

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF COLORADO

3 Civil Action No. 25-cv-3183-RBJ

4 REFUGIO RAMIREZ OVANDO, et al,

5 Plaintiffs,

6 vs.

7 KRISTI NOEM, et al,

8 Defendants.

9 -----
10 REPORTER'S TRANSCRIPT
Motions Hearing, Vol. 1
11 -----

12 Proceedings before the HONORABLE R. BROOKE JACKSON,
Judge, United States District Court for the District of
13 Colorado, commencing on the 10th day of March, 2026, in
Courtroom C204, United States Courthouse, Denver, Colorado.

14 APPEARANCES

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P R O C E E D I N G S

(Proceedings commenced at 9:04 a.m.)

THE COURT: 25-cv-3183, Refugio Ramirez Ovando et al. versus Kristi Noem. We're going to have to change that, I guess.

MR. LENEIS: Sometime soon, Your Honor.

THE COURT: Maybe it will be Mr. Leneis. Who knows.

MR. LENEIS: I hope not, Your Honor.

THE COURT: We're set this morning on the plaintiffs' motion to enforce preliminary injunction. I will take your appearances first, even though of course I know you. For the plaintiffs?

MR. MACDONALD: Good morning, Your Honor. Tim Macdonald on behalf of the plaintiffs. With me at counsel table is Anna Kurtz, Scott Medlock, Emma McLean-Riggs, and Hans Meyer.

THE COURT: Good morning, everybody.

MR. LENEIS: Good morning, Your Honor. Good to see you. Brad Leneis, Logan Brown, Nick Deuschle for the defendants.

THE COURT: Thank you. So, I've read your motion and response. I don't really need opening statements. If you feel the need to make one, I suggest you make it as brief as possible so that we can get right into the evidence. Plaintiff, you may proceed.

MR. MACDONALD: Thank you, Your Honor. As a

1 preliminary matter, defendants had filed a motion for officers
2 to testify under pseudonym. We had filed an opposition to that
3 just maybe 45 minutes after Your Honor had issued a ruling on
4 Sunday morning. And understanding you were busy this weekend,
5 for which we all apologize, as were we, Your Honor, would Your
6 Honor entertain argument, understanding you granted the motion
7 thinking that we did not oppose it? We obviously do oppose that
8 motion. Would you entertain --

9 THE COURT: I'm familiar with it, Mr. Macdonald. Do
10 you have any tissues over there? Thank you. Have a seat,
11 Mr. Macdonald.

12 MR. MACDONALD: Thank you, Your Honor.

13 THE COURT: So, the confusion was on my part. I was
14 looking at the file on Sunday getting ready for flying from
15 Arizona to Denver on early Monday morning for this hearing. And
16 there were two motions, and I thought that there wasn't any
17 conferral. It turns out that there was a conferral on this
18 particular motion, and the defendant properly noted the
19 plaintiffs' opposition. I somehow missed that.

20 In any event, now that I have been totally educated,
21 the motion is granted, and the plaintiffs' opposition is
22 overruled. The reason is this: These days in our country, and
23 in this case, even, people get very angry and act out of
24 character. For good and sufficient reason, the plaintiffs,
25 several of them, have requested and been granted the right to

1 participate with pseudonyms, or initials.

2 The defendants' concern is that these ICE agents in
3 some parts of our society are quite unpopular, and as a result,
4 could face recriminations. I think that's right. The Court
5 itself has had some blowback, let's say, from this case. I was
6 informed by the United States Marshals some time ago that
7 someone in Florida had posted not only my picture, but my home
8 address, had indicated that this was a Court that loves illegal
9 immigrants, and invited illegal immigrants to go to my home and
10 find a place to live. Between the lines, I suppose, it might
11 have invited people who didn't like my ruling to do the same.

12 I can't shield myself from that. Many of my colleagues
13 around the country have had threats and so forth in the climate
14 that we're in, but I don't want to foist that on anyone. So,
15 even though I am in a position of believing very strongly that
16 these are public matters and public proceedings and that we do
17 our business in public, when it comes to the safety of people
18 who appear in the court, I'm going to do what I can to protect
19 them, whether they're ICE agents or plaintiffs or lawyers or
20 anyone else. So, that is the reason for my ruling. Let's
21 proceed.

22 MR. MACDONALD: Thank you, Your Honor. We will begin
23 with maybe a five-minute opening statement.

24 THE COURT: Okay.

25 MR. MACDONALD: Thank you.

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1 MS. KURTZ: Good morning, Your Honor.

2 THE COURT: Good morning.

3 MS. KURTZ: Anna Kurtz for the plaintiffs. You issued
4 an injunction in this case at the end of November based on
5 evidence that defendants were making warrantless immigration
6 arrests without the probable cause required by federal law. The
7 injunction ordered defendants to stop that practice. And to
8 help ensure that outcome, your order also imposed accountability
9 and transparency measures for warrantless arrests in the
10 district. Moving forward, it required officers to document
11 certain information in the I-213s, the arrest reports, and it
12 required defendants to produce a subset of those reports to the
13 plaintiffs.

14 We're here today because plaintiffs have received about
15 a third of the reports for warrantless arrests from the date of
16 the PI to the end of January, and what those documents show is
17 virtually uniform noncompliance with your order. These
18 documents are attached to our motion, and also in Plaintiffs'
19 Exhibits 202, 204, 207, and 208, separated by the date that we
20 received them. We were also supposed to receive arrest reports
21 for February today, Your Honor, but defendants have informed us
22 that because of the hearing today, that will be delayed.

23 But reading the warrantless arrest reports that
24 defendants have produced, it is as if this Court's order never
25 happened. By and large, the reports do not include any mention

1 of flight risk, let alone the specific articulable facts
2 supporting the conclusion that the person was likely to escape
3 before a warrant could be obtained. Instead, in narrative after
4 narrative, a person is leaving home, maybe going to work, maybe
5 even reporting to an ICE check-in because they were trying to
6 actively comply with the rules, when they are encountered by an
7 ICE officer, asked at most about their identity and their
8 status, and immediately arrested. The arrest reports look just
9 like the ones that led this Court to issue the PI in the first
10 place.

11 And defendants don't even argue otherwise. Instead,
12 they argue the Court shouldn't grant the relief that we request,
13 that it's not warranted. Why? Defendants say we haven't shown
14 a policy or practice for widespread willful violations of your
15 order. We will see what the evidence shows about that, but
16 either way, that is not our burden. It's a strawman that the
17 defendants attack because we have shown what we need to, which
18 is noncompliance in spades.

19 Defendants also say the Court can trust that they are
20 going to do better going forward. They also said last October
21 that they were already complying with what the PI would require,
22 such that there was no need for the Court's injunction to begin.
23 And what defendants say now does not provide confidence that
24 compliance will improve without additional relief.

25 First, defendants have haven't offered a single piece

1 of evidence that would allow the Court to see for itself what
2 their training or other efforts at compliance have been.

3 Second, they rely on a statement from Gregory Davies that intake
4 officers received training to achieve better compliance with the
5 PI on February 13th. The fact that that training came on
6 February 13th, more than two months after the injunction was
7 issued, is significant. Your Honor, that is the day after this
8 Court ruled, over defendants' vigorous objection, that we would
9 have a status conference to discuss their noncompliance. In
10 other words, the effort came only with the impending prospect of
11 accountability to this Court.

12 Third, even the content of that training as described
13 by Davies is troubling. It suggests that intake officers
14 received instruction to encourage arresting officers to change
15 their I-213s after the fact where the reports don't comply with
16 the PI. And all of this just confirms that this Court's
17 oversight is a necessary motivator, and that more transparency
18 is needed to ensure meaningful compliance with the law.

19 And that is the basis for all of the relief plaintiffs
20 request today. That's why we need to see the training, the
21 evidence of training, and to see more documentation of these
22 arrests. It was the same reason for accountability measures
23 that were in the preliminary injunction. And indeed, the only
24 reason we have the evidence that we've been able to show Your
25 Honor of noncompliance is because of this Court's order that

1 they produce those forms in the first place.

2 Defendants suggest the documents that they've provided
3 us aren't a fair sample of their warrantless arrests, so their
4 compliance can't be judged based on those. But those are what
5 they have provided, and if anything, it's just an argument that
6 the relief we requested, which is to see all of the I-213s for
7 warrantless arrests like the plaintiffs in *Nava* and *Escobar*
8 *Molina* and *UFW*, that that relief is warranted.

9 Defendants say they've been working diligently to
10 achieve compliance. They should show us the training, show us
11 the evidence of that, also the same as in *Nava* and *UFW*.

12 On the issue of field warrants, Your Honor, defendants
13 say those arrests are beyond the scope of this case because
14 they're getting warrants before putting anyone under arrest, but
15 as Your Honor will hear, the stories of people subjected to
16 those arrests show the opposite.

17 All plaintiffs asked for is additional documentation of
18 those arrests like what the Court ordered in *Nava* to better
19 understand whether this practice is just an end run around the
20 statute and the Court's order. All of the relief we've
21 requested is important to effectuate the PI, to understand why
22 defendants have not complied with Your Honor's order, and to try
23 to achieve compliance going forward.

24 Finally, defendants say additional relief is premature,
25 that they need more time, but each of the 213s in front of the

1 Court is not just an abstract example of noncompliance. Each
2 one represents a real person who was suddenly and unlawfully
3 taken from their community. And you won't hear from any of them
4 today, Your Honor, because for the most part, because of
5 defendants' unlawful practices, they are already gone. We won't
6 be able to hear and we won't be able to tell you their stories.

7 So, the additional relief plaintiffs ask for can't
8 wait. It can't wait because with every violation we risk losing
9 the only firsthand accounts that we have of what's actually
10 happening that doesn't come from defendants themselves. And it
11 can't wait because every violation causes profound harm to human
12 beings that can't be undone.

13 THE COURT: So, just a minute, please. The relief
14 that you're asking for is the list of 12 items at pages seven
15 and eight of your motion. Yes?

16 MS. KURTZ: Yes, Your Honor.

17 THE COURT: Well, the two things that strike me as
18 potentially important that aren't in the list and that you
19 haven't addressed are, number one, this redefinition of what
20 "likely to escape" means, and two, what to do about this field
21 arrest issue that you're raising. So, as we go forward today, I
22 will be interested to hear what you have to say about those two
23 points. It seems to me that those are as important as the
24 document issues. Thank you for your opening.

25 MS. KURTZ: Thank you, Your Honor.

1 THE COURT: Mr. Leneis?

2 MR. LENEIS: Your Honor, what the plaintiffs say is
3 that there's a continuing pattern and practice of unlawful
4 warrantless arrests. Those are the first words in their motion,
5 so that's what you should focus on as you listen to the evidence
6 today. Is the agency in effect encouraging officers to make
7 unlawful warrantless arrests? The evidence you hear today is
8 not going to support that claim. The facts don't fit that
9 story, numbers don't fit, and the agency's actions don't fit.

10 On the numbers, the bulk of the evidence is from the
11 first two weeks after the PI went into place, and the record
12 here is only about two months long. You will hear that there
13 may have been warrants for many of those arrests, and others
14 where the fact of the warrant wasn't documented in the 213. The
15 PI doesn't require that documentation for arrests with warrants,
16 and that's something that the agency is working on.

17 Many of the other arrests you're going to hear about
18 involve one unit, not all of the officers in the whole state.
19 So, all in all, the numbers don't show an agency-wide pattern
20 and practice of warrantless arrests.

21 Plaintiffs say that the relief they're asking for can't
22 wait, but we didn't hear anything from the plaintiffs in January
23 after we turned over the first set of 213 requests. We didn't
24 get a request from them to confer about what was going on. And
25 the -- like I said, the bulk of the evidence is from that

1 initial period.

2 The agency's actions also don't fit the claim that
3 there's a continuing pattern and practice of unlawful
4 warrantless arrests. You will hear that the agency wants its
5 officers to get warrants for arrests. They get them in advance.
6 They get them in the field. Getting warrants is not a way to
7 evade the PI. The agency also started working right away to
8 implement the really new part of the PI, which is the production
9 requirement. And it's been complying with that requirement,
10 although it does need a little more time this month due to this
11 hearing.

12 And you're going to hear about what the agency is doing
13 now to improve documentation, to improve feedback to officers,
14 and we think that those steps that the agency is taking are
15 going to make it so that it's easier to evaluate what's
16 happening on the basis of the PI that already exists. The
17 bottom line is that these are not the actions of an agency
18 that's continuing a pattern and practice of unlawful warrantless
19 arrests across the state.

20 So, you should look at the whole picture in terms of
21 the numbers and the actions. You're not going to see a
22 recalcitrant agency. You're going to see one that's working to
23 comply with the Court's order. That means that at the end of
24 the day, the Court is not going to have cause to order new
25 dramatic burdensome relief that would modify the PI to greatly

1 expand it and add an enormous administrative burden to the
2 agency.

3 In terms of the relief that the plaintiffs are asking
4 for, they certainly want more than all of the I-213s for
5 warrantless arrests. What they want includes attorney-client
6 privileged materials about communications between agency lawyers
7 and the agency personnel, and they're also asking for a direct
8 intervention into law enforcement matters.

9 The plaintiffs said that the reason that they are
10 asking for immediate relief is because of the consequences of
11 what they deem is unlawful warrantless arrests. And I don't
12 want to short change the importance of complying with the
13 preliminary injunction, because that is the agency's goal, but
14 their position is that these people were not likely to escape
15 before a warrant could be obtained, and that means that they
16 could have been arrested without difficulty pursuant to a
17 warrant sometime after the initial account. So, to the extent
18 that what they're talking about are the consequences of arrest
19 in general, the Court should just keep in mind what the statute
20 permits the agency to do.

21 One last point about the evidence in the hearing, we
22 think that the ordinary rules of evidence apply. Federal Rule
23 of Evidence 1101(b) states that the rules apply in civil cases
24 and proceedings, and there's no recognized exception for
25 evidentiary hearings like this one as there is for preliminary

1 injunctions. Thank you.

2 THE COURT: Thank you.

3 MR. MACDONALD: Your Honor, before we call our first
4 witness, we would like to invoke the rule of exclusion. I don't
5 know -- because I've never seen any of these people, I don't
6 know what they look like, but we'd like to invoke the rule.

7 THE COURT: Well, you're entitled to a sequestration
8 order, which simply means that if somebody is expected to be a
9 witness, the witnesses should remain outside the courtroom until
10 they are called. Once they are called to testify, they may stay
11 after that. If you're not going to be a witness, you're welcome
12 here.

13 MR. MACDONALD: And, Your Honor, after someone's
14 testified, they may not communicate with people who are still on
15 the witness list; is that right?

16 THE COURT: Yes. And of course lawyers can't brief
17 them on what's happened, too. They're supposed to be unknowing
18 about what has already happened until they testify.

19 MR. MACDONALD: Great. Thank you, Your Honor. Your
20 Honor, plaintiff calls Agent JB to the stand. And I cannot get
21 him, because I don't know what he looks like.

22 THE COURT: Come on up here, sir. Now, sir, are you
23 an ICE agent?

24 THE WITNESS: Yes, sir.

25 THE COURT: We're allowing you to just use your

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1 initials.

2 THE WITNESS: Okay.

3 THE COURT: Sir, would you raise your hand.

4 (The Witness is Sworn)

5 THE COURT: Have a seat right behind you, sir.

6 MR. MACDONALD: May I proceed, Your Honor?

7 THE COURT: Yes.

8 **DIRECT EXAMINATION**

9 BY MR. MACDONALD

10 Q Good morning. Could you state your initials for the
11 record, please.

12 A JB.

13 Q Shall I call you Mr. JB, or what would you prefer?

14 A It's whatever. JB is fine.

15 Q All right, JB. My name is Tim Macdonald. I represent the
16 plaintiffs in this case. It's nice to meet you. Could you
17 please tell the Court what your job is.

18 A I'm a deportation officer assigned to the Denver field
19 office.

20 Q And you work for ICE?

21 A Yes, sir.

22 Q When did you become a deportation officer -- I'm going to
23 call you Mr. JB, just because I'm used to that, if that's all
24 right?

25 A Yes, sir. I became a deportation officer -- I was hired on

1 in August of 2020.

2 Q So, you've been a deportation officer now a little more
3 than five years?

4 A Yes, sir.

5 Q Who is your supervisor?

6 A Right now it's --

7 MR. BROWN: Your Honor, can we -- for supervisors, can
8 we also do initials, based on the previous order?

9 THE COURT: Is this somebody whose name hasn't already
10 come into the case?

11 MR. BROWN: I am not sure of what the answer is going
12 to be, but given that other officers are appearing just with
13 their initials pursuant to the Court's order, I think his
14 supervisor should also receive initials.

15 THE COURT: I don't know. There have been several
16 supervisors, and their names are even on the caption of the
17 case, and they've testified in the case. Why don't you ask him
18 who the supervisor is so you will know who it is, and then --
19 just walk up there and ask him.

20 MR. BROWN: Your Honor, his supervisor is lower level
21 than others who have appeared, and his supervisor does make
22 arrests just like other officers. And so we would ask that the
23 supervisor only be identified as -- the supervisor has not
24 previously appeared in this case, not in the caption, not
25 elsewhere, so we would request that the supervisor only be named

1 by initials, please.

2 MR. MACDONALD: One of the problems, Your Honor, is I
3 won't then be able to tie him to any of the documents we have.
4 If I only have the supervisor's initials, I then am unable to
5 follow up and ask relevant questions about what that person's
6 authority is.

7 THE COURT: I agree. Objection overruled.

8 THE WITNESS: My supervisor right now is Rhiannon
9 Garcia, who is an SDDO, supervisor detention deportation
10 officer.

11 Q. (By Mr. Macdonald) I apologize. I missed the name.

12 A Rhiannon Garcia.

13 Q Rhiannon Garcia. I apologize. Is that a man or woman?

14 A It's a female.

15 Q And Ms. Garcia is a -- what you described as an SDDO, a
16 supervisory detention and deportation officer?

17 A Yes, sir.

18 Q Have you held any other positions with ICE, or only a
19 deportation officer?

20 A That is my only position I've held.

21 Q Have you always been based out of the Denver field office?

22 A That is my primary office, but I have gone on detail other
23 places.

24 Q Where have you gone on detail, Mr. JB?

25 A I've been down to the border, to El Paso. I've also been

1 to Harlingen, Portland, and Minneapolis.

2 Q So, you've been down to the border. When was that?

3 A That was under President Biden, and that was 2021, I
4 believe.

5 Q To make it easier, how about in the last, call it two
6 years, have you been on any assignments outside the Denver field
7 office?

8 A Yes, sir.

9 Q Where?

10 A Portland and Minneapolis.

11 Q When did you go to Portland?

12 A That was October. October of last year.

13 Q October of 2025?

14 A Yes, sir.

15 Q When did you go to Minneapolis?

16 A I've went there twice for one week at a time each time. I
17 would have to look through my records to give you --

18 Q Approximately when?

19 A I believe December and January.

20 Q So, just two months agoish?

21 A Ish. Yes, sir.

22 Q And you went for one week at a time in Minneapolis?

23 A About ten days each time.

24 Q And in Portland, were you involved in a lawsuit that
25 stemmed from a warrantless arrest in Oregon?

1 A I'm currently -- there is a lawsuit, but it wasn't -- it's
2 in regards to other topics.

3 Q It did not involve a warrantless arrest?

4 A It involved a number of things, sir.

5 Q Did the case in Oregon that you were involved with involve
6 a warrantless arrest?

7 A That was one of the aspects. Yes, sir.

8 Q And did you testify in that case?

9 A I did.

10 Q In federal court?

11 A Yes, sir.

12 Q Using the initials JB?

13 A Yes, sir.

14 Q Did you go through ICE academy training down in Georgia?

15 A Yes, sir.

16 Q When was that?

17 A So, I left October 24th, 2020, and then I graduated around
18 March of 2021. That was during COVID.

19 Q And were you actually down in Georgia for that period?

20 A At Glencoe. Yes, sir. The entire time.

21 Q So, your training lasted from October 24th, 2020, through
22 March of 2021?

23 A Yes, sir.

24 Q Did your training include both book, sort of lectures, and
25 practical simulated exercise?

1 A It was a number of both lectures, practical exercises,
2 vehicles, and other training that we have to do. Live fire
3 shooting and Spanish as well.

4 Q Do you speak Spanish?

5 A Not fluently.

6 Q When you're -- if you have -- if you're engaged with
7 someone out in the field who speaks Spanish, is a monolingual
8 Spanish speaker, do you get a translator?

9 A If I -- if they're not -- if -- if they're not
10 understanding the questions I'm asking them, I will have to get
11 a interpreter via like a telephone.

12 Q How many supervisors are in the Denver field office as what
13 you've referred to as SDDOs?

14 A I don't know the exact number. No, sir.

15 Q Approximately, sir?

16 A I don't know.

17 Q Approximately how many deportation officers are in the
18 Denver field office?

19 A That's a really hard question to answer, too, because the
20 Denver field office also is comprised of like Wyoming and stuff
21 like that.

22 Q I'm sorry?

23 A So, like in the actual office itself, I'm not quite sure.
24 We just hired a bunch of new -- new employees as well, so I
25 don't know the number, sir.

1 Q When did you just get -- when did you just hire a bunch of
2 new deportation officers?

3 A I would say like the beginning of this year.

4 Q January of 2026?

5 A Roughly.

6 Q Okay. Do you know how many new people you've started to
7 see around the office?

8 A I don't know, sir.

9 Q All right. You don't know the total size of the people the
10 office has in the Denver field office?

11 A No, sir.

12 Q Are you authorized as a deportation officer to issue I-200
13 warrants?

14 A Depends.

15 Q I'm sorry. I didn't understand that answer.

16 A It depends, sir.

17 Q Explain what that depends on.

18 A If you're acting that day in the capacity of the
19 supervisor, because there's no supervisor available, you're an
20 acting SDDO, and you are authorized to issue I-200s.

21 Q And explain to the Court what an I-200 is, please.

22 A It's the warrant. It's an administrative arrest warrant
23 for someone who is undocumented, or not in the country legally.

24 Q And those I-200 warrants, they're not sworn under oath, are
25 they?

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1 A No.

2 Q And you said that if you're designated as an acting SDDO,
3 supervisory detention deportation officer that day, you can
4 issue an I-200 warrant?

5 A Yes.

6 Q Okay. How are you designated as an acting supervisor or
7 acting SDDO on a day-to-day basis?

8 A It's primarily based on seniority, or it's appointed by the
9 supervisor that's absent that day. Or you could be in the --
10 you could be appointed by -- let's say like your supervisor is
11 out for 120 days on a detail, then they're going to appoint
12 usually the most senior deportation officer as the acting SDDO
13 for that unit.

14 Q Okay. Let me see if I can break that down. So, sometimes
15 it's done on a daily basis. So, you come in on a day and
16 someone will tell you today, Mr. JB, you're an acting
17 supervisor, an acting SDDO?

18 A Yes. Or like if the SDDO is sick that day, then it's
19 delegated to whoever is the senior officer of the day.

20 Q So, there's just one designated per day in that
21 circumstance you've just described?

22 A For that unit?

23 Q Yes.

24 A Yes.

25 Q All right. And describe for us what a unit is.

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1 A A unit, it's comprised of deportation officers, and every
2 unit has its specialty. As like if you're over -- if you're
3 assigned over at the detention center, then you're the detained
4 unit. If you are fugitive operations, then you're assigned
5 under -- right now we have two SDDOs in that unit that oversee
6 people that have final orders of deportation, usually.

7 Q Who is your -- what is your unit?

8 A Currently?

9 Q Yes.

10 A The FCC. The field command center right now.

11 Q Field command center, the FCC?

12 A Yes, sir.

13 Q And does that change on a daily or weekly basis what unit
14 you're assigned to?

15 A No.

16 Q And does each unit have only one SDDO?

17 A No.

18 Q Typically?

19 A Like over at detained they have multiple SDDOs. Fugitive
20 operations will have multiple. It depends on how many DOs you
21 have or deportation officers you have in that unit. So, if you
22 have ten DOs, then you usually will have two SDDOs.

23 Q How about units that are going out in the field arresting
24 people, engaging in operations? What is the typical size of
25 that unit?

1 A There's not a typical size, sir.

2 Q Are they bigger or smaller than ten DOs?

3 A There's not a typical size, sir.

4 Q Could be anything from two people to twenty people?

5 A ICE's policy is you -- when you make an arrest, it's a
6 two-person arrest.

7 Q I'm trying to get at the units, sort of understanding that
8 structure.

9 A That's going to be above my pay grade, sir.

10 Q So, with respect to the acting SDDO, how many times have
11 you been designated an acting SDDO?

12 A Multiple times.

13 Q How many?

14 A I don't have that exact number.

15 Q More than five?

16 A Yes.

17 Q More than ten?

18 A Yes.

19 Q More than 20?

20 A I don't -- I don't have the exact number, because even --
21 whenever I was assigned to the criminal alien program, I would
22 have to be acting at that time, too, because a supervisor was
23 out sick.

24 Q When you're designated an acting SDDO, do you get that in
25 written form?

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1 A Sometimes, or it will be verbal.

2 Q It could sometimes just be verbal?

3 A Mm-hmm.

4 Q So, a supervisor could say Mr. JB, you're acting today, go
5 out in the field?

6 A They won't say go out in the field. They -- for instance,
7 like let's say, like, your supervisor calls in sick, and usually
8 the assistant field office director will come down, and you're
9 going to be acting for today.

10 Q The assistant field office director, that's Mr. Davies?

11 A Yes. That's one of the AFODs. We have multiple AFODs,
12 but --

13 Q How many AFODs, or assistant field office directors do you
14 have?

15 A I don't have the exact number, because we're still
16 appointing others at this time.

17 Q How about the ones that you've interacted with?

18 A I have an AFOD that's in charge of operations, which is
19 Greg -- which is Davies. Yes, sir.

20 Q Okay. So, is Mr. Davies the AFOD that you interact with
21 the most?

22 A I wouldn't say the most, but he oversees operations.

23 Q How many other AFODs do you interact with, Mr. JB?

24 A There's another AFOD that I see if I'm at the -- if I'm at
25 the office.

1 Q Who is that?

2 A It's Nichole Black.

3 Q You're familiar with the regulations that specify what type
4 of officers can issue I-200 warrants?

5 A Like the policy?

6 Q Yeah.

7 A Yeah. Yes, sir.

8 Q Okay. And are you familiar with the regulations, which --
9 I believe they're in 8 CFR 287.5 that specifies which type of
10 officers can issue I-200 arrest warrants?

11 A I can't recite it at this time, but what is the question
12 exactly?

13 Q Are you familiar with that regulation, sir?

14 A Yes. I'm familiar.

15 Q Okay. And is acting SDDO one of the people listed in the
16 regulation as someone who can issue arrest warrants?

17 A An SDDO can. And so if you're acting, then you are
18 appointed as an SDDO for that day.

19 Q Just for the day?

20 A Well, for the time that you've been appointed for.

21 Q Okay. Could be just for the day?

22 A Could be just for the day.

23 Q Could be just in a conversation that someone told you
24 you're acting, and in that circumstance, your view is that
25 satisfies the regulation, and you can issue an arrest warrant

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1 for someone out in the field?

2 MR. BROWN: Objection, Your Honor. This calls for a
3 legal conclusion.

4 THE COURT: I don't think so. Overruled.

5 THE WITNESS: So, my understanding is if you're an
6 acting SDDO, and it requires an SDDO signature, then you are
7 qualified to make that decision.

8 Q. (By Mr. Macdonald) Okay. And that's true even if there's
9 no paperwork or even an email designating you as an acting SDDO
10 for the day?

11 A If you are appointed as an acting SDDO, which is a lawful
12 order that you will be the acting for the day, then yes. You do
13 have the authority.

14 Q Okay. And that authorization can just come in a
15 conversation?

16 A Yes.

17 Q Okay. We're going to talk about some I-213s for
18 warrantless arrests that have happened in Colorado the last
19 several months. Before we do that, please explain to the Court
20 what an I-213 is.

21 A It is the -- basically the what and where, why, of the
22 arrest. The what happened in the arrest. It goes over the
23 encounter. It goes over the immigration history, their criminal
24 history, and just different stuff that we put in there that we
25 think is pertinent to that arrest.

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1 Q Referred to often as an arrest report or an arrest record;
2 right?

3 A Yes, sir.

4 Q I-213s are not sworn under oath; is that true?

5 A That is correct.

6 Q But you're trained to make I-213s as accurate and complete
7 as you can; is that fair?

8 A Yeah.

9 Q They taught you that at the academy?

10 A Mm-hmm. Yes.

11 Q And it's important that I-213s are accurate, because
12 they're used by the government, among other things, in
13 immigration proceedings against people that you arrest; true?

14 A They should be accurate if the arresting officer wrote the
15 213. Sometimes the arresting officer did not write the 213, and
16 that's been an issue before.

17 Q Why would the arresting officer not write the I-213, or at
18 least not the narrative section of the I-213 that specifies how
19 the arrest happened?

20 A During some of the operations we've had in different
21 states, it was either delegated to sometimes a processing team,
22 or you just did the encounter part, and they would do the rest
23 of the 213. It just depends. Or your supervisor that was
24 appointed would do the narrative. Because your job was to get
25 back out in the field and do investigations and start doing

1 apprehensions or whatever was -- needs to be done for the day,
2 sir.

3 Q Okay. So, sometimes the arresting officer needs to get
4 back out in the field and do more arrests, and so the supervisor
5 or someone else back in the field office fills out the I-213?

6 A Sometimes.

7 Q Okay. And that's what happened in Portland, at least to
8 some extent; isn't that right?

9 A That is correct.

10 Q And some of those I-213s were inaccurate, weren't they, the
11 ones that were completed after the arrests in Portland?

12 A I don't know about -- about everyone's 213s, but sometimes
13 it did happen.

14 Q Okay. You were working as a deportation officer in 2022
15 when the Department of Homeland Security issued something called
16 the broadcast statement of policy relating to warrantless
17 arrests. Do you recall that?

18 A No.

19 Q All right. Are you familiar with litigation in Illinois
20 referred to as the *Castañon-Nava* case?

21 A I've seen emails about the *Nava* case, but I didn't read
22 over them, because you're talking about 2022, sir?

23 Q I am talking about 2022.

24 A I was assigned to the detained unit, and so I didn't have
25 the opportunity to go out into the field to make warrantless

1 arrests at that time.

2 Q So, whatever emails came in in 2022 relating to the *Nava*
3 broadcast statement of policy could have come to you, but you
4 wouldn't have read them?

5 A I would have received them. But we also get Fourth
6 Amendment training that would cover warrantless arrests twice a
7 year.

8 Q Did you ever get training on the requirements from the
9 broadcast statement of policy from the *Nava* case?

10 A We've gotten training on warrantless arrests. I'm not
11 quite sure if it was solely based on the *Nava*, but usually it's
12 a -- when we do get our Fourth Amendment training, is -- it's --
13 it's an over -- basically all the cases that are current, we get
14 training on. So, it's not just one case that we're going to
15 basically get training on.

16 Q Okay. But you've heard of the *Nava* case. That's --

17 A I have.

18 Q Okay. How long were you assigned to the detained unit?

19 A I was in there for roughly two years.

20 Q When to when?

21 A Once I graduated the academy, I went straight to the
22 detained unit. So, from 2021 to roughly 2023.

23 Q When in 2023, sir?

24 A I don't -- I can't recall at this time.

25 Q Okay. So, you started -- you finished your training in

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1 March 2021, went into the detained unit, and about two years,
2 you were working in the detained unit?

3 A Yes, sir.

4 Q So, that means you were working at the GEO facility out in
5 Aurora?

6 A Yes, sir.

7 Q When did you first start making arrests out in the field?

8 A When you say the field, like what do you mean by the field?

9 Q Not -- the first time you started making arrests. How
10 about we just start there.

11 A Oh, that was whenever I was in the criminal apprehension
12 program, or criminal alien program, which is CAP. So, yeah.

13 Q Do you know approximately when that was, sir?

14 A No, I don't. Sometime in 2023.

15 Q And were you -- did you have specific training about your
16 authority to make warrantless arrests once you started making
17 those out in the field?

