

# CHEKHOV'S BACK DOOR GATE APPEARS IN THE DAVID HUERTA ASSAULT SAGA

F[ucking] A[sshole] Bill Essayli submitted his response to David Huerta's motion to dismiss his information (see this post for an explanation of why I'm calling Essayli, "F[ucking] A[sshole]").

Here's a summary of the argument: Huerta intentionally blocked the only available entrance of the search (but not arrest) location, he did this via means other than standing in front of a van, and encouraged others to do so, which led (after Ryan Ribner assaulted Huerta) LAPD to declare a riot.

During the execution of a search warrant, defendant intentionally blocked the only available entrance of the Warrant Location. He did this by sitting down and walking in circles directly in front of the entrance of the Warrant Location, making it impossible for any law enforcement vehicles to enter or exit, without defendant moving. In addition, he also successfully encouraged other individuals to join him in blocking the entrance of the Warrant Location in the same manner eventually contributing to LAPD declaring a riot at the Warrant Location. As defendant concedes in the Motion, defendant was told explicitly he "shouldn't block or impede the [law enforcement vehicle] that would be arriving." (Dkt. 55 at 14.)

Even this passage conflates two things Huerta did – sit, and picket, before the van showed up – with blocking it.

But the most interesting part of the passage is

that word “available,” which is doing a lot of work. Along with the filing, DOJ submitted seven exhibits: three compilations of video (filed manually, so we don’t get them), and the interview reports from HSI Special Agent J Smith (who seems to have overseen the search), a second interview with the van driver, Brian Gonzalez, an interview with HSI Special Agent Andre Lemon, who helped Gonzalez change a tire, and a picture of the tire that got slashed while or shortly after Huerta was being assaulted. These late interviews appear to be an attempt to salvage the case with witnesses besides Ryan Ribner and Carey Crook, the guys who assaulted Huerta. DOJ is spinning a new story that because of what happened with Huerta – that is, because Ribner, especially, assaulted the SEIU CA President – HSI had to flee the site of the search hours earlier than they otherwise would have, which limited the number of undocumented workers they could detain, which wasn’t supposed to be the point of the search.

As Lemon described, they fled out a back gate.

SA Lamon stated they loaded the vehicle with “Some of the detainees and snuck out of the back gate”.

You see, from the moment I read this line in Ribner’s affidavit supporting the arrest warrant, I was pretty sure there was another gate ready to open, just like Chekov’s gun, a plot point that must be resolved.

Our trusty cyber expert also suggests that the van entering the gate of the facility – the predicate for making Huerta move and therefore the predicate to tackling him, injuring him, and then arresting him – may not, after all, be the only entrance. He describes that “as far as I was aware,” it was.

As far as I was aware, this gate was the only location through which vehicles

could enter or exit the premises.

I wonder whether his awareness has changed over the weekend.

Ribner said a bit more about Chekov's gate in the arrest report (and also revealed that he left in a caravan via "the secondary gate," which he did not otherwise explain).

ERO SDDO C C approached SSA Ribner to discuss a plan to safely escort an ERO USG vehicle into the facility. SSA Ribner provided the same information to SDDO C as he did to the DEA agents regarding subjects potentially impeding/blocking agents and USG vehicles. **SDDO Cr asked if there was another entrance/exit to the facility; SSA Ribner related that he did not have knowledge of a secondary entrance/exit.** SSA Ribner related that agents would need to go outside of the gate and encircle the sides of the van to make sure it isn't blocked and/or damaged. SDDO C asked how agents would move the pickup truck [playing loud music] from the driveway. SSA Ribner advised that he would verbally request the driver to move the truck. [my emphasis]

DOJ didn't bother to ask Crook whether he knew of a second gate last August, as it became clear neither his nor Ribner's testimony was credible. But his interview report describes that Crook, "recalled himself and GS Ribner coming up with a plan for the main gate to slightly open to allow the van to enter the property and then close it after the van entered," just before he made a claim – that Huerta had "straddle[d] the hood of the van" and "ma[de] his body an X," a claim no other witnesses nor the video corroborated.

The "main gate."

You only call something a main gate if you know there's another.

