counsel represents that defendant will not be  
2 prepared to stand trial on December 30, 2025. (Dkt. 73 at 4.) As  
3 previously noted in a filing (Dkt. 68), the government does not  
4 oppose a continuance in this matter, which would cure any purported  
5 prejudice that exists. While the Speedy Trial Act initially required  
6 that trial commence on or before January 13, 2026 (Dkt. 48),  
7 defendant's motion to dismiss the case filed on December 10, 2025  
8 (Dkt. 53) remains pending and is a basis for excludable time. See 18  
9 U.S.C. § 3161(h)(1)(D). Thus, once that motion is ruled upon, there  
10 would still be approximately 36 days remaining on the Speedy Trial  
11 clock to set the case for trial, providing ample time for defense  
12 counsel to prepare for trial.

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