

1 TODD BLANCHE
 Acting Attorney General
 2 BILAL A. ESSAYLI
 First Assistant United States Attorney
 3 ALEXANDER B. SCHWAB
 Assistant United States Attorney
 4 Acting Chief, Criminal Division
 MARK A. WILLIAMS (Cal. Bar No. 239351)
 5 Assistant United States Attorney
 Chief, Environmental Crimes & Consumer Protection Section
 6 MATTHEW W. O'BRIEN (Cal. Bar No. 261568)
 DANBEE C. KIM (Cal. Bar No. 350014)
 7 Assistant United States Attorneys
 Environmental Crimes & Consumer Protection Section
 8 1400 United States Courthouse
 312 North Spring Street
 9 Los Angeles, California 90012
 Telephone: (213) 894-3359/8644/6530
 10 Email: mark.williams@usdoj.gov
 matthew.o'brien@usdoj.gov
 11 danbee.kim2@usdoj.gov

12 Attorneys for Plaintiff
 UNITED STATES OF AMERICA

13 UNITED STATES DISTRICT COURT
 14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 JONATHAN RINDERKNECHT,
 19 aka "Jonathan Rinder,"
 20 aka "Jon Rinder,"

21 Defendant.

Case No. 25-833-AH

TRIAL MEMORANDUM

Trial Date: June 8, 2026

22
 23 Plaintiff United States of America, by and through its counsel of record, Assistant
 24 United States Attorneys Mark A. Williams, Matthew W. O'Brien, and Danbee C. Kim,
 25 hereby files its Trial Memorandum.

26 Pursuant to the Court's standing order, on April 29, 2026, the parties met and
 27 conferred regarding this Trial Memorandum. The defense's positions on the applicable
 28 issues are noted herein.

1 This Trial Memorandum is based upon the attached memorandum of points and
2 authorities, the files and records in this case, and such further evidence and argument as
3 the Court may permit.

4 Dated: April 29, 2026

Respectfully submitted,

5 TODD BLANCHE
Acting Attorney General

6 BILAL A. ESSAYLI
7 First Assistant United States Attorney

8 ALEXANDER B. SCHWAB
Assistant United States Attorney
9 Acting Chief, Criminal Division

10 /s/

11 _____
MARK A. WILLIAMS
12 MATTHEW W. O'BRIEN
DANBEE C. KIM
13 Assistant United States Attorneys

14 Attorneys for Plaintiff
15 UNITED STATES OF AMERICA
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 On January 1, 2025, defendant ignited what came to be known as the Lachman
4 and Palisades Fires. When he started the fire just after midnight, he was alone in a small
5 clearing on Hidden Buddha Hill in the Pacific Palisades. He then called 911 and fled the
6 area before the fire department arrived. When he saw fire trucks responding to the fire,
7 he turned around and followed firefighters back up so that he could take videos of the
8 fire department’s response.

9 Defendant admitted in a recorded interview that he was alone on the hill and that
10 there were no fireworks in the area when the fire started. He made recorded false
11 statements to investigators when asked where he was when the fire started. The fire that
12 defendant started became one of largest wildfires in Los Angeles history, destroying
13 thousands of structures and businesses.

14 After a massive investigation, federal agents discovered evidence related to
15 defendant’s obsession with fire, fire-setting behavior, and motive for starting the fire.
16 For example, a few months before the fire, defendant asked ChatGPT – an AI system
17 that he used as a confidant and diary – to generate and then modify images of a “burning
18 forest” next to “a bunch of people running away.” Defendant also confided to ChatGPT
19 that he had burned a bible and that it felt “liberating.” Later, after he knew he was under
20 investigation for the fire, defendant threatened to burn down his sister’s house.

21 An origin and cause expert will testify that the fire on January 1 was caused
22 intentionally, likely by an open flame applied to combustible material, and that the
23 Palisades Fire on January 7 was a holdover fire that had continued to burn underground.
24 A location data expert will testify about defendant’s precise location before, during, and
25 after the fire, and a DNA expert will testify that defendant’s DNA was on a Bic lighter
26 that was found in his car. An expert in arson behavior will testify that anger- and
27 excitement-driven fire setting is a well-established motive for arson. Other witnesses
28 will testify about defendant’s anger immediately before and after the fire.

1 Trial is scheduled to begin on June 8, 2026. Although the government has made
2 its best efforts to estimate the number of witnesses and length of trial in this
3 memorandum, those estimates depend more than usual on the Court's rulings on several
4 motions in limine discussed below.

