

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
)
 v.) NO. 3:25-cr-00115
)
) JUDGE CRENSHAW
)
 KILMAR ARMANDO ABREGO GARCIA)

GOVERNMENT’S RESPONSE TO THE DEFENDANT’S MOTION TO SUPPRESS

COMES NOW the United States of America, by and through Robert E. McGuire, Acting United States Attorney, and submits the following Response to the Defendant’s Motion to Suppress evidence from his March 12, 2025, arrest (DE # 155) pursuant to this Court’s Order (DE # 167).

The United States informs the Court that the Government does not intend to reference the fact of the defendant’s administrative arrest on March 12, 2025, his statement to law enforcement on that occasion, or his subsequent deportation to El Salvador in March 2025 during the Government’s case-in-chief. Therefore, and without agreeing with any of the arguments made by the defendant in his Motion, the United States would respectfully submit that the defendant’s Motion at Docket Entry # 155 can be denied as moot.

Should the defendant testify at trial and provide testimony on direct or re-direct examination that is inconsistent with his statements to law enforcement on March 12, 2025, the Government reserves the right to potentially inquire about that statement on cross-examination. However, before the Government enquires about anything related to the defendant’s March 12, 2025, arrest in open court (and, again, only on cross-examination of the defendant) the Government

will approach the Court at sidebar so that the Court can determine next steps and hold a jury out if necessary.

Therefore, based on the foregoing the United States submits that the defendant's Motion at DE # 155 should be denied as moot.

Respectfully Submitted,

/s/ Robert E. McGuire
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