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**IN THE SUPERIOR COURT  
 FOR THE  
 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

**COMMONWEALTH OF THE  
 NORTHERN MARIANA ISLANDS,**

**Plaintiff,**

**v.**

**CALVIN C. TAGABUEL,**

**Defendant.**

**CRIMINAL CASE NO. 24-0014**

**ORDER DENYING  
 DEFENDANT’S MOTION FOR  
 MISTRIAL BECAUSE THE LATE  
 DISCLOSURE DID NOT PREJUDICE  
 THE DEFENDANT’S RIGHT TO A  
 FAIR TRIAL AS THERE IS STILL  
 TIME TO USE THE NEWLY  
 PROVIDED INFORMATION**

**I. INTRODUCTION**

**THIS MATTER** came before the Court on a hearing for Calvin C. Tagabuel’s (“Defendant Tagabuel”) Motion for Mistrial (the “Motion”) on February 14, 2025, at 3:00 p.m. in Courtroom 220A. Chief Prosecutor Chester Hinds (“Hinds”) and Assistant Attorney General Heather P. Barcinas appeared on behalf of the Commonwealth of the Northern Mariana Islands (“Government”). Attorney Joe W. McDoulett (“McDoulett”) appeared on behalf of Defendant Tagabuel, who was in the custody of the Department of Corrections.

Based upon a review of the arguments, filings, and the applicable law, and for the reasons stated herein, the Court **DENIES** Defendant Tagabuel’s Motion for Mistrial.

**II. BACKGROUND**

On February 7, 2025, the Government filed a third amended information, consolidating the charges against Defendant Tagabuel into a single count of second-degree murder. (Pl.’s Third Am. Information.) The Government alleges that Defendant Tagabuel caused the death of Lark Kasian (“Kasian”) by striking him once in the face, rendering him

**By order of the Court, Judge Joseph N. Camacho**

1 unconscious, and causing him to fall and hit the back of his head on a concrete floor, resulting  
2 in his death.

3 The jury trial commenced on February 11, 2025. Following the opening statements by  
4 both parties, the Court heard testimony from three witnesses: George Babauta, an officer with  
5 the Department of Public Safety (“DPS”); Joseph Cing, an emergency medical technician  
6 (“EMT”); and Mary Louis Tanaka, DPS Evidence Custodian and Crime Scene Technician.

7 On February 12, 2025, the Government called its fourth witness—Shannon Dela Cruz  
8 (“Dela Cruz”)—a former DPS Detective who was no longer with the DPS but had appeared  
9 in the courtroom wearing a DPS uniform and badge to testify regarding the investigation into  
10 Kasian’s death.

12 During cross-examination, Dela Cruz disclosed that she had resigned from DPS and  
13 returned to the Commonwealth solely to testify at the trial. She currently resides in Seattle,  
14 Washington, where she is employed by the district court. McDoulett asked Dela Cruz to  
15 identify individuals in the surveillance footage engaging in an earlier separate altercation with  
16 Kasian (“Altercation”). The Altercation is an incident that happen earlier on the same night  
17 before the incident between Kasian and Defendant Tagabuel. Dela Cruz identified three  
18 individuals involved in the Altercation: Kasian, Todson Sachuo (“Sachuo”), and allegedly,  
19 David Norita (“Norita”), who was identified by his red T-shirt in the video footage. McDoulett  
20 inquired about the basis for Dela Cruz’s identification of Norita as David Norita in the footage.  
21 She responded that she had learned Norita’s identity from her co-worker. When asked if she  
22 had personally interviewed Norita, she stated that her co-worker had interviewed individuals  
23 involved in the Altercation but was unsure whether her co-worker had interviewed Norita  
24 specifically or whether he had used another name. When questioned further, Dela Cruz  
25 explained that upon reviewing her co-worker’s report on the Altercation, she saw references  
26 to Sachuo, Glenn Ilo (“Ilo”), and a person named “Pete.” Dela Cruz did not indicate that she

1 had seen the name “David Norita” in her co-worker’s report. During the motion hearing,  
2 however, Hinds confirmed that the name “David Norita” was not mentioned in any reports.