5 **II. STATEMENT OF FACTS**

6 **A. The Lachman and Palisades Fires**

7 In the days leading up to the Lachman Fire, defendant exhibited extreme anger,
8 indignation, and frustration about being unable to find companionship on New Year's
9 Eve. Defendant was upset about his relationship with K.A., a former co-worker whom
10 he had briefly dated in March 2024. Between December 26 and 29, 2024, defendant
11 messaged with K.A. about New Year's Eve, and he inputted details of his feelings about
12 K.A. into ChatGPT more than fifty times. When, on December 30, 2024, K.A. requested
13 space from defendant, he had a visceral reaction: he left her two manic voicemails and
14 entered prompts into ChatGPT expressing his extreme displeasure of her treatment of
15 him. Defendant reached out to at least two other people to make plans, but one did not
16 remember who defendant was, and the other had plans for which defendant was not
17 invited.

18 On New Year's Eve 2024, defendant was alone again. He drove several Uber
19 passengers, almost all of whom remembered (weeks later) that their driver was angry
20 that night. He dropped off his final Uber passenger in Pacific Palisades and drove to The
21 Summit, a neighborhood where he had lived a few years earlier (during happier times)
22 with his ex-lover. He parked near the trailhead and messaged his ex-lover, who did not
23 reply. Just before midnight, defendant hiked up the trail leading to the Hidden Buddha
24 clearing. Defendant is the only person seen in surveillance videos hiking up the trail; he
25 later told investigators, in a recorded interview, that he was alone on Hidden Buddha Hill
26 – he did not see or hear anyone else. He recorded a short video on his phone just before
27 midnight showing that he was alone, and listened to a French rap song about despair
28 (parts of the music video for the song, which defendant had watched many times, show

1 the singer lighting things on fire).

2 Defendant told investigators that he did not see any fireworks on the Hidden
3 Buddha Hill that night. At around 12:12 a.m., defendant lit the fire in the chapparral just
4 below the Hidden Buddha clearing. He then watched the fire grow while standing in the
5 Hidden Buddha clearing. He then started calling 911 multiple times, hiked down the
6 hill, and fled the area in his car before firefighters arrived. Defendant returned to the
7 area after he saw fire trucks arriving and then took videos of the firefighting efforts.
8 Defendant did not leave the area until after 2:00 a.m. that morning.

9 Many of defendant's Uber passengers on December 31, 2024 and January 1, 2025,
10 described defendant as angry, intense, driving erratically, and ranting about being
11 "pissed off at the world" and Luigi Mangione, capitalism, and vigilantism. On January
12 24, 2025, when investigators asked defendant why someone might commit arson in the
13 Pacific Palisades, he responded that it would be out of resentment of the rich enjoying
14 their money as "we're basically being enslaved by them" and compared such an act of
15 "desperation" to the murder for which Mangione was charged.

16 When interviewed by investigators, defendant falsely claimed that he first saw the
17 fire after he was already halfway down the hill walking back to his car. Based on the
18 geolocation data for defendant's phone, he was still in Buddha Hill clearing (at the top of
19 the hill) watching the fire grow when he called 911.

20 **B. Origin and Cause of the Lachman and Palisades Fires**

21 Derek Hill, an ATF Special Agent and Certified Fire Investigator, will testify that
22 the Lachman Fire started shortly after midnight on January 1, 2025, about 30 feet from
23 where defendant first called 911. Hill concluded that the fire was started by an open
24 flame applied to combustible material such as a bush. He will also testify that the
25 Palisades Fire on January 7, 2025, was a holdover from the Lachman Fire that continued
26 to burn underground.

27 **C. Additional Expert Testimony**

28 Jonathan Butta, an ATF Senior Fire Research Engineer, will testify that he

1 performed various testing and analysis related to the origin and cause analysis. Butta
2 conducted extensive testing with cigarettes and vegetation (approximately 500 tests) and
3 found that although discrete smoldering was observed in a small portion of the trials
4 (3.8%-12% of the trials), none of the trials resulted in a cigarette igniting a fire. Butta
5 also conducted field tests to determine the minimum fire size that would have been
6 identifiable on the fire-sensing cameras that captured the start of the Lachman Fire, in
7 order to assess the size of the fire in the footage. He also analyzed defendant's Bic
8 lighter and found that only 14-38% of the ignitable fluid remained.

9 ATF Special Agent Kevin Miner, a fireworks expert, will testify as to his opinion
10 that fireworks did not cause the Lachman Fire. ATF electrical engineer Michael
11 Abraham will testify as to his opinion that powerlines or related causes did not start the
12 fire. ATF Technical Surveillance Expert Joshua Pickens will testify about his review
13 and analysis of geospatial data, cell site data for defendant's iPhone, 911 caller location
14 data, and RTT/timing advance data in connection with the fire. DNA expert Heather
15 Leversen will testify regarding her analysis and comparison of the DNA on the Bic
16 lighter seized from defendant's car and DNA seized on a buccal swab from defendant.