Brian Gonzalez – the guy who drove the van and all of a sudden remembered David Huerta being close to it after he got a permanent job at CBP and had a follow-up call, probably the guy DOJ hopes will be their star witness given problems with calling Ribner or Crook to the stand –was not asked about any gates in his first interview (or the follow-up, where his memory about Huerta evolved).

But in his interview last week, he was asked about the gate.

Before I explain what he said, note that the F[ucking] A[sshole] Bill Essayli confessed in his response that earlier – right up until the moment David Huerta arrived, Essayli seems to suggest – DHS had no problem getting cars and vans through the entrance where protestors were.

Shortly thereafter, between 10:30 a.m. and 11:45 a.m. demonstrators began to show up at the Warrant Location and congregated near the entrance to the front gate. During this initial period, before defendant arrived, the demonstrators did not block the driveway and repeatedly allowed vehicles to enter and exit the Warrant Location through the front gate. (Ex. 1 at 7:30-7:35; 8:16-8:27; Ex. 2 at 4:25-5:25, 7:49-7:53, 8:22-8:26, 9:45-9:48, 11:47-11:58.)

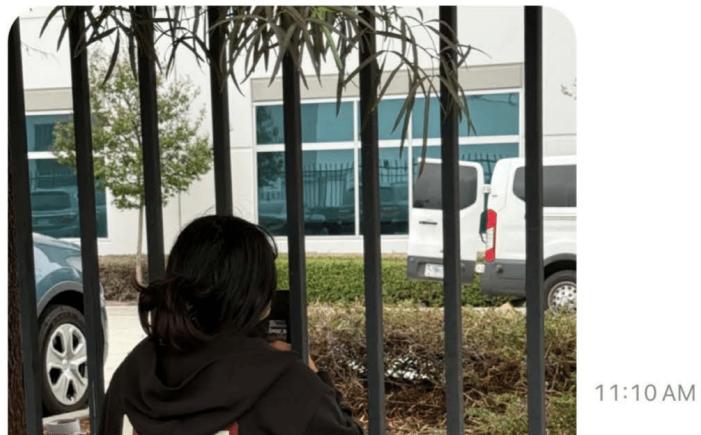


There was a white van captured in one of Jeremy Crossen's photos, showing a time stamp of 11:10 (it's possible the van in one or both of these pictures is the one driven by Gonazalez; per Google his drop-off at the Federal Building was

a 9-minute drive away).

Listen to Audio on this one

11:05 AM



Crossen's countersurveillance report describes what may be this van – at around that time, a van and a beige car were able to pass through the gate because *someone asked nicely for the protestors to move and they complied*.

At approximately 11:25 a.m., The southwest gate of the business opened, and a beige Toyota sedan and a white ICE ERO transport van approached the south apron of the driveway. As the gate opened, UHM-1 ran from where he was standing, just east of the apron. UHM-1 initially stood center driveway of the apron, blocking the egress of the car and van while filming. An unidentified agent standing just north of the gate ordered UHM-1 to move and he subsequently complied.

Half an hour later, per Crossen's report, a mini-convoy came up at a time when Huerta was legitimately in front of the gate, if we can believe any of these reports (we can't).

At approximately 11:54 a.m., A black Government Jeep Grand Cherokee, along with several other government vehicles, approached the apron of the driveway from E. 15 Street. The vehicle th remained stopped as both the gate was closed and standing protesters were

blocking the apron of the driveway, preventing the vehicle from pulling closer to the south gate for entry into the business. At this time, TFO Crossen observed HUERTA, LENEHAN, UHF-8 and UHM-7 sit down on the ground, approximately two to four feet from the closed gate. TFO Crossen both audibly heard and video recording HUERTA motioning with his left hand with an “enviting motion” to the crowd around him, yelling “Sit down! Sit Down!” repeatedly. HSI Supervisory Special Agent (SSA) Ryan Ribner approached the closed gate from the other side and informed the seated protesters they were impeding the vehicles and needed to move. Upon hearing this, HUERTA, while still seated, “scooted” forward, where he was now seated on his knees, right against the gate. HUERTA ignored SSA Ribner’s orders to move because they were impeding law enforcement vehicles attempting to enter the business. HUERTA yelled to SSA Ribner, “What are you doing! What are you doing! I can’t hear you through your fucking mask! How are you keeping me safe by doing this!” SSA Ribner, calmly again admonished HUERTA that he was impeding law enforcement vehicles from entering.