3 McDoulett then asked whether Dela Cruz had determined, during her investigation,  
4 that the individuals visible in the footage were Sachuo and Norita. She affirmed that she had.  
5 However, further cross-examination revealed that Dela Cruz had not independently identified  
6 Norita during her investigation and had only learned the name “David Norita” on February  
7 11, 2025, a day before she took the witness stand at the jury trial. She clarified that she had  
8 obtained the name from “Chester,” later identified as Chief Prosecutor Chester Hinds.

9  
10 Upon learning this information, McDoulett requested a sidebar conference, which was  
11 held on the record but outside the hearing of the gallery and jury, to address the failure to  
12 disclose potentially exculpatory evidence. The Court then ordered the jurors to be taken back  
13 to the jury room. Dela Cruz was also instructed to step down from the witness stand and not  
14 to discuss the case with anyone until called back to continue with McDoulett’s cross  
15 examination.

16  
17 The Government informed the Court that the name “David Norita” had been obtained  
18 on February 7, 2025,<sup>1</sup> discovered during a trial preparation meeting with Sachuo. The  
19 Government also stated that it had been unable to locate Norita or obtain additional  
20 information about him. The Court subsequently adjourned the proceedings to allow  
21 Defendant Tagabuel to file a written motion addressing the issue and any appropriate remedy.

22 On February 13, 2025, Defendant Tagabuel filed the Motion arguing that the  
23 Government failed to disclose exculpatory evidence of Norita’s identity. In the Motion,  
24 Defendant Tagabuel stated that he had learned about a person named David Norita, who was  
25 charged with assault, assault, and battery, and disturbing the peace on October 22, 2024  
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<sup>1</sup> The Government clarified in its opposition that the trial preparation meeting with Sachuo took place on February 10, 2025. (Pl.’s Opp’n to Def.’s Mot. for Mistrial 2.)

1 (“ ‘Active Case’ Norita”). (Def.’s Mot. 3.) On February 14, 2025, the Government filed its  
2 opposition, arguing that it did not have a duty to disclose Sachuo’s statement about Norita  
3 under Rule 16 of the Commonwealth Rules of Criminal Procedure. (Pl.’s Opp’n 5–6.) Further,  
4 the Government contended that Norita’s identity was not material or exculpatory. (*Id.* 5–10.)  
5 On February 14, 2025, Defendant Tagabuel filed a reply to the Government’s opposition.

6 During the motion hearing, the Government stated that it had compared the photo of  
7 ‘Active Case’ Norita with the individual identified as Norita from the surveillance footage and  
8 that the photo did not match.

9  
10 On February 15, 2025, one day after the motion hearing, the Government filed its  
11 notice of discovery, stating that DPS Investigator Joey Lizama (“Investigator Lizama”), at the  
12 Government’s request, located and interviewed Norita, who confirmed his presence at the  
13 Altercation. Investigator Lizama documented the interview in a twelve-page report. (Pl.’s  
14 Notice of Disc. 2.) The Government provided this report to Defendant Tagabuel on February  
15 15, 2025. (*Id.*)

16 On February 17, 2025, the Government notified the Court that it had summoned an  
17 individual named David Norita to appear as a witness at trial on February 18, 2025.

### 18 **III. LEGAL STANDARD**

19  
20 A trial judge’s decision to declare a mistrial based on an assessment of the prejudicial  
21 impact of improper argument is entitled to great deference. *See Arizona v. Washington*, 434  
22 U.S. 497, 510 (1978). However, while the decision to declare a mistrial is left to the sound  
23 discretion of the judge, this power must be exercised with “the greatest caution, under urgent  
24 circumstances, and for very plain and obvious causes.” *United States v. Perez*, 22 U.S. 579,  
25 580 (1824). If the judge fails to exercise sound discretion or “. . . acts for reasons completely  
26 unrelated to the trial problem which purports to be the basis for the mistrial ruling. . .,” the

1 decision is not entitled to absolute deference. *Renico v. Lett*, 559 U.S. 766, 775 (2010)  
2 (internal citations omitted).

