

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 1:21-cr-00047-RDM

HECTOR VARGAS,

Defendant.

DEFENDANT'S MOTION *IN LIMINE*

Pursuant to Federal Rules of Evidence 401 and 403, Defendant Hector Vargas, through counsel, respectfully moves the Court for an order excluding the following evidence from trial because it is not relevant or, if relevant, because any probative value is substantially outweighed by its unfair prejudice:

1. the government's use of unfairly prejudicial terms, such as "riot," "rioters," "insurrection," "mob," and "attack" to describe the events of January 6, 2021;
2. the government's imputing to the Defendant actions by other persons;
3. testimony by an "identification witness;" and
4. evidence of certain Instagram messages.

The grounds for this Motion are set forth in the accompanying Memorandum in Support.

Date: December 5, 2022

Respectfully submitted,

/s/ Paul F. Enzinna
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Counsel for Defendant Hector Vargas

CERTIFICATE OF SERVICE

I certify that on December 5, 2022, a copy of the foregoing Defendant's Motion *In Limine* was filed using the CM/ECF system, which will then send notification of such filing to all counsel of record.

Dated: December 5, 2022

Respectfully submitted,

/s/ Paul F. Enzinna
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