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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **EASTERN DIVISION**

13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 v.
16 JOSEPH BLANDON-SAAVEDRA
17 Defendant.

Case No. 5:25-cr-00310-KK-1

**SUPPLEMENT IN SUPPORT
OF DEFENDANT’S MOTION TO
DISMISS OR FOR
ALTERNATIVE REMEDIES
DUE TO SPOILIATION OF THE
EVIDENCE AND VIOLATION
OF FED. R. CRIM. P. 16.**

**Hearing Time & Date:
November 10, 2025, at 10:00 a.m.**

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21 Defendant Joseph Blandon-Saavedra, by and through counsel of record,
22 Deputy Federal Public Defenders, Ayah A. Sarsour and Chad Pennington
23 hereby submits this supplemental brief in support of his request that the
24 Court dismiss the indictment on the grounds that the government destroyed
25 or failed to preserve exculpatory evidence, or, alternatively, that it destroyed
26 or failed to preserve potentially useful evidence in bad faith. *See* ECF No. 55,
27 Minute Order (providing that “[t]he parties may file supplemental briefing
28 addressing issues raised by the Court by no later than [] November 12,
2025.”).

1 This motion is made pursuant to the Due Process Clause of the Fifth
2 Amendment to the United States Constitution, as well as *Brady v. Maryland*,
3 373 U.S. 83 (1963); *California v. Trombetta*, 467 U.S. 479 (1984); *Arizona v.*
4 *Youngblood*, 488 U.S. 51 (1988); *United States v. Cooper*, 983 F.2d 928 (9th
5 Cir. 1993); and *United States v. Zaragoza-Moreira*, 780 F.3d 971 (9th Cir.
6 2015).

7 As noted previously, Defendant's motion is supported by the
8 accompanying Supplemental Memorandum of Points and Authorities and
9 the offered exhibits, files, records, and declaration(s) in this case. The
10 government, as of this filing, has not filed supplemental briefing on the
11 defense's pending spoliation dismissal request. Accordingly, it has
12 apparently waived any further argument on the motion.

13
14 Respectfully submitted,
15 CUAUHTEMOC ORTEGA
16 Federal Public Defender

17 DATED: November 12, 2025,

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19 By /s/ Ayah A. Sarsour
20 AYAH A. SARSOUR
21 Deputy Federal Public Defender

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23 By /s/ Chad Pennington
24 CHAD PENNINGTON
25 Deputy Federal Public Defender
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1 Complaint, featuring the damaged vehicle listed in count two. *See* ECF No.
2 53, September 4, 2025, Audio File I, at 4:28. The government argued that it:

3 [H]as concerns as to both flight and danger as to this defendant,
4 um, primarily regarding the actual underlying conduct in the
5 instant case. Uh, your Honor [(Magistrate Judge Sheri Pym)] is
6 the one who signed the affidavit, so I'm sure the Court's familiar
7 with the facts, but in sum, the defendant when, uh, immigration
8 authorities tried to apprehend him during a planned operation
9 *boxed in his vehicle*, and the defendant rather than, uh, submit to
10 those authorities, backed up and hit the first vehicle that was
11 parked behind him that has the lights activated and then
12 continued to pull forward and hit the car in front of him, and then
13 at that point did not, uh, get out of his car per instructions and
14 they had to break, uh, one of the windows of his vehicle. Obviously
15 that creates a danger to law enforcement and shows, um, should
16 he not appear in the future, should officers try to need, or should
17 officers need to try to [] apprehend him in the future for failure to
18 appear.

19 *Id.* at 4:41-5:40 (emphasis added).

20 The defense responded:

21 [L]ooking at the incident, and this is very concerning and I feel
22 like it should shock, the conscious of the Court is ICE agents plan
23 to arrest my client, [and] instead of going to his house, they waited
24 for him to leave to work, boxed him in the front and back as visible
25 in the [Complaint] and weren't wearing masks.

26 *Id.* at 6:33-7:32.

27 To which the government responded:
28

1 Um, there were, uh, numerous representations as to the tactics
2 used by authorities to try to apprehend [Defendant]. Um, the
3 government, uh, disagrees with those representations as to both
4 their appropriateness and the nature of which, uh, how they took
5 place.

6 *Id.* at 9:43-10:55.