3 A mistrial is generally justified by “manifest necessity,” a doctrine originating  
4 from *Perez*, where the Supreme Court of the United States (“U.S. Supreme Court”) held that  
5 a judge may declare a mistrial and discharge a jury when “taking all the circumstances into  
6 consideration, there is a manifest necessity for the act, or the ends of public justice would  
7 otherwise be defeated.” *Id.* at 580. Although the U.S. Supreme Court has refined the “manifest  
8 necessity” doctrine over time, the requirement of judicial caution has remained constant  
9 since *Perez*. See *Johnson v. Karnes*, 198 F.3d 589, 594 (6th Cir. 1999). In *Washington*, the  
10 U.S. Supreme Court emphasized that the standard must not be applied mechanically but  
11 instead must account for the specific circumstances of each case. See 434 U.S. at 506. The  
12 U.S. Supreme Court further explained that “necessity” does not require an absolute need for  
13 a mistrial but rather a “high degree” of necessity before such an order is appropriate. See *id.*

14  
15 Trial courts grant motions to dismiss “unless the dismissal would be clearly contrary  
16 to manifest public interest” determined by whether the motion was made in bad  
17 faith. *Commonwealth v. Onopey*, Crim. No. 22–0081 (NMI Super. Ct. Apr. 28, 2023) (Order  
18 at 4),<sup>2</sup> aff’d in 2024 MP 6 (citing *United States v. Sprofera*, 299 F.3d 725, 727 (8th Cir.  
19 2002)).

## 21 IV. DISCUSSION

### 22 A. Exculpatory Evidence

23 Defendant Tagabuel argues that the Government’s failure to disclose the identity of  
24 Norita constitutes a *Brady* violation. (Def.’s Mot. 6–9.) It is a violation of due process if the  
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<sup>2</sup> For purposes of brevity, the full title of this order is “Order Granting the Government’s Motion to Dismiss the Case; and Furthermore, Granting Defendant’s Request that Dismissal be with Prejudice Pursuant to Rule 48(a) of the Commonwealth Rules of Criminal Procedure.” -5-

1 prosecution suppresses evidence favorable to the defendant upon request when the evidence  
2 is material to guilt or punishment. *See Brady v. Maryland*, 373 U.S. 83, 87 (1963). The  
3 prosecution has an affirmative duty to disclose exculpatory evidence that is material to guilt  
4 or punishment, regardless of whether the defense makes a specific request. *See United States*  
5 *v. Agurs*, 427 U.S. 97, 106–07 (1976); *see also Williams v. Calderon*, 48 F.Supp. 2d 979, 1011  
6 (C.D. Cal. 1998) (“The prosecution has a duty to turn over all exculpatory evidence to the  
7 defense.”).

8         While the name “David Norita” surfaced during witness preparation with Sachuo and  
9 was later communicated to Dela Cruz by Hinds (Pl.’s Opp’n 2), the Government argues that  
10 the name itself is not exculpatory because, at that time, it had not verified whether the man  
11 wearing a red T-shirt in the video footage was an individual named David Norita. (Pl.’s Opp’n  
12 7–8.) At that stage, the Government possessed only a name, not a confirmed identity.

13         Defendant Tagabuel argues that the failure to disclose Norita’s name before the trial  
14 compromised his ability to present an alternative explanation for Kasian’s injuries. (Def.’s  
15 Mot. 5.) Specifically, Defendant Tagabuel asserts that he was unable to investigate Norita’s  
16 potential involvement in the Altercation. (Def.’s Mot. 6.)

17         However, the surveillance footage—submitted as Exhibit DD.4 and referenced in  
18 Defendant Tagabuel’s opening statement—already depicts the Altercation, which the jury has  
19 viewed. Defendant Tagabuel therefore had the opportunity to use the Altercation as part of his  
20 defense to explain the circumstances surrounding Kasian’s injuries.

21         Moreover, the Government has noted that multiple witnesses, including Sachuo, Ilo,  
22 and Ricky Jones, are available to testify regarding the Altercation. (Pl.’s Opp’n 6.) Given this  
23 available evidence, Defendant Tagabuel has not demonstrated that merely knowing the name  
24 “David Norita” would provide previously unknown or suppressed material evidence of an  
25 alternative theory of Kasian’s injuries. In determining whether evidence is exculpatory, the  
26

1 focus is on whether it tends to prove the defendant's innocence. *See Amado v. Gonzalez*, 758  
2 F.3d 1119, 1134 (9th Cir. 2014). Here, the possible identification of Norita does not introduce  
3 *new* information that is capable of exonerating Defendant Tagabuel, particularly when the  
4 surveillance footage was already disclosed and available for use at trial. (Def.'s Ex. DD.4.)

