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 9 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 JONATHON REDONDO-ROSALES,
 16 Defendant.

No. CR 25-679-JLS

GOVERNMENT'S NOTICE OF MOTION AND
 MOTION IN LIMINE #1 TO ADMIT
 EVIDENCE UNDER FED. R. EVID. 404
 AND 609

Hearing Date: September 26, 2025
 Hearing Time: 8:30 am
 Location: Courtroom of the
 Hon. Josephine L.
 Staton

19 Plaintiff United States of America, by and through its counsel
 20 of record, the Acting United States Attorney for the Central District
 21 of California and Special Assistant United States Attorney Robert K.
 22 Quealy, hereby files its Motion in Limine #1 to Admit Evidence Under
 23 Federal Rules of Evidence Rules 404 and 609(a).

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

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 28

¹ Authorized to Practice Pursuant to Local Rule 83-2.1.4.2

1 On September 12, 2025, government and defense counsel met and
2 conferred regarding this motion via email. Defense counsel has
3 indicated defendant opposes the relief sought in this motion.

4 Dated: September 16, 2025

Respectfully submitted,

5 BILAL A. ESSAYLI
Acting United States Attorney

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7 JOSEPH T. MCNALLY
Assistant United States Attorney
Acting Chief, Criminal Division

8
9 /s/

10 _____
ROBERT K. QUEALY
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11 Attorneys for Plaintiff
12 UNITED STATES OF AMERICA

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

On August 2, 2025, defendant JONATHON REDONDO-ROSALES ("defendant") forcibly assaulted Federal Protective Service Officer Z.C. by intentionally striking at and hitting Z.C.'s face. Defendant struck at the victim in an attempt to avoid being detained after defendant had jumped onto the hood of a government vehicle. For this conduct, defendant has been charged in an information with Simple Assault of a Federal Officer, a Class A Misdemeanor, in violation 18 U.S.C. § 111(a)(1). Defendant has a prior felony and misdemeanor convictions for domestic violence battery, first-degree residential burglary, stalking, and obstructing law enforcement, and is currently subject to a protective order.

The Court should allow the government to admit evidence regarding defendant's prior acts of violence and obstructing law enforcement under Rule 404. First, if defendant offers any evidence that he is a peaceful or non-violent person, or that victim Z.C. is a violent person, the government is entitled to offer evidence to rebut this pertinent character trait. See Fed. R. Evid. 404(a)(2)(A), (B). Second, if defendant claims he accidentally struck at Z.C. or the assault was the product of self-defense, the evidence regarding defendant's prior convictions for battery and stalking, as well as the nature of the protective order that he is subject to, satisfies the requirements of Rule 404(b)(2) to show defendant's motive, intent, or lack of accident. Finally, should defendant testify, his prior felony and misdemeanor convictions should be admitted under Rule 609 to impeach his credibility.

1 The government thus respectfully requests the Court grant its
2 Motion in Limine to admit evidence under Federal Rules of Evidence
3 Rules 404 and 609 depending on the arguments and questions of defense
4 counsel at trial, and potential testimony of defendant.

5 **II. DEFENDANT'S RELEVANT CRIMINAL HISTORY**

6 At trial, the government seeks to introduce the fact of
7 defendant's convictions for the following under Rule 404: (1) a
8 misdemeanor domestic violence battery conviction in Orange County
9 Superior Court Docket 21NM01891 in October of 2021 (the "2021 domestic
10 violence conviction"); (2) a misdemeanor obstruction of police
11 conviction in Orange County Superior Court Docket 21CM11070 in
12 October 2021; (3) a felony stalking conviction in Orange County
13 Superior Court Docket 21CF3139 in October 2022 (the "2022 stalking
14 conviction"); (4) a felony stalking conviction in Orange County
15 Superior Court Docket 22WF2510 in September 2023 (the "2023 stalking
16 conviction"); and a (5) misdemeanor domestic violence battery
17 conviction in Orange County Superior Court Docket 22CF3464 in
18 September 2023 (the "2023 domestic violence conviction"). The
19 government also seeks to introduce evidence of a June 2023
20 restraining order issued against the defendant.¹

21 The government further seeks to introduce the following
22 convictions under Rule 609(a): (1) the 2022 stalking conviction; (2)
23 the 2023 stalking conviction; and (3) a first-degree residential
24 burglary felony conviction in Santa Ana Superior Court Docket
25 21CF3139 in October 2022.²

27 ¹ The government is still investigating the underlying facts of
28 the referenced convictions, prior arrests, and restraining order.

² This is the same docket as the 2022 stalking conviction.