17 **D. The Defendant**

18 In December 2024, before the fire, defendant was living alone in an apartment in
19 North Hollywood and working as an Uber driver. In the months leading up to the fire,
20 he had become increasingly angry with his life and society at large. For example, in the
21 weeks and hours leading up to the fire, defendant fixated on Luigi Mangione, who
22 allegedly murdered the UnitedHealthcare CEO in New York City on December 4, 2024.
23 That case triggered polarizing public opinion, with some revering Mangione as a
24 "modern-day Robin Hood" and his conduct as an expression of righteous anger towards
25 the profits made by insurance companies. On December 12 and 13, 2024, defendant
26 searched the internet for Mangione-related news, using the search terms "free Luigi
27 Mangione," "lets take down all the billionaires," and "reddit lets kill all the billionaires."
28 On January 3, 2025, defendant took a screenshot of an article about Mangione pleading

1 not guilty.

2 In April 2025, defendant moved out of his North Hollywood apartment and into
3 his sister's house in Florida because she refused to continue supporting him financially
4 while he lived in California (she is married, with two small children, and has a serious
5 medical condition). Within two days of moving to Florida, defendant got into a dispute
6 with his sister about a lawsuit he was involved in. In response, defendant "blew up" and
7 threatened to burn her house down, while yelling statements like "why did you bring me
8 here." (His sister's family called 911 regarding defendant multiple times during his stay
9 with her, and police responded to the house.)

10 Defendant's fascination with fire dates back to at least 2018. On November 8,
11 2018, the massive Woolsey Fire ignited, ultimately burning portions of Los Angeles and
12 Ventura Counties over the next two weeks. Defendant recently had arrived in Los
13 Angeles with his girlfriend A.M. (the unfortunate circumstances of that move are
14 discussed in the sealed Rule 404(b) briefing). On November 9, 2018, defendant drove
15 through the Santa Monica and Winnetka areas with A.M. to admire the Woolsey Fire.
16 Defendant told A.M. that he was in awe of the fire and that it was part of history; he told
17 her to take a video of the fire, which she did.

18 Defendant grew up in a devoutly religious household and he was in frequent
19 conflict with his parents as a result. In August 2024, defendant burned a bible and later
20 described the act in ChatGPT as "necessary" and "amazing." On November 17, 2024,
21 defendant photographed the infotainment screen in his car showing a news alert for the
22 FBI offering a \$25,000 reward for information about a suspect behind the Northwest
23 ballot box fires. (When investigators searched defendant's phone pursuant to federal
24 warrants, they found no other images of defendant's infotainment screen depicting news
25 alerts.) On December 5, 2024, defendant accessed media files of the Line Fire, a
26 wildfire that was ignited by an arsonist on September 5, 2024, and blazed through the
27 San Bernardino area for 110 days, burning over 43,000 acres of land.

28 On December 29, 2024, just two days before the Lachman Fire, defendant

1 recorded three videos of fire engines departing LAFD Station No. 27 in the Hollywood
2 area. While recording, defendant said out loud (apparently to himself), “They’re coming
3 for you bro, I’m telling you, you got to get that mental fuckin brains in order, and not be
4 liking this craziness, they’re on their way, don’t worry.”

5 **E. Defendant’s Motive**

6 Dr. Kevin Kelm, an expert in arsonist behavior, will testify that there is a well-
7 established framework, based on various studies and FBI research, that provides several
8 motives related to arsons and commonly observed themes, such as desire to assert power
9 or control. Dr. Kelm will explain – in the hypothetical – why certain behavioral
10 responses or circumstances are consistent with revenge- and excitement-driven arson
11 behavior and are thus relevant in an arson investigation.

12 **F. Defendant’s Recorded Statements**

13 The government will introduce audio recordings of defendant’s statements to law
14 enforcement agents on January 24, 2025 (and, potentially, from his arrest). Those
15 statements are relevant and admissible on a variety of issues at trial, including
16 defendant’s location and conduct at the time of the fire as well as his knowledge, intent,
17 plan, and motive.

18 **III. CHARGES AND ELEMENTS**¹

19 Defendant is charged in a three-count indictment with Destruction of Property by
20 Means of Fire in violation of 18 U.S.C. § 844(f)(1) (Count One), Arson Affecting
21 Property Used in Interstate Commerce in violation of 18 U.S.C. § 844(i) (Count Two),
22 and Timber Set Afire in violation of 18 U.S.C. § 1855 (Count Three). (Dkt. 7.)

