

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

CASE NO.: 21-CR-129

Plaintiff,

vs.

Gabriel Garcia,

Defendant.

---

**REPLY IN SUPPORT OF THE DEFENDANT'S MOTION TO AMEND CONDITIONS  
OF RELEASE**

COMES NOW, the Defendant, Gabriel Garcia, and files his reply to the Government's response opposing his pending motion to amend his conditions of release, and states the following in rebuttal:

Since his indictment, Mr. Garcia has received numerous death threats and threats of violence. He also received a package at his workplace on September 24, 2021, containing a threatening note containing a white powder, appearing to be suspect anthrax that got on Mr. Garcia. (See Attached Police Report). He immediately contacted Miami-Dade Police. They arrived with fire-rescue, implemented hazmat protocols, and quarantined him. They field tested the white powder, and it came back as positive for a biological substance. Only after further testing was it confirmed this was a sick hoax.

Like any citizen, Mr. Garcia has the right to self-defense and to protect his three minor children too. The Second Amendment shields "the right of law-abiding, responsible citizens to use arms in defense of hearth and home." *D.C. v. Heller*, 554 U.S. 570, 635 (2008). See *United States v. Yancey*, 621 F.3d 681, 684–85 (7th Cir. 2010) (reasoning that "most scholars of the Second Amendment agree that the right to bear arms was tied to the concept of a virtuous

citizenry and that, accordingly, the government could disarm ‘unvirtuous citizens’” (citations omitted)). Here, he is only asking to be allowed to keep one firearm in his home in a locked container or safe, which can be verified by Pretrial Services. He is not asking to carry the firearm or keep it in his vehicle. The Government’s response contained numerous mischaracterizations, attempting to portray him as some crazed militia member.

First, they show a picture of his rifles claiming he has access to guns, as if he presently has access to them. However, this picture was taken *before* January 6, 2021. It should be remembered Mr. Garcia served in the Army, where he regularly owned various rifles to practice qualifying, had a valid concealed weapons permit, and lawfully owned those rifles. The Government also cites to a picture of him pouring water on his head after police used tear gas in the Capitol rotunda, where a man dressed in camouflage and tactical gear is in front of him. Mr. Garcia has no association with the man, and he has no idea who he is.

Second, there is a social media chat where an apparent January 6 defendant comments about going after someone associated with the website Seditio Hunters, a group who attempts to identify, and out, January 6 participants. The person is referring to *swing* them for defamation and libel after their January 6 criminal case concludes, to which Mr. Garcia favorably concurred.

Third, the Government cites to various messages purportedly made by Mr. Garcia about having side plates in a protective vest and having a pocket knife. This is of course lawful behavior, and he has the right to protect himself against being stabbed at a politically-charged event. In fact, four people were stabbed, including Trump supporters, and left in critical condition on December 12, 2020, during a political demonstration where Trump supporters and

antifa members clashed.<sup>1</sup> Then the Government cites to more hyperbolic banter, none of which is criminal.

Lastly, the Government describes his “aggressive confrontation” with police in the crypt of the Capitol as a reason that he is a danger to the community. Yet, the Government neither alleges Mr. Garcia threatened any police officer with violence nor committed actual violence. Instead, they point to him raising his voice and the content of his vulgar speech. And the Government claims he has a history of aggressive confrontations, all of which is false and belied by the fact that Mr. Garcia has never been arrested, or accused, of violence.

Again, it is ironic that when the Government deployed him to Iraq for its invasion, it gladly trusted him with a firearm, and placed him in charge of other American soldiers with firearms. Now, despite being a contributing member of society with no prior arrests or history of violence, who is presumed innocent, he is suddenly a danger to the community and utterly stripped of his Second Amendment rights.

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](mailto: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](mailto:Charles@CharlesHaskell.com)

---

<sup>1</sup> <https://www.nbcwashington.com/news/local/trump-supporters-maga-rally-protest-dc-saturday/2506267/>

**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 4<sup>th</sup> St N.W., Washington D.C. 20530, on June 17, 2022.

/s/Aubrey Webb