7 The Court, Magistrate Judge Sheri Pym, acknowledged the differing
8 factual narratives:

9 So, so here, I mean, looking at this, obviously I did review the
10 Complaint. It's, um, in terms of what's alleged here, um, you
11 know, it's a serious matter to essentially try, you know, what's,
12 what's alleged here is, is essentially you, there are lights
13 activated, even though these are unmarked vehicles. The idea is
14 that the lights would be visible. It's hard to tell from these photos
15 whether that's the case or not, but that, um, that the defendant
16 should have known he was being pulled over by law enforcement.
17 And then when he realized he was trapped, he sort of tried to
18 smash his way out of it. Maybe in a panic, maybe, you know, I, I
19 don't know. Um, at the same time, I, you know, there are, there
20 are questions raised by this about whether this is a case that could
21 be defensible, because if, if it really was not apparent to him that
22 he was, uh, that it was necessarily law enforcement, particularly,
23 I understand from the Complaint that the, um, officers were in
24 uniform, but that may not have been apparent, uh, until they
25 stepped out of the vehicle. . . .

26 So it's, it's hard to know based on what's what I see here, you
27 know, what was in his mind at the time. Um, and it's a case that,
28 you know, it, it *could have been confusion, it could have been very*

1 *deliberate.* And, um, certainly there's no excuse for anybody
2 knowingly trying to, you know, essentially smash their car into a
3 law enforcement car. *So, um, it's, it's, I'm sort of left with the facts*
4 *that there are, it can be interpreted in different ways and certainly*
5 *it's not my place here to make that determination. I haven't seen*
6 *video. I, I don't know what, um, a fact finder would ultimately*
7 *determine in this case.*

8 *Id.* at 11:06-13:11 (emphasis added).

9 It is not common for a magistrate judge at the outset, presiding over
10 criminal duty, to opine that a matter is both defensible and can be interpreted
11 in different ways – confusion or deliberate acts. If the conflicting narrative
12 was apparent then to a neutral decision maker, the state of the damaged
13 vehicles was of apparent exculpatory value to the government as well from
14 September 4, 2025. The first time, from a simple review of the Complaint and
15 the attending argument, the government's theory of the case was subjected
16 to adversarial scrutiny, Magistrate Judge Pym concluded the case was
17 factually defensible and debatable. The government knew this but took no
18 steps to preserve the critical piece of evidence in count two.

19 **Pattern and Practice**

20 There has been a veritable surge in charged assaults arising under 18
21 U.S.C. § 111(a), (b) across the federal districts in the last several months.
22 And, many of the cases share basic factual similarities to this matter. The
23 defense has offered *United States v. Castillo-Ortega*, 5:25-cr-00261-JGB (C.D.
24 Cal. 2025), but the cases nationally are legion. Consider the following
25 language from a recent federal complaint.

26 The HSI Special Agents stated that at approximately 9:45 AM on
27 August 4th, 2025, the two HSI SAs and the TFO attempted to
28 conduct a vehicle stop of the box truck at the intersection of E.

1 47th Avenue and Lincoln Street, Denver, CO, *by surrounding the*
2 *box truck* with their law enforcement vehicles and activating their
3 emergency lights. After surrounding the box truck, one of the HSI
4 SAs exited their vehicle wearing their law enforcement vest
5 bearing “HSI” patches and a gold badge at the base of the vest’s
6 left shoulder strap. The box truck then reversed, accelerated, and
7 rammed into one of the SA’s vehicles, driving the SA’s vehicle
8 backwards several feet. This created enough space for the box
9 truck to then drive forward, where it proceeded to crash into the
10 HSI TFO’s vehicle before driving away. Both the SA and TFO
11 were inside their vehicles at the time the box truck struck them. .
12 . . One TFO stated that [the defendant’s] license photo resembled
13 that of the driver who rammed his vehicle.

14 *United States v. Guevara-Ortiz*; 1:25-CR-263, ECF No. 1 at 3. (D. Colo.
15 2025). And, consider the following:

16 HSI SA returned to his vehicle and pulled up approximately a car
17 length behind QUINTANILLA’s vehicle to block him from
18 reversing to flee the area. HSI SA put his vehicle in park. At that
19 moment, QUINTANILLA put his car in reverse, ramming the HSI
20 SA’s vehicle. The HSI SA was forced to quickly move out of the
21 way so he would not be injured by QUINTANILLA’s reversing
22 vehicle, being used as a deadly weapon. The trailer attached to
23 QUINTANILLA’s vehicle collided with the front of HSI SA’s
24 vehicle. HSI SA approached the driver’s side of QUINTANILLA’s
25 vehicle, removed broken glass from with window, and opened the
26 door from the inside to remove QUINTANILLA. ICE-ERO gave
27 QUINTANILLA multiple verbal commands to exit the vehicle and
28 attempted to pull QUINTANILLA from the vehicle.

1 QUINTANILLA refused to exit the vehicle and resisted ICE-
2 ERO's attempts to extract him from the vehicle. TxDPS CID SA's
3 quickly approached the vehicle and assisted in removing
4 QUINTANILLA from the vehicle and restrained him in
5 handcuffs. QUINTANILLA fought the law enforcement officers
6 and forcibly, resisted, opposed, impeded, and interfered with
7 official law enforcement duties.