23 The elements to prove Destruction of Property by Means of Fire in violation of 18
24 U.S.C. § 844(f)(1) (Count One) are: (1) defendant maliciously damaged or destroyed by
25 means of fire; (2) a building, vehicle, or other real or personal property; and (3) the
26 building, vehicle, or other real or personal property was, in whole or in part, owned or
27

28 ¹ The parties’ are filing both joint and disputed proposed jury instructions.

1 possessed by, or leased to, the United States or any institution or organization receiving
2 federal financial assistance. 18 U.S.C. § 844(f)(1); Togonon v. Garland, 23 F.4th 876,
3 878 (9th Cir. 2022).

4 The elements to prove Arson Affecting Property Used in Interstate Commerce in
5 violation of 18 U.S.C. § 844(i) (Count Two) are: (1) defendant maliciously damaged or
6 destroyed by means of fire; (2) a building, vehicle, or other real or personal property; and
7 (3) the building, vehicle, or other real or personal property was used in interstate or
8 foreign commerce, or in any activity affecting interstate or foreign commerce. 18 U.S.C.
9 § 844(f)(1); Togonon v. Garland, 23 F.4th 876, 878 (9th Cir. 2022).

10 For purposes of Counts One and Two, an act was done “maliciously” if the
11 defendant either intentionally damaged or destroyed a building, vehicle, or other real or
12 personal property, or if the defendant acted with willful disregard of the likelihood that
13 such damage or destruction would result from his act. See Togonon v. Garland, 23 F.4th
14 876, 878 (9th Cir. 2022); United States v. Scharber, 772 F.3d 1147, 1150 (8th Cir. 2014)
15 (“Maliciously” means to act “with willful disregard of the likelihood that damage or
16 injury would result.”); United States v. Corona, 108 F.3d 565, 571 (5th Cir. 1997)
17 (noting that maliciously means “acting ‘intentionally or with willful disregard of the
18 likelihood that damage or injury would result’”), as modified on denial of reh’g (Apr. 7,
19 1997); United States v. Gullett, 75 F.3d 941, 947 (4th Cir. 1996) (“the first element of
20 section 844(i) is satisfied if the defendant acted intentionally or with willful disregard of
21 the likelihood that damage or injury would result from his or her acts”).

22 The elements to prove Timber Set Afire in violation of 18 U.S.C. § 1855 (Count
23 Three) are: (1) defendant willfully and without authority set on fire; (2) any timber,
24 underbrush, grass, or other inflammable material; (3) the timber, underbrush, grass, or
25 other inflammable material was upon the public domain or upon any lands owned or
26 leased by, or under the partial, concurrent, or exclusive jurisdiction of, the United States.
27 18 U.S.C. § 1855; United States v. Velte, 331 F.3d 673, 680 (9th Cir. 2003) (approving
28 § 1855 jury instruction stating that “[t]he government is not required to prove that the

1 defendant knew that [his] acts or omissions were unlawful”).

2 **IV. TRIAL ESTIMATE OF GOVERNMENT’S CASE-IN-CHIEF**²

3 The government presently anticipates calling approximately forty to fifty
4 witnesses during its case-in-chief, which the government estimates will take
5 approximately 7-10 court days. With stipulations, that number will likely be closer to
6 thirty trial witnesses and 5-7 court days. The number of witnesses depends heavily on
7 the Court’s ruling on the parties’ motions in limine related to the Los Angeles Fire
8 Department and the Bonhomme Richard case. If the Court permits that evidence, the
9 government will need to add numerous additional witnesses to the witness list (likely
10 resulting in several additional trial days).

11 The defense anticipates calling witnesses, including experts, during the defense
12 case. The defense estimates that the defense case will take approximately 4-6 court
13 days.

14 Based on the defense estimates, the government may need to call additional
15 witnesses in rebuttal. The government does not anticipate that any government witness
16 will require the assistance of an interpreter.

17 **V. RELEVANT LEGAL AND EVIDENTIARY ISSUES**

18 **A. Pending Motions**

19 There are six pending motions in limine: (1) the government’s motion to exclude
20 evidence related to the Los Angeles Fire Department; (2) the government’s motion to
21 partially exclude defense expert testimony; (3) the government’s motion to admit Rule
22 404(b), state of mind, and inextricably intertwined evidence; (4) the defense’s motion to
23 admit evidence related to the Los Angeles Fire Department; (5) the defense’s motion to
24 exclude expert testimony related to Dr. Kevin Kelm; and (6) the defense’s motion to
25 admit evidence related to the Bonhomme Richard trial.