Those vehicles do not appear in Ribner’s report, as far as I can tell, at all.

There’s no resolution to what happened to those vehicles, though. They disappear from the narrative by the time the van driven by Gonzalez shows up, which is when seven people move to block the van, and oh by the way, so does David Huerta, added as an afterthought in Crossen’s report.

At approximately 12:15 p.m., a white Law enforcement van pulls up to the apron of the driveway, just south of the main

south gate with its siren and emergency lights activated. As the vehicle pulled up, agents opened the south gate, and several agents walked from inside the property compound to the apron of the driveway to assist with moving protestors so the emergency vehicle could gain entrance. As most of the crowd moved for the loud audible siren and emergency police lights, LENEHAN, GARDUNO, CUERVO, ALTAMIRANO, UHM-7, and an unidentified Hispanic female, later identified as Edith DIAZ (DOB: /1977; COC UNK) and UHM-8, who was now out of his unoccupied vehicle, which was playing loud music and blocking the apron, ran closer to and in front of the law enforcement vehicle to block it.. HUERTA also moved toward the emergency van with activated lights and siren and stood approximately two feet from the front bumper, directly in front of it, ignoring the emergency lights, activated siren and ignoring agents orders to move.

With all that in mind – with the way that Ribner stages confrontation over the expected appearance of Gonzalez' van – here's what Gonzalez said in his interview last week:

Gonzalez stated that he called Enforcement and Removal Operations (ERO), Supervisory Detention and Deportation Officer (SDDO) Carey Crook when he was about a block away from the location.

Gonzalez stated that he drove past the crowd at the front gate and asked SDDO Crook if he could come through the back.

Gonzalez stated that SDDO Crook informed him that the back gate was locked and they didn't have the keys to the lock.

At noon, when Ribner was staging a confrontation with the people he believed were “vicious, horrible people,” he didn’t know there was a second gate.

But somehow Gonzalez, who found out just that morning he’d be doing this drive and had already done one pick-up that day, knew there was one. Not only Gonzalez knew of it. But Crook – whom Ribner claims asked *him*, Ribner, if there were a second gate – not only knew of one, but knew it was locked.

When they needed to get by protestors before Ribner had assaulted David Huerta, they asked nicely and everyone complied.

When they needed to get by protestors after Ribner had assaulted David Huerta, they knew exactly how to do that: go out the back door gate, which it turns out they had keys to.

## Timeline

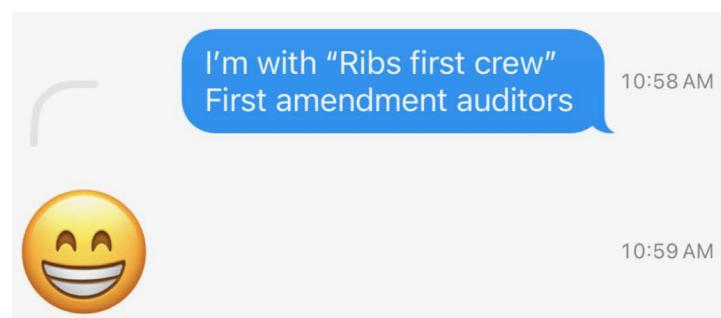
June 6: Arrest

9:00 AM: HSI task force officer (and Inglewood cop) Jeremy Crossen arrives under cover

9:20: Agents start executing search

9:57: Crossen interacts with Asian woman

10:26: Crossen interacts w/Hispanic protestor, claims he is monitoring the police



10:33: Crossen texts Ribner



It's organized. Two groups just met up and fist bumped without saying hi

11:07: Crossen sees pick-up without plates whose Hispanic driver films

11:19: Crossen describes a Hispanic woman with a neck gaiter; his report provides background on a Kids of Immigrants sweatshirt she wears; start time of alleged criminal conduct