18 A I've always had Fourth Amendment training and warrantless
19 arrest training, even when I was in the detained unit.

20 Q Okay. And you understand there's statutory authority
21 separate and apart from the Fourth Amendment that authorizes ICE
22 to engage in warrantless arrests when they have two -- when they
23 can satisfy two prongs: probable cause that a person is in the
24 country in violation of the laws, and probable cause that a
25 person is likely to escape before a warrant can be obtained?

1 You're familiar with that standard?

2 A I am familiar with the warrants, yes.

3 Q Okay. And you're familiar with those two requirements?

4 A I'm familiar -- at that time, or the requirements now as
5 well? Because things have changed.

6 Q Tell me how things have changed.

7 A Well, since the -- since this case now we have to document
8 different things in the 213, and we have to take other things
9 into consideration during the warrantless arrest.

10 Q Okay. And is it your testimony that before this Court's
11 order, you didn't have to do those things?

12 A To do which things?

13 Q What you just described. Document things in an I-213?

14 A It was not documented before, but we would still have to
15 ask certain questions.

16 Q And when you say it was not documented before, what was not
17 documented before this Court's order in the I-213s, sir?

18 A Like, I wouldn't write like a -- like -- like connections
19 to the community and stuff like that. But I would still ask
20 questions like how many kids do you have, where do you live,
21 stuff like that. Because I would always try to -- the
22 likelihood of us finding them again or the likelihood of escape.

23 Q All right. I just want to make sure I understand this.
24 Are you saying before this Court's order, you wouldn't document
25 community ties in the I-213s?

1 A I would not.

2 Q Why not?

3 A Because once we did our field interview and we took them
4 back to the office, or over to the GEO facility for processing,
5 those questions would be asked, and that would be -- if there
6 was something of concern, like, if they're like the only parent
7 with children, they could only take care of it, then we would
8 have to make the decision whether we're going to release them
9 on -- or possibly release, or we would have to talk to another
10 supervisor to see what they wanted to do.

11 Q Before this Court's order of November 25th, 2025, would you
12 document in the I-213 that the person was arrested without a
13 warrant? Did you feel that was something you needed to do?

14 A Once I was advised that we had to document, then yes. It
15 was documented.

16 Q All right. Make sure I understand your answer. Before
17 this Court's order, would you document in the I-213 that a
18 person was arrested without a warrant?

19 A No.

20 Q Why not?

21 A Because an I-200 would always be -- well, our practice is
22 the I-200 would always be issued for certain cases. Like if
23 it's a reinstate, then you wouldn't issue an I-200. It would be
24 an I-205, but there will always be a 200 issued at some point
25 because whenever you're -- you submit the documents to the

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1 Court, an I-200 has to be in the A file, or the Court will not
2 accept the charging documents.

3 MR. MACDONALD: Let's put up Exhibit 68, please. Your
4 Honor, this was previously admitted in the PI hearing. Your
5 Honor, for exhibits like this that were previously admitted in
6 the last hearing, would you like me to move to admit them again?

7 THE COURT: No.

8 MR. MACDONALD: Okay.

9 Q. (By Mr. Macdonald) Mr. JB, this is the broadcast
10 statement of policy for warrantless arrests that Assistant Field
11 Office Director Davies testified in the last proceeding was sent
12 to all ICE employees on May 27th, 2022. So, do you have that in
13 front of you?

14 A Yes, sir.

15 Q Okay. It specifies at the top that this broadcast states
16 the underlying laws and policies applicable to all arrests
17 effected under 8 USC 1357(a)(2), and then it specifies the regs.
18 Do you see that?

19 A I do.

20 Q And this is something you would have been trained on at
21 least before 2023 when you were out in the communities making
22 arrests. Is that a fair statement, sir?

23 A Yes, sir.

24 Q Okay. Now, if we look at the second page, and that second
25 full paragraph says, after having made an arrest under 8 USC

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1 1357(a)(2), an ICE officer must document the facts and
2 circumstances surrounding that warrantless arrest in the
3 narrative section of the alien's I-213 as soon as practicable.

4 Do you see where I'm reading, sir?

5 A Yup. Yes, sir.

6 Q Okay. So, this was a policy in effect when you were out in
7 the field making arrests in 2023, 2024, 2025, before this
8 Court's order; right?

9 A Yes, sir.

10 Q And the first thing it says that the documentation -- this
11 documentation must include that the alien was arrested without a
12 warrant. Do you see that?

13 A I do see where it says this document must include, yes.

14 Q Okay. And you just testified a moment ago that that was
15 not your understanding when you were making arrests before this
16 Court's order; right?

17 A What -- can you rephrase that? What do you mean?

18 Q A few minutes ago I asked you whether you, when you were
19 making arrests before this Court's order, would document that
20 the person was arrested without a warrant, and you said no. Do
21 you recall that testimony from a few minutes ago?

22 A Correct.

23 Q So, your obligations under the policy was to document that
24 an alien was arrested without a warrant. Why weren't you doing
25 it?

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1 A Because an I-200 would always be issued regardless. It
2 would always -- it's -- well, actually, correction. If an I-200
3 was not issued beforehand, then in a timely manner, it would be
4 issued. For instance, if we're out making arrest, and we get --
5 agitators come out or people that are trying to block us in, and
6 an I-200 can't and obtained at the time, then we would have to
7 detain them until we get back to the office to get an I-200
8 signed.

9 Q I'm not sure I understand that answer. The policy at the
10 time, starting from the moment you were authorized and allowed
11 to arrest people out in the field, was that if you arrested them
12 without a warrant, you must document that the alien was arrested
13 without a warrant. And explain to me why you were not doing
14 that.

15 A Because it depends at the time, like when I first started
16 off in CAP and fugitive operations, we usually always had an
17 I-200. That's why. So, it wouldn't be documented if we made
18 warrantless arrests. It was very rare that we made warrantless
19 arrests during that time. That's why.

20 Q Did you make warrantless arrests? You can remember with
21 specificity over 2003 [sic], 2004, 2005, that you never made
22 warrantless arrests, Mr. JB?

23 A We did make warrantless arrests.

24 Q Okay. And did you document that the alien was arrested
25 without a warrant?

1 A If I -- if I -- well, I don't know if I wrote the 213, sir.
2 So, if someone else wrote it and they wrote it in there, then it
3 would be documented.

4 (Simultaneous discussion interrupted by the court reporter.)

5 A I can't remember. But I can't recall if I made a
6 warrantless arrest, if I would have annotated it in the 213.

7 Q Mr. JB, one of the other requirements under the Nava
8 broadcast statement of policy that you received was that you
9 must document -- and let's go down to number five. The specific
10 particularized facts supporting the conclusion that the alien
11 was likely to escape before a warrant could be obtained. Do you
12 see that?

13 A Yes.

14 Q About five minutes ago, you testified that before this
15 Court's order, you did not do that.

16 A If I would have made the arrest then, and I didn't document
17 it, then I didn't document it.

18 Q Why did you not understand this was an obligation that you
19 had before this Court's order?

20 A Because my understanding was in a timely manner, an I-200
21 would have to be issued if it required an I-200. Like, if it
22 required a 205, we wouldn't write that in the 213 as well.

23 Q And are you saying that you would -- so, you would arrest
24 someone. When someone was arrested without a warrant, you would
25 arrest them without a warrant, and then you would produce an

1 I-200?

2 A It depends if they're just being detained at the time. If
3 they're being detained at the time, and we didn't arrest them
4 yet, then we would not issue an I-200 yet.

5 Q What if you brought them back to the Centennial facility
6 and ultimately GEO? That's what you're saying is you issue an
7 I-200 after the fact; right?

8 A If it's in a timely manner, then yes.

9 Q You would arrest them, take them to the Centennial
10 facility, and then get an I-200; true?

11 A Sometimes.

12 Q That's also what happened in Oregon; right?

13 A No, sir. An I-200 was sometimes issued on scene.

14 Q Sometimes it was issued on scene; right?

15 A Yes.

16 Q And sometimes -- in the Portland situation, it was issued
17 after you had taken the people back to the processing office;
18 true?

19 A Now -- I think at the time, if we didn't -- during some of
20 the book-in process, an I-200 had to be produced before we
21 actually brought them into processing.

22 Q And so what you're saying is in Oregon, some of the time
23 you issued I-200s in the field, and sometimes you issued them
24 after processing; true?

25 A No. Not after processing.

1 Q While they were being processed?

2 A No. Because before you brought them to the facility, you
3 had to have an I-200 before you brought them. So, it would
4 either be before the encounter or while on scene.

5 Q Okay. While on scene, while the person is in handcuffs;
6 right?

7 A Not necessarily.

8 Q Sometimes?

9 A Sometimes.

10 Q Right. And with respect to the person who brought the
11 lawsuit in Oregon, did you fill out an I-200 for her while she
12 was handcuffed at the scene?

13 A During that circumstance, we actually had people escape,
14 and we had to chase after them, and the scene was chaotic at
15 that time. And so due to limited deportation officers at the
16 time, we handcuffed everybody because of the likelihood of
17 escape. And they already were escaping out of my vehicle and my
18 partner's vehicle to the point where we had to chase them down
19 the road.

20 Q And the person who brought the lawsuit in Oregon was
21 initialed MGMA. Do you remember that?

22 A Yes, sir.

23 Q MGMA didn't try to escape, did she?

24 A Escape is either you do it or you don't.

25 Q Did you believe that MGMA was trying to escape?

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1 A I think if the opportunity presented itself, yes. Just due
2 to the fact that other people were trying to escape, and that
3 person was telling other people not to answer questions.

4 Q Let's go -- MGMA, you did prepare a field warrant while she
5 was in handcuffs?

6 A We prepared -- oh. Our supervisors did the I-200s while we
7 were on scene.

8 Q I want to go back to the broadcast policy. Do you recall
9 now having looked at it receiving any training whatsoever about
10 the requirements of the broadcast policy for warrantless
11 arrests?

12 A I remember getting Fourth Amendment training and
13 warrantless arrest training.

14 Q Okay. Let's look at Exhibit 258, if we can. Let's look at
15 the second page, Mr. JB, if we could. Do you see that this at
16 the top says warrantless arrest, and then there's a reference to
17 the *Castañon-Nava* case? Do you see that, sir?

18 A Yes, sir.

19 Q And down at the bottom, it says, ICE academy. Do you see
20 that?

21 A Yes, sir.

22 MR. MACDONALD: Your Honor, we would move admission of
23 Exhibit 258.

24 MR. BROWN: No objection, Your Honor.

25 THE COURT: Admitted.

1 Q. (By Mr. Macdonald) On this page we're looking at right
2 here, it says, an officer who conducts a warrantless arrest of a
3 noncitizen must document the facts and circumstances surrounding
4 the warrantless arrest in the narrative section of the I-213.
5 Do you see that?

6 A Yes.

7 Q And that's consistent with what the broadcast policy that
8 we just looked at said; right?

9 A Yes.

10 Q And so even though there was training at ICE -- at the
11 academy, when you were out in the field you didn't realize this
12 documentation requirement existed for warrantless arrests?

13 A I understand that we have to document like what happened on
14 scene and stuff.

15 Q Let's look at the next page, please. This ICE training
16 says that an I-213 must contain the following six facts for an
17 individual flight risk analysis. Do you see that?

18 A Yes.

19 Q Okay. These six facts are similar, if not identical, to
20 what we just saw in the Nava broadcast statement of policy in
21 the prior exhibit. Do you see that?

22 A I see the flight risk analysis, the six statements, yes.

23 Q Okay. And so when you were out in the field making over
24 the course of the at least two-year period between sometime in
25 2023 and this Court's order in November of 2025, did you

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1 understand you had to document these six things in the I-213?

2 A I understood that I have to document what happened on
3 scene, but at that time, I didn't -- I don't believe when I was
4 working in CAP, I didn't make any warrantless arrests.

5 Q That's a different question, sir. When you were working
6 out in the field, there were times where your unit, before this
7 Court's order -- so, at any point before November of 2025 --
8 could make warrantless arrests; is that true? They could do
9 that?

10 A We always have the authority to make warrantless arrests.

11 Q Okay. Did you understand that these were the obligations
12 to document --

13 A I understand that we have obligations, but not exactly all
14 six.

15 Q Okay. You didn't understand that you had an obligation to
16 document all six of these?

17 A No.

18 Q When did you leave the CAP unit that you referenced
19 earlier?

20 A I think it was January of 2024.

21 Q What unit did you go to in January 2024?

22 A The fugitive operations.

23 Q What was the fugitive operations unit?

24 A Our job is to apprehend people with final orders
25 predominantly.

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1 Q When you went to detain people with final orders, did you
2 ever encounter collaterals? Do you know what that term means?

3 A I do, sir.

4 Q What does it mean?

5 A It just means someone other than your target.

6 Q Okay. From starting in January of 2024 when you were part
7 of the fugitive operations unit, did you ever encounter
8 collaterals in the field when you were going after a specific
9 target?

10 A Yes. If we were working with like the DEA or something,
11 yeah, during that time.

12 Q Did you ever arrest those collaterals when you were out in
13 the field starting in January of '24 going forward, ever?

14 A I'm sure I did.

15 Q Okay. Those would have been warrantless arrests; right?

16 A Not necessarily, because our supervisor at the time
17 would -- the common practice was to issue 200s before actually
18 bringing them into custody.

19 Q And are you testifying to this Court that from starting in
20 January of 2024 until this Court's order, you never engaged in a
21 warrantless arrest of a collateral, sir?

22 A I'm saying the common practice was to obtain a 200 -- an
23 I-200 before taking the person into custody.

24 Q Are you testifying that you never engaged in a warrantless
25 arrest of someone who was deemed a collateral between

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1 January 2024 and November 25th, 2025?

2 A What was the last date?

3 Q November 25th, 2025.

4 A I'm not sure if -- if I did arrest a collateral without a
5 warrant, because the common practice was to obtain an I-200 from
6 the supervisor.

7 Q You don't know one way or the other sitting here today?

8 A No, because that was -- the common practice was to always
9 get a 200.

10 Q And when you say the common practice was to always get a
11 200, an I-200 arrest warrant, you mean when you saw -- you
12 were -- saw a collateral, someone that was not a target, whose
13 name you did not know, that you would get an I-200 in the field?
14 That's what you're testifying?

15 A Yes, sir.

16 Q And at the time you got that I-200 in the field, would you
17 have the person sometimes in handcuffs?

18 A Depends.

19 Q Sometimes would you have them in handcuffs?

20 A Yes. Depending on if they're going to escape.

21 Q Sir, you agree that the mere presence within the United
22 States in violation of U.S. immigration law is not by itself
23 sufficient to conclude that an alien is likely to escape before
24 a warrant for arrest could be obtained? You agree with that;
25 right?

1 A Say that one more time?

2 Q The mere presence within the country in violation of
3 immigration law is not by itself sufficient to conclude that a
4 person is likely to escape before a warrant can be obtained. Do
5 you agree with that?

6 A I wouldn't necessarily agree with it.

7 Q You would not agree with that?

8 A No.

9 Q All right. Let's put Exhibit 68 back up, please. This is
10 the Nava broadcast statement of policy that you received and was
11 in effect while you were out in the field making arrests. Let's
12 look down at the bottom line of that first page of Exhibit 68.
13 This is the ICE policy, sir.

14 It says, however, mere presence -- down at the bottom,
15 last line, Jason, on the right. However, mere presence -- and
16 we will put up the next page, please, Jason. Can we have both
17 of those pages together, please? Okay. So, this is the Nava
18 policy in effect while you're in -- and actually, it's still in
19 effect today.

20 And it says at the bottom, however, mere presence
21 within the United States in violation of U.S. immigration law is
22 not by itself sufficient to conclude that an alien is likely to
23 escape before a warrant for arrest can be obtained. Do you see
24 where I'm reading?

25 A Yes, sir.

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1 Q Okay. And you disagree with that. That's what you just
2 testified; right?

3 A I disagree with it. That doesn't mean I don't have to
4 follow that policy, though.

5 Q Oh. Okay. So, even though you disagreed with it a moment
6 ago, you were actually complying with this in the field?

7 A Yes.

8 Q Did you know that was the policy?

9 A Yes.

10 Q Do you recall an email and a statement from ICE's principal
11 legal adviser, Charles Wall, that was sent out in June of 2025
12 declaring that the Nava settlement had expired? Do you remember
13 that?

14 A I don't. I don't remember that.

15 Q All right. We're going to show it to you in a moment. You
16 said -- I just want to get back to your -- you talked about the
17 fugitive operations unit you started with in January of 2024.
18 How long did you stay with them?

19 A Until recently. Probably until December of this past year.

20 Q December of 2025?

21 A Yes, sir.

22 Q Okay. And what unit are you with now?

23 A The FCC, the field command center.

24 Q Field command center. And that still keeps you out in the
25 field; is that right?

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1 A Negative.

2 Q Are you making arrests today?

3 A No.

4 Q So, have you made any arrests since December of 2025?

5 A January -- actually, January is the last -- last time that
6 I made an arrest.

7 Q Why did you move to the field command center?

8 A It was up to management's decision.

9 Q All right. We can just quickly put up Exhibit 124, please,
10 Jason. Thank you. This was also previously admitted, Your
11 Honor.

12 So, this is a -- if you look down at the bottom, it
13 says, to all employees. It's dated June 11th, 2025. It says,
14 please be advised that the settlement agreement in Nava
15 terminated at midnight on May 12th. Do you see where I'm
16 reading there, Mr. JB?

17 A Yes, sir.

18 Q And if we turn to the next page, you can see that it's from
19 Charles Wall, the principal legal adviser?

20 A Yes, sir. At the bottom, yes.

21 Q Okay. Does this help refresh your memory that you would
22 have received an email from the principal legal adviser,
23 Mr. Wall, telling you that the Nava settlement had terminated?

24 A I don't know if I received it.

25 Q Okay. Should have gone to all ICE employees?

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1 A Should.

2 Q Okay. So, you should have received it?

3 A Yes.

4 Q All right. Did -- would this email have changed anything
5 that -- about how you were doing your job at the time?

6 A No.

7 Q Do you recall getting an email from Mr. Wall on or about
8 October 22nd, 2025, saying that the Nava broadcast statement of
9 policy was reinstated?

10 A No.

11 MR. MACDONALD: Let's take a look at Exhibit 126,
12 please. This was previously admitted, Your Honor.

13 THE COURT: Okay.

14 Q. (By Mr. Macdonald) Mr. JB, this is another email from
15 Mr. Wall, the principal legal adviser. And just as an aside, do
16 you know that Mr. Wall is currently also the deputy director of
17 ICE, maybe in an acting capacity?

18 A I don't know his exact capacity at this time.

19 Q Okay. But a high up official of ICE?

20 A Yes.

21 Q So, this is an email October 22nd, 2025, saying that ICE
22 was ordered to reissue the broadcast statement of policy. Do
23 you see that?

24 A Yes.

25 Q All right. Did this -- do you recall seeing this now that

1 you've had a chance to look at it?

2 A No.

3 Q All right. And as part of this email from Mr. Wall in
4 October 2025, he reissued to all ICE agents the broadcast
5 statement of policy that is in Exhibit 68 that we were just
6 talking about. Do you recall that?

7 A No.

8 Q Did this email from Mr. Wall in October 2025 change how you
9 were doing your job in the field at all?

10 A If I didn't know about it, then I wouldn't have changed the
11 way I operate out in the field.

12 Q Okay. Is there a reason you wouldn't have known about an
13 email that one of the top officials at ICE sent to all employees
14 about warrantless arrest policy?

15 MR. BROWN: Objection, Your Honor. This calls for
16 speculation why he wouldn't have known something.

17 THE COURT: Overruled.

18 THE WITNESS: We get a lot of emails, and you're
19 overwhelmed by emails. And so if it's brought up during
20 training that, hey, this is what we're doing now, or an email
21 comes out from one of our immediate supervisors, tells us, hey,
22 this is how we're going to be conducting business now, like, due
23 to like this case now, then we change the way we operate.

24 Q. (By Mr. Macdonald) Okay. But you don't remember any such
25 training or instructions about the broadcast statement of policy

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1 in Nava and any of these back and forth emails we've seen from
2 Mr. Wall?

3 A No. Not exactly, no.

4 Q When you say not exactly, tell me what you mean.

5 A Well, I don't remember seeing the emails due to at the time
6 of making these -- or making arrests, I thought what we were
7 doing at the time was sufficient.

8 Q So, this happened in October -- late October of 2025. In
9 early November, did you -- do you remember receiving any
10 instructions that you should try to obtain a warrant for arrest
11 whenever feasible before making an arrest?

12 A Yes.

13 Q Who gave you that instruction?

14 A Our supervisors did. And then on December 2nd, I remember
15 seeing -- I did get an email on the criteria that they wanted to
16 see in the 213s.

17 Q On December 2nd?

18 A That was the last email I remember.

19 Q Okay. Who was that email from?

20 A That was -- I can't recall, but I think ICE headquarters.

21 Q And you don't remember what human being sent that email?

22 A No, sir.

23 Q But you remember it specifically as being on December 2nd?

24 A December 2nd, yes.

25 Q Have you reviewed that email in the last week as you

1 prepared for your testimony?

2 A Yes.

3 Q Did that help refresh your memory in any way?

4 A Yes.

5 Q But it didn't help refresh your memory as to who sent that?

6 A No.

7 Q All right. You understand I don't have that email. Are
8 you aware of that?

9 A I am not aware of that.

10 Q But that email told you what someone wanted and specified
11 in I-213s?

12 A Yes.

13 Q And what was that?

14 A What was what?

15 Q What were the things that the email that I don't -- can't
16 see --

17 A Sorry.

18 Q Excuse me, sir. What were the things in that email from
19 December 2nd you just referenced -- what did it specify that you
20 should put in the I-213s, sir?

21 A It just had certain criteria that they wanted to see. I
22 can't recall exactly, because after I seen that, I would look
23 back at that email whenever I wrote my 213s.

24 Q And are the things that were specified in that email the
25 same as the factors that were required and we looked at in

1 Exhibit 68 and that we looked at in Exhibit -- which is the
2 broadcast statement of policy, and the same things specified in
3 the ICE training that is Exhibit 258?

4 A I don't know if they're exact, but similar.

5 Q Okay. In early November, did you receive instructions that
6 you should try to obtain a warrant for arrest whenever feasible
7 before making an arrest?

8 A Yes.

9 Q Who gave you those instructions?

10 A Our supervisors.

11 Q Who?

12 A It was -- I believe it's either going to be Kevin Cruz or
13 Rhiannon Garcia.

14 Q Are those instructions in writing?

15 A No. No. It was verbal.

16 Q Was there any documentation along with that?

17 A From him?

18 Q From anyone.

19 A I can't recall. But I remember during our training, they
20 were like, you should try to get a warrant every single time, or
21 an I-200 or a 205, depending on the arrest.

22 Q Okay. When you say in your training, what training are you
23 referring to?

24 A Well, it just depends, either formal training or informal
25 training. Like sometimes we will be in the office, and we will

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1 talk about different cases and, hey, for this, let's try to --
2 let's get an I-200 or a I-205. This is the common practice that
3 we want to see going forward.

4 Q And I thought you previously testified that back when you
5 were in the fugitive operations unit when you were first making
6 arrests, you said that was the common practice. Didn't you say
7 that earlier?

8 A Yes.

9 Q Okay. So, for you, nothing changed?

10 A Well, in what aspect? Like, for the 213, writing the 213,
11 yes. Things changed.

12 Q With respect to making -- whether or not you were trying to
13 get a warrant in the field, did anything change in the
14 conversation that you just mentioned in early November --

15 A No, sir.

16 Q -- 2025?

17 A No, sir. Because we always tried to obtain an I-200 or
18 205.

19 Q I take it from your prior testimony -- I'm going to ask
20 this question. I think you probably won't know it, but I will
21 ask it just to be sure: Are you aware of any of the recent
22 orders in the Nava case in Illinois requiring the broadcast
23 statement of policy to be sent out yet again?

24 A No.

25 Q You're obviously aware that this Court entered the

1 preliminary injunction on November 25th, 2025; right?

2 A I don't know exactly when, but I know that there was an
3 injunction, yes.

4 Q Did this Court's preliminary injunction change how you were
5 doing your job in the field?

6 A Yes.

7 Q How?

8 A By the 213.

9 Q Could you explain more.

10 A Yes. I would -- the -- I think it was eight -- eight,
11 basically criterias that they wanted to see in the 213, I would
12 tailor it to basically what the judge wanted or wanted to see.

13 Q Do you understand that the judge's criteria are at least
14 functionally the same criteria that were in the Nava broadcast
15 statement of policy that had been in place?

16 A I didn't -- I didn't know.

17 Q You did not know that?

18 A No.

19 Q All right. So, you weren't doing it before, but you
20 changed, at least that's your testimony, after the judge's
21 order?

22 A Yes.

23 Q How did you learn about the Court's injunction?

24 A An email.

25 Q From who?

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1 A It was the December 2nd one.

2 Q It's the same email we were just talking about?

3 A Right. And I was aware that Davies or AFOD went to court.

4 Q How were you aware that Mr. Davies went to court?

5 A I think talk around the office.

6 Q Did you have any training on what this Court's preliminary
7 injunction required of you as an agent?

8 A No. Not formal, but the email itself gave us guidance.

9 Q So, no formal training. That's what you just said?

10 A I know that there's Fourth Amendment training, but I don't
11 think I was -- well, I know I was out that -- during that time,
12 so I wasn't able to take the Fourth Amendment, which covers our
13 warrantless arrest.

14 Q When was the training that you were out for?

15 A I think that was -- I believe -- I can't recall, but I
16 think it was December.

17 Q But you weren't there for it in any event, so you don't
18 know what happened?

19 A No, sir.

20 Q Do you know if any materials were prepared at that training
21 about the requirements of this Court's order?

22 A No. It's just our supervisor told us that we will try our
23 best to get an I-200 or a 205.

24 Q Have you discussed the requirements of this Court's order
25 with any of your fellow agents?

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1 A Yes.

2 Q Who and what have you discussed?

3 MR. BROWN: Objection. Please I would like to --
4 excuse me. Objection. To the extent that he's going to
5 identify any DOs in the field, I would request that he just uses
6 their initials, please.

7 THE COURT: That's fine.

8 THE WITNESS: Thank you, sir. Yeah. In passing,
9 during arrests in my unit, we would say, hey, like, let's start
10 annotating it more, basically by that email. Like, I referred
11 to that email so that we can start basically complying with the
12 order.

13 Q. (By Mr. Macdonald) Have you recently gotten any
14 additional instructions with how to comply with the Court's
15 order?

16 A Other than just being verbally told by our chain of
17 command?

18 Q Yeah.

19 A No.

20 Q Okay. On or about February 13th, did you receive any
21 additional instructions from anyone about how to comply with the
22 Court's order?

23 A No.

24 Q When you're out in the field, you often have potential
25 targets you're looking for; is that true?

1 A Yes.

2 Q Could be individual people, or it could be a particular
3 geographic location; right?

4 A I mean, we have a target that we're looking for in that
5 location.

6 Q Sometimes you go to a location where you think there will
7 be a target-rich environment; is that true?

8 A That is true.

9 Q When you get targets from your intel team, sometimes that
10 information is not accurate; is that fair?

11 A That's fair.

12 Q For example, a person that your target team says for you to
13 look at could turn out to be a lawful permanent resident or LPR;
14 true?

15 A The target we're looking for?

16 Q Sometimes the target you get from an intel team, that
17 information could be wrong. You've said that?

18 A Right. Yup.

19 Q True?

20 A Yes, sir.

21 Q And sometimes the person could turn out to be an LPR, the
22 person you've gotten from your target team, your intel team?

23 A Yes. But the thing is before you make the arrest, you have
24 to do your checks yourself, or they should be done, and you have
25 to look at various systems. So, you can't just look at one

1 system and rule out that person is here illegally. But yes.
2 Sometimes when it comes from the targeting team, yes. Sometimes
3 it is wrong. Yes, sir.

4 Q Okay. And because it's wrong, I think you just testified
5 it is, you have to do your own checks; right?

6 A Yes.

7 Q And did you typically rely on your supervisor to do those
8 checks?

9 A No, sir.

10 Q Did you rely on your supervisor to review the databases to
11 confirm identities in the first instance when you were in the
12 field?

13 A I would -- I would find the target, and then I would show
14 all my basically evidence that the person is here illegally, and
15 then it's up to the supervisor whether or not they're going to
16 review that to like say yes, they are here illegally, and then
17 issue the I-200 or 205.

18 Q How about when you're making a warrantless arrest? In that
19 set of circumstance -- and that has happened; right? You've
20 made warrantless arrests?

21 A Mm-hmm.

22 Q Yes?

23 A Yes, sir.

24 Q And in that circumstance, you rely on your own expertise
25 and experience; right?

1 A It's a combination of my expertise and a field interview
2 that the person admitted to being here illegally that gave me
3 the probable cause to make the warrantless arrest.

4 Q How often are you communicating with your supervisor when
5 you're in the field on an operation?

6 A Depends. It's either after every arrest or at the end of
7 the day. It just depends.

8 Q Okay. So, it could be you communicate with your supervisor
9 at the end of the day?

10 A Yes, sir. It just depends if they're back at the office or
11 they're out with us. If they're out with us, then you're
12 communicating while you're out in the field. But if they're
13 back in the office or if they're not that -- if they're not in
14 that day, and you're acting, then maybe a phone call at the end
15 of the day, or usually the AFODs and above will know about the
16 arrests of the day.

17 Q Are you communicating with your supervisor by text
18 sometimes?

19 A Sometimes. Or a phone call or email.

20 Q Could be text. Could be email?

21 A Yes, sir.

22 Q And when -- you also are communicating with the other
23 deportation officers that are with you in the field; right?

24 A Yes, sir.

25 Q Okay. And you do that sometimes by text; true?

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1 A Yes, sir.

2 Q Sometimes all the people in an operation get on a text
3 chain, and you're texting back and forth during the operation;
4 true?

5 A Yes, sir. Or majority of the time will be on the phone
6 with a conference call.

7 Q But sometimes they're on a text chain?

8 A Sometimes.

9 Q Tell the Court what a scratch I-213 is, please.

10 A A scratch I-213 is basically all the -- it's like a field
11 interview when you ask them questions, where are they from,
12 their name, where they live, occupation. Basically it's the 213
13 just when you're talking to the person, but when you're in front
14 of them. So, you're just writing it down rather than you
15 basically processing them and actually typing it into the
16 computer. It's just a blank 213 that you're filling in.

17 Q Is there always a warrant if there's a target?

18 A Can you rephrase -- like, are you saying is there always a
19 200?

20 Q Yes.

21 A No. Because there could be a 205. It depends on the case
22 category. For instance, if the person is a reinstate, they
23 shouldn't have a 200. It should be a 205, because a 200 has
24 already been issued. Or if they have a final order of
25 deportation, then an I-200 would have already been in the file.

1 So, you wouldn't reissue another 200. Even though now we do,
2 because -- just to be really safe, but the 200 should always be
3 in the file.

4 Q Okay. Make sure I understand what you're saying. You're
5 saying now, when you go after a target who has a final order,
6 you will reissue an I-200?

7 A Yes.

8 Q And you think that's silly?

9 A Yes, sir.

10 Q Why?

11 A Because an I-200 was already issued before. That's like --
12 that's basically you're reissuing two warrants, again, when you
13 already have one, and an -- an immigration judge already said
14 yes, I order you removed from the United States. And so a 205
15 should be the next step, not a 200. Because a 205 is what
16 accompanying is it, which is the -- you have a -- either an SDDO
17 or the AFOD or the immigration judge that signs the 205, which
18 that's a part of the file.

19 Q Okay. It's also possible that someone's status could
20 change after they had a final removal order; right? Someone
21 could get a U Visa. Someone could get temporary protected
22 status. So, that's possible, isn't it?

23 A Yeah. Anything is possible.

24 Q But now you're starting to reissue I-200s, administrative
25 arrest warrants for people that you're going after; right?

1 A Reissue? Right? Is that what you said?

2 Q Issue another one?

3 A Yes.

4 Q When did that start?

5 A After the injunction.

6 Q So, that started after the injunction from this Court?

7 A My practice, yes. But I don't know about other units or
8 other individuals. But predominantly, before we would actually
9 try to locate someone, an I-200 would be issued.