26 The motions are all set to be heard on May 13, 2026, at 10:00 a.m.

27
28

² The parties agree.

1 **B. Hearsay**

2 The government intends to introduce out of court statements throughout the trial,
3 including defendant’s statements. These statements are either admissible as non-hearsay
4 because they are not offered for the truth of the matter asserted, or they are admissible as
5 an exception to the hearsay rule. The government also anticipates defendant will seek to
6 introduce certain out of court statements that are inadmissible hearsay, such as his own
7 statements.

8 1. Statements of a Party Opponent³

9 A statement offered against an opposing party and was made by the party is
10 admissible as an exclusion from the rule against hearsay under Federal Rule of Evidence
11 801(d)(2)(A). For example, defendant’s ChatGPT entries, text messages, instant
12 messages, and verbal statements are admissible as statements of a party opponent when
13 offered by the government. Fed. R. Evid. 801(d)(2)(A).

14 2. Then Existing Mental State

15 A statement of “the declarant’s then-existing state of mind (such as motive, intent,
16 or plan) or emotional, sensory, or physical condition (such as mental feeling, pain, or
17 bodily health)” is admissible as an exception to the rule against hearsay. Fed. R. Evid.
18 803(3). See, e.g., United States v. Bishop, 291 F.3d 1100, 1110 (9th Cir. 2002)
19 (“Statements of intent to perform a future act are admissible ‘state of mind’ testimony
20 under Rule 803(3).”); United States v. Astorga-Torres, 682 F.2d 1331, 1336 (9th Cir.
21 1982) (“Evidence of that intent can then be considered by the jury in determining
22 whether the declarant subsequently performed the intended act.”).

23 3. Non-Hearsay

24 Finally, hearsay is an out of court statement offered to prove the truth of the matter
25 asserted in the statement. Fed. R. Evid. 801(c). A statement is a person’s assertion,
26 which can be oral, written, or nonverbal if intended to be an assertion. Fed. R. Evid.
27

28 ³ The defense is not prepared to agree at this time.

1 801(a). Thus, voicemail recordings or text messages from K.A. and others to defendant
2 offered to show the effect on the listener or reader and contextualize defendant’s
3 statements are admissible non-hearsay.

4 **C. Digital Evidence**⁴

5 The government will seek to introduce a variety of digital evidence throughout
6 trial, including ChatGPT materials, messaging materials, location data, cell phone
7 evidence, and evidence seized from computers. Like other evidence, electronic data,
8 including data seized from digital devices, can be authenticated in a variety of ways,
9 including by an investigator with knowledge of the investigation or by someone with
10 firsthand knowledge of the content or circumstances captured in the data. See Fed. R.
11 Evid. 901(a). Indeed, a witness can authenticate text messages that she personally sent
12 or received. See Fed. R. Evid. 901(b) (a party may authenticate evidence through
13 “[t]estimony [of a witness with knowledge] that a matter is what it is claimed to be”).

14 **D. Video, Photograph, and 3D Model Evidence**⁵

15 The government intends to introduce videos, photographs, and a 3D model of the
16 Hidden Buddha Hill as evidence at trial. A recording is admissible upon a showing that
17 it is “accurate, authentic, and generally trustworthy.” United States v. King, 587 F.2d
18 956, 961 (9th Cir. 1978). The government need not necessarily call a specific witness to
19 admit a particular video or photograph. Rule 901(a) simply requires that a proponent of
20 evidence make a prima facie showing of authenticity so that a reasonable juror could
21 find “that the item is what the proponent claims it is.” Fed. R. Evid. 901(a). Similarly,
22 photographs are generally admissible as evidence. See United States v. Stearns, 550
23 F.2d 1167, 1171 (9th Cir. 1977) (photographs of crime scene admissible). Photographs,
24 and the 3D model derived from satellite imaging and other data, should be admitted so
25 long as they fairly and accurately represent the event or object in question. United States
26 v. Oaxaca, 569 F.2d 518, 525 (9th Cir. 1978). Photographs may be authenticated by a

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28 ⁴ The defense is not prepared to agree at this time.

⁵ The defense is not prepared to agree at this time.

1 witness who “identif[ies] the scene itself [in the photograph] and its coordinates in time
2 and place.” See Lucero v. Stewart, 892 F.2d 52, 55 (9th Cir. 1989) (internal quotation
3 marks omitted).