5 The failure to disclose a name in the context of a video footage that was already  
6 provided to the Defendant, though perhaps unnecessarily injects error into the Government's  
7 case does not rise to the level of willful suppression of exculpatory evidence. A *Brady*  
8 violation occurs when the prosecution suppresses evidence that is both favorable to the  
9 defense and material to guilt or punishment. *See Brady*, 373 U.S. at 87. The critical question  
10 is whether the withheld evidence would have created a reasonable probability of a different  
11 outcome. *See United States v. Houston*, 648 F.3d 806, 813 (9th Cir. 2011) (finding that a  
12 nondisclosure was not material when the defense already possessed stronger, substantially  
13 similar evidence) (citing *Lopez v. Ryan*, 630 F.3d 1198, 1210 (9th Cir. 2011)).

15 Here, Defendant Tagabuel had access to the surveillance footage showing Norita's  
16 presence at the Altercation (Def.'s Ex. DD.4), and he was able to argue that the Altercation  
17 could have contributed to Kasian's injuries. The Government did not withhold reports on  
18 Norita or statements by Norita (Pl.'s Notice of Disc. 2), and the identification of Norita's name  
19 does not meaningfully alter the defense's ability to advance this argument. *See United States*  
20 *v. Palmer*, 536 F.2d 1278, 1281 (9th Cir. 1976) (finding that the Government's failure to  
21 disclose exhibits until the close of its case did not violate *Brady*).

23 While the Government arguably could have confirmed Norita's identity earlier, it did  
24 not suppress evidence of his presence in the Altercation. Surveillance footage—already in  
25 Defendant Tagabuel's possession—showed Norita's involvement (Def.'s Ex. DD.4), even if  
26 his name was unknown at the time. Because Defendant Tagabuel was aware of Norita's

1 presence and was able to argue that the Altercation contributed to Kasian's injuries, he has  
2 not demonstrated that the Government's failure to disclose Norita's name violated *Brady*.

3 The Court therefore finds in this specific context that the failure of the Government to  
4 provide the identity of Norita as part of video footage that was previously provided to the  
5 defendant does not rise to a *Brady* violation for failure to disclose material exculpatory  
6 evidence.

### 7 **B. Prosecutorial Misconduct**

8 Courts have an inherent role to supervise the judicial system. *See United States v. Ross*,  
9 372 F.3d 1097, 1107 (9th Cir. 2004). This supervisory power "implies the duty of establishing  
10 and maintaining civilized standards of procedure and evidence." *Id.* (citing *McNabb v. United*  
11 *States*, 318 U.S. 332, 340 (1943)). Courts have exercised their supervisory authority to  
12 remedy a violation of a criminal defendant's rights. *See id.* This power includes the ability to  
13 "exclude evidence taken from the defendant by willful disobedience of law." *United States v.*  
14 *Payner*, 447 U.S. 727, 735 n.7 (1980) (inner quotations omitted). Relatedly, courts may use  
15 their supervisory authority to "correct an error which permeated [a judicial]  
16 proceeding." *Ballard v. United States*, 329 U.S. 187, 193 (1946). When prosecutorial  
17 misconduct taints a trial, a court may declare a mistrial to rectify the violation. *See id.*

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20 Prosecutorial misconduct may warrant reversal or a mistrial if it deprives a defendant's  
21 right to a fair trial. *See Green v. Miller*, 483 U.S. 756, 765 (1987). In evaluating claims of  
22 prosecutorial misconduct, courts consider the alleged misconduct in the context of the entire  
23 trial. *See id.* at 766. The applicable two-step test requires a determination of (1) whether the  
24 prosecutor's actions were improper, and (2) if so, whether those actions rendered the trial  
25 "fundamentally unfair." *See Drayden v. White*, 232 F.3d 704, 713 (9th Cir. 2000). If the  
26 misconduct results in a fundamentally unfair trial, the appropriate remedy is a mistrial or  
reversal.



1 Defendant Tagabuel argues that the Government violated his substantive due process  
2 rights by committing prosecutorial misconduct through the alleged withholding of three pieces  
3 of evidence: (1) the identification of Norita as one of the attackers of Kasian, (2) that Norita  
4 is in fact ‘Active Case’ Norita depicted in the video footage, and (3) Sachuo’s changed account  
5 regarding Norita’s identity. (Def.’s Mot. 4.)