10 Q When did your practice change, then?

11 A To reissue an I-200?

12 Q Yeah.

13 A It depends on the SDDO. If I would get an FOW, a field
14 office worksheet, that was the classic way of doing it, which
15 would -- you would find a target. You would type up -- we call
16 it blue folders. And then if the -- if the supervisor wanted to
17 see a 200 in there, you would reissue one, or you do a 205. The
18 correct method, if they have a final order, it would be a 205.

19 Q And --

20 A Sorry. Or you get a copy of the -- of the initial 200 that
21 was issued.

22 Q Okay. And for someone who didn't have a final order of
23 removal -- okay?

24 A Mm-hmm. Yes.

25 Q A collateral in the field that you come across, you find

1 out their identity. You form the conclusion that they're here
2 in violation of the laws. Is it your testimony you are now also
3 trying to get field warrants, I-200s obtained for those people?

4 A If they did not have a previous I-200?

5 Q Correct.

6 A Yes.

7 Q Okay. And you do that sometimes after you've put them in
8 handcuffs; true?

9 A Sometimes.

10 Q You do that sometimes when they're in your patrol car;
11 true?

12 A I don't have a patrol car.

13 Q You have a vehicle when you're out in the field?

14 A I do have a government-issued ICE vehicle, yes.

15 Q Okay. What do you call that?

16 A A government vehicle.

17 Q Okay.

18 A A G-Ride.

19 Q Sometimes you get the I-200 in the field once you've
20 already put the person in your government-issued vehicle; true?

21 A Depends, but yes.

22 Q Sometimes?

23 A Sure. Yes.

24 THE COURT: Just a minute, Mr. Macdonald. Kevin, do
25 you need a break?

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1 MR. MACDONALD: Do you want to take five minutes,
2 Judge?

3 THE COURT: Well, you've got other witnesses.

4 MR. MACDONALD: Well, let me take a break, look at
5 this, and see if we can move it along.

6 THE COURT: That's a good idea. Let's take about ten
7 minutes.

8 (Recess at 10:36 a.m., until 10:55 a.m.)

9 MR. MACDONALD: May I proceed, Your Honor?

10 THE COURT: Yes.

11 MR. MACDONALD: Thank you. Jason, can we pull up
12 Exhibit 207. Mr. JB, this is a package of exhibits -- package
13 of I-213s that we received from the Government. If we could go
14 to page 15, please.

15 MR. BROWN: Your Honor, I would just like to say, we
16 have stipulated to the admissibility of the 213s attached.
17 There's a series of exhibits like this where there is a cover
18 email from counsel to opposing counsel -- from defendants'
19 counsel to opposing counsel that attach I-213s, or really
20 they're frequently in a link to 213s, but the exhibit, the 213s
21 are attached to the exhibits. And we have stipulated to the
22 admission of the 213s; however, for the cover emails, we would
23 agree to their admission, but only in the sense that they are
24 representations of counsel, and we don't think that they are
25 substantive evidence of anything that the agency has said.

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1 THE COURT: Okay. All right, then. 207 is admitted
2 with that qualification.

3 MR. MACDONALD: And, Your Honor, just for the record,
4 we disagree with the qualification, but they're admitted, and we
5 will use them as we deem appropriate. The statement -- that
6 email on the first two pages of 207 are statements. They are
7 non-hearsay under 801(d)(2), statement of an agent within the
8 scope of the relationship, but we will let Your Honor sort that
9 out as needed.

10 THE COURT: Okay. Onward, Mr. Macdonald.

11 MR. MACDONALD: Okay. Thank you.

12 THE COURTROOM DEPUTY: Just to clarify, I do see there
13 is redacted versions as well. Do you want these published?

14 MR. MACDONALD: We're not going to publish these.
15 Thanks, Ms. Smotts. We're just going to show them on the screen
16 for the judge and the witness, if that's all right with you,
17 Your Honor.

18 THE COURT: Yeah. It's all right with me. You're
19 talking about this 213 here that's got fingerprints on it?

20 MR. MACDONALD: I am, Your Honor. That's true, Your
21 Honor. Jason, if we can, let's go back to the first page of
22 207.

23 Q. (By Mr. Macdonald) So, just to orient ourselves, Mr. JB,
24 this is a -- the first page of 207 is an email from Assistant
25 United States Attorney Mr. Brown. It's dated February 10th,

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1 2026. So, a month ago exactly. And if you see in that second
2 sentence, it says, per Judge Jackson's order and our agreement,
3 we uploaded one-third of the I-213s for warrantless arrests in
4 January. Do you see where I'm reading?

5 A Yes, sir.

6 Q Okay. So, these are I-213s for warrantless arrests in
7 January of this year. Let's look at page 15.

8 MR. BROWN: Objection, Your Honor. Lack of foundation
9 for that. The witness doesn't know anything beyond that.
10 That's a representation of counsel. He's not aware of the
11 background of that.

12 THE COURT: Okay. Okay. Fine.

13 Q. (By Mr. Macdonald) Let's go to page 15. Mr. JB, this is
14 a -- and we're not going to use the name of this person that was
15 arrested. I will refer to them as RCP with their initials, and
16 this person was arrested on January 20th, 2026. Do you see
17 that?

18 A Yes, sir.

19 Q Okay. And if we look at the next page, you're one of the
20 arresting agents? Do you see that?

21 A Can you scroll down a little bit?

22 Q Yeah. It says arresting agents right there at the top.

23 A Yes, sir.

24 Q Okay. Do you see your name?

25 A Yes, sir.

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1 Q Okay. Are any of the people on that arresting agents list
2 SDDOs, sir?

3 A Yes, sir.

4 Q Which ones?

5 A The first one.

6 Q Okay. That's the person you referred to earlier. We said
7 their name already. That's Ms. Garcia?

8 A Yes, sir.

9 Q Okay. So, you were involved in this arrest; right?

10 A It appears so.

11 Q Okay. If we see the record of deportable and excludable
12 alien, that's often referred to as the narrative; true?

13 A Yes.

14 Q Okay. You're described as part of the MCAT team, the
15 mobile criminal alien team?

16 A Yes, sir.

17 Q Okay. And you were part of that MCAT team at least as of
18 January 20th, 2026?

19 A Yes, sir.

20 Q Okay. So, at that time, you were still making warrantless
21 arrests in the field?

22 A I was making arrests in the field.

23 Q Okay. Some of those were warrantless?

24 A I can't recall all my arrests during that time. I don't
25 want to say that I made warrantless arrests, but I made arrests

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1 at that time. If it deemed necessary to make a warrantless
2 arrest, then yes.

3 Q Sitting here today, you can't remember whether you made
4 even a single warrantless arrest in the month of January?

5 A No.

6 Q Okay. The narrative says that you were conducting
7 surveillance in Castle Rock; true?

8 A Yes, sir.

9 Q And that you observed two Hispanic males; right?

10 A Yes, sir.

11 Q And how did you -- first of all, do you remember if you
12 prepared this narrative? It doesn't say; right?

13 A It looks like something I would have prepared.

14 Q Okay. You believe you prepared this; right?

15 A Yes.

16 Q And how did you identify them as Hispanic males? What
17 features led you to conclude that they were Hispanic males?

18 A After the fact. Like, this is written after. So, two
19 males came out that matched the description of my -- of the
20 target, but two males came out. We added Hispanic after because
21 they are Hispanic males.

22 Q Okay. You didn't identify them as Hispanic males at the
23 time --

24 A No.

25 Q -- before --

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1 A No. I would identify people as someone that resembles my
2 target.

3 Q Okay. And that's what you think happened here?

4 A I have to -- you have to give me time to read over it.

5 Q Okay. Yeah. Please do.

6 A Okay.

7 (Pause in the proceedings.)

8 A Okay.

9 Q So, does this refresh your memory that in fact they didn't
10 match the description of your target?

11 A Matched the description, but it was not my target.

12 Q Sorry. You're testifying that the two -- one or both of
13 the individuals matched the description of your target, sir?

14 A Well, that's -- that's the way I would have to be, because
15 I can't see the photo up top on the 213, and I don't have a
16 photo of my original target at this time. So, if I -- at the
17 time if I believed that person could be my target, and I have
18 reasonable suspicion that that is my target, then yes. We would
19 target that person.

20 Q Where in your encounter do you describe that either of the
21 two people match the description of your target?

22 A I didn't, but I did run the plate of that vehicle, and
23 that's how we found out who their -- what their identity was.

24 Q Okay. So, you didn't write down that one of these two
25 people matched, at least in your view, the description of the

1 target. You forgot to write that down?

2 A It's not in there. Correct.

3 Q Okay. Should it have been in there?

4 A It could be.

5 Q Should it have been in there, sir?

6 A I mean, it just depends.

7 Q Sometimes you put it in there, and sometimes you just leave
8 it out?

9 A Well, I don't think every 213 is perfect, sir. But this is
10 as accurate as possible at that time.

11 Q Make sure I understand that. It's as accurate as possible
12 at that time, even though you're testifying now that you left
13 out the fact that one of the people looked like the target?

14 A I'm saying that I don't remember this incident exactly.

15 THE COURT: Who was the target?

16 THE WITNESS: It says right here.

17 MR. MACDONALD: Let's use the initials. Is it BF?

18 THE WITNESS: BF.

19 Q. (By Mr. Macdonald) The person identified as BF in this
20 I-213?

21 A Yes, sir.

22 Q Okay. And why was it relevant -- you prepared this
23 narrative after the arrest; right?

24 A Yes.

25 Q Okay. Did you do it in the field, or did you do it back

1 when you were at headquarters?

2 A My normal practice is to do it -- I've done it out in the
3 field, but my normal practice is to do it back at the office.

4 Q Okay. And you don't remember here whether it was in the
5 field or back at the office?

6 A No, sir.

7 Q Okay. Would it help you if you looked at the time this was
8 prepared on the first page, the date and hour?

9 A No.

10 Q Why would that not help you?

11 A Because it's not like we make one arrest and we're done for
12 the day. We have other targets that we're going to go back and
13 try to locate and stuff like that.

14 Q Okay. So, you may have to wait a while before you fill out
15 the narrative, because you're going after other targets?

16 A Sometimes.

17 Q Okay. Why was it relevant after the fact to describe them
18 as Hispanic males?

19 A Because they're Hispanic males.

20 Q Why was it important to describe that?

21 A It's -- if you're going to give a description of somebody,
22 you're going to give, you know, height, weight, what they look
23 like.

24 Q Okay. The narrative, you didn't include height, weight, or
25 what they looked like?

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1 A Up top, it will say what height and weight they are.

2 Q The person that you arrested here, Mr. RCP had no prior
3 criminal or arrest history; true?

4 A I don't know.

5 Q Let's look at page 17 of the exhibit, the next page of the
6 I-213 at the top. Can you see criminal history?

7 A Yes, sir.

8 Q It says that RCP has no prior criminal or arrest history?

9 A It says that, but I don't -- this wasn't -- usually I only
10 write down the encounter, and then the processing team will fill
11 all that in, like gang affiliation, all that stuff.

12 Q Okay. And I missed the beginning.

13 A Oh. I said I probably did not prepare the criminal history
14 part or gang affiliation or anything like that. That's done by
15 the processing team. During this time, I would do the narrative
16 part, like the encounter.

17 Q Okay. But in any event, you don't dispute that RCP had no
18 criminal history?

19 A I don't know if he did or not, but I can tell you that he's
20 here in the country illegally, which is a crime.

21 Q Just being in here, like a Visa overstay? That's a crime?

22 A In the INA, yes.

23 Q You didn't note in the encounters -- and let's go back to
24 that. Is it your testimony that being in the country
25 unlawfully -- well, strike that. We'll come back to that. It

1 also says that Mr. RCP stated he's not in or associated with any
2 gangs; right?

3 A If that's what he told the processing team.

4 Q Okay. You didn't have any contrary information to either
5 of these, that he had no prior criminal or arrest history, or
6 that he's not associated with any gang?

7 A No.

8 Q All right. On the encounter, you were attempting, you say,
9 to locate Mr. BF; right?

10 A Yes.

11 Q But that RCP got into a Honda Civic with certain plates,
12 and you indicate that the vehicle is registered to BF, who was
13 your target; right?

14 A Yes.

15 Q You say you followed the vehicle. You performed a stop by
16 activating your lights; true? That's what you say?

17 A That's what it says in the 213, yes.

18 Q Okay. You go on to say that you -- officers contacted both
19 occupants simultaneously and requested identification?

20 A Yes.

21 Q That would be a typical practice --

22 A Yes.

23 Q -- for you? You say that officers identified themselves as
24 officers with ICE, performed a field interview. That is one of
25 your typical practices?

1 A Yes.

2 Q You say during the interview, both admitted to being in the
3 U.S. illegally with no documents. Do you see that?

4 A Yes.

5 Q Lots of your I-213s say that?

6 A A lot?

7 Q Yeah.

8 A I can't say every single one, but it's a common -- yes.

9 Q All right. And is your testimony that at least in lots of
10 the field interviews that you've done, people, including here,
11 RCP, just admitted that they were in the country without
12 documents?

13 A During the investigation, yes.

14 Q This would have been in the field; right?

15 A Yes.

16 Q Okay. And after the interview in which you say that both
17 individuals admitted to being in the U.S. illegally with no
18 documents, officers ordered both out of the vehicle. Both
19 complied with the orders, and officers informed them that they
20 are under arrest for immigration violations; true?

21 A Yes.

22 Q Okay. And you applied handcuffs, and both were transported
23 to the Denver field office for processing?

24 A Yes.

25 Q Okay. You didn't know the identity of RCP at the time you

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1 made that -- that you stopped the vehicle; true?

2 A Yes.

3 Q You didn't know the identity of the other person that was
4 pulled over and then arrested with RCP; true?

5 A Before; correct?

6 Q Okay. You didn't know who they were until they provided --
7 well, in fact, here, you don't even say that they provided
8 identification, do you?

9 A Both handed officers the Colorado driver's license
10 identification and Mexican identification.

11 Q Thank you. Thanks for that clarification. I've seen a lot
12 of I-213s. Okay. So, they provided their identification?

13 A Yes, sir.

14 Q You don't say that they were fraudulent or with false
15 names; right?

16 A Correct.

17 Q So, the people handed you their identifications. You say
18 they said they were here illegally. You ordered them out of the
19 car and placed them under arrest and took them to processing;
20 true?

21 A I did -- common practice at the time was to try to get an
22 I-200 signed.

23 Q Could you say that again, please?

24 A Yeah. Common practice after we already did the interview
25 and everything, we determined they are here illegally, we would

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1 try to obtain an I-200. That was the common practice.

2 Q Do you say anything about that alleged common practice in
3 this I-213?

4 A No, sir.

5 Q And do you know whether you got an I-200 for RCP or the
6 other passenger, the other collateral who was in the vehicle
7 with him?

8 A Common practice is at some time an I-200 would have been
9 issued.

10 Q Okay. That wasn't my question, sir.

11 A I'm sorry.

12 Q Do you know whether you got an I-200 for RCP?

13 A You're asking me about several arrests. I can't tell you
14 exactly about this one.

15 Q Okay. Could you, from your files at ICE, have gone and
16 checked before you came in here to testify today?

17 A To see if there's a 200 in there?

18 Q Yes.

19 A Yeah.

20 Q You didn't do that?

21 A No, because I didn't know about this case. This was all a
22 surprise, all these 213s.

23 Q Okay. Would you normally -- if you had gotten an I-200
24 after you placed handcuffs on RCP, would you normally have noted
25 that in this I-213 narrative?

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1 A Can you repeat it one more time?

2 Q Yes. If you had obtained an I-200 administrative warrant
3 in the field after this encounter began, would you normally note
4 that in the -- in this I-213 narrative section?

5 A Sometimes.

6 Q Sometimes you do, and sometimes you don't?

7 A Sometimes they -- I might forget to actually put it in
8 there.

9 Q You agree that both RCP and the other person in the car
10 would be deemed collaterals, as you understand the word?

11 A Depends. It could be targeted. It could be -- or
12 collaterals.

13 Q How were they targeted here, sir?

14 A No. I'm saying it just depends, but these would be
15 collaterals.

16 Q That was my question.

17 A Yes.

18 Q You agree that these two people that you arrested there --
19 describe in this I-213 would be collateral?

20 A They would be collaterals of the initial target.

21 Q All right. But they weren't with the initial target; true?

22 A True.

23 Q All right. And when would you have been able to get an
24 I-200 field arrest warrant in this circumstance, given the
25 description that you provide in the I-213?

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1 A After a field interview. I would attempt to either reach
2 out to my supervisor, or if one of us are acting that day, we
3 could issue an I-200.

4 Q You weren't acting as an SDDO this day; right?

5 A It says that Rhiannon Garcia was the SDDO. So, she would
6 have issued it either on scene, or I would have had to have made
7 a phone call.

8 Q You don't know whether SDDO Garcia issued an I-200 for this
9 arrest, do you?

10 A I don't know, no.

11 Q And speaking of -- and you were not acting. That's clear;
12 right? Acting SDDO in this incidence?

13 A Correct. It appears.

14 Q And with respect to acting -- being an acting SDDO, what
15 specific training have you received to be an acting SDDO?

16 A It's not a -- it's not a training. You have to be a senior
17 deportation officer, GS-12 or higher.

18 Q Okay. There's no specific training that you've received
19 for that?

20 A No.

21 Q Okay. This I-213 doesn't say one way or another whether
22 it's a warrantless arrest; true?

23 A Correct.

24 Q This I-213 does not contain the specific particularized
25 facts supporting a conclusion that the person was likely to

1 escape before a warrant could be obtained; true?

2 A True, because if an I-200 was issued, you wouldn't write
3 that in there.

4 Q But you don't know if one was?

5 A Correct.

6 Q You agree you did not have any particularized facts
7 supporting a conclusion that RCP was likely to escape before a
8 warrant could be obtained; true?

9 A Say that one more time?

10 Q You did not have any particularized facts supporting a
11 conclusion that RCP was likely to escape before a warrant could
12 be obtained, did you?

13 A That's false. Due to -- during that field interview, if
14 they don't have a -- like for instance he's driving somebody
15 else's car. So, for me -- or he doesn't have a stable address.
16 So, for me to try to find him again, the likelihood of me being
17 able to locate him again is near zero. So, a warrantless arrest
18 would be practical in that time.

19 Q Okay. You said that RCP didn't have a stable address. How
20 did you know that --

21 A That's not what I said.

22 Q Excuse me. Let me finish my question. You just testified
23 that RCP didn't have a stable address. How do you know that,
24 and where did you indicate that in the I-213?

25 A That's not what I'm saying. What I'm saying is if he

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1 didn't -- I don't know if he did or not at that time, like,
2 looking at this. But at the time, while I'm doing my field
3 interview and my investigation, if he doesn't have a stable
4 address or he doesn't have ties to the community anything -- or
5 those criteria, then we would make a warrantless arrest. But I
6 don't know if this was a warrantless arrest or we already had
7 I-200s on scene due to common practice was to get a signed I-200
8 from an SDDO.

9 Q So, you didn't -- you don't know whether he had ties to the
10 community; right?

11 A Looking back, you're asking me about one arrest, like,
12 after several.

13 Q Okay. I just want to make sure I get an answer to my
14 question. I know the judge is going to get frustrated with me
15 the longer we go. Do you know --

16 THE COURT: Is going to get?

17 MR. MACDONALD: Fair point, Your Honor. I probably
18 started that way.

19 Q. (By Mr. Macdonald) Do you know whether RCP had ties to
20 the community?

21 A Right now?

22 Q Yes.

23 A I don't know right now.

24 Q Did you know at the time?

25 A If -- because I would have asked the question, yes. I

1 would have known at the time.

2 Q You just wouldn't have written it down?

3 A No.

4 Q Okay. You didn't -- did you know whether he had a stable
5 address?

6 A I would have asked him at the time.

7 Q You just forgot to write that down too?

8 A Well, I wouldn't have written it down if we would have had
9 an I-200.

10 Q Which you don't know whether you did or not?

11 A Exactly.

12 Q Let's take a quick look at the first page of that I-213
13 again. Up at the top, it has the address. Do you see that --

14 A Yes, sir.

15 Q -- for RCP?

16 A Yes, sir.

17 Q That would have come from his driver's license; right?

18 A Depends.

19 Q Maybe?

20 A Possibly. It depends on the processing -- the processing
21 team actually inputs all this into the computer, and then it
22 spits it out onto the 213. So, whatever address the individual
23 gave to the processing team, it would be put up there, or it
24 could be on his driver's license.

25 Q Okay. And if we look at the date and hour over on the

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1 right-hand side, it says 1/20/2026 at 1340. Does that mean this
2 was filled out back at the headquarters at 1:40 p.m.?

3 A Yes.

4 Q Okay. Are you aware that RCP submitted a declaration in
5 this case? Were you aware of that?

6 A No.

7 Q For the Court's benefit, it's Exhibit 250. And are you
8 aware that he testified -- declared that this arrest happened at
9 about 7:00 a.m.?

10 A That's possible.

11 Q Okay. You wouldn't dispute that?

12 A No.

13 MR. MACDONALD: All right. Let's take a quick look at
14 Exhibit 208, please. Move admission of Exhibit 208, Your Honor.

15 MR. BROWN: Same objection as before with regard to
16 the cover emails, but otherwise it's fine.

17 THE COURT: Okay. It's admitted.

18 Q. (By Mr. Macdonald) Let's turn to page five of the
19 exhibit, please. So, and actually -- so, this is another
20 arrest. It's dated the same, January 20th. It's for someone
21 with the initials MACV. You see the address is actually the
22 same address in Castle Rock that we just looked at for RCP, but
23 I will -- let's look at the encounter here on the next page.
24 And just to be clear, this is another one of your arrests. Do
25 you see your name here?

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1 A Yes.

2 Q Okay. And the encounter information, I will represent to
3 you, it's identical to Exhibit 207, the encounter for RCP. You
4 can just kind of quickly see that it's the same date. It's the
5 same individuals conducting surveillance, referenced to BF and
6 car. Do you see that?

7 A Which means they were in the vehicle together.

8 Q So, this is in fact the other collateral -- MACV is the
9 other collateral who was arrested with RCP; right?

10 A They were arrested together, yes.

11 Q Okay. And this is your encounter; right?

12 A Yes.

13 Q Okay. And this one actually says the following encounter
14 and arrest narrative was authored and provided by Deportation --
15 sorry -- DO JB. I caught myself. Sorry, Your Honor. Right?

16 A It does say that, yes.

17 Q The other one didn't say that. This one did, so that just
18 confirms you are the author of the narrative. The narrative is
19 identical for both people; true?

20 A Yes.

21 Q And this one doesn't have -- because it's identical, we
22 don't even need to ask those questions. The same I-213, same --
23 or at least same narrative for that. Do you recall that the
24 driver's license that RCP and MACV provided to you had a black
25 banner that said not valid for federal identification purposes?

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1 A I can't recall, but that sounds about right.

2 Q Okay. That's something common; right? You've seen that in
3 a lot of folks?

4 A That are here illegally.

5 Q That are here?

6 A Unlawfully.

7 Q Say that again?

8 A Unlawfully.

9 Q Yes. So, you've seen lots of people that you stop that
10 have a license that has a black bar that says not valid for
11 federal identification purposes?

12 A Yes. A lot, but not all.

13 Q Say again?

14 A I said yes, a lot, but not all.

15 Q And when someone has that license, what does that tell you?

16 A It tells me -- it's an indicator that they don't have a
17 Social due to the fact that they're likely here without status.

18 Q And the Court has heard this referred to as an SB251
19 license from the State statute that created the ability for
20 people to get these licenses. Have you heard of that?

21 A Yes.

22 Q Okay. So, is it okay if I refer to these as SB251
23 licenses? You will know what I'm talking about?

24 A Yes, sir.

25 Q Do you understand that people with an SB251 license are not

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1 necessarily here in the country unlawfully?

2 A Yes.

3 Q Okay. Did you fill out a scratch I-213 for either the
4 arrest of RCP or MACV?

5 A I can't recall, because sometimes back at the field office,
6 you would do a scratch 213.

7 Q Did you have -- so, you don't know one way or another
8 sitting here today?

9 A Exactly.

10 Q Did you have any text or other conditions with your SDDO or
11 any of the other DOs who were on the scene at that arrest?

12 A I can't recall, because if we were all there together, we
13 would talk amongst ourselves.

14 Q So, you don't know one way or another?

15 A No.

16 Q Did you document anywhere facts that would lead you to
17 conclude that either RCP or MACV was likely to escape before a
18 warrant could be obtained?

19 A You're asking if we documented it?

20 Q Yeah. Did you document it anywhere?

21 A No.

22 MR. MACDONALD: Okay. Let's look at Exhibit 204.
23 Move admission of Exhibit 204, Your Honor.

24 MR. BROWN: Same objection. Stipulation to the cover
25 email, but otherwise --

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1 THE COURT: Okay. 204 is admitted with that
2 qualification.

3 MR. BROWN: Thank you, Your Honor.

4 Q. (By Mr. Macdonald) Let's look at Exhibit 15 -- I'm sorry.
5 Page 15 of Exhibit 204. Mr. JB, this is an I-213, an arrest
6 that happened on December 27th, 2025, two days after Christmas,
7 of a person named R -- with the initials RHG. Do you see that?

8 A Yes, sir.

9 Q Okay. If we look at the next page, you're one of the
10 arresting officers. Do you see that?

11 A Yes, sir.

12 Q If we look at the encounter data, down below, this was
13 authored and provided by you; true?

14 A Looks like something I would write.

15 Q Okay. And this one actually says, the following encounter
16 and arrest narrative was authored and provided by DO, with your
17 name; true?

18 A Yes.

19 Q Okay. Here again, you reference that you were conducting
20 surveillance in an attempt to locate a particular individual;
21 true?

22 A Can you give me a second just to read it real quick?

23 Q Absolutely. Sorry about that.

24 (Pause in the proceedings.)

25 A Okay.

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1 Q You were conducting surveillance, looking for a target;
2 true?

3 A Yes.

4 Q You say you observed three Hispanic males speaking Spanish;
5 true?

6 A That is what's written down, yes.

7 Q Okay. How did you know -- same discussion about Hispanic.
8 Is this something you added later, or did you identify them as
9 Hispanic at the time? And if so, how?

10 A Yes. Afterwards, yes. I would write in there, Hispanic
11 male.

12 Q Okay. And you say that one of them matched the description
13 of your target?

14 A That's what it says.

15 Q Okay. And that they got into a car that was registered to
16 a particular person whose initials are J -- we will call them
17 JAH for this purpose.

18 A Okay.

19 Q Leaving out a couple middle names, if we can. And you go
20 on to say you ran some checks. Do you see that?

21 A Yes.

22 Q Do you know what checks you ran?

23 A I would have ran all immigration checks. There's various
24 systems that we would have ran.

25 Q Okay. What type of system would lead you to conclude that

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1 this person had no legal status, JAH?

2 A If he has a prior, like, either he's trying to petition for
3 a Visa or he's been encountered by immigration before, or just
4 there's different ways that we can find out if they're here
5 unlawfully.

6 Q Sitting here today, you're not sure what you checked, but
7 just that you did a check; is that right?

8 A Yes, sir.

9 Q Okay. And then it says you identified JAH as the driver.
10 How did you do that?

11 A How did I positively ID, like, who he is?

12 Q Yeah.

13 A Through his picture.

14 Q He was driving a car, and you were behind him, and you were
15 able to identify him?

16 A No. It says right here that there was three of them;
17 right? I believe that I actually spotted them outside the
18 vehicle before they got into it. And so the driver or one of
19 the occupants who looked like my target, ran the plate that the
20 vehicle they got into, saw the driver, and was like, that's the
21 driver that is registered to that vehicle.

22 Q All right. I just apologize. I'm just trying to
23 understand the logistics. So, you identified three people. You
24 thought one of them was your target?

25 A Yes.

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1 Q Turns out that's wrong; right? None of them were your
2 target?

3 A Correct.

4 Q Okay. But they got into a vehicle. So, at that point, all
5 three of them are in a car; true?

6 A Yes.

7 Q You're behind them, because you're looking at their plate;
8 true?

9 A It's either, I could have got the plate from -- from the
10 vehicle or behind the vehicle.

11 Q Okay. So, you think you were in front of them, turned
12 around --

13 A No.

14 Q -- looked at their plate?

15 A No. Like, if we're in a parking lot, and they're parked,
16 and I'm perpendicular to them, I could get a plate that way. Or
17 I could do a drive-by, pass the vehicle, turn around, and then
18 set up. It just depends.

19 Q You don't remember how this happened?

20 A No, sir.

21 Q Okay. But they got in a vehicle. You were running the
22 plates. You identified who the plates belonged to. You ran a
23 check on that person?

24 A Yes.

25 Q And then it's your testimony that you must have had a

1 picture of that person, and you're saying you also had a clear
2 shot of the driver, and you could link the picture in your
3 system with the driver?

4 A If I look at a picture and I see the person's face, then I
5 can -- and it looks pretty accurate, the conclusion would be
6 that's probably the driver.

7 Q Okay. While they're driving away from you?

8 A Yeah.

9 Q You then pulled the vehicle over; right?

10 A Yes.

11 Q Activated your lights? You say you attempted to speak to
12 them in English; right?

13 A Yes.

14 Q You asked where they are from, and they all claimed to be
15 from Mexico?

16 A Yes.

17 Q You asked if they are all in the United States illegally,
18 and all said yes, illegal. That's what you wrote?

19 A Yes.

20 Q And at that point, you ordered them out of the vehicle and
21 identified yourselves as ICE officers and informed them that
22 they were under arrest for immigration violations, placed in
23 handcuffs; right?

24 A Yes.

25 Q And transported them to the field office; right?

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1 A Yes.

2 Q Okay. So, RHG, the subject of this I-213 was not driving;
3 true?

4 A True.

5 Q You had no idea who he was when you pulled him over; true?

6 A I didn't -- I did know who the driver was.

7 Q You had no idea who RHG was when you stopped the car; true?

8 A I did know. I ran the plate.

9 Q RHG is not the person who was driving, and is not
10 associated with the plate. Do you understand that from your own
11 encounter here?

12 A Sorry. Okay. So, he's one of the other collaterals.

13 Q He's another collateral. You didn't know who RHJ [sic] was
14 when you pulled him over; true?

15 A True.

16 Q And you asked two questions, according to your encounter:
17 Where are you from, and are you in the country illegally? Those
18 are the two questions that you wrote down that you asked them?

19 A Yes.

20 Q Okay. And then your narrative says you informed them they
21 were under arrest. At that point, and I don't think I'm
22 mistaken, you had not even obtained RHG's driver's license, at
23 least according to your account; right?

24 A I would already -- so, you're trying to say that I did my
25 field interview, and they already claimed to be here illegally?

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1 Correct?

2 Q I'm asking what you documented in your encounter, Mr. JB.

3 A And I'm saying I would have done my field interview, and as
4 soon as they would have claimed they're not from the United
5 States and they're here illegally in the United States, I had
6 probable cause to arrest them.

7 Q And so that's what you did. You arrested them?

8 A Yes.

9 Q Okay. You didn't ask them anything about their community
10 ties; true?

11 A I would have asked after.

12 Q After you arrested them?

13 A As soon as I put them in handcuffs, because if you do -- if
14 you ask more questions, the likelihood of them trying to escape,
15 it increases.

16 THE COURT: Which language were you speaking with
17 them?

18 THE WITNESS: If they understand some English, then
19 English. And if Spanish, then Spanish.

20 THE COURT: But I asked which language did you speak
21 with these guys?

22 THE WITNESS: I would have spoke Spanish.

23 THE COURT: Can you demonstrate how you would ask them
24 about their residence and other things like that?

25 THE WITNESS: Yeah. Like, where they're actually

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1 from?

2 THE COURT: Yeah.

3 THE WITNESS: I would ask them like de qué país eres,
4 like what country are you from? Tiene documentos, like any
5 papers, identification, stuff like that. It's very, very basic.
6 And if they're not understanding that, and they're not
7 understanding the question, then yes, I would have to call my
8 language line to try to get the question answered, but majority
9 of the people do understand the questions that I'm asking.

10 Q. (By Mr. Macdonald) And how about how would you ask them
11 in Spanish about their community ties?

12 A That's a question I would have to ask later, because I
13 would ask them, do you have any kids? Like, what do you do for
14 work? And stuff like that.