11:25: A sedan enters the gate; after an agent instructs those filming it to step away, they do; Crossen texts Ribner,

Call my personal if you need to call me (this one)

11:31: A Hispanic woman whom Crossen IDs by name shows up, makes phone calls

11:36: Crossen describes a white woman by name, describes that she masked as the crowd grew

11:37: Crossen describes the Hispanic leader of ACCE Action, Council Member Jose Delgado, show up, make calls

11:49: Crossen claims he sees Huerta walk up

11:51: A white woman from Tenants Union starts yelling obscenities

11:53: Ribner instructs Crossen to focus on Huerta

Red shirt beard

11:53 AM

Yup

11:56 AM

11:54: Huerta and others sit in front of the gate

12:01 PM: Ribner leaves the property and assaults Huerta [note his report timeline goes haywire in here]

12:00-12:09: Crossen texts Ribner

Every now and then I have to film you guys and not crowd to sell it

Lot of whites

12:15: Crossen claims van arrives (his description describe others who were in front of the van, then says Huerta also was)

12:15: Ribner calls 911 (claiming this is about pepper spray)

12:18: Crossen describes a scrimmage line

12:20-12:40: Discussions about Huerta's attempt to call his attorney

12:30: LAFD responds; Huerta asks to be brought to the hospital; Crossen describes LAFD arrival this way:

At approximately 12:28 p.m., TFO Crossen observed a Los Angeles City Fire truck with activated emergency lights and loud audible siren, attempting to gain entry to the business, still being blocked by protestors, to render aid for HUERTA, inside the business, who had been exposed to OC Spray, during his arrest.

12:40: Ribner reports arrest to CACD US Attorney office

12:42: Ribner tells Crossen his personal phone is out of battery, asks him to use his government one

Fri, Jun 6 at 12:42 PM

Personal phone out of battery

Use this pls

12:47: Ribner admits he used pepper spray

1:05: Ribner speaks to USAO again

1:30: Huerta taken to hospital w/agent in car

2:45: Ribner asks Crossen for pictures of Huerta

Going through looking for your guy  
have lots of video of him

Do you have the subject with the red  
shirt I arrested

Yes

Lots of video going through

Unmarked time: Mayor Bass shows up to hospital room; they ask her to leave (and she does)

9:12: Crossen sends last clip from videos to Ribner (the discovery turned over provides nowhere near the “4 hours” or “100 videos” that Crossen told Ribner, five hours earlier, that he had taken (though the defense did not include all the texts in their exhibit)

Lots of video going through

Gonna take a few hours. There is about 4 hours of videos in 10 second to 1 min videos lol...

I have a couple hundred videos

9:36: Ribner obtains warrant for Huerta’s phone

10:30: Huerta attorney turns over the phone

June 8: Huerta charged with felony conspiracy

June 9: Case opened

June 17: Date created for one photo provided in discovery

June 19: Initial incident report; Ribner would later (in his September 10 interview) admit he wrote the report from memory and simply did not "recall that he told HUERTA, 'You are not impeding'. He does not know why he did not include that statement in his report and agrees that his statement could sound exculpatory."

June 23: Countersurveillance report from Crossen

July 2: Second set of discovery

July 17: Third set of discovery

July 28: Fourth set of discovery (including agent texts)

August 20: USAO interviews Brian Gonzalez, who drove the van allegedly blocked

August 27: USAO interviews Carey Crook; he told AUSAs that, contrary to Ribner's claim, Huerta did not assault him

August 27: USAO interviews Crossen

September 9: USAO reinterviews Gonzalez; he says he does not remember Huerta straddling the van, as Crooks claimed

September 10: USAO interviews Ribner

September 11: Gonzalez starts at a new job at CBP

September 17: Later case opening date, possibly focusing on the lying agents

October 17: Huerta charged with misdemeanor

November 5: Huerta's attorneys ask AUSA to identify the obstructive conduct

December 19: AUSA finally provides vague description of conduct

January 2: Interview of HSI Special Agent J Smith

January 9: Second interview with Brian Gonzalez

January 9: Interview with HSI Agent Andre Lemon