4 **E. Physical Evidence**⁶

5 In this case, the government’s physical evidence includes a Bic lighter and digital
6 devices. Federal Rules of Evidence 901(a) provides that “[t]he requirement of
7 authentication or identification as a condition precedent to admissibility is satisfied by
8 evidence sufficient to support a finding that the matter in question is what its proponent
9 claims.” Rule 901(a) only requires the government to make a prima facie showing of
10 authenticity or identification “so that a reasonable juror could find in favor of
11 authenticity or identification.” United States v. Chu Kong Yin, 935 F.2d 990, 996 (9th
12 Cir. 1991); United States v. Blackwood, 878 F.2d 1200, 1202 (9th Cir. 1989); United
13 States v. Black, 767 F.2d 1334, 1342 (9th Cir. 1985). Once the government meets this
14 burden, “the credibility or probative force of the evidence offered is, ultimately, an issue
15 for the jury.” Black, 767 F.2d at 1342.

16 To be admitted, real evidence (i.e., a physical exhibit) must be in substantially the
17 same condition as when the crime was committed. The court may admit the evidence if
18 there is “a reasonable probability the article has not been changed in important respects.”
19 United States v. Harrington, 923 F.2d 1371, 1374 (9th Cir. 1991). “The foundational
20 requirement is met by evidence sufficient to allow a reasonable juror to find that the
21 evidence is what its proponent claims.” United States v. Iron, 13 F. App’x 630, 633 (9th
22 Cir. 2001); United States v. Tank, 200 F.3d 627, 630 (9th Cir. 2000).

23 The government is not required, in establishing chain of custody, to call all
24 persons who may have come into contact with the piece of evidence. Reyes v. United
25 States, 383 F.2d 734 (9th Cir. 1967). Alleged defects in the chain of custody go to the
26 weight of the evidence rather than to its admissibility. United States v. Matta-

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28 ⁶ The defense does not object.

1 Ballesteros, 71 F.3d 754, 769 (9th Cir. 1995), amended on denial of reh’g and reh’g en
2 banc, 98 F.3d 1100 (9th Cir. 1996). In the absence of evidence of tampering, there is a
3 presumption that public officers have properly discharged their official duties.

4 Harrington, 923 F.2d at 1374.

5 **F. Prior Consistent Statements**

6 Prior consistent statements of a testifying witness may be admissible either to
7 rebut an express or implied charge of recent fabrication or improper motive or influence
8 if the statements were made before the lie arose, or to rehabilitate a witness whose
9 credibility has been attacked on another ground, such as faulty memory. Fed. R. Evid.
10 801(d)(1)(B).

11 **G. Expert Opinions**

12 The government will be calling the following experts at trial: (1) Derek Hill to
13 testify regarding the origin and cause of the Lachman and Palisades Fires; (2) Jonathan
14 Butta to testify about testing and analysis he performed in connection with the origin and
15 cause analysis; (3) Michael Abraham to testify that the Lachman and Palisades Fires
16 were not caused by power lines; (4) Joshua Pickens to testify regarding cell site and
17 location data; (5) Heather Leversen to testify regarding her DNA analysis of defendant’s
18 Bic lighter; (6) Kevin Miner to testify that fireworks did not cause the Lachman Fire; and
19 (7) Dr. Kevin Kelm to testify regarding his arson behavioral analysis. Absent a
20 stipulation, the government will also call a French interpreter to translate the French rap
21 song that defendant listened to repeatedly before and after the fire.

22 The defense has not objected to testimony from Hill, Butta, Abraham, Pickens,
23 Leversen, and Miner, but has filed a motion *in limine* challenging Kelm’s testimony.

24 The defense will be calling two experts to testify at trial: (1) Edward Nordskog
25 regarding fire origin and cause, the LAFD’s fire suppression efforts, and arson behavior
26 analysis; and (2) Thomas Guzman regarding the fire origin and cause and the LAFD’s
27 fire suppression efforts. The government has filed a motion *in limine* challenging
28 portions of the proposed expert testimony.

1 **H. Cross-Examination of Defendant**⁷

2 A defendant who testifies at trial may be cross-examined as to all matters
3 reasonably related to the issues he or she puts in dispute during direct examination. “A
4 defendant has no right to avoid cross-examination on matters which call into question his
5 claim of innocence.” United States v. Miranda-Uriarte, 649 F.2d 1345, 1353-54 (9th Cir.
6 1981). See also, e.g., United States v. Black, 767 F.2d 1334, 1341 (9th Cir. 1985)
7 (“What the defendant actually discusses on direct does not determine the extent of
8 permissible cross-examination or his waiver. Rather, the inquiry is whether ‘the
9 government’s questions are reasonably related’ to the subjects covered by the
10 defendant’s testimony.”) (internal quotations and citation omitted). The scope of cross-
11 examination is within the discretion of the trial court. Fed. R. Evid. 611(b).