15 Q Okay. You would ask them about their community ties after
16 you arrested them?

17 A Sometimes.

18 Q Okay.

19 A Like, if they're compliant and they're not trying to escape
20 or anything, then yeah. I would ask them tienes hijos, like
21 what do you do for work, stuff like that.

22 Q You would ask them about their community ties, like where
23 they went to church?

24 A I wouldn't ask them that.

25 Q All right. You didn't document any -- any of the facts

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1 related to the risk of escape here in the I-213; right?

2 A No.

3 Q You don't indicate that -- on here that this is a
4 warrantless arrest, do you?

5 A No. Because it might not have been a warrantless arrest.

6 Q Again, sitting here today, you have no idea whether it was
7 a warrantless arrest or not?

8 A Because it could have been we got I-200s on scene.

9 THE COURT: You say it might not have been, and it
10 could have been.

11 THE WITNESS: Yes, sir.

12 THE COURT: You just don't know, do you?

13 THE WITNESS: Not in this exact instance, because
14 later on, I would actually start putting this was a warrantless
15 arrest. And so to my understanding, if I didn't put it in
16 there, then we would actually have I-200s on scene signed before
17 actually taking them into custody.

18 THE COURT: Have you seen that signed I-200 for this
19 individual?

20 THE WITNESS: No, sir. Due to the fact that I wasn't
21 able to see all the 213s that were submitted to go back and have
22 time to prep to see if we had 200s, because common practice is
23 at some time a 200 will be signed, either on scene, back at the
24 field office, or prior. So, there's -- we don't have an
25 instance where a 200 is never issued.

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1 THE COURT: So, then your testimony would be that you
2 never have a warrantless arrest, under your definition of what
3 that means?

4 THE WITNESS: Yes. At the first, it would be a
5 warrantless arrest, and then we would obtain the 200. Just due
6 to the circumstances of EOIR or court, you have to have an I-200
7 to put them into proceedings.

8 Q. (By Mr. Macdonald) You're getting these warrants after
9 the fact, after the arrest, aren't you? Isn't that the truth?

10 A After the arrest, or during?

11 Q After the arrest.

12 A During or after.

13 Q Let's look at the same exhibit, 204, page 11. This is the
14 arrest of the driver, JAH, that we were just talking about. Do
15 you see his name at the top? Same date of action? And if you
16 turn to the next page, we see you're listed as one of the
17 arresting agents? Do you see that?

18 A Yes, sir.

19 Q Okay. And if we look at the encounter, it's the same
20 encounter; right?

21 A Appears as if.

22 Q Okay. So, this is from you, same person. Don't remember
23 whether this was a warrantless, don't remember what you asked
24 them about their family ties or anything else; true?

25 A True.

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1 Q All right. Do you remember where you heard them speak in
2 Spanish?

3 A No.

4 Q Do you remember if you got a call from someone from a
5 McDonald's restaurant informing you or one of your colleagues
6 about these three individuals?

7 A No.

8 Q You don't know one way or another?

9 A No.

10 MR. MACDONALD: Let's look at Exhibit 237, please.
11 Exhibit 237. And, Your Honor, I will use the name of this
12 individual, because it's public in light of Your Honor's habeas
13 petition that you granted for Mr. Deonicio Castillo Cabral, who
14 is going to testify later today if I ever stop talking.

15 THE COURT: Well, I hope so. And just to that point,
16 we only have today, and at 1 o'clock, I have a short hearing in
17 another case. It won't take, I hope, more than 10 or 15
18 minutes, but it seems like you're using an awful lot of time
19 with one witness.

20 MR. MACDONALD: Understood, Your Honor. Move
21 admission of 237, please.

22 MR. BROWN: No objection.

23 THE COURT: All right. It's admitted. Onward.

24 THE COURTROOM DEPUTY: Mr. Macdonald, do you want this
25 one published?

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1 MR. MACDONALD: Let's not publish this one either.

2 Thanks, Ms. Smotts.

3 Q. (By Mr. Macdonald) If we look at the fifth page in the
4 exhibit, this is an I-213 for Mr. Castillo Cabral.

5 A Okay.

6 Q Have you reviewed it, sir?

7 A Yes.

8 Q It's an arrest you were involved in of Mr. Castillo Cabral
9 on January 14th, 2026?

10 A Yes.

11 Q Okay. And this is one where you actually document getting
12 a signed I-200 in the field; right?

13 A Well, it says officers were able to obtain a signed I-200
14 before the arrest. Then it says, we were also able to get a
15 signed I-200.

16 Q For Mr. Castillo Cabral, down at the bottom?

17 A Correct.

18 Q Okay. And I'm going to try to move very quickly. Do you
19 have any independent recollection today of this encounter,
20 Mr. JB?

21 A No.

22 Q None whatsoever?

23 A No.

24 Q Okay. So, whatever it says in this encounter is at least
25 the best recollection you would have of what happened to

1 Mr. Castillo Cabral?

2 A Yes.

3 Q All right. Were you an acting SDDO on this day?

4 A Possibly.

5 Q You don't know one way or another?

6 A Negative. Because there's no -- I can't -- can you scroll
7 up to see where it says arresting officers? Actually, scroll
8 down. Sorry. It will be down -- can you go to the part where
9 it says -- yeah. Arresting officers?

10 Q Yeah. This one doesn't totally say arresting officers, and
11 you don't know -- it was going to be one of my questions, but
12 I'm trying not to wear out my --

13 THE COURT: I think it does say that.

14 Q. (By Mr. Macdonald) It says there was two of you. We know
15 there was you, and we know there was a person with the initials
16 JL, another DO who is identified here. The two of you?

17 A Yes, sir.

18 Q Is it possible that you were the only two there at this
19 arrest?

20 A Yes, sir.

21 Q Okay. Sometimes that happens, there's just two of you?

22 A Yes, sir.

23 Q Here you went to a construction site?

24 A Yes.

25 Q All right. Mr. JB, in your view, is someone being stopped

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1 in a vehicle sufficient for probable cause to satisfy the
2 likelihood of escape prong?

3 A Say that one more time?

4 Q Is someone being stopped in a vehicle sufficient to
5 establish in your mind probable cause to satisfy the likelihood
6 to escape prong, the requirement for a warrantless arrest?

7 A I'm not understanding that question.

8 Q You stopped someone in a vehicle?

9 A Mm-hmm.

10 Q Do you follow that?

11 A Yes.

12 Q Let's assume you don't have an I-200, and you're making a
13 warrantless arrest. Okay?

14 A Okay.

15 Q In your mind, based on your experience and training, is the
16 fact that you stopped them in a vehicle sufficient to give you
17 probable cause that the person is likely to escape before you
18 can obtain the warrant?

19 A I mean, it plays a factor. Like, they could drive off, but
20 that doesn't give me whether the likelihood of them to escape or
21 not.

22 Q It doesn't do that?

23 A I'm just not understanding the question at all. Because we
24 had I -- like, an I-200. So --

25 Q Yeah. I'm trying to move on from the I-200s. So, let's

1 pull the I-200 down. I'm talking about in a general situation,
2 you have pulled people over in a vehicle, and I'm trying to
3 understand your view of what gives you probable cause that the
4 person is likely to escape. And I'm just trying to understand
5 whether you believe that pulling them over in a vehicle gives
6 you probable cause that they're likely to escape.

7 A No.

8 Q Okay. How do you factor in a person's age or health in
9 evaluating likelihood of escape?

10 A Oh, well, age is very important. So is health. Like, if
11 they're under the age of 18, we don't have the facilities to
12 detain that person, or if they're over -- used to be a certain
13 age that we would have to ask for supervisor approval to take
14 them into custody. Health, if they're in really bad health,
15 then yeah. We're not going to detain them.

16 Q I want to finish with just a few questions about your
17 testimony in the Oregon case. You were sent to Oregon as part
18 of an ICE operation in October of 2025; true?

19 A True.

20 Q You spent 30 days there; true?

21 A I think it was actually less than 30. Like 28, I think.

22 Q Twenty-eight days?

23 A Sure. Yes.

24 Q You had a target to arrest eight people a day; true?

25 A I don't think there was a number on it. But I think

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1 they -- I think they did actually finally was like, hey, like,
2 the spot that we wanted to be at was eight per team. But
3 they -- it never came out in writing.

4 Q All right. If you testified that you had a target goal of
5 eight arrests per day, would that be inaccurate?

6 A No. That's -- that's accurate, but it was never in
7 writing. That's what I'm saying.

8 Q Okay. It wasn't in writing, but someone told you --

9 A Yes, sir.

10 Q -- target goal of eight arrests per day?

11 A Yes, sir.

12 Q Okay. And you were able to meet those expectations at
13 least sometimes over the course of your 28 days in Oregon?

14 A Yes.

15 Q Does the target teams here in Colorado have -- does each
16 team have a similar target goal of eight arrests per day?

17 A No.

18 Q How many?

19 A No. We don't have a -- we don't have a target. Like, we
20 don't have a number.

21 Q If Mr. Guadian or Mr. Davies testified there was a target
22 goal of three arrests per day, would that be inaccurate?

23 A I don't remember them ever saying that.

24 Q You recall you were involved in a warrantless arrest in
25 Oregon on October 30 of seven people in a white van?

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1 A I don't know how many people, but yeah.

2 Q A number of people in a white van?

3 A Yes, sir.

4 Q You testified about it earlier on your direct and said the
5 people tried to escape?

6 A Yes.

7 Q Okay. One of those people filed a habeas petition, a
8 petition in federal court?

9 A Yes.

10 Q You're aware of that? That person is MGMA. That's the
11 caption of the case. Do you remember that?

12 A Yes.

13 Q You testified in front of United States District Judge
14 Kasubhai of the District of Oregon. Do you remember that?

15 A Yes.

16 Q You were the person who made the decision to initiate the
17 traffic stop; true?

18 A After investigation, yes.

19 Q One of the reasons you wanted to stop the van is because
20 you were concerned about possible human smuggling or human
21 trafficking. That's what you testified to; true?

22 A It was a possibility, yes.

23 Q Okay. After stopping the van, you smashed the driver side
24 window; true?

25 A After repeated -- being repeatedly ordered to roll down the

1 window.

2 Q Is that your testimony?

3 A Yes.

4 Q Okay. You smashed the window?

5 A Yes.

6 Q You did that within a couple seconds of the first order to
7 roll down the window; true?

8 A Yes.

9 Q There was video of you smashing the window that was entered
10 into evidence in the Oregon case; true?

11 MR. BROWN: Objection, Your Honor. What is the
12 probative use of this evidence in this case that impacts arrests
13 in Colorado?

14 THE COURT: Are you asking me?

15 MR. BROWN: I'm saying there is none, and the
16 prejudice clearly outweighs it, and there's no relevance to this
17 case here.

18 THE COURT: Mr. Macdonald?

19 MR. MACDONALD: It goes to credibility. Just a few
20 more questions based on what happened in that trial, Your Honor.

21 THE COURT: The objection is overruled.

22 Q. (By Mr. Macdonald) There was video of you smashing the
23 window; true?

24 A There was video.

25 Q The federal judge found that you, quote, did not provide

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1 any meaningfully reasonable time for the driver to comply with
2 your commands before driving -- excuse me -- before shattering
3 the driver side window; true?

4 A I don't -- I don't think he -- I don't know if he made a
5 decision on that.

6 Q Okay.

7 A I'm not aware of that.

8 Q You testified in the MGMA habeas case about the vehicle
9 owner having a rap sheet -- the vehicle owner of the white van
10 that you pulled over, and you testified that it said Mexico on
11 it; right? Do you remember that testimony?

12 A That's what was told to me over the -- how we were
13 communicating.

14 Q Okay. The Court found that you, quote/unquote, destroyed
15 the rap sheet and other documents relating to the mission that
16 morning. Are you aware of that?

17 A I got rid of target -- the target packages, or I don't like
18 to call it target packages, but the -- basically most of the,
19 like, pictures or notes that I had due to the fact that I'm not
20 assigned to the Portland office. So, if I would have kept it in
21 my vehicle, it would have got confused with targeting here in
22 Colorado. But I didn't do it intentionally due to the court
23 case. I didn't know about the court case until after I already
24 got rid of it.

25 Q The court case was filed the day after the arrest of MGMA;

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1 is that right?

2 A I don't know. But I wasn't aware of that, though.

3 Q With respect to the testimony about human smuggling, the
4 Court found, quote, officer testimony regarding human smuggling
5 serves only as an inappropriate pretextual reason for developing
6 reasonable suspicion for a stop, and that officers' concerns of
7 human smuggling are unfounded. Are you aware of that?

8 A No.

9 Q In that case, you signed a scratch I-213, but the
10 supervisor in that instance with the initials RF wrote the
11 encounter for MGMA and the I-213 after getting a description of
12 the arrest from you; is that true?

13 A I don't think I wrote the scratch 213.

14 Q Did you sign the scratch I-213?

15 A I don't think I did, because I was injured at that time.

16 Q If the -- if the opinion says that RF filled MGMA's scratch
17 I-213, though JB's signature, not RF's is on the form, you
18 wouldn't dispute that, would you?

19 A I would have to see the form, sir.

20 Q Are you aware that the Court found that the I-213 for MGMA,
21 quote, does not accurately reflect what happened?

22 A I don't know the findings of that court case.

23 Q You testified in that case that you arrested the person
24 without a warrant because you believed there was a high
25 likelihood of escape. Do you recall that testimony?

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1 A Yes.

2 Q All right. I take it, then, you don't know that the Court
3 found that your testimony that supposed pre-arrest determination
4 was never documented, and no other evidence indicates that the
5 determination occurred before MGMA's arrest, and that the Court
6 found your testimony not credible? You're not aware of that,
7 are you?

8 A No.

9 Q All right. I take it, then, you're not aware that the
10 federal judge concluded that you and your fellow officers were,
11 quote, fabricating, close quote, warrants after the arrests were
12 made? You're not aware of that?

13 A No.

14 MR. MACDONALD: No further questions, Your Honor.

15 THE COURT: Cross examination?

16 MR. BROWN: No questions, Your Honor.

17 THE COURT: I have a question. I think it was after a
18 question that the Court asked, but maybe it was after follow-up
19 questions by Mr. Macdonald. You said, according to what I
20 recall, that there would have been an I-200, because you have to
21 have that to get into the proceedings. What do you mean?

22 THE WITNESS: For instance, like if someone is going
23 to go see the immigration judge for a notice to appear, in the
24 packet that we have to submit to the Court, it has to have the
25 notice to appear and an I-200. That's with the documents that

1 get submitted.

2 THE COURT: Are you saying that because of that, you
3 always will put an I-200 in the file at some point?

4 THE WITNESS: If it -- if it -- if they have to go see
5 an immigration judge, yes, sir.

6 THE COURT: Would you do that even if there wasn't any
7 I-200 at the time the person was arrested?

8 THE WITNESS: Are you -- sir, are you saying like if
9 we did a warrantless arrest, and then afterwards we did a 200?

10 THE COURT: I'm asking if you put something in the
11 file before you go see the immigration judge, namely an I-200,
12 even though there wasn't one in the file before.

13 THE WITNESS: If there wasn't one in the file, yes.
14 There will always be one that we put in there.

15 THE COURT: Any follow-up questions?

16 MR. MACDONALD: No, Your Honor.

17 MR. BROWN: I have a clarification based on Your
18 Honor's questioning.

19 THE COURT: That's fine.

20 **CROSS EXAMINATION**

21 BY MR. BROWN

22 Q Officer, you were just responding to some questions from
23 the judge; right? Is it your view that the I-200 that gets put
24 in the file after a warrantless arrest covers that warrantless
25 arrest?

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1 A No.

2 MR. BROWN: No further questions.

3 THE COURT: Okay. Mr. Macdonald, does that signal one
4 question?

5 MR. MACDONALD: Well, I pulled it down because I was
6 afraid of that, Your Honor.

7 **REDIRECT EXAMINATION**

8 BY MR. MACDONALD

9 Q As currently your common practice, you don't date or
10 times -- there's no way to know when an I-200 is filled out;
11 isn't that true?

12 A It will be annotated at the top right on the 200, the date.

13 Q But not the time?

14 A Not the time.

15 MR. MACDONALD: No further questions.

16 THE COURT: All right. Mr. JB, you are excused and
17 free to go. Next witness?

18 MR. LENEIS: Your Honor, if I might, we're set for a
19 one-day hearing. JB's testimony was set for 30 minutes. I
20 think it went on almost three hours. We've had very limited
21 time to prepare for these witnesses, so we're just hopeful that
22 this is all going to fit in a day and not get stretched out to a
23 whole week.

24 THE COURT: I've got a flight tomorrow morning at 9:30
25 to Phoenix, Arizona, and at this point, I'm intending to keep

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1 that schedule.

2 MR. LENEIS: Very good, Your Honor. I'm glad to hear
3 it.

4 THE COURT: But if necessary, I will change it.

5 MR. LENEIS: Glad to hear that as well.

6 THE COURT: But it won't make me particularly happy to
7 have to change it.

8 MR. LENEIS: I'm going to stop responding.

9 THE COURT: All right. Next witness?

10 MR. MACDONALD: We call JL, Officer JL. I think it's
11 JL.

12 MR. MEYER: Yes. Your Honor, it's Officer JL.

13 THE COURT: So, while we're waiting for Officer JL,
14 all right. We will keep going until 12:30, and stop -- no.
15 Forty-five minutes. We will keep going until 12:15, and then
16 we've got the 1 o'clock short hearing, I hope, and then we will
17 pick it up after that.

18 MR. MEYER: Understood, Your Honor. Did the Court
19 want to swear in the witness?

20 THE COURT: Yes.

21 (The Witness is Sworn)

22 THE COURT: I didn't even see that he was there yet.

23 **DIRECT EXAMINATION**

24 BY MR. MEYER

25 Q Good morning. Can you hear me okay?

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1 A Yes.

2 Q Officer, I'm going to refer to you by your initials based
3 on some agreements we have in court, or I will just call you
4 Officer if that's okay?

5 A That's fine, sir.

6 Q My name is Hans Meyer, and I represent the plaintiffs in
7 this case.

8 A Okay.

9 Q Can you please state your name for the record. Sorry.
10 Excuse me. Not the name. Your initials for the record, first
11 and last.

12 A JL.

13 Q What's your rank and position?

14 A I'm a deportation officer.

15 Q How long have you been a deportation officer?

16 A Roughly for five years, sir.

17 Q More or less when did you start?

18 A 2020.

19 Q Do you remember the month?

20 A March.

21 Q And that's for ICE; right?

22 A Yes. Previously I was a ERA. I started as a ERA
23 March 2020, and then I started as a DO roughly about a year
24 after that.

25 Q Just so I understand, what is an ERA? Because I don't know

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1 what that means.

2 A It's an enforcement removal assistant.

3 Q Okay. After that, in March of 2021, you became a DO?

4 A Correct.

5 Q Okay. And since March of 2021, you've been a DO?

6 A Correct.

7 Q Have you held any other positions, supervisor, acting SDDO,
8 anything like that?

9 A No, sir.

10 Q Okay. All right. Have you always been at the Denver field
11 office?

12 A No, sir.

13 Q Where were you before? What other places have you worked
14 as a DO?

15 A I worked in Denver, and then Boston. And then I came back
16 to Denver.

17 Q What timeframe were you in Boston?

18 A Roughly most of 2024. A little bit of 2025, and then came
19 back to Denver.

20 Q Do you remember when you came back to Denver in 2025?

21 A The summer. Probably around June.

22 Q Been here since June 2025?

23 A Correct.

24 Q Okay. And just to clarify, between March 2021 and what
25 date when you went to Boston?

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1 A I don't -- off the top of my head, I'm not a hundred
2 percent sure.

3 Q Give me a benchmark.

4 A I was in Boston for roughly 11 months.

5 Q Okay. So, if we do the math, around May of 2024 would be
6 about right when you went to Boston?

7 A Roughly, yes.

8 Q Okay. Part of becoming an ICE agent, did you do training?

9 A As far as FLETC, yes.

10 Q Was that down in Georgia?

11 A Correct.

12 Q How many months?

13 A The course is roughly around five months, or --

14 Q Did you get Fourth Amendment training in that?

15 A Correct.

16 Q Did you get training on your statutory duties and
17 obligations?

18 A Correct.

19 Q Training on your regulatory or your regulation duties and
20 obligations?

21 A Off the top of my head, I don't recall all of the training,
22 but we had some training, yes.

23 Q You've worked quite frequently with Officer B -- I'm going
24 to use his initial -- is that correct?

25 A Correct, sir.

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1 Q What's Officer B's position?

2 A He's a deportation officer as well.

3 Q Has he ever served as a supervisor deportation officer?

4 A I don't believe so.

5 Q So, in any enforcement that you've done, he's never been
6 serving as a deport officer, always as an acting deport officer?

7 A That I'm not 100 percent sure on.

8 Q Okay. I want to talk a little bit about your training on
9 completing incident reports and these things we call I-213s.
10 Sound good?

11 A Okay.

12 Q I-213s are reports about arresting in the field; correct?

13 A It has most of that information in there, yes. But it also
14 has other information.

15 Q But the 213 is made when ICE makes an arrest of someone;
16 correct?

17 A Correct.

18 Q Now, you were trained as part of your -- would you call it
19 basic training or officer training?

20 A Basic training would probably be a good term.

21 Q So, in those five months of basic training, you were taught
22 how to fill out incident reports, narrative sections for things
23 like 213s; right?

24 A They go over it, yes.

25 Q Okay. And how important that is to include the important

1 facts in those documents about your police work; right?

2 A Correct.

3 Q Like what you observed that would justify an investigatory
4 detention?

5 A That's correct, yes.

6 Q Okay. What facts you would have that would articulate a
7 basis to justify, let's say a vehicle stop?

8 A That would be included in there, yes.

9 Q Okay. Whether or not you were parked on a target that you
10 had previously identified and had a 200 for, like a warrant
11 already for a person that you planned to arrest? That would be
12 in there too?

13 A Not necessarily. Some of them are, I guess abbreviated
14 just to have most of the facts in there.

15 Q So, it wouldn't be important for you to put in that
16 narrative report that you had a warrant already for somebody?

17 A If we did have a warrant for someone, it probably would be
18 in there, but sometimes it might not be in there as well.

19 Q Just to clarify, if you did have a warrant for somebody, it
20 should be in there?

21 A Again, I think it's case-by-case basis.

22 Q What were you trained to do: put important facts in or not
23 put important facts in those reports?

24 A Can you -- I'm confused on what you're asking.

25 Q Is having a warrant for somebody's arrest an important fact

1 for you as a law enforcement officer? Let's say when you're
2 going to go out and arrest that person, to justify that arrest.

3 A Again, I feel like it's case-by-case basis, but yes.

4 Q And if you made a warrantless arrest, it would be important
5 for you to put information in that incident report that explains
6 it's a warrantless arrest; correct?

7 A Yes.

8 Q Okay. And this is because this implicates Fourth Amendment
9 obligations that you have; correct?

10 A Correct. Yes.

11 Q And statutory and regulatory obligations you have; correct?

12 A Yes.

13 Q Now, you agree with me that these 213s are important to
14 have all of that critical information on because they're relied
15 on in immigration court; correct?

16 A That is correct.

17 Q So, a justification for a detention is really important?

18 A Yes.

19 Q Sufficient information to articulate probable cause is
20 critically important?

21 A I could agree with that, yes.

22 Q Whether or not the arrest was warrantless is critically
23 important?

24 A Again, I think it's case-by-case basis, and each 213 --
25 sometimes all the information doesn't get put in there.

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1 Q But you would agree with me it's critically important
2 information for a law enforcement officer to document?

3 A Correct. Yes.

4 Q Same thing if there's a warrant?

5 A Yes.

6 Q You working -- you were working as a DO in 2022 here in
7 Denver; right?

8 A Yes.

9 Q Okay. Do you remember receiving or getting information
10 about something called a broadcast statement of policy in 2022
11 around warrantless arrests?

12 A I'm not sure. We probably -- might have got an email, but
13 off the top of my head, I'm not sure.

14 Q You're not sure if you got it or you didn't get it?

15 A I'm not sure of the --

16 Q Okay. Can we pull up Exhibit 68. I'm showing you this
17 broadcast statement of policy. Can you see that?

18 A Yes, I can.

19 Q That's a statement of policy that came out when you were a
20 deportation officer in 2022. Have you seen this broadcast
21 statement of policy?

22 A Yes.

23 Q Okay. When?

24 A I couldn't give you a definite date. I'm not sure.

25 Q Okay. All right. Did you receive it in an email in May of

1 2022?

2 A Again, I'm not entirely sure.

3 Q Now, I want to focus in on this broadcast statement of
4 policy, because this talks about warrantless arrests, and that's
5 what I want to talk to you about for the rest of today.

6 A Okay.

7 Q What are the requirements you need to have in order to be
8 able to conduct a warrantless arrest? You don't have to look at
9 that. You can just tell me from your training and experience.
10 What are the requirements you need to have as a duly authorized
11 ICE enforcement officer in order to take somebody into custody
12 for a warrantless arrest?

13 A Based off of the field interview, if they don't have any
14 documentation, we would -- based off of that, if they have -- if
15 we have reason to believe they're going to escape before we can
16 get a 200 signed, we can take them into custody. And then when
17 we get into the office, we can have a supervisor sign it at that
18 time. There's a number of other things that come into play: if
19 they have any medical or health implications, if they are sole
20 providers of kids, stuff like that.

21 Q Can we pull back up Exhibit 16, please. I want to go back
22 to this exhibit, the broadcast statement of policy. So, you did
23 read this. You did receive this and look through it; correct?

24 A At some time, yes.

25 Q All right. You would agree that mere presence in the

1 country isn't sufficient to justify that somebody presents a
2 likelihood of escape; right?

3 A I could agree with that, yes.

4 Q Can we go to the second page, please. So, when you conduct
5 arrests that are warrantless, under this broadcast policy, you
6 have to identify yourself to the -- excuse me. You have to
7 document your encounter with this person as soon as possible
8 after the arrest; correct?

9 A Yes.

10 Q Okay. And you have to document the facts and circumstances
11 surrounding the warrantless arrest in the narrative section of
12 the I-213; right?

13 A Correct.

14 Q That's all the important information to justify the
15 legality of the arrest; correct?

16 A Yes.

17 Q It's your job as an officer; right?

18 A Again, I think it depends on the circumstances, but yes.

19 Q Well, it's your job as an officer to document the
20 circumstances around the warrantless arrest per this policy;
21 correct? It's not me. This is the policy; right?

22 A Yes.

23 Q It's not a maybe or I don't know. It's that's the policy,
24 and you're aware of that policy?

25 A Understood, yes.

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1 Q And that includes that the arrest was made without a
2 warrant, so you need to document that in the 213, don't you?

3 A Yes, sir.

4 Q You can refer to the broadcast policy. It also relates to
5 whether or not another requirement for you in making a
6 warrantless arrest is that you've got to both inquire about and
7 document that person's ties to the community at the time of
8 arrest; correct?

9 A That's also part of the field interview, sir.

10 Q Correct. It's part of this policy? It's what you're
11 required to do as an officer when you do a warrantless arrest?

12 A According to this, yes.

13 Q Were you following this in 2022?

14 A I wasn't making arrests on the street in 2022. I was doing
15 detention work at that time.

16 Q Well, let me pause there and just ask you, when did you
17 start doing the enforcement operations?

18 A I couldn't give you an exact date, but November, December
19 timeframe of 2025.

20 Q So, just to make sure that I'm understanding, were you
21 doing any street level enforcement before November 2025?

22 A Again, I don't have an exact timeline. I have done
23 detention work. I've done a little bit of street work. And
24 then I've done more detention work.

25 Q Okay. Let's try to lock this in. You've done street

1 enforcement?

2 A Correct. Yes.

3 Q Before November of 2025? Correct? You just said that.

4 A Well, correct. Yeah.

5 Q Okay. All right. And then in November of 2025, now you're
6 working strictly in street enforcement; is that correct?

7 A I wouldn't say strictly in street work, no.

8 Q But you're doing that frequently?

9 A Yes. That's part of the job. Correct.

10 Q Okay. Did you get any formal training on the statement of
11 policy?

12 A Not that I recall, no.

13 Q Okay. So, between May of 2022 and today, you never got any
14 training on this broadcast statement of policy?

15 A Again, I'm not entirely sure.

16 Q Well, I mean, you're a good officer; right?

17 A I would say so, yes.

18 Q So, a good officer would remember if they'd been trained on
19 warrantless arrest procedures that are required by the agency;
20 right?

21 A We have annual training, but I don't recall exactly what
22 all it's on.

23 Q Okay. But my question was more specific. Between May of
24 2022 and today, did you ever get trained on this policy in your
25 office?

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1 A Again, I'm sure we did, but I don't recall.

2 Q You don't recall. Okay.

3 THE COURT: Why don't you find a convenient place to
4 break.

5 MR. MEYER: Yeah. Maybe one or two more questions,
6 and then maybe a pause.

7 Q. (By Mr. Meyer) Just to finish up talking about this
8 guidance -- or this policy, excuse me. Part of when you make a
9 warrantless arrest is you need to articulate the specific
10 particularized facts that support your conclusion as an officer
11 that this person is likely to escape; correct?

12 A I could agree with that, yes.

13 Q Where that is is inside the 213 narrative section; correct?

14 A Yes. It should, yes.

15 Q And this broadcast statement of policy related to a lawsuit
16 called *Nava*; is that correct? Do you know that?

17 A Yes.

18 MR. MEYER: Maybe that would be good enough for now.

19 THE COURT: All right. Thank you. So, we're going to
20 break now. I can't tell you exactly when we will start up
21 again. I am going to hope that I can finish the other hearing
22 by 1:15. I will try to do that. But between now and 1:15 or
23 whenever we're finished with the other hearing, the courtroom
24 here is going to be locked. It's a remote hearing, so you won't
25 be able to get back in, any of you. And I think the courtroom

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1 deputy wanted to say something about the phone line also.

2 THE COURTROOM DEPUTY: Yeah. Just for those listening
3 in on the phone, the phone line will also be locked until we
4 come back for this hearing. So, if you call in and get a
5 message, just keep calling in after 1:15, and once we start this
6 hearing again, you will be able to get back in.

7 THE COURT: All right. And maybe during the time
8 between now and then, you can think a little more about your
9 schedule. All right. We will see you roughly at 1:15 or so.

10 (Recess at 12:18 p.m., until 1:25 p.m.)

11 THE COURT: Go.

12 MR. MEYER: May I proceed, Your Honor?

13 THE COURT: Yes.

14 MR. MEYER: Thank you.

15 Q. (By Mr. Meyer) Officer L, can you hear me okay?

16 A Yes, sir.

17 Q One thing I forgot to mention, when you were last
18 testifying, I asked you some questions about -- I said Officer
19 B. Do you remember that?

20 A Yes.

21 Q Just to clarify, that would be Officer JB, for the record?

22 A Correct.

23 Q And he was the person who previously testified before you?

24 A Correct. Yes.

25 MR. MEYER: Okay. Can we pull up Exhibit 68 again,

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1 one more time. And can we go to the third page of this exhibit.
2 Is there another page to that exhibit? Can we pull up
3 Exhibit 212. Actually, I need to get something, Your Honor.
4 Can you publish 212 again real quick?

5 THE COURT: Is it already admitted?

6 MR. MEYER: Can we go back to 68? I apologize.
7 Sorry, Your Honor. I was having a little confusion with
8 exhibits.

9 THE COURT: Yeah. When you refer to these documents,
10 it would be helpful if you would say if it's already been
11 admitted or not, because I don't have, in front of me, at least,
12 a list of what's been admitted and what hasn't.

13 MR. MEYER: Okay. And can we go to the second page.
14 And, Your Honor, this is Exhibit 68, which I believe was
15 previously admitted in the last hearing.

16 THE COURT: 68, yes.

17 Q. (By Mr. Meyer) Officer L, I just wanted to point your
18 attention back to the broadcast policy in 2022, the one we were
19 talking about before. And I want to just focus on the bottom of
20 the page there, vehicle stops, just very quickly. And just to
21 review this; right? ICE officers -- you would agree that ICE
22 officers lack federal statutory authority to enforce local and
23 state motor vehicle laws; correct?