8 *United States v. Quintanilla-Chavez*, 5:25-cr-388, ECF No. 1 at 3 (W.D. Tex.
9 2025); *see also United States v. Martinez*, 1:25-cr-00636, ECF No. 1 at 6 (N.D.
10 Ill.) (charging counts of § 111(a), (b), and like here, offering photos of the
11 damaged immigration vehicles as evidence of the assault); *see also United*
12 *States v. Rendon*, 2:25-mj-03691-DUTY, ECF No. 1 (C.D. Cal. 2025)
13 (describing an auto collision between the defendant and immigration
14 officials); *see also United States v. Hernandez*, 2:25-mj-03691-DUTY, ECF No.
15 1 (C.D. Cal. 2025) (claimed intentional collision between defendant and a
16 Border Patrol agent).

17 This case is part and parcel of a pattern demonstrating both a national
18 surge in cases arising under § 111(a), (b), and criminal matters stemming
19 from aggressive tactics used by immigration officials to apprehend people of
20 interest for removal. This includes a national trend in the regular use of
21 boxing in motorists from all sides, a tactic rarely if ever used by local, state,
22 or other federal criminal law enforcement.

23 This is offered to demonstrate that it is bad faith for the government to
24 increasingly use aggressive auto-based modalities of apprehension, but
25 simultaneously have its vehicles hastily repaired. In early January of 2025,
26 there was not the same or even similar spate of federal matters pending
27 nationally stemming from auto collisions between motorists and executive
28 branch, immigration officials attempting to apprehend people for

1 immigration removal proceedings. If immigration officials increasingly use
2 box-in tactics, it is likely to suffer vehicle damage from intentional or
3 unintentional acts of the affected defendants. If the government seeks to use
4 these tactics in immigration enforcement and bring criminal cases related to
5 the regular employment of those aggressive tactics, it must preserve all
6 evidence showing that it may have been the very tactics themselves that
7 caused the auto accidents. As noted in *Quintanilla-Chavez*, § 111 conduct is
8 “unsupported” when the facts show the “immigration officer manufactur[ed]
9 [the] felony.” 5:25-cr-388, ECF No. 64 at 37, 38, 39 (citing case law reasoning
10 that physical contact initiated “by an arresting officer is not forcibly initiated
11 by the defendant and thus is not proscribed by” § 111. The Court dismissed
12 the § 111 indictment in this case because the government’s conduct of, in
13 part, “break[ing] car windows first and ask[ing] questions later [pursuant to
14 an admitted HSI] policy represent[ed] the rare case in which the
15 [g]overnment’s conduct is so shocking to the universal sense of justice that it
16 [resulted in the government’s loss] of the opportunity to prosecute”

17 **II. Argument**

18 **A. The vehicle at issue was material and exculpatory.**

19 The Court can stop at this portion of the analysis without wading into
20 good faith. For the reasons previously briefed and argued at the November
21 10, 2025, hearing, the defense maintains that the destroyed vehicle in count
22 two was material and exculpatory.

23 **B. The vehicle was potentially useful.**

24 The government did not respond to the useful evidence spoliation
25 analysis in its brief and effectively conceded the issue at the November 10,
26 2025, oral argument. *See e.g.*, November 10, 2025, Audio File II at 42:25
27 (government counsel stating, “I do agree and I do concede that I, that the
28 evidence in this case could potentially be useful for defense attorney.”).

1 **C. No comparable evidence exists.**

2 There is no comparable evidence in this case; it has been destroyed
3 because it has been repaired. The *Cooper* case illustrates this point. *See*
4 *United States v. Cooper*, 983 F.2d 928 (9th Cir. 1993). Not only were photos
5 not a suitable substitute source of comparable evidence in that case to the
6 destroyed evidence, but the material loss was based on the support the
7 destroyed evidence had in bolstering the defense’s factual claim of innocence.
8 983 F.2d at 932. In effect, the destroyed evidence would “cheat” the defense.
9 *Id.* As noted in *Cooper*, two outcomes concomitant to the lost evidence – one
10 inculpatory and one exculpatory – demonstrates materiality and the need to
11 preserve the evidence. *See e.g. id.*, at 933 (the Ninth Circuit stating
12 “[Defendants] might be lying; weighty, exculpatory evidence might never
13 have existed. If it did not exist, the stipulation certainly would put them in a
14 better position. . . . We will not adopt the government's belief that they are
15 lying. The defendants . . . should not be made to suffer because government
16 agents discounted their version” and lost evidence).