6 The record reflects that on February 15, 2025, the Government filed its notice of  
7 discovery, disclosing that Investigator Lizama had located and interviewed Norita, confirming  
8 his presence at the Altercation. (Pl.’s Notice of Disc. 2.) The Government shared a twelve-  
9 page report of this interview with the defense on the same day, February 15, 2025. (*Id.*)  
10

11 The surveillance footage in Defendant Tagabuel’s possession already depicts Norita’s  
12 involvement in the Altercation. (Def.’s Ex. DD.4.) Any discrepancies in Norita’s  
13 identification do not alter the fundamental fairness of the trial when his presence is evident in  
14 Defendant Tagabuel’s own exhibit.

15 The non-disclosure of Norita’s identity does not constitute a material suppression of  
16 evidence. The video footage of Norita’s involvement in the Altercation was known to both  
17 parties and presented to the jury. (Pl.’s Ex. 5.4; Def.’s Ex. DD.4.) The record further reflects  
18 that the Government timely shared the video footage with the defense on February 6, 2024  
19 (Pl.’s Opp’n 1; Def.’s Mot. 1–2), and there is no indication that the video footage itself is  
20 contested in this Motion.  
21

22 The question of Norita’s precise name—whether David Norita, Pete, or otherwise—is  
23 immaterial, as Norita is already shown in the video footage. While the Government contends  
24 this argument as “moot,”<sup>3</sup> the surveillance footage allows the jury to evaluate Norita’s conduct  
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<sup>3</sup> The Court construed the argument as one of ripeness rather than mootness. “Ripeness” refers to whether a dispute has developed sufficiently to permit an intelligent and useful decision but has not yet passed that point. *See Black’s Law Dictionary* 1587 (11th ed. 2019). By contrast, “mootness” describes a case that no longer

1 regardless of his name, as emphasized by McDoulett during the motion hearing. (Pl.’s Ex. 5.4;  
2 Def.’s Ex. DD.4.) Defendant Tagabuel’s contention that earlier disclosure of Norita’s name  
3 would have materially altered his trial preparation is speculative. Specifically, Defendant  
4 Tagabuel claims that he would have pursued different investigative approaches, prepared  
5 alternative questions for impeachment materials against witnesses, developed different  
6 exhibits, crafted an alternative opening statement, and conducted additional investigations.  
7 (Def.’s Mot. 9.) However, the first three witnesses—DPS and EMT personnel—had no direct  
8 interaction with Norita, and their testimony was unrelated to Norita’s identification. Thus,  
9 Defendant Tagabuel fails to demonstrate how the timing of Norita’s identification  
10 compromised the integrity of the proceedings.  
11

12 Defendant Tagabuel has not established that any prosecutorial misconduct deprived  
13 him of his right to a fair trial under the Fifth and Sixth Amendments.<sup>4</sup> Due process guarantees  
14 a fair trial but it does not require a flawless one. *See United States v. Agurs*, 427 U.S. 97, 107  
15 (1976); *United States v. Smith*, 2021 U.S. App. LEXIS 35476, at \*1 (6th Cir. 2021) (given  
16 that the principle is “axiomatic . . . that a defendant is entitled to ‘a fair trial, not a perfect one,  
17 because an error-free, perfect trial is not humanly possible.”) (quoting *United States v.*  
18 *Segines*, 17 F.3d 847, 851 (6th Cir. 1994) (inner quotations omitted)). The Court exercises  
19 supervisory authority to maintain procedural integrity rather than to remedy minor  
20 discrepancies that do not materially affect trial fairness. *See Ross*, 372 F.3d at 1107.  
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26 presents a live controversy because the dispute has ended or become purely academic. *See id.* at 1205 (12th ed. 2024). While related, these doctrines address different temporal aspects of justiciability: ripeness asks whether a dispute is premature, while mootness asks whether it is too late.

<sup>4</sup> Defendant Tagabuel also contends a constitutional claim under the Fourth Amendment of the U.S. Constitution. (Def.’s Mot. 1.) However, the Fourth Amendment guarantees freedom from unreasonable search and seizure, which is not relevant to this matter. *See U.S. CONST. amend. IV*. Moreover, Defendant Tagabuel did not raise this argument in his motion, reply, or during the motion hearing on February 14, 2025.