24 A Correct.

25 Q So, you couldn't pull somebody over and stop them for some

1 sort of traffic infraction?

2 A Yes.

3 Q Okay. Can we go to the next page. The last page of that.
4 And I want to just focus your attention here on the top
5 paragraph there. As well, you would agree that ICE officers may
6 stop a vehicle to enforce civil immigration laws only if they
7 are aware of specific and articulable facts that warrant
8 suspicion that that car -- that vehicle contains someone who may
9 not be lawfully in the country?

10 A Correct. Yes.

11 Q So, you couldn't just pull over a car because you wanted
12 to?

13 A Correct.

14 Q You need to have specific articulable facts that reasonably
15 warrant suspicion?

16 A Yes.

17 Q Okay. Great. Thank you. We can take that down. Were
18 you -- are you aware of what this Court ordered in this case?

19 A Can you elaborate on that?

20 Q Yeah. Are you aware that on November 25th, this Court
21 issued an order instructing officers like you about specific
22 things they need to do when they make warrantless arrests?

23 A Can you give me a little further detail on that?

24 Q Do you know what this Court ordered you to do on
25 November 25th, 2025, as an ICE officer when making a warrantless

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1 arrest?

2 A Can you elaborate?

3 Q I'm just asking if you know what this Court ordered.

4 A Based off your question, I'm not sure.

5 Q Did you get any training on this Court's order after
6 November -- after November 25th, 2025?

7 A Again, I'm unsure what you're asking.

8 Q This Court ordered --

9 THE COURT: What he's asking is pretty simple, sir.
10 Do you know what the Court ordered? Did they tell you? Did
11 they train you? Did they teach you to do anything different
12 because of the Court's order? That's all he's asking.

13 THE WITNESS: Yeah. Sir, I'm not sure what order he's
14 talking about.

15 THE COURT: November 25, 2025, the injunction order.

16 THE WITNESS: Am I aware of it? Yes.

17 THE COURT: Okay. And his question is, to your
18 understanding, what did the Court tell you ICE officers to do?

19 THE WITNESS: If we're -- if we're going to do
20 warrantless arrests, we have to have reasonable articulable
21 facts to arrest individuals without signed 200s. If that's what
22 we're talking about?

23 Q. (By Mr. Meyer) That's your understanding of this Court's
24 order on November 25th, 2025?

25 A As far as I know, yes.

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1 Q Okay. And so since November 25th, 2025, you've been making
2 arrests in the field based on that understanding about what this
3 judge's order was; correct?

4 A Again, I'm kind of confused on your question.

5 Q Did you read the judge's order?

6 A Yes.

7 Q Okay. What does the order require you as an ICE officer to
8 do if you're going to make a warrantless arrest? What specific
9 things does it require?

10 A Specific?

11 (Pause in the proceedings.)

12 THE COURT: If you can't remember, just say, I can't
13 remember.

14 THE WITNESS: I'm drawing a blank, Your Honor. I'm
15 not sure.

16 THE COURT: If you don't know the answer, you can say,
17 I don't know. If you can't remember, you can say, I don't
18 remember.

19 THE WITNESS: Okay.

20 THE COURT: We're not trying to get you in trouble
21 here. Just do the best you can.

22 THE WITNESS: I understand, sir.

23 Q. (By Mr. Meyer) Between November 25th of last year, 2025,
24 and February 13th, did you receive any specific training about
25 this Court's order, about how to do warrantless arrests?

1 A I believe there was a -- an email sent out. Specific
2 training, I'm not sure, no.

3 Q So, it's a no?

4 A Yes.

5 Q Okay. Yes, it's a no? Sorry. You didn't receive any
6 training on this; correct?

7 A I don't believe so.

8 Q Okay. All right. Let's go ahead and move forward. Let's
9 talk a little bit about some of -- some arrests that happened
10 over the last couple of months. Can we pull up, I believe it's
11 Exhibit 207. It would be pages 15 of the exhibit. And
12 Officer L, I want to make sure you can see this. Can you see
13 that?

14 A Yes. I can see the top half.

15 Q Okay. Now, in addition to using your name, just using
16 first letters in your name, we are using first letters in the
17 names of most of the noncitizens in these documents. This is a
18 213; correct?

19 A Yes.

20 Q And the initials for this person are RCP; correct? First
21 name, second, and second -- two last names?

22 A Yes.

23 Q This arrest was January 20th, 2026?

24 A Yup.

25 Q Okay. All right. Let's -- let's go down to the narrative

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1 section real quick. Okay. Can you see under the section
2 here -- let's highlight, this says, arresting agents. And there
3 are one, two, three, four, five, six officers listed in this
4 report; correct?

5 A I only see five, sir.

6 Q RG, JA, DR, JB, JL, which is you, and DL?

7 A I only see five, sir.

8 Q Okay. Well, we will move forward. Are you sure you only
9 see five there?

10 A Officer JA, DR, JL, JB, and GR.

11 Q What about D -- DC there at the very end? Because there's
12 JL, which is you, right before the end?

13 A Yes.

14 Q And then there's another name kind of right next to your
15 last name. Do you see that? It starts with a D, and then the
16 last name starts with a C right next to it, right at the far
17 right side, arresting agents?

18 THE COURT: I don't see it either, so I know why --

19 THE WITNESS: I only see five, sir.

20 Q. (By Mr. Meyer) Okay. We will go with five. Now, this is
21 a criminal -- mobile criminal alien team; correct? Let's go
22 down to the narrative there, the record of deportable excludable
23 alien?

24 A Yes.

25 Q Okay. So, the five of you as officers are working for the

1 mobile criminal alien team on this date; correct?

2 A Yes.

3 Q Let's take a pause here just to, I think help the Court
4 understand, mobile criminal alien team, you have a target;
5 right?

6 A Correct.

7 Q Because you've identified someone with criminal history
8 that you've been able to do good police work on and develop an
9 arrest warrant ahead of time; correct?

10 A Yes, sir.

11 Q Okay. So, you are targeting a person. And this guy is
12 important enough that you got five people parked on this
13 apartment; correct?

14 A Yes.

15 Q And this person you're looking for, I'm going to use again
16 the letters, is somebody by the name of BF. You can see this, I
17 think it's in the fourth line down in the left-hand side of the
18 narrative. That's who you're looking for; right?

19 A Yes, sir.

20 Q You got a warrant for him; correct?

21 A I believe so.

22 Q Okay. That's why you've got five guys there parked outside
23 of his apartment to apprehend him?

24 A Correct. Yes.

25 Q Okay. Now, it says that you observed two Hispanic males

1 later identified as -- excuse me -- as MACV and RCP get into a
2 car; correct?

3 A Yes.

4 Q Okay. Now, when you're doing mobile criminal alien
5 apprehension or fug. ops, you got a warrant for somebody; right?
6 Because you're going to pick up a specified target?

7 A Yes. Usually it's targeted, yes.

8 Q Which means they'll also have an ID on them, like a photo
9 or some sort of dossier that shows what they look like so you
10 can apprehend them?

11 A Usually, yes. But sometimes it's an older picture or older
12 photo, yes.

13 Q But yet you've got an ID, because obviously you've got --

14 A Somewhat of an idea, yes. Correct.

15 Q Obviously you know where this person lives. You know their
16 name. You've contacted them in the criminal legal system;
17 correct?

18 A Yes.

19 Q Okay. Now, as you told me before, you include all really
20 important facts in the narrative, like legally important facts;
21 correct?

22 A Correct.

23 Q Okay. Now, you didn't identify either RCP or MACV as
24 matching the description of the suspect; correct? You don't
25 have that in there; right?

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1 A Just so there's context, I did not write this narrative.

2 Q Okay. But had you identified one of them as the suspect as
3 matching that description, it would have been in there; right?
4 Because it's a really important fact? You wouldn't leave that
5 out?

6 A I guess, again, to give context, it was -- on this
7 particular morning, it's cold. People wear hats, puffier
8 jackets. So, we could PID somebody that would get into the
9 vehicle that was registered to the target.

10 Q I understand that, but let me just kind of focus in. You
11 didn't make a positive ID, or you didn't think either one of
12 those gentleman matched BF, as far as it would have been in this
13 narrative?

14 A Again, I didn't write the narrative.

15 Q You didn't find a positive match; correct?

16 A I did not, no.

17 Q Okay. There's no positive match made in here by Officer JA
18 either, is there, from either gentleman?

19 A I mean, again, I can't speak for them, but based off the
20 narrative, I don't know.

21 Q Let's base it off what's in the narrative. Does the
22 narrative contain any positive ID by Officer JA for either
23 gentleman?

24 THE COURT: Who is JA?

25 MR. MEYER: Officer JA is one of the five members of

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1 the mobile criminal alien team who is parked outside this
2 apartment.

3 THE COURT: I see it.

4 MR. MEYER: Waiting for the suspect that they
5 previously knew as BF so they could come out and arrest him.

6 THE WITNESS: According to the verbiage in this
7 narrative, it can be reasonable to assume that the target was
8 getting into the vehicle.

9 Q. (By Mr. Meyer) Not my question. Let's try my question
10 yes or no. The narrative doesn't say that Officer JA identifies
11 either gentleman as the target; correct? It's right in there.
12 You can read through the whole thing. Take your time. Let me
13 know. While we're at it, let me know if Officer D or Officer
14 JB -- excuse me. DR, I apologize, or Officer JB or Officer RG
15 make any identification of either one of those men as matching
16 the description of the target you were sitting on.

17 A Definitively, no. But again, in the --

18 Q Okay. That's all.

19 A -- the context of the question, it's cold outside. You're
20 reasonably to assume somebody that is getting into a vehicle
21 that they're registered to would be the target.

22 Q Well, yeah. And let's just stick to my question, and then
23 you can answer the questions from your counsel with more detail.

24 A Okay.

25 Q There's nothing in here that says any of the five officers

1 identified either gentleman as matching the description of the
2 suspect -- of the target?

3 A Doesn't believe so.

4 Q Is that a no? Nothing in there?

5 A I guess not. I'm still confused on your question.

6 Q You then follow the car; correct?

7 A Yes.

8 Q Let's go back up real quick to the first page of this
9 I-213, and let's go up to the upper right-hand corner. You were
10 talking about people with puffy jackets. So, this gentleman,
11 upper right-hand corner, weight, 220 pounds. Just wanted to
12 note that; right? Is that correct? In this 213, this guy is
13 220?

14 A That's what this says, yes.

15 Q Let's go back to the narrative. You then stop the vehicle
16 with emergency lights; correct?

17 A Correct.

18 Q Okay. Because you had not identified anyone that matched
19 the description of the target, none of the five of you, what
20 were the specific articulable facts that warranted pulling the
21 car over? Because you have five officers who had an ID on the
22 target. None of those five could articulate that either one of
23 these gentlemen fit the description. What is the specific
24 articulable facts to justify that seizure?

25 A Again, I didn't write this narrative. To give context to

1 the 213, it states they observed -- can I read this word for
2 word, or is that not allowed?

3 Q I'm okay with it if you'd like to.

4 A They observed two Hispanic males later identified as MAC
5 and RCP, entered the Honda Civic, which was at the time I
6 believe the target vehicle. So, I'm confused on what you're --
7 again, what your question is.

8 Q What would be the specific articulable facts that justify
9 stopping a vehicle that five expertly trained ICE enforcement
10 officers are unable to identify as being associated with the
11 target BV -- BF?

12 MR. BROWN: Objection. Foundation.

13 THE COURT: Sustained.

14 Q. (By Mr. Meyer) Let's move on. So, you contact the
15 occupants simultaneously; correct?

16 A Yes.

17 Q Okay. They hand you drivers' licenses; correct?

18 A Again, to give context, I was not the primary contacting
19 officer. I was more of a blocking vehicle. So, I can only
20 speculate on what they did.

21 Q Okay. They also provided Mexican identification. Is that
22 what this report says?

23 A According to this, yes.

24 Q Apparently they were interviewed, and they admitted to
25 being in the country without documents or status; is that

1 correct?

2 MR. BROWN: Foundation.

3 THE COURT: Overruled.

4 Q. (By Mr. Meyer) During that investigation, apparently they
5 admitted to being in the U.S. without documents?

6 A Again, I didn't do the field interview on the arrest. So,
7 according to this, that's what it says, yes.

8 Q And then that both were immediately placed under arrest for
9 immigration violations; correct?

10 A Correct.

11 Q Okay. They were handcuffed?

12 A Yes.

13 Q Okay. And then obviously they were put in the back of some
14 sort of vehicle and transported to the Denver field office?

15 A Correct.

16 Q Okay. And this I-213 contains no information about there
17 being any I-200s for these two gentlemen?

18 A It doesn't look like it, no.

19 Q And just to be specific, to put a finer point on it, you
20 did have an I-200 for the target, BF, but for the two guys who
21 ended up getting arrested, there's no information in here about
22 an I-200?

23 A It doesn't look like it in this, no.

24 Q And as you mentioned to me, as part of your training, it's
25 very important to make sure that in police reports and

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1 narratives, we include information for when there is a warrant
2 to support an arrest; correct?

3 A Again, I think it's case-by-case basis, but yes.

4 Q Let's go to 208 -- Exhibit 208 as well. And, Officer L,
5 I'm just pointing you, this is the other gentleman who was
6 contacted. Let's go to page five, if that's okay.

7 THE COURT: Is 208 already admitted?

8 MR. MEYER: Actually, I don't believe it is.

9 THE COURTROOM DEPUTY: It is.

10 MR. MEYER: Is it? Okay.

11 Q. (By Mr. Meyer) This is the other gentleman who was
12 contacted in the same arrest; correct? If you look at that name
13 in that upper left-hand corner?

14 A I believe so, yes.

15 Q Let's look in the upper right-hand corner. So, this guy's
16 weight is 115?

17 A That's what this document says, yes.

18 Q So, there's a 105-pound discrepancy between these two
19 gentlemen. The last guy was 220?

20 A If the math adds up, yes.

21 Q Let's go down to the narrative section. Same narrative
22 section here as well; correct? It's you and the other four
23 officers; correct?

24 A Yes.

25 Q Same narrative about surveilling for a specific target, BF;

1 correct?

2 A Yes. That's what it looks like, yes.

3 Q Same lack of identification of this gentleman as fitting
4 the description of BF; correct?

5 A I mean, again, it's -- it states officers observed males
6 entering the vehicle of the target.

7 Q Yeah. My question was more specific. Same lack of
8 identification by any of five officers that this gentleman
9 matches the description of BF in that narrative; correct? The
10 same narrative we just talked about?

11 A Again, they observed the two males enter the vehicle, so it
12 was reasonable to assume that it was the registered owner.

13 Q Well, let's try my question. There's nothing in the
14 statement by any of the five officers that indicate they made an
15 identification that this gentleman matched the description of
16 BF, who you were looking for with a warrant; correct?

17 A You could say that, yes.

18 Q There's no I-200 mentioned in this encounter data, is
19 there?

20 A Doesn't look like it. No, sir.

21 Q There's no arresting officer indicated in this encounter
22 data, is there?

23 A No arresting officer?

24 Q Yeah. There's no arresting officer named in this encounter
25 data, is there? Like the actual officer who wrote the

1 narrative?

2 A Can you go to the next page, please?

3 Q Sure.

4 A Towards the bottom. Can you go a little further, please.
5 Usually in the signature block is usually whoever writes the
6 narrative.

7 Q Okay. Well, let's go with that. That's somebody named JL;
8 right? Let's go back up to page two. Is JL one of the
9 arresting officers?

10 A No.

11 Q Okay. So, the arresting officer didn't -- we don't know
12 who the arresting officer was who made this narrative, do we?

13 A Again, I'm slightly confused on your question, because it
14 states the officers that took part in the arrest.

15 Q Let's keep -- we will keep it simple. There's no
16 information in here about any questions asked about family ties
17 or community ties, are there?

18 A It doesn't look like it, no.

19 Q Okay. No information about a determination made about
20 whether this person is likely to escape, or like written summary
21 of the basis on which an officer would determine they're likely
22 to escape; correct?

23 A I mean, based off of their field interview, I'm not sure
24 what they asked, but based off that, I'm assuming that's what
25 led to the arrest.

1 Q Yeah. Let's just try my yes or no question. There's no
2 information in the narrative that summarizes the basis on which
3 an officer determined the person was likely to escape? Yes or
4 no.

5 A In the narrative, no.

6 Q Okay. Great. Now we're rolling. Let's go back to
7 Exhibit 207 if we can. I just want to go back to this exhibit
8 and ask the same questions. The same encounter data for RCP.
9 Do we have 207? Page two. No. I'm sorry. Page 15. Go down
10 to the second page of that exhibit. Just to confirm here, also
11 it's the same narrative. No summary of community ties in this
12 narrative, which is --

13 THE COURT: I can actually read.

14 MR. MEYER: Okay.

15 THE COURT: It's not in there.

16 MR. MEYER: Okay.

17 THE COURT: Beating this guy over the head isn't
18 helping.

19 MR. MEYER: Well, I don't know. It was just an easy
20 yes or no question.

21 THE COURT: Yes. But the answer is no, there's
22 nothing like that in there.

23 MR. MEYER: Okay. Great. Let's move on.

24 THE COURT: And there shouldn't be, because -- well,
25 there should be for a warrantless arrest, but there isn't. I

1 get that.

2 MR. MEYER: I appreciate that. I was just trying to
3 get that testimony out of the witness, but the Court can read.
4 I would love to move on if that's possible, because I know we
5 got a lot of testimony.

6 THE COURT: I was hoping you would.

7 MR. MEYER: Yeah. Let's pull up the next exhibit. I
8 want to talk about Exhibit 204. Actually, I apologize. It is
9 204, 11. And I want to talk about this stop for a little while.

10 THE COURT: Is this one already admitted?

11 MR. MEYER: This is already admitted, Your Honor.

12 Q. (By Mr. Meyer) This person's initials are JPAAH; right?
13 The full five initials of this person?

14 A Yes.

15 Q Okay. Let's go to the second page. You were one of the
16 officers involved in this apprehension; is that correct?

17 A Yes.

18 Q And this one talks about how you were with Officer JB; is
19 that correct?

20 A Correct.

21 Q Okay. You observed three Hispanic men speaking Spanish;
22 correct?

23 A According to this document, yes.

24 Q Okay. And in this one, one of them appeared to match the
25 description of -- excuse me. Sorry. Of a different suspect

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1 with the last name of -- a different target who was named OCR.
2 This is a person you were trying to contact through the mobile
3 criminal alien team; right?

4 A Yes.

5 Q Okay. So, this is another example of when you did have a
6 warrant for another person, because you were looking for OCR?

7 A Correct.

8 Q And you see these three Hispanic dudes speaking Spanish?

9 A Again, to give context, I didn't write this narrative.

10 Q Okay. But you were on scene. You were involved in the
11 apprehension?

12 A Again, to give context, I was -- I didn't -- I didn't see
13 this take place. Yes. I was part of the arresting officers,
14 but I wasn't on scene.

15 Q Okay. Did you have any recollection about this I-213 or
16 about what happened here other than what's written in the
17 narrative when you and Officer JB stopped and arrested these
18 three gentlemen?

19 A I don't remember the whole interaction, no.

20 Q Do you have any other memory of the interaction?

21 A Besides what's reading on here, no.

22 Q So, you did have an I-200 for the person you were trying to
23 contact; correct?

24 A Based off this, yes.

25 Q But didn't have an I-200 for these three guys who you just

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1 saw speaking Spanish and get into a car?

2 A Correct.

3 Q Okay. All right. Then, as this says, that they were
4 arrested and transported to the Denver field office; correct?

5 A Correct.

6 Q No information in here about an I-200 existing for their
7 arrest?

8 A No.

9 Q Okay. Let's go as well to 204, seven. This is one of the
10 other gentlemen who was a Hispanic guy speaking Spanish in the
11 same contact. Let's go to the second page. This is CHG. This
12 I believe has not been admitted into the record, if I'm not
13 mistaken. Same exhibit. So, they're all together. This
14 gentleman too -- let's look at the encounter data. This
15 gentleman too was arrested, and there's no information in here
16 about an I-200; correct?

17 A Doesn't look like it, no.

18 Q Okay. He is one of the three guys arrested without a
19 warrant on this date?

20 A Yes.

21 Q Okay. And I know the Court can read, but there's no
22 evaluation in here about flight risk -- excuse me -- likelihood
23 of escape in this 213 done by the arresting officer?

24 A Again, to give context, I didn't write the 213. I'm
25 assuming while they were doing their field interview, that was

1 established.

2 Q Hmm. So, you would assume that somebody did that question?

3 A Yes.

4 Q And would they be required to write that into the 213?

5 A Again, you should, but --

6 Q But you're not required to. It's not like you're required
7 to by the judge or anything to write that into the 213?

8 A It's supposed to be in the 213.

9 Q Okay. It's supposed to be in there. Okay. Let's go to
10 204, page 15. This is just a third gentleman who was arrested
11 also without a warrant. It is RHG. Same date, December 27th,
12 2025. Can you see that there?

13 A Yes.

14 Q Same arrest. Let's go down to the second page, and the
15 narrative. You were also the officer involved in this one as
16 well; correct? It's the same contact?

17 A Correct.

18 Q You were at the -- you were with MCAT. You're sitting
19 parked on a 200 on somebody else, and this guy is one of the
20 three Hispanic guys speaking Spanish; correct?

21 A According to this, yes.

22 Q And he is one of the other guys arrested without a warrant;
23 correct?

24 MR. BROWN: Objection. Foundation, Your Honor.

25 THE COURT: Sustained.

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1 Q. (By Mr. Meyer) Do you remember whether or not you had a
2 warrant for this person? You just told me you didn't have
3 warrants for the other two. Did you have a warrant for this guy
4 as a passenger in the car that you're not looking for for whom
5 you have no I-200?

6 A Again, I'm assuming the field interview that was
7 established, but based off your question, I don't know.

8 Q And would you have -- would there -- you know, like you
9 said, would there be an I-200 written in here if there was a
10 warrant for somebody's arrest?

11 A If it was a collateral?

12 Q If there was a warrant.

13 A It doesn't state it in this 213, no.

14 MR. MEYER: Okay. All right. Let's move on to a
15 couple of others. This one I believe is a new 213. It's
16 Exhibit 201, page 26. And, Your Honor, can I move to admit 201?
17 I think this is the one that hasn't been admitted yet.

18 MR. BROWN: I think that's right. Same qualification
19 with the other ones that attach to 213s.

20 THE COURT: Okay. Admitted.

21 Q. (By Mr. Meyer) And let's start with this person's
22 initials. It is up in the upper left. We will just go with
23 CCM. Sound good?

24 A Yes.

25 Q His date of arrest is two days later, actually, on

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1 November -- or December 29, 2025; correct?

2 A Correct.

3 Q And then down on the second page on arresting agents, you
4 are listed here as one of the arresting agents; correct?

5 A Yes.

6 Q Along with Officer JB and another officer as well; correct?

7 A Yes. Three officers.

8 Q Okay. And this is again another MCAT; right? Criminal
9 alien team?

10 A Correct.

11 Q So, you're looking for a guy?

12 A Correct.

13 Q In fact, it's a guy whose initials are ACN; right? There
14 in that second line?

15 A Yes.

16 Q So, you're looking for him, and you got a warrant for him;
17 right? Because you got three guys on the criminal alien team
18 showing up to a specific spot looking for a specific guy?

19 A Correct. Yes.

20 Q Okay. So, it looks like when you get there, and let's --
21 it's important to point out, let's talk about the address here.
22 Third line, I think it's 10923 Tundra Top Drive, Parker; is that
23 right?

24 A That's what it states, yes.

25 Q Is that a construction site?

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1 A Off the top of my head, I'm not sure.

2 Q But you were involved in this contact, obviously. Your
3 name is written in the arresting officer information?

4 A Correct.

5 Q And so there was a male standing in the middle of the road.
6 That's what the report says; right? Do you remember that?

7 A That's what the report says, yes.

8 Q Apparently he was Hispanic; right?

9 A Yes.

10 Q Okay. And you guys got out of your vehicles, and it says
11 you contacted him to ask about the whereabouts of your target;
12 right?

13 A Correct.

14 Q Would you agree with me that means if three duly trained
15 law enforcement officers are contacting a gentleman to ask about
16 where a target might be, those officers don't think the
17 gentleman is the target? You didn't identify him as matching
18 the target, did you?

19 A Again, based off the date, December 29th, it was cold. I
20 don't specifically remember this interaction, but whoever
21 contacted first, I'm assuming based off their field interview,
22 they either didn't provide identification, or they did provide
23 identification, and then we ran our checks and detained him.
24 But based off this --

25 Q So, you ran the checks and then immediately detained him;

1 correct?

2 MR. BROWN: Objection. Foundation.

3 MR. MEYER: Your Honor, he just testified to that.

4 THE COURT: Overruled.

5 Q. (By Mr. Meyer) So, you ran checks and then immediately
6 detained him; correct?

7 A I mean, I'm assuming. Based off of this 213, that's what
8 it --

9 Q That's what it looks like?

10 A -- looks like, yes.

11 Q So, you detained him and then handcuffed him; correct?

12 A Yes.

13 Q Okay. And we will just go into the body of this narrative
14 very quickly. It's four lines from the bottom. Officers with
15 ICE informed him he was under arrest. Can you highlight that
16 real fast? Four lines from the bottom of that narrative
17 section. Don't worry about it.

18 A I can see it, yes.

19 Q There we go. Now, at the time, in this body, it looks like
20 the only I-200 you had was for ACN from the narrative section;
21 correct?

22 A Yes.

23 Q Okay. Now, it does say after that, after he was arrested,
24 you used Mobile Fortify; is that correct?

25 A Again, I don't recall this interaction. I don't know how

1 the process took place.

2 Q But there's no information in this document that indicates
3 there was an I-200 at the time you made the arrest for this
4 gentleman; correct? And you were there, because you were the
5 arresting officer?

6 A It states that there was an order of removal from a judge.

7 Q Not the question. At the time you arrested him, does this
8 narrative indicate that you had an I-200 to justify that arrest
9 with a warrant?

10 A Well, during the field interview, that's not -- we're not
11 arresting him. We're just detaining -- doing an investigative
12 detention.

13 Q Right. But here you said -- here we say he was under
14 arrest. That's pretty legally operative language, isn't it?
15 That's Fourth Amendment arrest language.

16 A Well, again, to give context, I didn't write this
17 narrative, so -- based off of this -- this is all I'm going off.

18 Q Okay. So, this narrative says he was under arrest first;
19 correct?

20 A Based off that line, yes.

21 Q Let's go to -- let's go to, I believe it's Exhibit 237, if
22 I'm not mistaken. And it would be -- I believe that's pages --
23 I don't have the exhibit in front of me, but I believe it's page
24 four. I believe it has been admitted. Yes. It's this one.
25 Let's just go -- so, this arrest was done January 14th, 2026.

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1 A Correct.

2 Q Correct? Letters for the gentleman is DCC?

3 A Yes.

4 Q Let's go to the second page. Let's go to the arrested
5 record of deportable excludable alien, and in there, you and
6 Officer JB are again in the criminal alien team, mobile criminal
7 alien team; correct?

8 A Yes.

9 Q Okay. So, you have a target, again, on this date,
10 January 14th, 2026?

11 A Correct.

12 Q And that -- and interestingly enough, that address is also
13 10923 Tundra Top Drive; right? Same address as the one we just
14 talked about?

15 A Yes. That's what it says.

16 Q So, you were there looking for this gentleman by the
17 abbreviation I will use for his name of NGJ. It's on the third
18 line there. Can you see that?

19 A Yes.

20 Q So, you have a warrant for that guy. You have a I-200 for
21 that gentleman?

22 A Yes.

23 Q Okay. So, you're looking for him. And it looks like you
24 contact and arrest him; is that correct?

25 A Yes.

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1 Q Okay. Now, it also says that you are escorting him to his
2 ICE vehicle -- or to your ICE vehicle, and then he starts
3 resisting you and pushing away; correct? This would be about
4 the middle of that paragraph.

5 A Yes. I see that, yes.

6 Q Okay. All right. And then did you -- did you write this
7 narrative?

8 A I don't believe so, no.

9 Q Okay. Do you think JB wrote it? Because there's only two
10 of you.

11 A The sign block on the bottom left-hand side should be
12 whoever wrote the narrative. But yes. I would assume he wrote
13 it.

14 Q Okay. But there's the two of you making this arrest;
15 correct?

16 A Correct.

17 Q You weren't backup officers for this one? You were there
18 helping make the arrest?

19 A Correct.

20 Q Okay. All right. And then this narrative says that
21 another Hispanic male just walked straight up to you officers?

22 A Correct.

23 Q Someone you've never had contact with? Okay?

24 A Yes.

25 Q And then you asked him his name, and he answered giving you

1 his first name; correct?

2 A Yes.

3 Q And then you asked for ID, and he gave you a Colorado
4 driver's license?

5 A Correct.

6 Q And that driver's license accurately identified his first
7 and last names, DCC?

8 A Mm-hmm. Yes.

9 Q You then asked him what country he's from, and he answered
10 Mexico?

11 A Correct.

12 Q You then only at that point identified yourself as officers
13 with ICE, and immediately placed him under arrest for
14 immigration violations?

15 A Again, to give context, I'm sure there was a field
16 interview. It might not be articulated in this 213, but before
17 we do any type of arrest, we do a field interview.

18 Q Would you have put the information in the field interview
19 in this arrest to help establish probable cause that you could
20 make a warrantless arrest of a person?

21 A Again, if I was to write the narrative, I would probably
22 state -- put that in there, yes.

23 Q Okay. Was there an I-200 at the time here when you said he
24 was under arrest for immigration violations? Does the narrative
25 contain any information about an I-200 up to that point?

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1 MR. BROWN: Objection. Compound, Your Honor.

2 THE COURT: Try it again, Mr. Meyer.

3 MR. MEYER: Sure.

4 Q. (By Mr. Meyer) Let's look at the last four lines. This
5 report explains that this gentleman, DCC, was put under arrest
6 for immigration violations; correct?

7 A Correct.

8 Q And that was after he answered apparently where he was from
9 and gave you a copy of his ID; correct?

10 A I believe at this point he was detained.

11 Q And then it says you ran immigration checks after that, and
12 they revealed no positive matches; correct?

13 A That's what it states, yes.

14 Q Okay. And then it says, but then due to his admission of
15 being in the U.S. without permission, you then got a signed
16 I-200; is that correct?

17 A According to this, yes.

18 Q Okay. So, that 200 was done after you had taken him into
19 custody, after you had contacted him, after you had detained
20 him, after you had arrested him, per what's contained in this
21 report?

22 A It looks like it, yes.

23 MR. MEYER: Okay. May I have just a moment, Your
24 Honor?

25 THE COURT: Yes.

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1 MR. MEYER: If I may have just a moment, Your Honor?
2 I'm just checking.

3 (Pause in the proceedings.)

4 MR. MEYER: I don't think I have any more questions.

5 THE COURT: Cross examination?

6 MR. BROWN: No, Your Honor.

7 THE COURT: So, I have a question, but it's really not
8 for the witness. It's more for you lawyers. This one we've
9 just been talking about and that was talked about this morning
10 refers to the fact that they got an I-200 at some point. You
11 might dispute between you at which point, but there is a
12 reference to an I-200 warrant in this particular 213; correct?

13 MR. MEYER: Yes, Your Honor.

14 MR. BROWN: Yes, Your Honor.

15 THE COURT: I think the Court order was that you
16 produce a sampling of 213s for warrantless arrests, but you
17 produced this one. Do I conclude from that you consider this to
18 be a warrantless arrest?

19 MR. MACDONALD: Your Honor, this is actually I believe
20 the only I-213 that is in the record that we did not get from
21 the defendants. I believe that's correct.

22 THE COURT: Oh. You got that somewhere else?

23 MR. MACDONALD: Yes, Your Honor. From the proceeding
24 in front of Your Honor where this individual filed a habeas
25 petition and was granted release. So, that individual is

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1 represented by counsel and was released. That's how we have
2 that I-213. That's the only one that's gone into evidence, Your
3 Honor.