17 At the November 10, 2025, oral argument, the government claimed that
18 *Cooper* did not address the issue of comparable evidence in a spoliation
19 analysis. *See e.g.*, Audio File II at 41:101 (government counsel arguing that
20 “[s]o that was the issue in *Cooper*, is that the government specifically acted
21 in bad faith, not that there was no comparable evidence”). The case
22 extensively addressed the comparable evidence standard, and to that end,
23 the government’s argument there was that the district court erred in finding
24 no comparable evidence. *See e.g.*, 983 F.2d at 931 (“The government
25 challenges the district court’s determination that *Cooper* and Gammill could
26 not reasonably obtain evidence comparable in value to the destroyed
27 laboratory equipment”); *see also* 983 F.2d at 932 (“The government contends
28 that *Cooper* and Gammill would be able to obtain comparable evidence by

1 other reasonably available means” and the government’s argument failed
2 because the government “ha[d] not suggested any reasonably available
3 evidence which would be comparable to the destroyed lab equipment.”).

4 **D. The government did not act in good faith.**

5 The government’s November 10, 2025, oral argument was self-refuting.
6 The government argued that “the reason [it] never asked the agents to
7 preserve the vehicle[s] in this particular case is because the Due Process,
8 Clause does not impose on the government an undifferentiated and absolute
9 duty to retain and preserve all material that might be of *conceivable*
10 evidentiary significance in a particular prosecution.”). Audio File II at 29:36
11 (emphasis added)¹ However, the government paradoxically conceded at the
12 hearing that the unrepaired vehicle was useful to a defense. *See e.g., id.* at
13 42:25. Taken to its logical end, the government’s argument is that it did not
14 need to preserve evidence it acknowledged was potentially useful. The
15 binding precedent does not support the government’s claim of such a meek
16 discovery duty. If the Court wades into good faith, the government’s cavalier
17 decision to not request preservation of uncontroverted useful evidence
18 demonstrates the very “conscious effort to suppress exculpatory evidence”
19 *California v. Trombetta*, 467 U.S. 479 (1984), cautions against.

20 Last, the government argues that “Rule 16 does not kick in until
21 indictment.” Audio File II at 47:34. Federal Rule of Criminal Procedure 16
22 attaches when the defense requests discovery, and as stated in Rule
23 16(a)(1)(A), a defendant’s statements *must* be produced *before* or *after* his or
24 her arrest when requested when the government intends to use such
25 discovery in its case in chief; pre-arrest certainly antedates an indictment
26

27 ¹ The Audio File time stamps are based on the audio file software the
28 defense team used to listen to, and review, the recordings.

1 return and arraignment. The government’s logic would preclude discovery
2 disclosure of material evidence (Rule 16 materiality) until well after a case
3 has started through a complaint. Federal Rule of Criminal Procedure 16.1
4 provides *that no later* than 14-days after the indictment arraignment, the
5 parties should endeavor to create a workable discovery production plan, but
6 the discovery demand from defense may certainly come before 14-days after
7 an indictment arraignment, and the government must produce discovery at
8 that point if responsive and to which it intends to use.

9 All that buries the lede. Even assuming the government’s unsupported
10 reading of Rule 16 applies, the government offered to make matters available
11 for inspection *after* the September 30, 2025, indictment arraignment, on
12 October 1, 2025. And, at that time, it did not represent it misapprehended its
13 duty to make the vehicles at issue – those featured in its Complaint and
14 argued at the detention hearing – available for inspection. Indeed, as late as
15 on October 27, 2025, it stated it would make the vehicles available for
16 inspection. The Court should reject the government’s post-hoc justifications.
17 The defense’s discovery demand was plainly made pursuant to Rule
18 16(a)(1)(E). Indeed, the government’s claim of not understanding the scope of
19 the defense’s discovery demand is undermined by its representation that the
20 reason it did not seek preservation was not based on confusion, but because
21 it believed it need not preserve every conceivable source of evidence,
22 including uncontested useful evidence. The Court need go no further than the
23 government’s own contorted representations at the November 10, 2025, oral
24 agreement to render a bad faith finding.

25 **Conclusion**

26 For these reasons, and in the interest of justice, Mr. Blandon-Saavedra
27 respectfully requests that the Court formally issue its tentative ruling
28 dismissing Count two of the indictment.

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Respectfully submitted,
CUAUHTEMOC ORTEGA
Federal Public Defender

DATED: November 12, 2025 By /s/ Chad Pennington
CHAD PENNINGTON
Deputy Federal Public Defender

CERTIFICATE OF COMPLIANCE AND DECLARATION

I, Chad Pennington, counsel of record for the defendant, certify that this filing complies with the requirements of L.R. 11-6.1.

I, Chad Pennington, counsel of record, further certified under penalty of perjury that the representations in this filing are true and accurate.