

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

CASE NO.: 21-CR-129

Plaintiff,

vs.

Gabriel Garcia,

Defendant.

MOTION TO COMPEL DISCOVERY

COMES NOW, the Defendant, Gabriel Garcia, and files this motion to compel the following discovery and states the following grounds:

GROUND

1. Mr. Garcia requests the following discovery. Upon information and belief, and based on Government pleadings in similar January 6 criminal cases, some 30 Capitol Police Officers have been investigated, suspended, or reprimanded for: setting aside guard rails on the east side of the Capitol, aiding people entering the Capitol by opening doors, moving guard rails, or standing by peaceably, fraternizing, or waiving people in to enter the Capitol grounds, or otherwise made it appear that people were allowed into the Capitol or Capitol grounds. Thus, Mr. Garcia requests all documentary evidence or otherwise regarding the investigations and reprimanding of these Capitol Police Officers.

2. Additionally, Mr. Garcia requests all video, photos, or images of Capitol Police Officers setting aside guard rails on the east side of the Capitol, aiding people entering the Capitol, opening doors, moving guard rails, or standing by peaceably, fraternizing, or waiving people in to enter the Capitol grounds, or otherwise made it appear that people were allowed into the Capitol or Capitol grounds.

3. As to further so-called Brady evidence, Mr. Garcia requests all documents, statements, agents' reports, and tangible evidence favorable to him on the issue of guilt and/or which affects the credibility of the Government's case. Impeachment as well as exculpatory evidence falls within Brady's

definition of evidence favorable to the accused. United States v. Bagley, 473 U.S. 667 (1985); United States v. Agurs, 427 U.S. 97 (1976).

MEMORANDUM OF LAW

Mr. Garcia moves for the production by the Government of the above-described discovery. This request is not limited to those items that the prosecutor knows of, but rather includes all discovery listed below that is in the custody, control, care, or knowledge of any "closely related investigative [or other] agencies" under United States v. Bryan, 868 F.2d 1032 (9th Cir. 1989).

Also, pursuant to Brady v. Maryland, 373 U.S. 83 (1963), United States v. Agurs, 427 U.S. 97 (1976), and Giglio v. United States, 405 U.S. 150 (1972), Mr. Garcia requests the Court to order the Government to immediately disclose all evidence in its possession favorable to him on the issue of guilt and which tends to affect the credibility of the prosecution's case. This request also includes any expressed or implied promises made by the government to any material witnesses in exchange for their testimony in this case. See, e.g., United States v. Bagley, 473 U.S. 667 (1985).

REQUESTED RELIEF

WHEREFORE, Mr. Garcia respectfully moves this District Court to order the Government to provide the above-detailed discovery.

Respectfully submitted,

/s/Aubrey Webb
Law Offices of Aubrey Webb
55 Merrick Way, Suite 212
Coral Gables, Florida 33134
305-461-1116
Email: aubrey@aqwattorney.com

/s/Charles R. Haskell
Law Offices of Charles R. Haskell
641 Indiana Ave. N.W.,
Washington D.C. 20004
202-888-2728
Email: Charles@CharlesHaskell.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was efiled to the Office of the Clerk, United States District Court, District of Columbia, 333 Constitution Ave., N.W. Washington D.C. 20001, Room 1225 and to the Office of the United States Attorney, 555 4th St N.W., Washington D.C. 20530, on 16 August 2021.

/s/Aubrey Webb