1 **III. LAW AND ARGUMENT**

2 **A. Defendant's Prior Convictions and Arrests Related to**
3 **Battery and Stalking Are Admissible at Trial Under Rule**
4 **404(a) if Defendant Introduces Character Evidence.**

5 Under Fed. R. Evid. 404(a)(2)(A), in a criminal case, "a
6 defendant may offer evidence of the defendant's pertinent trait, and
7 if the evidence is admitted, the prosecutor may offer evidence to
8 rebut it." Fed. R. Evid. 404(a)(2)(A). Similarly, if a defendant
9 offers evidence of an alleged victim's pertinent trait, the
10 prosecutor may "offer evidence to rebut it" and "offer evidence of
11 defendant's same trait." Fed. R. Evid. 404(a)(2)(B). Thus, in an
12 assault case, if the defendant offers evidence of his alleged
13 peacefulness or the victim's alleged violent nature, the prosecution
14 may admit evidence regarding defendant's violent nature.

15 The defendant has not yet provided notice or produced any
16 reciprocal discovery that could be considered admissible evidence of
17 defendant's peaceful nature, or evidence of victim Z.C.'s violent
18 character. If, however, defendant seeks to introduce such evidence
19 at trial, the prosecution is entitled to offer evidence to rebut it
20 under Fed. R. Evid. 404(a)(2)(A), (B). Here, defendant has prior
21 convictions and/or arrests in 2021 for misdemeanor domestic violence
22 battery, obstructing law enforcement, violating a domestic violence
23 restraining order, in 2022 for felony stalking, and in 2023 for
24 felony stalking and misdemeanor domestic violence batter - all of
25 which are evidence of defendant's violent character. The government,
26 therefore, may inquire into these specific acts on cross-examination.
27 See Fed. R. Evid. 405(a) ("On cross-examination of [a] character
28

1 witness, the court may allow an inquiry into relevant specific
2 instances of the person's conduct.").

3 **B. Defendant's Convictions for Battery and Obstruction Are**
4 **Also Admissible at Trial Under Rule 404(b) to Prove**
5 **Defendant's Motive, Intent, and Absences of Mistake and**
6 **Need for Self-Defense.**

7 Additionally, depending on the defense presented at trial,
8 defendant's convictions are also admissible under Rule 404(b).
9 Evidence of a defendant's other crimes and bad acts is admissible for
10 another purpose besides showing that the defendant acted in
11 accordance with a character trait, such as proving "motive,
12 opportunity, intent, preparation, plan, knowledge, identity, absence
13 of mistake, or lack of accident." Fed. R. Evid. 404(b)(2). Rule
14 404(b) is a rule of "inclusion which admits evidence of other crimes
15 or acts relevant to an issue in the trial, except where it tends to
16 prove only criminal disposition." United States v. Bradshaw, 690
17 F.2d 704, 708 (9th Cir. 1982) (citation omitted); see also United
18 States v. Mehrmanesh, 689 F.2d 822, 830 (9th Cir. 1982) (recognizing
19 that Rule 404(b) "is one of inclusion and that other acts evidence is
20 admissible whenever relevant to an issue other than the defendant's
21 criminal propensity").

22 The Ninth Circuit has developed a four-part test to determine
23 the admissibility of Rule 404(b) evidence: (1) the evidence tends to
24 prove a material point; (2) the other act evidence is not too remote
25 in time; (3) the evidence is sufficient to support a finding that
26 defendant committed the other act; and (4) the other act is similar
27 to the offense charged. United States v. Cherer, 513 F.3d 1150, 1157
28 (9th Cir. 2008). "Acts both prior and subsequent to the indictment

1 period may be probative to the defendant's state of mind." United
2 States v. Ayers, 924 F.2d 1468, 1473 (9th Cir. 1991) (quoting United
3 States v. Voorhies, 658 F.2d 710, 715 (9th Cir. 1981)). If the four-
4 part test is satisfied, the evidence is admissible unless "its
5 probative value is substantially outweighed by a danger of ... unfair
6 prejudice." Fed. R. Evid. 403; see also United States v. Blitz, 151
7 F.3d 1002, 1008 (9th Cir.1998) (when evidence "satisfies the four-
8 part test, the district court should admit the evidence unless its
9 prejudicial impact substantially outweighs its probative value"
10 (internal quotation marks omitted)).

11 Here, all four factors weigh towards admitting evidence of the
12 2021 domestic violence conviction, the 2021 conviction for
13 obstructing law enforcement, and for the 2023 domestic violence
14 conviction. First, the evidence tends to prove defendant's intent
15 and lack of mistake or lack of reasonable self-defense when he struck
16 towards the victim, namely, that he was the aggressor and intended to
17 strike another person, in this case, law enforcement. Second, the
18 convictions and arrests all occurred within four years of the instant
19 offense and are not too remote in time. See, e.g., United States v.
20 Arambula-Ruiz, 987 F.2d 599, 603-04 (9th Cir. 1993) ("We have held
21 that a conviction which occurred five years prior to the charge at
22 issue was not too remote"). Third, the fact of defendant's
23 conviction is sufficient to support a finding that the prior acts
24 occurred. And fourth, battery is a completed assault and is
25 sufficiently similar to the charged conduct to be probative of
26 defendant's intent and motive. See United States v. Ramirez-Jiminez,
27 967 F.2d 1321, 1326 (9th Cir. 1992) ("Thus, for example, we have held
28 that similarity is always required to prove identity of intent. . .