4 THE COURT: Okay. Well, the point I'm trying to make,
5 I guess -- and that helps me. Thank you. But the point is what
6 you were ordered to produce was 213s for warrantless arrests,
7 and therefore, I can infer that every one you produced was a
8 warrantless arrest, because that's what you were told to
9 produce. Yes?

10 MR. BROWN: That's right, Your Honor. It's kind of a
11 longer explanation and more complicated as to what ended up
12 happening, and I'm happy to enlighten Your Honor.

13 THE COURT: You don't have to do it now. You can
14 think about it and present it when your time comes for closing,
15 but right now that's what my assumption is. My assumption is
16 you produced what the Court ordered you to produce; nothing
17 more, nothing less. All right. We're done with this witness,
18 then; right? He may be excused and free to go. Do you have any
19 more witnesses?

20 MR. MACDONALD: We do, Your Honor. We call DCC, the
21 person that we were just discussing in that last I-213.

22 (The Interpreter is Sworn)

23 THE COURT: All right. Now you, sir.

24 (The Witness is Sworn)

25 THE COURT: All right. Thank you. Have a seat.

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1 MR. MEYER: As well, Your Honor, just for the Court's
2 knowledge, we can use this gentleman's full name. Obviously
3 he's had his habeas proceedings before this Court.

4 THE COURT: Okay.

5 **DIRECT EXAMINATION**

6 BY MR. MEYER

7 Q Good afternoon.

8 A Good afternoon.

9 Q Can you hear me okay?

10 A Yes.

11 Q Can you introduce yourself with your full name to the
12 Court.

13 A Deonicio Castillo.

14 Q And how old are you?

15 A I'm 53 years old.

16 Q I want to talk a little bit about your family and community
17 ties. How long have you lived in the United States?

18 A Like 30 years.

19 Q Do you have any family here?

20 A Yes.

21 Q Who do you have -- who lives here with you?

22 A I have three children.

23 Q Do you need just a second, Mr. Castillo.

24 A Yes.

25 MR. MEYER: May I approach the bench, Your Honor? I

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1 mean, not the bench. May I approach the witness?

2 THE COURT: Approach the witness why?

3 MR. MEYER: He's my witness, and I want to make sure
4 he's okay.

5 THE WITNESS: It's okay. I'm okay. I have three
6 children: Jocelyn Castillo, Giovanni Castillo, and Janet --
7 Jasmine Castillo.

8 Q. (By Mr. Meyer) And are any of them here in the courtroom
9 with you here today?

10 A Yes. Two of them are here.

11 Q Can you point them out and maybe have them stand?

12 A They're back there.

13 Q All right. Are they all U.S. citizens?

14 A Yes.

15 Q Are you married?

16 A Yes.

17 Q How long have you been married for?

18 A For about 30 years.

19 Q Where do you live?

20 A Here in Denver.

21 Q Can you give the Court your street address?

22 THE COURT: Why?

23 MR. MEYER: I will withdraw the question. Because I'm
24 trying to show he is not a risk of flight, and he gave that
25 information truthfully to law enforcement agents, and he's been

1 there for 18 years, but I will just talk about Denver.

2 Q. (By Mr. Meyer) How long have you lived in your most
3 recent address?

4 A I've been living there since 2008.

5 Q And do you own any property, land, or vehicles?

6 A Vehicles.

7 Q How many?

8 A Two.

9 Q Are they registered?

10 A Yes.

11 Q Are they insured?

12 A Yes.

13 Q Do you have a license?

14 A Yes.

15 Q Are your registration, insurance, and license the address
16 at which you live?

17 A Yes.

18 Q What do you do for work?

19 A I work in construction.

20 Q And how long have you worked in that industry?

21 A For like 25 years.

22 Q And how long have you been in your most recent job for?
23 Most recent employer.

24 A Approximately like 12 years.

25 Q Do you pay taxes?

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- 1 A Yes.
- 2 Q How many years have you paid taxes?
- 3 A For like 25 years.
- 4 Q Have you ever been convicted of a crime?
- 5 A No.
- 6 Q Charged with a crime?
- 7 A No.
- 8 Q Arrested for a crime?
- 9 A No.
- 10 Q In immigration proceedings?
- 11 A No.
- 12 Q Previously arrested by immigration agents?
- 13 A No.
- 14 Q Okay. I want to talk about January 14th, 2026. What were
- 15 you doing that day?
- 16 A I was at work.
- 17 Q And is that the -- was that at a construction site?
- 18 A Yes. It was in construction.
- 19 Q Okay. Was that an address at Tundra Top Drive in Parker,
- 20 Colorado?
- 21 A Yes. It was Parker, Colorado.
- 22 Q Okay. And about how many people were at that job site?
- 23 A I think there were more than 25 people there.
- 24 Q I want to focus on your arrest by ICE this day -- that day.
- 25 Excuse me. I want to start off, and I want to talk about what

1 was the first point of encounter you had with immigration
2 officers? Where were you?

3 A I was standing next to my truck. And I had turned to the
4 right, and I saw that the officers were walking towards me.

5 Q Okay. Were you like getting ready to drive your truck?

6 A No. I was looking for a type of tools in my truck.

7 Q Okay. So, you were in the middle of working?

8 A Yes.

9 Q And you said that you saw two men walking down towards you?

10 A Yes.

11 Q Before that, did you hear any screaming by some man about
12 being arrested?

13 MR. DEUSCHLE: Objection. Leading, Your Honor.

14 THE COURT: Yes. It's a little bit leading. You can
15 rephrase it, please.

16 MR. MEYER: I apologize. I will rephrase.

17 Q. (By Mr. Meyer) Did you hear any -- did you hear or see
18 any commotion before these two men approached you?

19 A No. I didn't hear anything.

20 Q Did you see anything?

21 A No.

22 Q Had you -- did you see anybody get arrested by these two
23 people before they came up to you?

24 A No. No. I didn't see -- no.

25 Q Okay. So, I just want to make sure. You're absolutely

1 certain you didn't see, hear -- see or hear any arrest that
2 happened before these guys contacted you?

3 MR. DEUSCHLE: Asked and answered, Your Honor.

4 THE COURT: Sustained.

5 Q. (By Mr. Meyer) How many officers approached you?

6 A Two.

7 Q Men or women?

8 A Men.

9 Q What kind of clothing were they wearing?

10 A I saw that they were wearing clothes like civilians.

11 Q In addition to the clothes, were they wearing other things
12 on their body that would indicate that they could be law
13 enforcement officers?

14 A Yes. I remember that one of them had a vest on that said
15 Police.

16 Q Did they have firearms?

17 A Yes.

18 Q Both of them?

19 A Yes.

20 Q What was the very first thing that happened when they
21 walked up to you?

22 A They asked me to identify myself.

23 Q Did they explain why they needed you to identify yourself?

24 A No. Just, I saw that they were police officers.

25 Q And so you cooperated and gave them your identification?

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- 1 A Yes.
- 2 Q What identification did you give them?
- 3 A A Colorado driver's license.
- 4 Q And on that license, does it have your correct name?
- 5 A Yes.
- 6 Q Correct date of birth?
- 7 A Yes.
- 8 Q And an address you've lived at for the last 18 years?
- 9 A Yes.
- 10 Q After you handed your license to the officers, what did the
11 officers do next?
- 12 A When I handed over the license that they asked me for, they
13 asked me, where are you from? And I said Mexico.
- 14 Q Okay. And the license you handed them, is that a license
15 that has a black bar on it?
- 16 A Yes.
- 17 Q Once you told them you were from Mexico, what's the very
18 next thing that happened?
- 19 A They arrested me.
- 20 Q Okay. Immediately after that?
- 21 A Yes. Practically, yes.
- 22 Q They didn't ask you if you had any valid immigration
23 documents?
- 24 A No.
- 25 Q When they arrested you, did they handcuff you immediately?

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- 1 A Yes. They handcuffed me with my hands behind my back.
- 2 Q And these were two officers who made this arrest; correct?
- 3 A Yes.
- 4 Q Both of them armed?
- 5 A Yes.
- 6 Q Okay. Where did they take you immediately after arresting
- 7 you?
- 8 A They loaded me into their truck.
- 9 Q When you got in the truck, what did you notice?
- 10 A There was someone in the truck.
- 11 Q Is that the first time you had seen that person?
- 12 A Yes. The first time I saw him.
- 13 Q Did you know that person?
- 14 A No.
- 15 Q Did you have anything to -- any reason to stand up or
- 16 defend that person previously?
- 17 A No. I didn't know him.
- 18 Q At the moment they told you you were under arrest, did they
- 19 ask you any questions at all about your family or your personal
- 20 life?
- 21 A No.
- 22 Q Anything about how long you had lived in the country?
- 23 A No.
- 24 Q How many kids you had?
- 25 A No.

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1 Q How long you've lived at your current address?

2 A No.

3 Q Any other information about you, whether you had ever had
4 any convictions or problems with immigration before that?

5 A No.

6 Q And when they loaded you into the back of that car with
7 your hands cuffed behind you, did they ask you any of those
8 questions in the moment they put you in the back of that car?

9 A No. No. They didn't ask anything.

10 Q How long were you in GEO -- how long were you in
11 immigration detention? Excuse me.

12 A Forty-eight days.

13 Q And that was 48 days away from your family?

14 A Yes.

15 Q How were you able to get released from custody?

16 A It was with a bond. It was a bond through the lawyer who
17 did the habeas corpus.

18 Q And do you remember that judge's name?

19 A Judge Jackson.

20 Q Okay. When did you have your bond hearing?

21 A February 25th.

22 Q Did the immigration judge give you a bond that day?

23 A Yes.

24 Q How much was the bond he gave you?

25 A \$2,500.

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1 Q Did your family try to pay the bond?

2 A Yes.

3 Q Were they able to pay the bond -- when were they able to
4 pay the bond?

5 A On the 27th.

6 Q Were you released from custody on the 27th?

7 A No.

8 Q Were you released from custody on the 28th?

9 A No.

10 Q The 1st?

11 A No.

12 Q The 2nd?

13 A No.

14 Q The 3rd?

15 A Yes. The 3rd.

16 Q So, five days after you posted bond, ICE let you out of
17 detention?

18 A Yes.

19 Q And do you remember when the immigration judge gave you
20 that bond, did the immigration judge say you had to do any sort
21 of extra conditions on that bond?

22 MR. DEUSCHLE: Objection, Your Honor. Relevance?

23 THE COURT: We're kind of getting into that case now.

24 MR. DEUSCHLE: I think so, Your Honor.

25 THE COURT: Nice try, though, Mr. Meyer.

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1 MR. MEYER: Thank you. I appreciate that. May I do
2 one last question?

3 THE COURT: Let's go to the next question.

4 Q. (By Mr. Meyer) Today, when you were supposed to testify
5 here, ICE made you go in to check in in Centennial, Colorado;
6 correct?

7 A Yes.

8 MR. MEYER: I don't have any more questions.

9 THE COURT: Cross examination?

10 MR. DEUSCHLE: Very briefly.

11 **CROSS EXAMINATION**

12 BY MR. DEUSCHLE

13 Q Good afternoon, Mr. Castillo.

14 A Good afternoon.

15 Q I'm an attorney for the Government here. I believe you
16 said in your testimony earlier that you lived in the United
17 States for 30 years; is that right?

18 A Yes.

19 Q When did you enter the United States?

20 A I don't remember the date, but it was -- it was in '95. It
21 was in the summer of '95.

22 Q In the summer of '95, you didn't enter the United States
23 lawfully; correct?

24 MR. MEYER: Objection, Your Honor. This is a question
25 designed to elicit a response that we are currently litigating

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1 in immigration court related to alienage.

2 THE COURT: Normally I would agree, but isn't that
3 part of the whole point that he's not here lawfully?

4 MR. MEYER: Well, I think the point was is he being
5 arrested without a warrant.

6 THE COURT: Overruled.

7 MR. MEYER: And without a flight risk -- okay.

8 Q. (By Mr. Deuschle) I will repeat my question. When you
9 entered the United States in the summer of 1995, you did not
10 enter the United States lawfully; correct?

11 A Yes.

12 Q And you were arrested in January 2026; is that right?

13 A Yes. January 26th.

14 Q Okay. So, from the summer of 1995 to your arrest in
15 2006 [sic], you remained in the United States unlawfully;
16 correct?

17 A What was the question?

18 Q Sure. From the summer of 1995 when you entered the United
19 States unlawfully, until your arrest in January of 2026, you
20 remained in the United States unlawfully; correct?

21 A Yes.

22 MR. DEUSCHLE: No further questions, Your Honor.

23 THE COURT: Redirect?

24 MR. MEYER: No, Your Honor.

25 THE COURT: All right, then. Gracias. You're excused

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1 and free to go. Do you have another witness?

2 MR. MACDONALD: We do, Your Honor. We call ICE Agent
3 AL.

4 (The Witness is Sworn)

5 THE COURT: Have a seat, please.

6 **DIRECT EXAMINATION**

7 BY MR. MACDONALD

8 Q Good afternoon, sir. Could you state your initials for the
9 record.

10 A My initials is AL.

11 Q And I'm going to refer to you as Mr. AL; is that okay?

12 A Yes. That's okay.

13 Q Mr. AL, my name is Timothy Macdonald. I represent the
14 plaintiffs in this case. What is your job, sir?

15 A I am a deportation officer for the Department of Homeland
16 Security, Immigration and Customs Enforcement.

17 Q You work for ICE?

18 A Yes.

19 Q As a deportation officer?

20 A Yes.

21 Q How long have you been in that position?

22 A I'd say roughly from December of 2014.

23 Q December of 2014, so heading towards 11, near your 12th
24 year as an -- in employment with ICE?

25 A Yes.

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1 Q Okay. Are you a SDDO, supervisory detention and
2 deportation officer?

3 A No.

4 Q Do you ever serve in an acting capacity as an acting SDDO?

5 A A couple times.

6 Q A couple times in 11 years?

7 A Yes.

8 Q When was the last time?

9 A Probably like maybe as early as four months ago.

10 Q How many times do you think you have served as an acting
11 SDDO?

12 A Various times.

13 Q Various?

14 A Yeah. It just depends. I mean, someone calls out, you
15 will do it for a day. It's hard to count how many times I've
16 done it, but it's all over the place.

17 Q In the last year, do you think it's been more or less than
18 five times, sir?

19 A I would say less.

20 Q Less than five?

21 A Yes, sir.

22 Q And in those less than five times in the last year where
23 you served in an acting role, has it just been for one day, or
24 for a longer period of time?

25 A From the last within six months, it's only been a couple

1 days.

2 Q When you've served in an acting role, how has that been
3 communicated to you?

4 A Through text.

5 Q Okay. So, someone has texted you, I assume it is the -- an
6 SDDO, supervisory officer said, Mr. AL, you're going to serve as
7 acting today?

8 A Yes. It will be on a group thread.

9 Q It will be on the group thread?

10 A Mm-hmm.

11 Q Tell me what the group thread is, sir.

12 A Just the officers on duty.

13 Q I missed that. I apologize.

14 A The officers on duty.

15 Q Okay. So, is there a group thread of officers on duty as
16 a, you know, sort of general matter often?

17 A Yes. It's our daily operation officers that are on duty or
18 not on duty.

19 Q Okay.

20 A And information is passed on that thread or --

21 Q And is that group thread on a government-issued cell phone,
22 or I'm just trying to understand how you --

23 A Yes.

24 Q -- get those. Okay. And so the deport officers who are on
25 duty for a given day that morning would say, all right, let's

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1 get all of us on the text chain in case we need to communicate?

2 MR. DEUSCHLE: Objection, Your Honor. Relevance.

3 THE COURT: Overruled, but let's move on quickly.

4 MR. MACDONALD: Sure. Thank you, Your Honor.

5 Q. (By Mr. Macdonald) Would you like me to repeat that
6 question?

7 A Yes.

8 Q Okay. As a typical matter, the deportation officers for
9 the day who are on duty would get on a text chain in the
10 morning?

11 A Yes.

12 Q Who is your supervisor?

13 A KC.

14 Q And is that person an SDDO?

15 A Yes.

16 Q Okay. We have identified the SDDOs previously. Could you
17 give us that person's name?

18 MR. DEUSCHLE: Objection, Your Honor. This individual
19 is not just an SDDO. He's one of the witnesses that may testify
20 today. I think given Your Honor's order --

21 THE COURT: Let's stay with initials, then.

22 MR. DEUSCHLE: Thank you.

23 Q. (By Mr. Macdonald) Got it. Thank you, Your Honor. Have
24 you held other positions besides deportation officer for ICE
25 over the last 11 years?

1 A No.

2 Q As you understand it, you've been engaging in arrests out
3 on the streets as a deportation officer. That's part of your
4 obligations?

5 A Yes.

6 Q At times, have you engaged in warrantless arrests?

7 A I mean, it happens simultaneously.

8 Q Tell me what you mean by it happens simultaneously.

9 A There's times when we were on duty, and we have a -- have
10 our individual that we're looking for, and we come across other
11 people that we have not identified at the time.

12 Q Okay. And when -- so, you're often -- would you say it's
13 typical, you're out on a operation, you have a target? That
14 would be typical?

15 A Correct.

16 Q Okay. And sometimes when you're out on a mission, or an
17 operation, you have a target, you encounter other people, and
18 you form a belief that they might be in the country in violation
19 of the immigration laws?

20 A Correct.

21 Q And you refer to those as "collaterals"? You've heard that
22 term?

23 A They are collaterals or they're associated to the target.

24 Q Okay. And in your time as a deportation officer, you've
25 engaged in warrantless arrests of those people; is that true?

1 Collaterals or associates?

2 A We will come across those individuals and, yes, interview
3 them.

4 Q And you have engaged in warrantless arrests of those
5 people; is that true? Sometimes?

6 A I mean, we have reasonable suspicion to talk to them. When
7 we're having a conversation with them, they -- we gather facts,
8 and that's when we have that suspicion to further investigation
9 on them. And then from then, that's when we determine from the
10 facts that we've gathered that we will get a 200 for them
11 simultaneously before arresting them.

12 Q So, you're saying you've never engaged in a warrantless
13 arrest as an ICE deportation officer in your 11 years?

14 A I mean, can you clarify the question?

15 Q Do you understand that there is statutory and regulatory
16 authority for ICE agents to engage in warrantless arrests under
17 certain circumstances?

18 A I mean, since -- since this injunction, we have not.

19 Q I want to talk about before this injunction. Okay? Have
20 you -- do you understand that there are circumstances in which
21 ICE deportation officers can engage in warrantless arrests?

22 A Mm-hmm. So, what happens -- I guess I'm not understanding.
23 At some point they're going to get a warrant -- a 200 issued to
24 them.

25 Q I understand there's -- at some point an I-200 will be

1 issued. Do you have an understanding that an ICE deportation
2 officer has certain authority to engage in warrantless arrests?
3 Yes or no. If you don't know the answer to that, that's okay.

4 A Yeah. I'm not very clear what you're trying to say.

5 Q Are you aware of any requirements that you as a sworn law
6 enforcement officer have to do before you engage in a
7 warrantless arrest?

8 A Yes.

9 Q What is that?

10 A Find the evidence that this person is here illegally in the
11 country.

12 Q Okay. And once you, in your view, if you find the evidence
13 that someone is in the country illegally, you may arrest them?

14 A I will take that information to my supervisor and have them
15 look it over to verify that this person is -- that we're able to
16 arrest. And he will issue a 200.

17 Q Okay. When you say you will take it -- take the
18 information to an officer -- to a supervisor, what -- where? If
19 you're out in the field, how are you taking the information to a
20 supervisor?

21 A I will through phone, or I will call him and let him know
22 certain information that we have found of this individual.

23 Q And then what happens in that circumstances? You will
24 inform a supervisor that you have encountered an individual.
25 Then what happens?

1 A So, at that point --

2 Q A person for whom you do not have an I-200. You do not
3 have a warrant at that point.

4 A Yes. We will let him know that he is part of our -- our
5 scenario that he is in the -- whether -- let me refer -- let me
6 go back. So, when we get that information of the individual
7 from -- that we encountered that we don't know who he is, he
8 will take that information, and he will validate it through
9 system checks, and he will verify what he needs to do to make
10 that decision, whether we can arrest him or not, and issue that
11 200.

12 Q And what is -- what is -- in those circumstances, what is
13 happening with the individual where you are out on the streets?

14 A He is either talking to primary or secondary officers.

15 Q Might that person -- I apologize for interrupting. Were
16 you finished?

17 A Just he's either occupied being -- talking to a secondary
18 officer there while the other officer is exchanging the
19 information with the supervisor.

20 Q Okay. Could be in handcuffs?

21 A No.

22 Q Never?

23 A He could be. Depending -- depending if he -- if he's a --
24 his demeanor. If he looks like he's going to be possibly
25 fleeing, we will put him in cuffs.

1 Q And what happens if you can't get in contact with the
2 supervisor in that moment?

3 A There's always someone on duty.

4 Q How long does it take typically in the circumstances you've
5 just described to get an I-200?

6 A Doesn't take -- doesn't take long.

7 Q Approximately how long, sir?

8 A I don't have an approximate. It just depends on the
9 situation.

10 Q And is the I-200 physically created at that point?

11 A The -- it is emailed -- electronically emailed to us.

12 Q Signed?

13 A Signed.

14 Q Just with an electronic signature?

15 A Correct.

16 Q And do you typically show that warrant to the person and
17 tell them you've been arrested with a warrant?

18 A Typically if we have it on hand, yes. But there's been
19 times that we haven't.

20 Q And in an I-213, that's a report you fill out after an
21 arrest; right?

22 A A 213?

23 Q Yes.

24 A It is.

25 Q And you would document if someone was arrested pursuant to

1 a warrant; right?

2 A Yeah. That -- it's something that should be on the 213.

3 Q Because it's important to get the I-213 accurate; right?

4 Because it's used by the Government in immigration proceedings;
5 true?

6 A True.

7 Q You're aware that this Court entered a preliminary
8 injunction order on November 25th, 2025?

9 A I was aware of it.

10 Q Right. What training have you received on the Court's
11 order, if any?

12 A I got a email of the injunction, and then just explained
13 what was needed.

14 Q When did you get an email of the injunction?

15 A I would say around that time.

16 Q So, sometime shortly after the Court's order, you think?

17 A Correct.

18 Q Who did the email come from?

19 A Not sure if it was from my supervisor or from our Denver
20 email group -- group text, or group email.

21 Q But there was no sitdown training in which supervisors or
22 anyone else talked to you as a deportation officer about what
23 you needed to do to comply?

24 A No formal training.

25 Q And that single email is the only one you can remember

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1 getting sometime shortly after the Court's order?

2 A Yeah. That's the only one I can remember.

3 Q I'd like to show -- let's put up Exhibit 207, please.

4 We're going to talk about a few warrantless arrests that you
5 were involved in, Mr. AL. 207 is already admitted, Your Honor.

6 If we could go to page 12, please, Jason. And we're just going
7 to use initials for the humans involved in this, Mr. AL. Do you
8 see at the top, the person with the initials AMF, this is an
9 I-213 for that individual? Do you see that?

10 A I do.

11 Q And the date of the action was an arrest of January 14th,
12 2026?

13 A I see that.

14 Q Okay. If we look at the -- over the right, it says by, and
15 it has your initials, AL, in the column over on the right? And
16 your badge number?

17 A I see that.

18 Q Okay. So, this is an I-213 that you filled out for a
19 person that you arrested?

20 A I would have to go to the bottom.

21 Q Okay. Let's look down at the bottom. It looks like there
22 are two different signatures. One with the initial BSA --
23 actually, I take it back. Both of them are by BSA, and that
24 looks like both the signatures? And then there's an examining
25 officer with the initials JDR. Do you see that?

1 A I do.

2 Q Do you think that one of those two people filled out the
3 I-213?

4 A They complete it.

5 Q Okay. They complete it?

6 A Yes, sir.

7 Q You would have done -- well, actually, let's just look at
8 the next page so that you -- so we get on the same page. The
9 encounter data, this is the narrative of the arrest; right?
10 That's where it belongs in an I-213?

11 A Yes.

12 Q And you see that the top right, underneath encounter data,
13 it says, following information was provided by you?

14 A Yes.

15 Q Okay. Does that -- does that help you that you were
16 involved in this arrest?

17 A Yes.

18 Q All right. We've seen some that have the other arresting
19 officers on the other I-213 and the other officers involved in
20 the arrest. I haven't been able to find a section, but down at
21 the -- near the bottom it identifies -- right there, it does
22 identify that you were there with four other officers -- or,
23 excuse me -- there were four of you in total. Do you see that?

24 A I see that.

25 Q Okay. And the description of the arrest indicates that you

1 were doing targeted enforcement of someone with the initials
2 MACC. Do you see that?

3 A I do.

4 Q And that's not the person that is arrested, at least -- and
5 reflected in this I-213; right? It's a different person?

6 A Correct.

7 Q Okay. So, you were doing targeted enforcement. You pulled
8 over a van, and there were two other individuals in the van. Do
9 you see that -- do you see that description in the second
10 paragraph?

11 A Yes.

12 Q And it doesn't have much description, but it says you were
13 able to gain positive ID of the other occupants. And one of
14 those people is AMF, and the other is with the initials AMM.
15 So, these would be collaterals; right?

16 A Yes.

17 Q You didn't know their identity when you pulled over the
18 van; right?

19 A No.

20 Q Okay. You did -- I apologize. Did you know their
21 identity?

22 A No.

23 Q All right. And you say you gained positive ID of those two
24 individuals, AMF and AMM, and the I-213 reflects that they
25 admitted to not having status to be in the United States. Do

1 you see that?

2 A I do.

3 Q And then the I-213, the narrative that you filled out
4 simply says these two people, AMF and AMM, were also taken into
5 ICE custody to be taken in for processing at headquarters. Do
6 you see that?

7 A I do.

8 Q Okay. So, there's no mention of getting an I-200; right?

9 A No.

10 Q So, you understand this means it was a warrantless arrest
11 of these collaterals; right?

12 A Not necessarily.

13 Q So, you're saying maybe there was a warrant?

14 A There was most likely a warrant, but it's not stated in the
15 213.

16 Q When you say it's most likely a warrant, if there was a
17 warrant, wouldn't you have put it in there as a matter of
18 diligent police work?

19 A I should have.

20 Q Okay. And if there was a warrant before you -- if you got
21 one after the encounter began, ICE could browse that warrant;
22 right?

23 A Yes.

24 Q Could show it to the judge?

25 A We would have to get his file. It would be in there.

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1 MR. MACDONALD: Let's take that down. Let's put up
2 Exhibit 202, please. This has not yet been admitted, Your
3 Honor. This is another package of I-213s. I move its
4 admission.

5 MR. DEUSCHLE: Same stipulation. Same qualification,
6 Your Honor.

7 THE COURT: Okay. With that understanding, it's
8 admitted.

9 Q. (By Mr. Macdonald) Let's go to Exhibit 202, page 29,
10 please. This is an encounter and arrest of a person with the
11 initials AGR. Do you have that in front of you?

12 A I do.

13 Q Do you see that? If we turn to the next page, page 30 of
14 the exhibit, second page. We see this one does have arresting
15 officers, and it includes you. Do you see that?

16 A I do.

17 Q Do you see where I've circled, sir?

18 A Yes.

19 Q All right. One of those is you?

20 A Yes.

21 Q So, you were involved in this arrest; true?

22 A It appears my name is on there.

23 Q Your name is on there? Do you have any independent memory
24 of this arrest other than what is stated in this I-213?

25 A I don't have recollection of it.

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1 Q Okay. This is another arrest that doesn't say anything
2 about ICE getting an I-200; right?

3 A Not that I can see.

4 Q Okay.

5 A No.

6 Q And like the last I-213 we saw, there's nothing in this
7 I-213 about the person's community ties or likelihood of escape,
8 is there?

9 A Not from the encounter, no.

10 Q And in this one, when you pulled over the vehicle, there
11 were three occupants in there who were asked for identification.
12 Do you see that down near the bottom of the I-213?

13 A I see that.

14 Q It says, all three occupants were asked for identification.
15 Immigration and criminal history queries were run, and found
16 them to be in violation of immigration laws. And the next line
17 says, officers placed subjects under arrest, no further
18 discussion; right?

19 A No further discussion.

20 Q All right. Sitting here today, you don't know if these --
21 you have no knowledge that there were I-200s that were obtained
22 for any of these three people before their arrest, do you?

23 A No. Technically not.

24 Q And if you had them, it would -- if you had I-200s, you
25 obtained them, it would have been important to put in the I-213.

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1 Do you agree with that?

2 A Yeah.

3 MR. MACDONALD: No further questions, Your Honor.

4 THE COURT: Cross?

5 MR. DEUSCHLE: None, Your Honor.

6 THE COURT: Sir, looking at that document -- it's not
7 there anymore. It said there were a thousand deportation
8 officers that reported at that scene? Is that right?

9 THE WITNESS: Oh. No.

10 MR. MACDONALD: I think it might be the time, Your
11 Honor.

12 THE COURT: Yes.

13 THE WITNESS: I was like, yeah.

14 THE COURT: I was going to ask.

15 MR. MACDONALD: That would have been a lot, Your
16 Honor.

17 THE COURT: There weren't a thousand there?

18 THE WITNESS: No.

19 THE COURT: Okay. My fault. All right. You're
20 excused, free to go.

21 MR. MACDONALD: We made a little more progress, Your
22 Honor. I think we're going to call Mr. Davies.

23 THE COURT: Can you give me some idea of where we are
24 with this?

25 MR. MACDONALD: I think Mr. Davies will be our last

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1 witness, Your Honor.

2 THE COURT: How about you gentlemen? Are you going to
3 have any witnesses?

4 MR. LENEIS: We've listed Mr. Davies, so -- but no one
5 else. So, no.

6 THE COURT: All right. Let's take ten minutes, and
7 see Mr. Davies.

8 (Recess at 3:10 p.m., until 3:19 p.m.)

9 THE COURT: So, during the recess, I was able to
10 confirm that if necessary, I can change to a later flight. I
11 don't want you to feel like you didn't have time to make your
12 point, because I know it's important to both sides.

13 MR. MACDONALD: Thank you, Your Honor.

14 THE COURT: Okay. Next witness, please?

15 MR. MACDONALD: We call Mr. Greg Davies, Your Honor.

16 THE COURT: Good afternoon. Welcome back.

17 THE WITNESS: Yes, Your Honor.

18 (The Witness is Sworn)

19 THE COURT: Thank you. Go ahead.

20 **DIRECT EXAMINATION**

21 BY MR. MACDONALD

22 Q Good afternoon, Mr. Davies. State your name for the
23 record, please.

24 A Gregory Davies.

25 Q Mr. Davies, my name is Tim Macdonald. I represent the

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1 plaintiffs in this case. What's your position with ICE here in
2 Colorado?

3 A The assistant field office director.

4 Q Okay. Same position you had when you testified back in
5 October; right?

6 A Yes, sir.

7 Q Makes you third in command here in Colorado?

8 A Yes, sir.

9 Q Who do you report to?

10 A Right now I report to Acting Deputy Field Office Director
11 Robert Coultrip.

12 Q What's the name again?

13 A Robert Coultrip.

14 Q Robert Coultrip? And how long have you reported to
15 Mr. Coultrip?

16 A Approximately two weeks, I believe.

17 Q What was Mr. Coultrip previously?

18 A The same as me, the assistant field office director for the
19 southern state -- southern part of the state.

20 Q He got promoted or something else, depending on your view?

21 A Yes.

22 Q And moved to headquarters?

23 A Yeah. He got a temporary promotion to the deputy position.

24 Q How many AFODs, assistant field office directors, are there
25 for the Denver field office?

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1 A I believe six.

2 Q But I think you described yourself as third in command last
3 time we were here. Is that because you're based in
4 headquarters, and the others are based elsewhere, or are all the
5 AFODs third in command?

6 A Yeah. All the AFODs hold the same rank and title.

7 Q Got it. And currently, there's also a new acting field
8 director; true? Is that right?

9 A Yeah. It's a new acting field -- yes, sir.

10 Q For Denver, that's George Valdez?

11 A That is correct.

12 Q So, Mr. Valdez is the top official, at least in an acting
13 capacity, for Colorado; right?

14 A That is correct.

15 Q And that happened about a month ago?

16 A Yeah. Approximately.

17 Q Okay. He took over from Mr. Hagan; is that right?

18 A That is correct.

19 Q And Mr. Hagan was in the top position for only about four
20 months; right?

21 A I believe so.

22 Q And Mr. Hagan took over for Mr. Guadian as the head of the
23 field office; right?

24 A That's correct.

25 Q And Mr. Guadian was in the position for about nine months?

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1 A Yes.