12 Here, if defendant claims he did not start or intend to start the fire, the government
13 will seek to cross-examine defendant about his fire-setting behavior, prior bad acts, state
14 of mind, intent, and other motives which were briefed for the Court in the government’s
15 motion in limine related to Rule 404(b), statement of mind, and motive evidence,
16 including his relationships with his ex-girlfriends if defendant claims he has a history of
17 non-violence, peacefulness, or otherwise disclaims intent.

18 Under the doctrine of impeachment by contradiction, which emanates from
19 Federal Rule of Evidence 607, a party may admit relevant, extrinsic evidence to impeach
20 specific errors or falsehoods in a witness’s direct testimony. United States v. Castillo,
21 181 F.3d 1129, 1132-33 (9th Cir. 1999). The occasion to impeach by contradiction may
22 arise when, on direct examination, a defendant broadly disclaims misconduct, “open[ing]
23 the door for extrinsic evidence to contradict even though the contradictory evidence is
24 otherwise inadmissible under Rules 404 and 608(b) and is, thus, collateral.” Id. (quoting
25 2A Charles A. Wright, et al., Fed. Practice and Procedure, § 6119 at 116–17 (1993)).

26 Should defendant elect to testify and disclaim misconduct, the government should
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28 ⁷ The defense is not prepared to agree at this time.

1 be allowed to cross examine defendant with extrinsic evidence of defendant’s prior bad
2 acts. See, e.g., United States v. Weicks, 362 F. App’x 844, 849-50 (9th Cir. 2010)
3 (defendant’s prior arrests for illegal possession of firearms were admissible for
4 impeachment after defendant testified and portrayed himself as someone who avoided
5 being around firearms); United States v. David, 337 F. App’x 639, 640 (9th Cir. 2009)
6 (holding that defendant’s “blanket statement . . . that he ‘would have never told anyone
7 to falsify a document’ opened the door to impeachment with details regarding a prior
8 conviction involving the falsification of receipts”). And if defendant attempts to portray
9 himself as generally law-abiding, the government should be permitted to present
10 evidence directly contradicting such statements. Cf. United States v. Antonakeas, 255
11 F.3d 714, 724-25 (9th Cir. 2001) (introducing extrinsic evidence testimony about
12 defendant’s cocaine sales was not abuse of discretion where defendant “opened the
13 door” to rebuttal testimony by holding himself out as legitimate professional and
14 disavowing any involvement with drugs).

15 I. Summary Charts ⁸

16 The Ninth Circuit has long endorsed the use of summary charts as a “testimonial
17 aid” for the jury. United States v. Wood, 943 F.2d 1048, 1053-54 (9th Cir. 1991). It has
18 also acknowledged that there is no “bright-line rule against admission of summary charts
19 as evidence.” United States v. Anekwu, 695 F.3d 967, 981-82 (9th Cir. 2012). Rather, it
20 is within a “district court’s discretion” under Federal Rule of Evidence 611(a) to
21 determine whether such exhibits can be admitted. Id. at 982 (citing United States v.
22 Boulware, 470 F.3d 931, 936 (9th Cir. 2006)).

23 The government anticipates moving into evidence summary charts, including
24 summaries of location data, a summary of defendant’s use of the French rap song
25 celebrating fire in December 2025 and January 2025, and defendant’s digital search
26 histories. Because the underlying information contained within these charts is
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28 ⁸ The defense is not prepared to agree at this time.

1 admissible and has been provided to defendant, the charts themselves are admissible as
2 well. See Paddack v. Dave Christensen, Inc., 745 F.2d 1254, 1259 (9th Cir. 1984)
3 (proponent of a summary must establish a foundation that (1) the underlying materials
4 upon which the summary is based are admissible in evidence; and (2) the underlying
5 documents were made available to the opposing party for inspection).

6 These charts, which the government will provide to defense counsel once
7 completed, will aid the jury in understanding this important evidence.

8 **J. Business Records**

9 The government intends to admit certain records under Rule 902(11), including
10 records from Verizon, T-Mobile, AT&T, Uber, OpenAI, YouTube / Google, Meta, Avis,
11 and Apple. Certified domestic records of regularly conducted activities can be self-
12 authenticating and may therefore be admitted under Rule 803(6), provided certain
13 requirements are met. See Fed. R. Evid. 902(11).