1 .") Similarly, defendant's obstruction conviction is similar to the
2 instant offense in that defendant committed the assault while
3 attempting to evade arrest or detainment by federal officers. Here,
4 the fact of defendant's convictions is not so prejudicial as to
5 outweigh the significant probative value, namely, that defendant
6 intended to strike the victim and did so to obstruct their lawful
7 duties. The previous convictions speak directly to defendant's
8 intent, lack of accident, and absence of mistake or a valid self-
9 defense, and are of extreme probative value. Indeed, any prejudicial
10 effect is minimal as the jury will see defendant's conduct on video
11 and will be able to use the totality of the evidence before it,
12 including these prior convictions, to arrive at a decision on
13 defendant's intent and conduct.

14 **C. Defendant's Prior Felony Convictions Are Also Admissible at**
15 **Trial Under Federal Rule of Evidence 609(a).**

16 Defendant's prior felony convictions for the 2022 and 2023
17 stalking convictions and his 2022 conviction for first-degree
18 burglary are admissible to impeach defendant's credibility should he
19 testify. Under Federal Rule of Evidence 609(a), a defendant's prior
20 felony conviction "must be admitted . . . if the probative value of
21 the evidence outweighs its prejudicial effect to that defendant."
22 Fed. R. Evid. 609. When balancing the probative value of a prior
23 conviction against its prejudicial effect under Rule 609(a)(1), a
24 court should consider the following five factors: (1) the impeachment
25 value of the prior crime; (2) the point in time of the conviction;
26 (3) the similarity between the past crime and the charged offense;
27 (4) the importance of the defendant's testimony; and (5) the
28 centrality of the defendant's credibility. United States v. Hursh,

1 217 F.3d 761, 768 (9th Cir. 2000) (citing United States v. Browne,
2 829 F.2d 760, 762-63 (9th Cir. 1987)). As the Ninth Circuit has
3 explained, a district court is not obliged to let a defendant with a
4 substantial criminal history misrepresent themselves to the jury when
5 they have a record that, if made known, would give the jury a more
6 comprehensive view of the trustworthiness of the defendant as a
7 witness. United States v. Cook, 608 F.2d 1175, 1187 (9th Cir. 1979)
8 (en banc), overruled on other grounds, Luce v. United States, 469
9 U.S. 38, 40 n.3, 43 (1984).

10 Here, the five factors weigh towards admission of defendant's
11 convictions. First, defendants repeated convictions for stalking and
12 residential burglary³ are serious offenses that reflect on
13 defendant's character. See United States v. Bates, 2012 WL 1599895,
14 at *2-3 (D. Idaho May 7, 2012) (admitting stalking conviction); see
15 also United States v. Oaxaca, 569 F.2d 518, 527 (9th Cir. 1978)
16 (admitting burglary conviction); but see United States v. Glenn, 667
17 F.2d 1269, 1263 (9th Cir. 1982) (burglary conviction admissible if
18 crime was committed by fraudulent or deceitful means). Second, the
19 convictions are less than four years old and are not too remote. See
20 United States v. Browne, 829 F.2d 760, 763 (9th Cir. 1987) (finding
21 the "time factor" to weigh in favor of admissibility because, "[b]y
22 its terms, Rule 609 allows for admissibility of such a prior
23 conviction even where the defendant has been released for up to ten
24 years"). Third, the stalking and burglary convictions are dissimilar
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26
27 ³ Because the burglary conviction is part of the same docket as
28 the 2022 stalking conviction, and California first-degree burglary
is, essentially, entering a residence with the intent to commit a
felony or steal, it stands to reason that the burglary is premised on
entering the residence to commit stalking.

1 from the charged offense and the prior convictions do not share any
2 elements with the current charge. There is thus little risk of
3 prejudice from their introduction. Fourth and fifth, defendant's
4 credibility is likely to be central to any testimony he offers. See
5 United States v. Alexander, 48 F.3d 1477, 1489 (9th Cir. 1995) ("When
6 a defendant takes the stand and denies having committed the charged
7 offense, he places his credibility directly at issue."). Defendant
8 may testify that he lacked the requisite intent, made a mistake, or
9 was acting in self-defense. Any potential prejudice or confusion by
10 the jury of the role of the prior convictions could be resolved by a
11 limiting instruction and not through exclusion. See, e.g., United
12 States v. Bradshaw, 690 F.2d 704, 709 (9th Cir. 1982) ("Limiting
13 instructions may reduce or eliminate prejudice which would otherwise
14 occur."). These prior felony convictions should be admitted to
15 impeach defendant's credibility - which is possibly central to this
16 case - should he testify.

17 **IV. CONCLUSION**

18 For the foregoing reasons, the government respectfully requests
19 that this Court grant this motion.
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