2 Q All right. So, who was it before Mr. Guadian?

3 A I believe another acting. We've had so many. I believe it
4 might have been Acting Field Office Director Ernie Santa Cruz
5 was there at some point.

6 Q Okay. In any event, we've had at least four different
7 heads of the Denver field office since January of '25, 14
8 months?

9 A Correct.

10 Q Okay. Was Mr. Hagan forced out of his position by
11 leadership in Washington?

12 A I'm not aware of how he was removed.

13 Q You've been an AFOD since 2019?

14 A 2019, 2020.

15 Q Okay. And you were previously a deportation officer?

16 A Correct.

17 Q All right. As a deportation officer, you filled out
18 I-213s?

19 A Correct.

20 Q All right. You thought it was important then, and you
21 think it's important now for those to be accurate and complete?

22 A Correct.

23 Q All right. As a supervisor, before you became an AFOD, you
24 started supervising people in 2019?

25 A Correct.

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1 Q And as a supervisor, you were responsible for reviewing
2 I-213s; right?

3 A Yes.

4 Q How many supervisors in the Denver field office today?

5 A Not sure of the exact number. I would guestimate over 20.

6 Q Over 20 supervisors?

7 A Yes.

8 Q Okay. And the number of deportation officers has been
9 growing here in Denver?

10 A Correct.

11 Q All right. Back in October, Mr. Guadian testified that
12 they had recently hired 65 new deportation officers. At least
13 that was as of October 30th of 2025. Does that seem right to
14 you?

15 A It could be, yeah.

16 Q And at that time, that represented a near doubling of the
17 Denver field office, close, from which had about 80, 85 people,
18 and you added 65 more. Does that sound right?

19 A For the officer corps, yes.

20 Q Okay. Since October, when you and Mr. Guadian testified,
21 how many more deportation officers have been hired? Just
22 approximately. Not holding you to the precise numbers.

23 A I believe total, I believe we're between 125 and 150, to
24 include the original 60. But it could be more than that.

25 Q All right. Just make sure I have the numbers right. You

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1 think there's been like around another 60 people -- deportation
2 officers hired since our last hearing?

3 A It could be. That sounds close.

4 Q Okay. How many different teams of ICE agents are out in
5 the field each day somewhere in Colorado?

6 A I mean, it varies. Locally, we will have two or three
7 teams out, but we have other outstations. Just depending on
8 manpower, they could have teams out also. I do not oversee
9 them, so I wouldn't know how many of their teams are out.

10 Q So, when you say locally, you mean sort of Denver metro
11 area?

12 A Yes, sir.

13 Q Okay. And that two to three teams usually, how many people
14 would be on those teams?

15 A It varies again. Total, for enforcement, we have 21
16 officers for our fugitive operations team. So, at any given
17 time, a percentage of them would be out.

18 Q And that's where you sit on top of, the fugitive
19 operations?

20 A I oversee them, yes.

21 Q Who else do you oversee? What other teams?

22 A The training unit. And I used to oversee the CAP team,
23 which I no longer --

24 Q And remind us what the CAP team stands for?

25 A The criminal apprehension program.

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1 Q How many other teams are there?

2 A I'm sorry?

3 Q How many other teams are there in the Denver field office?

4 A There's a non-detained unit, an alternatives to detention
5 unit, a detained unit that works in Aurora.

6 Q Is that it?

7 A I believe so. There's an FCC unit that kind of shares
8 duties with non-detained.

9 Q Last time the Court heard testimony that the goal of the
10 Denver field office was that each team makes three arrests per
11 day. Has that goal increased or stayed the same since the last
12 hearing?

13 A I haven't -- there hasn't been talks of goals or quotas as
14 of recent.

15 Q So, from your standpoint, nothing has changed since the
16 prior hearing in which Mr. Guadian testified that the goal was
17 each team made three arrests per day?

18 A Yeah. I haven't -- so, I haven't heard of them requesting
19 that goal as of recent.

20 Q Were you aware that in other states during operations, ICE
21 teams have targeted goals as high as eight arrests per day?

22 A I'm sorry. Could you repeat that?

23 Q Have you heard that in other states, ICE teams have target
24 goals that are as high as eight arrests per day?

25 A I have not heard that.

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1 Q Sometimes a team is just two officers, depending on what
2 they're doing in the field?

3 A So, at the Denver field office, I wouldn't -- myself
4 wouldn't constitute a team of two. It would be three or more.

5 Q Are there sometimes officers two at a time going out in the
6 field -- in the streets, in the field making arrests just two
7 people?

8 A Yes. Sometimes.

9 Q Okay. In what circumstances is that when there's -- why
10 would that happen?

11 A A jail arrest. A more safer environment.

12 Q You understand the Court entered a preliminary injunction
13 in this case on November 25th, 2025?

14 A Yes.

15 Q In the preliminary injunction order, it ordered you and
16 your agents to do certain things and refrain from doing certain
17 things; right?

18 A I believe so, yes.

19 Q Including engaging warrantless arrests without probable
20 cause of unlawful presence and probable cause a person was
21 likely to escape before a warrant can be obtained; is that fair?

22 A That the injunction included that?

23 Q Yeah.

24 A Yes.

25 Q Okay. The injunction also required your officers

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1 specify -- the arresting officer specify in I-213 that an arrest
2 was warrantless. You're aware of that?

3 A I am aware of that, yes.

4 Q And the I-213 is the arrest report used to document the
5 encounter. You're aware that the Court's injunction included a
6 requirement that your officers document in the I-213 the
7 specific articulable facts that give rise -- that give probable
8 cause the person was likely to escape. You're aware of that?

9 A Yes. There was items in there that they requested to have
10 in the 213.

11 Q Okay. And those two prongs of unlawful presence and flight
12 risk that the judge imposed in the preliminary injunction, those
13 track the prior requirements from the Nava settlement, the
14 broadcast policy that you talked about at the last hearing. Do
15 you agree with that?

16 A Yes. That is correct.

17 Q Okay. So, the Court's requirements were things that your
18 agents were already supposed to know?

19 A Yes. That is correct.

20 Q And the Court also required that the I-213s make clear what
21 information relevant to the likelihood of escape was known
22 before the arrest and what information was gathered after the
23 arrest. That was part of the Court's injunction?

24 A Yeah. That's stated in the injunction, yes.

25 Q That also was part of the requirement from the broadcast

1 statement of policy in *Nava*; right?

2 A That's correct.

3 Q All right. And you're aware that the Court ordered that
4 ICE provide us with random samples of I-213s for warrantless
5 arrests in Colorado every month? That was part of the Court's
6 requirements; right?

7 A I believe so, yes.

8 Q And the Department of Justice lawyers representing your
9 agency agreed to give us a sample -- a random sample, which is
10 what the Court ordered, of one-third of the I-213s from
11 warrantless arrests each month. Were you aware of that?

12 MR. BROWN: Foundation.

13 THE COURT: Well, the question is was he aware, but it
14 was -- yes. I will sustain the objection. You can ask it a
15 different way.

16 Q. (By Mr. Macdonald) Okay. Are you aware that from the
17 Department of Justice, we were receiving one-third of I-213s
18 from the prior month?

19 A I was not aware of how many. I was -- I ensured that the
20 Department of Justice got the 213s from us. I wasn't aware how
21 many they were handing over.

22 Q And what you were trying to do, given the judge's order, is
23 provide I-213s that were for warrantless arrests; right?

24 A So, I provided all 213s, not just warrantless arrests.

25 Q The Court's order specified what would happen for

1 warrantless arrests. You're aware of that?

2 A Yes.

3 MR. MACDONALD: Okay. Let's put up Exhibit 200, if we
4 could. This has not yet been admitted, Your Honor. Your Honor,
5 I will move admission of just the first two pages of
6 I-200 [sic], which is the communication on the first production
7 of the I-200s to us, and recognizing that this will draw the
8 same objection that we've received from opposing counsel.

9 MR. BROWN: Yes, Your Honor. Same qualification
10 regarding its admission.

11 THE COURT: Well, yes. Your qualification is that
12 you're not witnesses in the case.

13 MR. BROWN: Correct. And that the information in it
14 is representations of counsel, not the agency.

15 THE COURT: Counsel, who would certainly represent
16 things correctly. Yes?

17 MR. BROWN: To the best of their knowledge, yes, Your
18 Honor.

19 THE COURT: All right. With that discussion noted,
20 number 200 is admitted.

21 Q. (By Mr. Macdonald) And if we look at the second paragraph
22 of 200, it says, pursuant to the Court's order and our
23 agreement, we are producing one-third of I-213s from November 25
24 through December 31 that correspond to arrests made where no
25 warrant was issued pre-arrest based on a review of the I-213s.

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1 Do you see where I'm reading there?

2 A Yes, I do.

3 Q Okay.

4 THE COURTROOM DEPUTY: Mr. Macdonald, did you want
5 this one published?

6 MR. MACDONALD: I'm going to move off it, Ms. Smotts.
7 We don't need to do that. Thank you. And you can take that
8 down, Jason.

9 Q. (By Mr. Macdonald) Are you aware, Mr. -- I'm allowed to
10 say your name. Sorry. I've been programmed to not say people's
11 names. I can call you Mr. Davies; right?

12 A Yes.

13 Q Okay. Are you aware that a few days after this, the
14 Government produced -- did a reproduction of I-213s to us,
15 because there was some question about whether some of the I-213s
16 in -- that were sent as a link with -- with Exhibit 200, whether
17 there may have been warrants for those? Are you familiar with
18 that back and forth?

19 A I don't believe so, no.

20 Q Okay. Let's put up Exhibit 202. This has been admitted,
21 Your Honor. So, this is four days later, Mr. Davies. This is
22 another email from Assistant United States Attorney Mr. Brown
23 dated January 16th, 2026. And at the top, he indicates they
24 believe they complied with the Court's order, and they've
25 separated the I-213s into two categories. Do you see where I'm

1 reading?

2 A Yes.

3 Q Okay. And category one they say is I-213s that suggest
4 that the arrest may have been made pursuant to a warrant, even
5 though they do not explicitly mention a warrant. Do you follow
6 that?

7 A Yes, I do.

8 Q Okay. And then category two is I-213s that do not contain
9 facts indicating a warrant may have issued. Do you follow that?

10 A Yes, I do.

11 Q Okay. And so Exhibit 202 is the 20 I-213s that fell into
12 category two, according to the email from counsel. And you can
13 see that -- sorry. Can we highlight that and blow that up? So,
14 again, category two represented to be I-213s that do not contain
15 facts indicating a warrant may have issued. And the
16 Government's production previously on January 12th contained 17.
17 He was able to produce three additional randomly selected I-213s
18 from category two today, so that makes 20 I-213s produced
19 pursuant to the Court's order to produce I-213s for warrantless
20 arrests. Do you follow that?

21 A Yes. I'm following this.

22 Q Okay. And let's leave that back up for just one moment,
23 Jason. So, the review that had been done indicated there were
24 58 I-213s in category two, and that's for the period from when
25 the judge entered the order, November 25th, through

1 December 31st. So, that's a month and five days. Do you follow
2 that?

3 MR. BROWN: Foundation to the extent he's asking if
4 that happened -- if he corrected it by saying are you following,
5 no objection.

6 THE COURT: What?

7 MR. BROWN: The start of the question made -- raised
8 the foundation issue. However, then he said, are you following?
9 So, to the extent it's are you following, no objection.

10 THE COURT: I don't remember what the start of the
11 question was. I would say does this say that there --

12 MR. MACDONALD: Sorry, Judge.

13 THE COURT: You moved on from your 58 now?

14 MR. MACDONALD: No. I'm going to ask him about the
15 58, Your Honor.

16 THE COURT: Right. It says, they found 58 to fit in
17 category two.

18 MR. MACDONALD: That's right.

19 THE COURT: Okay.

20 Q. (By Mr. Macdonald) My question now is do you have any
21 reason to dispute that there were 58 I-213s in the warrantless
22 arrest category?

23 A I haven't reviewed all the 213s, so I wouldn't know.

24 Q You could review them. You have them; right?

25 A So, I have -- I handed them over. I handed over all the

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1 213s from this timeframe. I don't have them anymore, no.

2 Q You have access?

3 A I absolutely have access to them.

4 Q You could ask any of the fine gentlemen sitting to my left
5 for them; right?

6 A Yes.

7 Q Okay. And so did you review some of those?

8 A I've reviewed some for this -- a few for this case.

9 Q Okay. Just a few?

10 A Yes.

11 Q All right. So, if you looked -- you have a hard copy in
12 front of you of Exhibit 202 that has 20 I-213s, and so that we
13 just want you to open that up and take a look at it. So, these
14 I-213s that were provided to us pursuant to the Court's order,
15 are you aware that none of these I-213s say that they were
16 warrantless arrests? None of them have that indication in the
17 narrative?

18 A I haven't reviewed these. Do you want me to review these?

19 Q We probably don't need to waste the time for you to do
20 that. I guess the question is are you aware of that fact
21 whether any of those indicate that they are warrantless arrests?

22 A I would have to review the case.

23 Q Okay. And you haven't done that?

24 A No.

25 Q And you're not aware of whether any of them include the

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1 specific articulable facts that would give rise to probable
2 cause the person is likely to escape before a warrant could be
3 issued? You haven't reviewed them, and you don't know that; is
4 that fair?

5 A That's fair.

6 Q All right. And you submitted a declaration in this case, I
7 think on Saturday night?

8 A I believe it was Friday night, I believe.

9 Q All right. It was whenever it is. March 7th, you
10 submitted the declaration; is that right?

11 A I would have to look.

12 Q Why don't we just look at it.

13 A Yeah.

14 MR. MACDONALD: Your Honor, may I approach?

15 THE COURT: Thank you.

16 Q. (By Mr. Macdonald) So, this is the declaration that you
17 submitted in this case on March 7th; right?

18 THE COURT: It says March 6th.

19 THE WITNESS: Yeah. I signed it on March 6th.

20 MR. MACDONALD: Thank you. Filed with the Court on
21 March 7th, excuse me.

22 THE WITNESS: Yes. This is it, though.

23 MR. LENEIS: So, Your Honor, if you would like, we do
24 have copies of the actual signed declaration. This is the one
25 that was filed. So, it doesn't have his signature on it due to

1 the way that the Court's CM/ECF rules work. The actual signed
2 declaration stays in the files, and a different -- a slightly
3 different one is filed.

4 THE COURT: Is this what your second motion was on?

5 MR. LENEIS: This is exactly what the second motion is
6 about, Your Honor.

7 THE COURT: So, which one do you want the plaintiffs
8 to use? They're the same; right? Except for the signature?

9 MR. LENEIS: I believe that is the case.

10 MR. MACDONALD: I'm happy to use this one for now,
11 Your Honor. I don't need the actual one that he signed.

12 THE COURT: Do you have any problem with his doing
13 that?

14 MR. LENEIS: No.

15 THE COURT: All right.

16 Q. (By Mr. Macdonald) In paragraph 11 of Exhibit 292, your
17 declaration, you identified four --

18 THE COURT: Is 292 admitted?

19 MR. MACDONALD: What's that?

20 THE COURT: Is 292 admitted?

21 MR. MACDONALD: It's not admitted, Your Honor. I
22 was -- I'm happy to have it admitted. It's his declaration.

23 THE COURT: Any objection?

24 MR. BROWN: No objection.

25 THE COURT: It's admitted.

1 Q. (By Mr. Macdonald) In paragraph 11 -- let's go to page
2 five. And you identify four specific individuals in your
3 declaration in paragraph 11 on page five. Do you see that?

4 A Yes, I do.

5 Q And they have the initials AGR, CEPC, and FLZ; right?

6 A Yes. And then the fourth -- the fourth one is --

7 Q RJRP is the fourth?

8 A Correct.

9 Q All right. And with respect to AGR, CEPC, and FLZ, you say
10 you have reviewed the arrest records and confirmed that an I-200
11 arrest warrant for each individual had been created during a
12 previous interaction with immigration officials prior to their
13 most recent arrest. That's what you say?

14 A That's correct.

15 Q Okay. You're not testifying that they were arrested
16 pursuant to those warrants or that your officers knew about
17 these warrants when they arrested them, are you?

18 A I'm sorry. Can you repeat that?

19 Q Yeah. And I will try to break it down, because it was
20 probably an unfair compound question that your counsel could
21 have objected to, but he was generous. So, let's start, you're
22 not saying that your officers knew about who -- who arrested
23 these individuals, you're not saying they knew that there was a
24 warrant?

25 A So, I wasn't there, so I don't know what they knew and what

1 they didn't know. But during the course of the investigation,
2 this is the information that would have come up while they were
3 interviewing these subjects.

4 Q But you don't know that?

5 A I don't know that.

6 Q Okay. And you're not testifying that your agents actually
7 arrested them pursuant to an I-200 that was created previously
8 and was in the file; right?

9 A Again, I wasn't there, but this would be the warrant that
10 they would have used if they were to take them into custody.
11 This would have been a warrant that they could have used to take
12 them into custody.

13 Q Could have used. You're not saying, because you weren't
14 there and you haven't talked to them, that they did use it;
15 true?

16 A So, I guess I don't understand that question. If they have
17 an active warrant in the system, they would have taken them into
18 custody with that active warrant.

19 Q And so similar to our -- the actual named plaintiffs in
20 this case who were arrested without warrants, and then after the
21 fact an I-200 was put in the file -- are you aware of that?
22 That's a common practice even when someone is subjected to a
23 warrantless arrest. After that fact, an I-200 is put in their
24 file?

25 A Yes. That's correct.

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1 Q Okay. And that was true for each of our named plaintiffs.
2 Were you aware of that?

3 A No.

4 Q Ms. Dias Goncalves, Mr. Ramirez Ovando, and the others, JSG
5 and GRR?

6 A No. I was not aware.

7 Q But you're saying someone has an I-200 in the field, and if
8 they're encountered in the field, by definition, if they're
9 arrested, it is pursuant to that warrant. That's your
10 testimony?

11 A Yes.

12 Q You haven't provided those warrants to the Court or to us;
13 true? For these four individuals?

14 A I have not, no.

15 Q Do you know if these four individuals were served with a
16 warrant at the time they were arrested?

17 A I do not know.

18 Q And you don't know if they were actually arrested, put in
19 handcuffs, put into a car before an officer even became aware
20 that there was an I-200 in their file; true?

21 A Yeah. I do not know. I was not there.

22 Q And you would expect as the AFOD for Denver that your
23 officers, including the supervisors who review the I-213s, would
24 accurately reflect if these four people were arrested pursuant
25 to a warrant, they would put that in the I-213. That's what you

1 would expect; right, sir?

2 A Going forward, absolutely, yes.

3 Q And they should have -- if it happened then, you would have
4 expected they did it?

5 A So, previously, it would be different -- I mean,
6 different -- there's different ways you could type the 213 that
7 the supervisor would then know that you had the warrant.
8 There's different -- if it was a targeted arrest, we would know
9 that you had a warrant with you. If it was a jail release, we
10 would know that you had a warrant with you. So, going forward,
11 because of all of this, my training to the staff now has been
12 adamantly clear if you had a warrant prior to arresting the
13 person, it does need to be in the 213.

14 Q And why didn't you do that before, sir?

15 A Before the injunction?

16 Q At any point.

17 A Because when the supervisor's reviewing the case, there's
18 certain words, there's certain nomenclature in the 213 that as
19 officers with our training, we knew that subject was targeted,
20 and there was a warrant with the file.

21 Q What if the person is not targeted, and they're collateral,
22 and they're found at a construction site, for example?

23 A And that's a different situation altogether. That's a
24 collateral, and that would be handled a different way. But if
25 it was listed in the 213, the subject was targeted, then my

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1 supervisors would know that they had a target package for that
2 person.

3 Q I mean, your supervisors, I thought based on what you just
4 testified a few minutes ago, would have been able to tell that
5 there were warrants by running the checks in the system?

6 A Absolutely.

7 Q Okay. So, when they got an I-213, and they ran their
8 checks, why wouldn't they have said to the arresting officer, if
9 you arrested this person pursuant to the warrant, why isn't it
10 in the I-213?

11 A Then that's -- again, that's why I've been continually
12 training the staff to ensure that if it's a warranted arrest, we
13 make sure that it's listed as a warranted arrest.

14 Q You -- so, you've identified these four from your review of
15 arrest records from the I-213s that we submitted to this Court
16 that are the ones that we were told were warrantless arrests.
17 And you've identified four that you said a warrant existed
18 previously; right?

19 A Correct.

20 Q And I think there are 29. Does that sound right to you,
21 that we've received from the Government?

22 A Again, I do not know.

23 Q All right. But you could have reviewed more than these
24 four and identified if there was ever a warrant in anyone's
25 file; true?

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1 A True.

2 THE COURT: Were these four in category one or
3 category two?

4 MR. MACDONALD: All four of these were in category
5 two, Your Honor, ones in which the representation was made these
6 were warrantless arrests, and none of them on the face of the
7 I-213 mention anything about a warrant, Your Honor.

8 Q. (By Mr. Macdonald) What is a target package, sir? You
9 mentioned that in your last answer.

10 A It will involve systems checks, immigration checks,
11 criminal history checks, fugitive operations worksheet, along
12 with a warrant, whether it's a 200 or a 205.

13 Q Okay. So, that target package would have the warrant in
14 it?

15 A Correct.

16 Q All right. And presumably, a person arrested pursuant to
17 that warrant, they would then put that in the I-213, your
18 arresting officers?

19 A Not always. Again, previously -- now, we are absolutely
20 pushing that agenda. Previously, if it was a targeted arrest,
21 and it was mentioned as a targeted arrest, we would not then
22 again place subject was arrested with warrant, because we knew
23 previously that a targeted arrest would have a warrant with
24 them.

25 Q With respect to Exhibit 202 that you have had open in front

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1 of you, other than these four individuals, you can't identify a
2 single one of the 20 I-213s that even potentially had a warrant,
3 can you?

4 A I was given other A numbers to review. I don't know if it
5 was the ones that you're speaking of.

6 Q Okay. The other A numbers that you reviewed, have they
7 come up as having warrants?

8 A Yes. Not all -- I don't know about all of them. I didn't
9 review the entire list, but the ones that I reviewed I found
10 warrants for.

11 Q Presumably, you would have included in your testimony here
12 other individuals that we believe and have told the Court are
13 warrantless arrests, if you had evidence that they were with a
14 warrant, you would have put that in your declaration?

15 A I was specifically asked about these ones, so these are the
16 ones that I put in there.

17 Q So, in -- on January 16th, we got the 20 I-213s that are in
18 category two, which we understand to be warrantless. Are you
19 aware that we received three additional I-213s on -- that we
20 specifically requested on or about January 22nd, 2026?

21 A I'm not fully aware. I would have to see the 213s or the A
22 numbers.

23 Q This is already admitted. Let's quickly go, and if you
24 want to look in -- it's Exhibit 204. These are three I-213s
25 that we specifically requested. And they are three collaterals

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1 who were arrested in Bennett, Colorado. Have you looked at
2 these, sir?

3 A I may have. I don't remember them specifically.

4 Q None of them say anything about flight risk, do they?

5 A I don't know.

6 Q All right. We will leave that. They say what they say.
7 Have you looked at any of the declarations that we submitted as
8 part of our motion to enforce that we filed last week?

9 A No, I have not.

10 Q Let's look at 207, which has already been admitted. And so
11 the Court has seen this already, but just for your benefit,
12 Mr. Davies, this is a February 10th, 2026, email from DOJ
13 counsel saying that they have uploaded per agreement and per
14 Judge Jackson's order I-213s for warrantless arrests in January.
15 Do you see that? First page, 207?

16 A The date for the February 10th of 2026, I see here.

17 Q Correct.

18 A Yes. I do see that.

19 Q And so this is one-third of the warrantless arrests for
20 January, and there were five of them? Were you aware of that?

21 A I'm seeing that here now. I wasn't aware of it before.

22 Q Okay. And these -- the agreement which is reflected here
23 is that defendants would produce one-third of the I-213s for
24 warrantless arrests, and that means there would have been 15 by
25 this count, because we're getting one-third of them. We got

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1 five. Do you follow that math?

2 A I follow that math, yes.

3 Q Okay. So, we saw earlier 58 for the period last five days
4 of November and into the month of December. There were 58,
5 according to the Department of Justice. And now there are 15,
6 according to the Department of Justice. Significant dropoff.
7 Do you agree with that?

8 A I agree with those numbers, yes.

9 Q Okay.

10 A The dropoff, I should say.

11 Q Understood. And your arrests with the Denver field office
12 have not gone down; true?

13 A I don't know the numbers, but we -- I feel like we've
14 averaged about the same every month, yes.

15 Q You would have access to those emails -- or, sorry. Those
16 numbers; right?

17 A Yes.

18 Q And certainly, nationally, the numbers have not gone down;
19 right?

20 A I'm not aware if they have or not. I haven't looked at
21 those numbers.

22 MR. MACDONALD: Let's take a quick look at
23 Exhibit 242, please. So, Your Honor, this is fiscal year '26
24 version of Exhibit 64 that we -- you saw and admitted in the
25 last hearing of deportation statistics from ICE's website. We

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1 move admission of Exhibit 242.

2 MR. BROWN: I don't understand, actually. Has this
3 been previously admitted?

4 MR. MACDONALD: So, Exhibit 64 was fiscal year
5 '25 version of this same spreadsheet. This is fiscal year
6 '26 version of the same spreadsheet from ICE's website.

7 MR. BROWN: Your Honor, there's no foundation for this
8 document. The prior version was admitted, but it was also
9 admitted in the preliminary injunction hearing where rules of
10 evidence don't apply. And here, there's no foundation at all
11 for this exhibit.

12 THE COURT: The objection is overruled. It's
13 admitted.

14 Q. (By Mr. Macdonald) Mr. Davies, if we look at rows 90
15 through 103, do you see this is a chart of ICE average daily
16 population by arresting agency, month, and criminality, fiscal
17 year 2026? Do you see that?

18 A Yes, I do.

19 Q And you're aware that these types of statistics are
20 available on ICE's website; right?

21 A Yes.

22 Q And this has the data from October 2025 until
23 February 2026?

24 A Yes.

25 Q And the spreadsheet breaks down for ICE the people that

1 they have arrested by convicted criminal, pending criminal
2 charges, and other immigration violator; right?

3 A I'm not exactly sure if that's what this portrays. This
4 looks like it's portraying the population in detention
5 facilities, not arresting data.

6 Q So, that's absolutely right. It is the average daily
7 population by arresting agency. So, these are people that ICE
8 has arrested who are in detention at these -- at these times;
9 right?

10 A Correct.

11 Q Okay. And so other immigration violator are people that
12 have not been -- where no criminal charges have been filed at
13 this point for any of those people. Do you understand that?

14 A Not -- I don't completely agree with that. They could have
15 pending charges, I believe, and still be placed in that
16 category.

17 Q Wouldn't they be placed in a pending criminal charge?

18 A Oh, I'm sorry. I didn't see that part. No. You're
19 correct.

20 Q And I will just tell you, Mr. Guadian testified at the last
21 hearing that other immigration violator is people where, quote,
22 no criminal charges have been filed at this point for any of
23 those individuals.

24 A That sounds correct.

25 Q Okay. Because there is the pending criminal charges, and

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1 there's also convicted criminal. Those are the other two
2 categories; right?

3 A Yes.

4 Q And if we look at October for other immigration violators,
5 it's 18,696. Do you see that number?

6 A Correct.

7 Q That then increases each month to 21,878, 24,417, 26,506 in
8 January, and then a slight drop in February to 25,764 people
9 where no criminal charges have ever been filed and are in
10 detention and were arrested by ICE. You're following along
11 there?

12 A Yes.

13 Q So, that's a 7,000-person increase in the four months, five
14 months from October to February, from 18,700 to 25,700; right?

15 A So, again, yes. That's correct. Again, this is daily
16 population. So, some of these people could have still been in
17 detention in November, December, and being counted, and then
18 some people could have been removed. So, it's hard to
19 calculate -- do you understand what I'm saying?

20 Q I think I understand, but let me ask the question. The
21 population of other immigration violators is increasing by
22 7,000 -- at minimum, there are 7,000 new people who have never
23 been charged with any crime who were detained by ICE between
24 October and February. At least 7,000?

25 A Yes. That's correct.

1 Q And in fact, it's probably more, because this doesn't take
2 into account, as you say, the people that have been removed from
3 the country or took voluntary deport; right?

4 A Correct.

5 Q So, that's an increase of about, we will say, I did the
6 math, it's 37.8 percent. The Judge can check that. But I want
7 to compare it to convicted -- the people who -- convicted
8 criminals. That's gone up from October to -- from 16,498 to
9 17,505. So, October it's 16,498. Do you see where I'm reading?

10 A Yup.

11 Q And in February, it's 17,005; right there?

12 A 17,505.

13 Q 17,505. Thank you. So, the folks that are in detention
14 who have been convicted of crimes since the judge's -- around
15 when the judge's -- we had the last proceeding and the judge
16 entered the order has only gone up by about a thousand people;
17 right?

18 A That's correct.

19 Q Six percent is the number that I came up with. And so
20 ICE -- is it fair to say from this data that ICE is continuing
21 to arrest people who -- noncriminals, people never charged with
22 a crime at a far higher rate than people with a criminal
23 conviction?

24 A Yes. That's correct.

25 Q All right. And I won't walk through the numbers, because

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1 it happened at the last proceeding, fiscal year '25 showed the
2 same trend from October 2024 through the time of the hearing.

3 That wouldn't surprise you either; right?

4 A No, it wouldn't.

5 Q Okay. And part of the reason this data trend is happening
6 is because ICE is arresting far more collaterals in the field
7 than targeted arrests of people who have been convicted of
8 crimes; true?

9 A Yes. We are arresting more collaterals than we have
10 previously. That's true.

11 Q And that's true in Colorado as well as nationally; right?

12 A That's correct.

13 Q At the October 30 hearing, Field Office Director Guadian
14 testified that he had not talked to the officers who were
15 involved in the warrantless arrest of the plaintiffs, and I
16 think at least one of them is an HSI officer, but have you
17 talked to any of those officers, at least that are in ERO about
18 those arrests?

19 A I cannot remember.

20 Q Mr. Guadian testified there had been no punishment, no
21 reprimand for any of the officers at that time. Has anything --
22 has there been any counseling or training of the officers
23 involved of the warrantless arrests after the judge's order?

24 A I do not know.

25 Q I'd like to talk about the Court's injunction. In your

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1 declaration you said, I believe, that you received an email
2 setting forth the judge's requirements from the injunction. Do
3 you recall that?

4 A I'm sorry. Can you say that again?

5 Q Yeah. I'm shifting gears. I'm sorry. Did you receive an
6 email after the Court entered an injunction in this case, the
7 November 25th, '25, injunction? Did you receive an email
8 setting forth what that injunction was?

9 A Yes, I did.

10 Q What did you do to convey the judge's requirements to the
11 people in the Denver field office, if anything?

12 A So, I -- multiple things. I sent an email out to my
13 supervisors. I had formal and informal meetings with my
14 supervisors. I had training with officers to ensure that the
15 message was sent out to the office.

16 Q What was the training that you just referred to on the
17 requirements of the Court's order, sir?

18 A So, the training we did -- the formalized training we did
19 was with the processing team, and it was exactly this, to
20 explain what the injunction meant, how to document properly, and
21 then it was expressed to the team that warranted arrests --
22 warrants should be obtained and secured for every arrest
23 possible, to not rely on warrantless arrest, to ensure that we
24 were getting warrants for cases when we're making arrests prior
25 to -- prior to taking the subject into custody.

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1 Q And you said the formal training was with the processing
2 team. Did I hear that right?

3 A That is correct.

4 Q It was not with -- the formal training on the requirements
5 of the judge's preliminary injunction wasn't with the
6 deportation officers?

7 A They are deportation officers.

8 Q Are they deportation officers doing deportations out in the
9 field?

10 A So, both. They're a processing team when they're
11 processing, but they're also an enforcement team when we need
12 them to go out and make arrests.