14 **K. Jurisdictional Witnesses**⁹

15 Absent stipulations, the government will be calling a variety of witnesses to testify
16 regarding interstate commerce and federal funding to establish the jurisdictional aspects
17 of 18 U.S.C. §§ 841(f)(1) and (i) and 1855.

18 **L. Conditionally Admitting Evidence During Opening**¹⁰

19 Federal Rule of Evidence 104(b) gives the trial court the discretion to
20 conditionally admit evidence dependent on proof of later facts by the moving party. Fed.
21 R. Evid. 104(b); see also United States v. Gere, 662 F.2d 1291, 1294 (9th Cir. 1981)
22 (“The trial judge may make a preliminary determination of admissibility or may admit
23 the testimony conditionally, subject to ‘connecting up’ with the foundation to be
24 eventually laid by the prosecution.”). If the government fails to establish the required
25 foundation for the conditionally admitted evidence, the evidence would be subject to a
26 later motion to strike. See, e.g., United States v. Watkins, 600 F.2d 201, 204 (9th Cir.

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28 ⁹ The defense is not prepared to agree at this time.

¹⁰ The defense is not prepared to agree at this time.

1 1979).

2 Here, however, there will be no reasonable dispute that the government will be
3 able to lay the necessary foundation as to the admissibility of its evidence. Therefore,
4 the government may seek to show certain exhibits in opening statement or with early
5 witnesses prior to seeking to admit the exhibits in order to present a streamlined case.
6 Exhibits may be used by the government in the opening statement, and so long as the
7 opening statement “avoids references to matters that cannot be proved or would be
8 inadmissible, there can be no error, much less prejudicial error.” United States v. De
9 Peri, 778 F.2d 963, 979 (3d Cir. 1985); see also United States v. Rubino, 431 F.2d 284,
10 290 (6th Cir. 1970). The government intends to identify the photographs and/or videos
11 that it will use in its opening statement for the defense prior to trial.

12 **M. Affirmative Defenses, Reciprocal Discovery, and Jury Nullification**¹¹

13 The government requested notice of affirmative defenses (including an
14 entrapment, mental condition or duress, and/or alibi defense) and reciprocal discovery by
15 letter on November 7, 2025, December 12, 2025, January 7, 2026, January 28, 2026,
16 February 4, 2026, March 13, 2026, March 17, 2026, April 1, 2026, April 2, 2026, April
17 9, 2026, April 13, 2026, and April 24, 2026. To date, defendant has only provided the
18 government with expert witness disclosures, notice of a “mere presence” defense, and
19 depositions of certain firefighters.

20 Rule 16 of the Federal Rules of Criminal Procedure creates certain reciprocal
21 discovery obligations on the part of defendants to produce three categories of materials
22 that they intend to introduce as evidence at trial: (1) documents and tangible objects; (2)
23 reports of any examinations or tests; and (3) expert witness disclosure. Rule 16 imposes
24 on defendants a continuing duty to disclose these categories of materials. Fed. R. Crim.
25 P. 16(b)(1)(A), (b)(1)(C), and (c). In those circumstances where a party fails to produce
26 discovery as required by Rule 16, the rule empowers the district court to “prohibit that
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28 ¹¹ The defense agrees to comply with its notice and discovery obligations. The
defense agrees not to argue for nullification or refer to punishment during trial.

1 party from introducing the undisclosed evidence,” or it may “enter any other order that is
2 just under the circumstances.” Fed. R. Crim. P. 16(d)(2)(C) and (D). To the extent
3 defendant may attempt to introduce or use any evidence at trial that he has not produced
4 to the government, such documents should be excluded. See Taylor v. Illinois, 484 U.S.
5 400, 415 (1988) (defendant’s failure to comply with, or object to, government’s
6 discovery request before trial justified exclusion of unproduced evidence).

7 The government also reserves the right to object to any evidence and/or argument
8 relating to any possible jury nullification defense, including concerning punishment or
9 that this is a case that should be tried in state court. A defendant has no right to present
10 evidence relevant only to such a defense. United States v. Powell, 955 F.2d 1206, 1213
11 (9th Cir. 1992); Zal v. Steppe, 968 F.2d 924, 930 (9th Cir. 1992) (Trott, J., concurring)
12 (“[N]either a defendant nor his attorney has a right to present to a jury evidence that is
13 irrelevant to a legal defense to, or an element of, the crime charged.”).

14 **VI. CONCLUSION**

15 The government respectfully requests leave to modify the information this Trial
16 Memorandum, as necessary, in either a supplemental trial memorandum or during the
17 upcoming motion hearing and pretrial conference.