1 Furthermore, the Confrontation Clause guarantees that “[t]he accused has the right to  
2 be confronted with adverse witnesses” in all criminal prosecutions, which the Defendant was  
3 able to exercise. NMI CONST. art. I, § 4(b);<sup>5</sup> *see also* U.S. CONST. amend. VI; *Kentucky v.*  
4 *Stincer*, 482 U.S. 730, 736 (1987) (“‘In all criminal prosecutions, the accused shall enjoy the  
5 right . . . to be confronted with the witnesses against him,’ with the primary interest protected  
6 by the clause being the right to cross-examine witnesses”) (inner quotation omitted). The  
7 alleged discrepancies regarding Norita’s identity and Sachuo’s statements were already  
8 examined during cross-examination, allowing Defendant Tagabuel to challenge the  
9 Government’s evidence. Moreover, Dela Cruz remains on the witness stand and is still subject  
10 to continued cross-examination.  
11

12 Judicial precedent dictates that courts should not dismiss charges unless doing so is in  
13 the public interest and justified by prosecutorial misconduct so egregious that it compromises  
14 the fairness of the proceeding. *See Strayer*, 846 F.2d at 1265. Here, the delayed disclosure of  
15 Norita’s name and the recently provided twelve-page report have mitigated the situation. The  
16 Government disclosed relevant information—albeit disappointingly late—but did so in time  
17 for Defendant Tagabuel to use as he saw fit. (Pl.’s Opp’n 1; Def.’s Mot. 1–2.)  
18

19 Following the motion hearing, the Government took prompt action by submitting a  
20 report and confirming Norita’s presence at the Altercation. (Pl.’s Notice of Disc. 2.) While  
21 these efforts demonstrate awareness of proper disclosure obligations, the Court remains  
22 troubled by the Government’s year-long delay in confirming Norita’s identity. Though this  
23 delay does not rise to the level of a due process violation, it reflects a concerning lack of  
24 diligence in the Government’s duties and responsibilities:  
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<sup>5</sup> The NMI Constitution’s Confrontation Clause is patterned after the Sixth Amendment to the U.S. Constitution. Because of this similarity, the Court may rely on the U.S. Supreme Court’s interpretation of the Sixth Amendment’s Confrontation Clause when analyzing the NMI Constitution’s clause. *See Commonwealth v. Condino*, 3 NMI 501, 507 (1993).

1 “The [prosecutor] is the representative not of an ordinary party to a controversy,  
2 but of a sovereignty whose obligation to govern impartially is as compelling as  
3 its obligation to govern at all, and whose interest, therefore, in a criminal  
4 prosecution is not that it shall win a case, but that justice shall be done. As such,  
5 he is in a peculiar and very definite sense the servant of the law, the two-fold  
6 aim of which is that guilt shall not escape[,] [n]or innocence suffer. He may  
7 prosecute with earnestness and vigor—indeed, he should do so. But, while he  
8 may strike hard blows, he is not at liberty to strike foul ones. It is as much his  
9 duty to refrain from improper methods calculated to produce a wrongful  
10 conviction as it is to use every legitimate means to bring about a just one.”

11 *Berger v. United States*, 295 U.S. 78, 88 (1935). The Court is particularly disturbed by the  
12 Government’s reactive rather than proactive approach to its prosecutorial responsibilities. As  
13 emphasized during the motion hearing, the Government’s duty to investigate extends to  
14 evidence that may either strengthen or weaken its case against the accused; it should not  
15 require court intervention to fulfill these basic obligations. The Government’s argument that  
16 the footage was too unclear to identify Norita is unpersuasive given that identification was  
17 accomplished within one day after the Court’s admonishment. The Government’s conflicting  
18 positions—minimizing the evidentiary value of Norita’s identification while selectively  
19 disclosing it during investigative testimony—unnecessarily delayed trial proceedings and  
20 undermined the efficiency of discovery.

21 The Court reiterates that both parties are obligated to promptly disclose newly  
22 discovered evidence relevant to this case. Any attempt to withhold material information or  
23 impede trial fairness will be met with appropriate judicial measures. The integrity of these  
24 proceedings depends on the good faith compliance of both parties with their discovery  
25 obligations, and the Court will take necessary action to ensure a fair trial.

## 26 V. CONCLUSION

For the reasons stated above, the Court finds that the facts and circumstances do not  
meet the legal standards required for a mistrial. Accordingly, Defendant Tagabuel’s Motion  
for Mistrial is **DENIED**.