13 Q So, when you said -- I just want to understand. How many
14 people when you gave the formal training were part of that
15 processing team?

16 A I don't know the exact number.

17 Q Approximate?

18 A Fifteen.

19 Q Fifteen people out of --

20 A Approximately.

21 Q And I think you said you've added 120 deport officers, and
22 there were 85 previously. So, there's 200 deport -- deportation
23 officers, roughly, in the Denver field office?

24 A Denver and Wyoming.

25 Q Okay. And so 15 people got this training?

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1 A Yes.

2 Q Okay. And were there written materials?

3 A For the training, there were slides.

4 Q What material was captured in the slides?

5 A It was done by our attorneys.

6 Q Do you know when you presented that?

7 A I don't know the exact date off the top of my head, but it
8 is in my declaration.

9 Q Is this -- well, let's look at your declaration. I didn't
10 see that in your declaration, but I might have missed it. Let's
11 call up Exhibit 292, please. Let's go to page five, please. In
12 paragraph 12 you reference something that happened on
13 February 13th. Is this the formal training you're referring to?

14 A That's one of the formal trainings, yes.

15 Q Before you had said you did -- all right. Let's talk about
16 that. Just a minute ago you were telling me about formal
17 training of the processing team. So, I just want to understand,
18 and you said -- you mentioned when that was in your declaration.

19 A Correct.

20 Q And so you've got -- and if you want to look at it, I can
21 give you a copy of your declaration, unless you already have it.
22 All right. You already have it. What is the date that you gave
23 the formal training to the 15 processing team members?

24 A February 13th.

25 Q Okay. And so that's the day after the Court entered an

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1 order that we would have a status conference to talk about our
2 view that there was noncompliance? You're aware of that?

3 A No, I'm not.

4 Q Say that again?

5 A No, I'm not.

6 Q Okay. So, this, though -- this February 13th training is
7 one that you said there was a -- functionally a PowerPoint deck
8 prepared for?

9 A Correct.

10 Q Okay. Had you given any other formal written trainings
11 prior to the February 13th meeting?

12 A Yes.

13 Q When were those?

14 A I've sent out emails to supervisors. I had formal meetings
15 with supervisors. The supervisor at the fug. ops unit. I had
16 formal trainings directly after my last testimony over this.
17 Two separate occasions.

18 Q And did you have materials prepared for each of the
19 trainings that you just described?

20 A I had the emails.

21 Q Okay. You sent out emails that included instructions, is
22 that fair, about the Court's -- the requirement of the Court's
23 order?

24 A That's correct.

25 Q You said you had conversations in addition?

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1 A That's correct.

2 Q Did you send out any other written materials like the
3 PowerPoint slide or some other instructions besides the emails
4 that you described and the February 13th meeting you just
5 discussed?

6 A No, I have not.

7 Q One of the things that your declaration says is that part
8 of the training in paragraph 12 is that intake officers, if they
9 determine that the arrest narrative does not comply, they're
10 instructed to seek clarification or additional information from
11 the arresting officer, including clarification about whether the
12 officer had a pre-arrest warrant. And for a warrantless arrest,
13 what specific particularized facts supported the conclusion that
14 the individual was likely to escape before a warrant could be
15 obtained; right?

16 A Correct.

17 Q And how will the Court or we know what was clarified if an
18 intake officer after the fact goes back to a deportation officer
19 to get additional facts?

20 A So, it was my direction to the supervisors, if you -- if
21 they did not get the information they needed for that 213, those
22 officers that are processing the case were not in the field,
23 they were not there at the time of the arrest. We need to stop
24 whatever -- whoever that officer is that's out there in the
25 field that was there during the arrest to come back to the

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1 office and clarify how was this -- how did this arrest happen?
2 To ensure we were factual on the 213.

3 Q And so that would result in a new or a revised 213; right?

4 A No. They were -- they're still processing the 213 at that
5 time.

6 Q So, how do they receive the narrative often, or typically?

7 A Typically, the encounter officers would email the encounter
8 to the intake officers on what happened during the arrest. And
9 my direction to the supervisors is if it's not clear enough, to
10 ensure that officer then reports back to the office and
11 clarifies exactly what we need to ensure that we're accurately
12 reporting what happened during that encounter.

13 Q And so there would be an email that has the original
14 reflection of what the officer said in the encounter?

15 A Either an email, or they will sit there, and they will
16 write it out while they drop the person off. It all depends on
17 who it is and --

18 Q Sometimes it's done in a scratch 213?

19 A A scratch 213, it could be.

20 Q Okay. And the scratch 213 is a document -- sort of
21 physical document that they fill out sometimes in the field;
22 right?

23 A I don't know if they -- I mean, they would put
24 investigative stuff on their investigative sheet. In the
25 previous years, we maybe used scratch 213s.

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1 Q In your declaration, you indicate on page six that if an
2 I-213 is determined to be deficient, the arresting officer will
3 be counseled as necessary and will be able to amend the I-213 to
4 address missing information. Do you see where I just read from?

5 A Yes.

6 Q What counseling have you done based on I-213s that haven't
7 complied with the Court's order to date?

8 A So, at this point, we have had some officers that are no
9 longer out on the streets making arrests. And my supervisors
10 will -- so, it's been -- so, the processing officer is a new
11 process that we've been doing lately. And part of the learning
12 process is if you cannot give us the correct information after
13 making an arrest, then you will no longer be able to use that
14 processing team. You will come back and process the case
15 yourself to ensure you know what information we need on that 213
16 going forward.

17 Q And so just to make sure -- thank you for that. Are there
18 officers that have been removed from the field because they have
19 not properly either documented or conducted warrantless arrests?

20 A Not solely that, but yes.

21 Q That has contributed to it?

22 A Yes.

23 Q The failure to document --

24 A Not solely, but yes.

25 Q Okay. And when did those -- how many people, if you

1 recall?

2 A Four.

3 Q When did that happen?

4 A I can't remember the exact time.

5 Q Was it in the last month?

6 A I believe so. A month or two.

7 Q Was it after February 13th?

8 A I don't remember.

9 Q You would have those records?

10 A I'd have to look for them. I believe I do.

11 Q Are you familiar with a whistleblower -- a person who has
12 been characterized as a whistleblower named Ryan Schwank, who
13 was an assistant chief counsel for ICE who recently testified to
14 Congress that the legally required training program at the ICE
15 academy is deficient, defective, and broken?

16 A I did hear about that.

17 Q And Mr. Schwank testified to Congress that ICE had cut the
18 class -- the hours from a training program from a 584-hour
19 training program by 240 hours. Did you also hear that?

20 A I don't recall exactly what he said, no.

21 Q But did you hear that at least the testimony was that there
22 had been substantial cuts to the training program in -- measured
23 in at least a couple hundred hours?

24 A Yeah. I don't know what he said, but I do -- I do know
25 that there has been cuts in the training program.

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1 Q And do you know if the cuts to the training program have
2 been in the magnitude of several hundred hours?

3 A I believe so.

4 Q Okay. And some of the people that are showing up in Denver
5 will have gone through this greatly reduced training program at
6 the ICE academy; right?

7 A That's correct.

8 Q You agree that reasonable suspicion is not sufficient to
9 make an arrest?

10 A That's correct.

11 Q Are you aware that DHS itself has put out statements saying
12 that reasonable -- that they -- reasonable suspicion was
13 sufficient for ICE agents to make arrests?

14 A I'm sorry. Can you state that one again?

15 Q Yeah. Are you aware that DHS has put out statements saying
16 that reasonable suspicion was sufficient for ICE agents to make
17 arrests?

18 A I don't remember. I know there was -- they were talking
19 about reasonable suspicion. I don't remember exactly what --
20 probable cause is what I've always --

21 Q Probable cause is the standard that you talked to the judge
22 about at the last hearing; right?

23 A Absolutely.

24 Q And that's required?

25 A Absolutely.

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1 Q And if DHS is putting out tweets or making statements that
2 reasonable suspicion is enough, that's a problem; right? From
3 your standpoint?

4 A The probable cause is what I believe to be what we would
5 need to make the arrest.

6 Q All right. Let's just put up Exhibit 224, please. 224 is
7 a -- is a tweet from the official Homeland Security at DHS.gov
8 site. Do you see that up at the top?

9 A I do see that.

10 MR. MACDONALD: Move admission of 224, Your Honor.

11 MR. BROWN: No objection.

12 THE COURT: Admitted.

13 Q. (By Mr. Macdonald) And if we go down to the fourth
14 paragraph, right down here it says, law enforcement uses
15 reasonable suspicion to make arrests as allowed under the Fourth
16 Amendment to the U.S. Constitution. Do you see that?

17 A I do see that.

18 Q Okay. And at least your officers out in the field could be
19 seeing tweets from the official DHS website; right? They're
20 probably younger and savvier than I am, certainly, and maybe you
21 too?

22 MR. BROWN: Compound.

23 THE COURT: Sustained.

24 MR. MACDONALD: Stipulated, Your Honor. Let me come
25 back.

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1 Q. (By Mr. Macdonald) Do you think, Mr. Davies, that
2 official -- and I'm not going to waste the Court's time. We
3 could go through a lot of DHS tweets that say the same thing and
4 a lot of newspaper articles in which official spokespeople for
5 DHS are saying the same thing. Do you think that DHS making
6 official pronouncements about arrests being made on reasonable
7 suspicion could cause confusion amongst your agents here in
8 Colorado?

9 A I don't know what DHS was thinking putting out this tweet.
10 I will tell you that my officers know that probable cause is the
11 standard here in Denver.

12 MR. MACDONALD: Your Honor, for the benefit of the
13 record, may I, without showing the witness, introduce additional
14 tweets and statements from DHS making the same statement? Would
15 that be useful? If it's not useful for you, I won't do it, Your
16 Honor.

17 THE COURT: So, they've been wrong more than once?

18 MR. MACDONALD: A lot of times, Your Honor, and I
19 think that causes and leads to the confusion that we've seen
20 here today and elsewhere.

21 THE COURT: What's your position on his wanting to add
22 some more of these tweets in?

23 MR. BROWN: We would need to see them, or else we
24 object.

25 THE COURT: You haven't seen them?

1 MR. MACDONALD: They're all on our exhibit list.
2 They've had them for days, so they have seen them, but I could
3 identify the specific ones.

4 THE COURT: How many are there?

5 MR. MACDONALD: Exhibit 225, Exhibit 226. We can just
6 call them up. I will do them quick, Your Honor.

7 THE COURT: Pardon me?

8 MR. MACDONALD: I can just call them up, and we will
9 see if we draw an objection.

10 THE COURT: I was thinking maybe counsel could look at
11 them now briefly, and he maybe wouldn't have an objection. It's
12 a little hard for him to object to what the department has put
13 out, but it's fair that he has a right to see them first.

14 MR. MACDONALD: Fair enough, Your Honor. We will move
15 admission of 225 and 226.

16 MR. BROWN: No objection to 225 and 226, Your Honor.

17 THE COURT: Thank you. Admitted.

18 Q. (By Mr. Macdonald) Let's put up Exhibit 229, please.
19 This is slightly different, but same principle. This is a Wall
20 Street Journal article. And if we look on the second page,
21 Mr. Davies, do you see a statement from Tricia McLaughlin, a
22 spokesperson for the Department of Homeland Security? Do you
23 see that?

24 A Yes. Yes, I do.

25 MR. MACDONALD: And there's a statement that she makes

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1 here quoted in the Wall Street Journal. And, Your Honor, I
2 would move Exhibit 229 into evidence.

3 MR. BROWN: We object to 229. It's out of court
4 hearsay, it hasn't been authenticated, and there's no
5 foundation.

6 MR. MACDONALD: Your Honor, we're not using it to
7 offer the truth of the matter asserted. In fact, quite the
8 contrary. Non-hearsay.

9 THE COURT: Well, it would probably be an admission
10 anyway, and not hearsay. But isn't this the same lady who was
11 quoted in response to this Court's order of saying the Court is
12 full of beans because we don't racially profile anybody?

13 MR. MACDONALD: It may very well, Your Honor. I'm
14 swimming in documents, so I don't know if this is the exact
15 same --

16 THE COURT: One of my law clerks found that, and what
17 it showed me is that she did that without even reading the
18 order, because the order has nothing to do with racial
19 profiling. All right. The objection is sustained. I don't
20 find her to be a credible source about anything.

21 Q. (By Mr. Macdonald) In your declaration, which is
22 Exhibit 292, if we go to page four, you say that -- the bottom
23 of page four, paragraph 11 -- there are instances where officers
24 may reasonably have concluded that an individual likely already
25 had an active warrant for his or her arrest. Do you see that?

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1 A Yes, I do.

2 Q Can an officer arrest someone without probable cause
3 because they believe, reasonably or otherwise, that there was
4 already a warrant?

5 A I'm sorry. Can you repeat that?

6 Q Yeah. I'm just trying to understand your view about if an
7 officer -- you've identified this situation where officers may
8 conclude, may have concluded that an individual likely had an
9 active warrant. And so I'm trying to understand your view if
10 that excuses the necessity of having probable cause.

11 A So, if my officers found the warrant in the system, there's
12 probable cause in that system that the person is here illegally.

13 Q Understood. But what you're talking about here is not that
14 they found a warrant. What you say is may reasonably have
15 concluded that an individual likely already had an active
16 warrant. Not that they had one. You're saying an officer
17 believes that it's likely, not that there is one.

18 A I believe the instances that I'm referring to are the 213s
19 that I reviewed for this case.

20 THE COURT: So, Mr. Davies, I have a question.

21 THE WITNESS: Yes, Your Honor.

22 THE COURT: You've reviewed lots and lots of 213s over
23 the years.

24 THE WITNESS: Yes, Your Honor.

25 THE COURT: And you've reviewed some, at least, since

1 this Court's injunction order?

2 THE WITNESS: Yes, Your Honor.

3 THE COURT: Have you ever reviewed a 213 for a
4 warrantless arrest that explained that they had found probable
5 cause to believe the person was an escape risk or a flight risk
6 and set forth the particularized facts that supported that?
7 Have you ever seen that?

8 THE WITNESS: No, Your Honor.

9 MR. MACDONALD: Mr. Davies, I would like to look at
10 Exhibit 218, which is a January 28, 2026, memo. Before we put
11 it up, let me just ask you are you aware that Todd Lyons, the
12 senior official performing the duties of the director of ICE,
13 put out a memo on January 28 --

14 (The court reporter interrupted.)

15 MR. LENEIS: Your Honor, it was my fault again.

16 THE COURT: I just assumed that, Mr. Leneis.

17 MR. MACDONALD: I will start the question over.

18 Q. (By Mr. Macdonald) Are you aware that the top ICE
19 official, Todd Lyons, had sent a memo on January 28th, 2026,
20 addressing warrantless arrests?

21 A Yes, I was.

22 Q Okay. You received that?

23 A Yes, I did.

24 Q All right. You're looking at it right now? You've opened
25 your binder. You've jumped the shark, and you're just looking

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1 at it, which is fine. Are you looking at it right now?

2 A Yes.

3 Q Okay. Mr. Lyons -- and I'm going to try to move this
4 along. One of the things he explained in this memo is that ICE
5 had long applied the likely to escape language for prong two of
6 the warrantless arrest that you've talked to the judge about
7 extensively as being equivalent of flight risk. That's one of
8 the things that Mr. Lyons talks about in the January 28, 2026,
9 memo; true?

10 A That's true.

11 Q Okay. And you treated flight risk as being equivalent to
12 likely to escape the entirety of your career. You've used that
13 language; right?

14 A Yes.

15 Q And including when you testified in court in whatever day
16 that was, October the 30th of last year?

17 A Correct.

18 Q All right. And that's how you were trained over the last
19 20 years, that the question was flight risk, and that was the
20 same as likelihood of escape before a warrant could be obtained;
21 right?

22 A Correct.

23 Q All right. Mr. Lyons in his memo says that this is an
24 unreasoned position, and is incorrect; right?

25 A Yes.

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1 Q He goes on to say that there should be -- in his view there
2 are significant differences between likelihood of escape and
3 flight risk. That's what he concludes?

4 A I'm sorry. I'm trying to find where you're at.

5 Q Well, I'm not actually in it, but it says what it says. If
6 you want to go to page four -- well, I will just keep asking you
7 questions. Have you had any training on this memo?

8 A No.

9 Q Have you seen any materials from headquarters about this
10 memo and how it should or shouldn't change your practices?

11 A I believe I only received this memo.

12 Q Okay. Did this memo go to all of your officers?

13 A Yes.

14 Q Okay. So, all 200 people out doing things in the streets
15 of Colorado and Wyoming?

16 A Whomever was employed at that time, yes.

17 MR. MACDONALD: Okay. Let's call up 218, given that
18 it would be easier for the judge to see it, and the witness has
19 already got it. So, this is the memo we're talking about. I
20 move admission of 218, Your Honor.

21 MR. BROWN: No objection.

22 THE COURT: It's admitted.

23 Q. (By Mr. Macdonald) Let's go to page five, if we could.
24 And I should have asked you this, Mr. Davies. Did you receive
25 this at or around -- it is dated January 28th, 2026?

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1 A I can't remember when it came into my mailbox.

2 Q It would have been via email?

3 A Yes.

4 Q And would it have been sort of like that broadcast policy
5 that goes to every ICE personnel?

6 A That's correct.

7 Q Okay. So, whenever it was, it would have gone to you and
8 all of your officers?

9 A That's correct.

10 Q All right. And most of those officers did not get your
11 February 13th training; right? You only trained 15 people, you
12 said?

13 A That's correct.

14 Q If we look at that first full paragraph, we can blow it up.
15 It says, established. And Mr. Lyons in this memo is contrasting
16 the flight risk analysis, which he says is different to the
17 likelihood of escape analysis. And about four lines down, he
18 says, the likelihood of escape analysis is narrowly focused on
19 determining whether the person is likely to escape before the
20 officer can practically obtain an administrative arrest warrant
21 while in the field. Do you see where I've read?

22 A Yes.

23 Q That is completely different than the way you've been
24 trained for 20 years; right?

25 A Correct.

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1 Q But your --

2 A I guess I wouldn't say completely, but yes. It's different
3 than the way I've been trained before.

4 Q But your officers received this, and this may be the way
5 some of them are operating in the streets of Colorado; true?

6 A I would expect my officers to operate the way they've been
7 trained locally.

8 Q You would expect them to ignore the top ICE official's
9 instructions?

10 A I would hope that they would ask questions if they thought
11 that they would do something different than what we've trained
12 with this injunction.

13 Q And have you talked to any of the -- has anyone come and
14 asked you questions about this memo?

15 A No.

16 Q Mr. Lyons' memo is trying to make the likelihood of escape
17 prong whether the person is likely to be at the scene of an
18 encounter after a warrant has been obtained; is that right?

19 A I don't know exactly what he was assuming.

20 Q All right. Let's look at the factors that Mr. Lyons
21 instructs ICE -- all ICE employees to consider. That's on page
22 three. And so on page three, if we just blow up this right
23 here, if we could, Jason. He says, whether an alien is likely
24 to remain at the scene of the encounter is based on the totality
25 of the circumstances known to the immigration officer at the

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1 time of the encounter and prior to the arrest. Possible factors
2 include but are not limited to.

3 So, does this help you see that Mr. Lyons is saying the
4 question that ICE officers should consider on the likelihood of
5 escape prong is is this person going to be here at this location
6 at the scene in however long it takes me to get a warrant?
7 That's what he's suggesting; right?

8 A That's what it looks like he's suggesting here.

9 Q That's very different, in fact, than -- and conflicts with
10 the instructions in the preliminary injunction order. Would you
11 agree with that?

12 A Yes.

13 Q Okay. So, then the specifics that Mr. Lyons suggests, if
14 we could drop that down, we have number two, the subject's
15 ability and means to promptly depart the scene of the encounter,
16 e.g. subject was encountered in a vehicle and continues to have
17 control over the vehicle. So, that's one where he's saying
18 functionally, if you find someone in a car, that ought to be
19 sufficient for likelihood of escape?

20 A It looks like it's an example that he's putting, yes.

21 Q You understand if one of your officers who read this could
22 take this to mean the head of ICE is telling me if I see someone
23 in a car, and I pull them over, that's sufficient for likelihood
24 of escape?

25 A Again, I would hope he would -- he or she would ask

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1 questions, because this is not how they've been trained in our
2 office.

3 Q The second, the subject's age and health. Do you see that?
4 Or the third.

5 A The third one, yes.

6 Q Third one. Do you know what that means, how that would
7 weigh in favor or against the likelihood of escape?

8 A No.

9 Q If we go to the next page, number six is whether the
10 officer has probable cause to arrest the subject for improper
11 entry by an alien or reentry of a removed alien in violation of
12 statutes. Do you see that?

13 A Yes.

14 Q Okay. And that -- that would make -- collapse probable
15 cause of unlawful presence and probable cause of likelihood of
16 escape, wouldn't it?

17 A It would -- I'm sorry?

18 Q Well, it would mean that if you are here illegally, you've
19 satisfied both the probable cause of unlawful presence and the
20 probable cause of likelihood of escape; right?

21 A If you're looking at these criminal codes?

22 Q That's right.

23 A So, I don't -- so, we don't charge 1325 here due to the
24 proximity to the border. 1326 we do charge here, and that
25 person would most likely have a I-205 in their file, warrant of

1 deportation.

2 Q Understanding that you don't charge 1325, and are you
3 saying it's never charged here in Colorado? Because I thought I
4 had seen some.

5 A There might have been some as a plea deal, but we haven't
6 charged anybody.

7 Q All right. And this isn't a question of whether they
8 charge it. This is just telling an officer, if you have
9 probable cause that someone entered unlawfully, this is a factor
10 you should be able to take into account and make a flight risk
11 determination. That's what Lyons' memo is saying; true?

12 A That's what Lyons' memo is saying, yes.

13 Q I'd like to put up your -- you made a declaration in this
14 case in October; right?

15 A That's correct.

16 Q Let's put up Exhibit 212. This is your declaration from
17 October 27th, 2025; is that right?

18 A Can I review it?

19 Q Yes. Absolutely. Do you want to look at a hard copy?

20 A I'm sorry. I got it in --

21 Q Before you look at that, can I ask you another question
22 about the Lyons memo that we just looked at? Have you said
23 anything to your staff, the people in the Denver field office
24 about that Lyons memo?

25 A I have not, no.

1 Q Has the field director said anything to the staff that that
2 Lyons memo doesn't -- to the extent you know, doesn't comply
3 with the way we operate here in Colorado?

4 A I have not heard anything about the Lyons memo from him.

5 Q Or from anyone else in the Denver field office?

6 A That's correct.

7 Q Okay. Sorry. Let's -- do you have 212 in front of you?

8 A Yes.

9 Q It's executed on page 12, but that's page 13 of the
10 exhibit, because there's a cover page. It's dated the 27th day
11 of October. And you attach a handful of things to it?

12 A Yes. This is my declaration.

13 Q Okay. Let's go to page seven, if we could, of the exhibit.
14 Paragraph 11 of your October 27th, 2025, declaration addresses
15 the issue of what we've been calling field warrants; right? And
16 I will just read it for the benefit of the record while you're
17 also reading it, Mr. Davies.

18 It says, and this is your testimony, when a Denver ERO
19 officer encounters a collateral whom the officer has reason to
20 believe is an illegal alien, the officer may attempt to obtain
21 an arrest warrant for that individual. Arrest warrants must be
22 issued and signed by a supervisor based on probable cause that
23 the individual is an illegal alien. The supervisor necessary to
24 issue an arrest warrant would not necessarily be on scene or
25 otherwise available. Regardless, obtaining an arrest warrant

1 would often take longer than a typical consensual encounter
2 lasts.

3 That was your sworn statement back a few months ago;
4 right?

5 A That's correct.

6 Q And so it wasn't a common practice as of the date we had
7 this preliminary injunction hearing for your officers to get
8 warrants in the field, because obtaining a warrant would often
9 take longer than the typical consensual encounter lasts?

10 A On some cases, yes. Not all cases.

11 Q Often?

12 A Often.

13 Q It takes longer than the typical consensual encounter
14 lasts? And the declaration that you submitted on March -- that
15 you signed on March 6th says something very different, doesn't
16 it? Let's look at Exhibit 292, page three, paragraph six. And
17 the last four lines say, in most cases, because officers rely on
18 supervisors to review various databases to confirm an
19 individual's identity in the first instance and generally keep
20 supervisors apprised of the overall situation in the field, the
21 officers in the field are able to obtain an arrest warrant from
22 a supervisor within five minutes of making the request. Do you
23 follow that?

24 A Yes.

25 Q Okay. And so that's quite different than what you said a

1 few months ago, isn't it?

2 A That's correct.

3 Q All right. What changed?

4 A I wouldn't say quite different. It's slightly different,
5 yes.

6 Q One says that -- one says that it often will take -- well,
7 it says what it says. You agree that they're different. You
8 agree that they're in some ways contradictory, don't you?

9 A So, I agree that some consensual encounters will last less
10 than five minutes.

11 Q And you often -- and you even said often back in October?

12 A Yes.

13 Q Okay. But now, most of the time, you can do it in five
14 minutes?

15 A In five minutes, yes.

16 Q Okay. But you agree, then, that often a consensual
17 encounter lasts more than five minutes?

18 A I guess it depends on the case.

19 Q You testified that the practice of obtaining warrants in
20 the field was reemphasized in November of 2025?

21 A I'm sorry. Say that again?

22 Q The practice of obtaining warrants in the field when
23 possible was reemphasized in November of 2025?

24 A Yes.

25 Q Okay. That's what you said in this declaration that's

1 Exhibit 292; right?

2 A Yes.

3 Q Why did you do that?

4 A I feel it's better to make the arrest with the warrant
5 versus making a warrantless arrest.

6 Q What happens if you have -- your agents have already
7 arrested the person and are holding that person, and they're
8 getting the warrant at the same time?

9 A So, if he's already arrested, that would have been a
10 warrantless arrest. If they're detaining him for questioning
11 due to whatever the situation has, then that's a -- that's a
12 different situation.

13 Q So, they're encountering a person and they put handcuffs on
14 him, for example, that's at least indicative of an arrest;
15 right?

16 A Depending on the situation. If it's a volatile
17 situation --

18 Q Well, what we've seen in a lot of the I-213s and what we
19 heard from lots of your agents on the stand is they ask someone,
20 often a collateral, whether they're here in the country
21 illegally. They say the person says yes, illegal, and they pull
22 them out of a car and slap cuffs on them. That's a practice
23 you're aware of; right?

24 A No. I'm not aware of that practice.

25 Q When you reemphasized this notion of trying to get more

1 field warrants, how did you do that?

2 A Through training and conversations through our supervisors.

3 Q I missed the last part.

4 A Training and conversations with my supervisors.

5 Q What was the training?

6 A I guess the conversations with the supervisors, figuring
7 out -- coming together on a way to expedite the process for
8 warrants, understanding that the warrants is an important part
9 to the arrest, versus looking for escape possibilities. And
10 ensuring that we have the person that's in front of us in
11 custody.

12 Q So, did you -- the training, was there anything written,
13 sir?

14 A These were all conversations.

15 Q Okay. There was no email?

16 A There might have been emails. Like I said, I sent some
17 emails out right after my testimony the last time to reiterate
18 the previous case. And in those emails, I addressed pushing for
19 getting warrants prior to making arrests.

20 Q Officers and agents may not detain an alien for the sole
21 purpose of obtaining an arrest warrant; right?

22 A Correct.

23 Q And you don't know whether any of your officers are doing
24 that out in the field, at least some of the time, do you?

25 A I would hope they're not.

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1 Q You're aware that there had been a number of I-213s for
2 people that we have requested. We've learned about them and
3 made requests for specific I-213s, as provided in the judge's
4 order. Are you aware that has happened?

5 A Like the four that I reviewed in my declaration?

6 Q I think those four were ones that your counsel provided to
7 us, but are you aware -- let me just back up. Are you aware
8 that there was a regular production of I-213s that the
9 Government was supposed to provide to us?

10 A Yes.

11 Q The judge in his order also provided that we could make
12 requests for specific individual I-213s. Are you aware of that?

13 A No.

14 Q Okay. I will represent to you that that has happened, that
15 we have made such requests, and in some of the instances, we
16 have been told that people were arrested based on warrants that
17 were obtained after the encounter began. Are you aware of that
18 fact?

19 A No.

20 MR. MACDONALD: Let's put up Exhibit 205. Move
21 admission of Exhibit 205, Your Honor.

22 MR. BROWN: Same qualification with the other counsel
23 emails.

24 THE COURT: All right. It's admitted.

25 Q. (By Mr. Macdonald) Look at the bottom. So, let me just

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1 identify this for the record. It's an email from an AUSA
2 Mr. Brown, dated January 30th, 2026. If you look down at the
3 bottom, it says 213 requests. And it indicates that all eight
4 individuals were arrested pursuant to a warrant. Anticipating
5 your follow-up question, I've noted below which individuals were
6 arrested based on warrants created before the encounter began
7 versus those based on warrants created after the encounter
8 began. Do you see where I'm reading?

9 A Yes.

10 Q Then there's a list of individuals here on the next page.
11 Go to page two, specification of warrants issued before the
12 encounter began, and warrants issued after the encounter began
13 but before arrest. Do you see that?

14 A I see that, yes.

15 Q Okay. So, the four individuals that are identified as
16 having a warrant issued after the encounter began but before the
17 arrest, I won't identify their names. One of them is -- the
18 second one is initials CLP, and I will come back to that in a
19 moment.

20 THE COURT: Going to come back to it at three minutes
21 before 5:00?

22 MR. MACDONALD: If I am allowed to do so, Your Honor.
23 If I'm not allowed to do so, I will not.

24 THE COURT: So, you're not leaving even two minutes
25 for cross examination?

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1 MR. MACDONALD: Your Honor, I am trying to get the
2 facts out that I think are necessary for Your Honor to
3 understand the full extent of the issues that we've experienced
4 with compliance with Your Honor's order.

5 THE COURT: Do you gentlemen plan to cross examine the
6 witness?

7 MR. BROWN: Yes, Your Honor, but it will not be
8 lengthy. I would imagine it is 20 minutes or under.

9 THE COURT: Okay. We will stop now. 9 o'clock in the
10 morning?

11 MR. MACDONALD: Yes, Your Honor.

12 MR. LENEIS: Can we just confer for a moment, Your
13 Honor? Because I don't know who is available or has plans. So,
14 can we just chat for a second?

15 THE COURT: Yes.

16 MR. LENEIS: 9:00 is fine for the Government if it
17 works for the witness.

18 THE COURT: How much more do you have?

19 MR. MACDONALD: I'm very close to the end, Your Honor.
20 I'm hoping it's 15 minutes.

21 THE COURT: Do you have any other witnesses?

22 MR. MACDONALD: No, Your Honor.

23 THE COURT: You have cross examination of 20 or
24 whatever it turns out to be?

25 MR. BROWN: Yes, Your Honor.

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1 THE COURT: And do you have any other witnesses?

2 MR. BROWN: No, Your Honor.

3 THE COURT: Are you gentlemen and lady wanting to
4 make -- ladies, I should say -- wanting to make closing
5 arguments?

6 MR. MACDONALD: Totally, Your Honor, if you think it
7 would be valuable, yes. If you think we have exhausted your
8 patience, we're happy to not -- to dispense with closing and do
9 it in writing or come back on something else.

10 THE COURT: No, no. Let's get this done. Obviously I
11 have to change my flight schedule. I am just trying to figure
12 out now with your help how much change I need to make. Can you
13 pretty much assure me that you will be done before noon?

14 MR. MACDONALD: Yes, Your Honor.

15 MR. BROWN: Yes, Your Honor.

16 THE COURT: Have a nice evening.

17 (Proceedings concluded at 5:00 p.m.)

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REPORTER'S CERTIFICATE

I, KEVIN P. CARLIN, Official Court Reporter for the United States District Court for the District of Colorado, a Registered Merit Reporter and Certified Realtime Reporter, do hereby certify that I reported by machine shorthand the proceedings contained herein at the time and place aforementioned and that the foregoing pages constitute a full, true, and correct transcript.

Dated this 19th day of March, 2026.



Kevin P. Carlin, RMR, CRR
Official Court Reporter