

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

HECTOR VARGAS SANTOS

Case No. 21-cr-47 (RDM)

**NOTICE OF PROPOSED INSTAGRAM EXHIBITS**

The United States, by and through its attorney, the United States Attorney for the District of Columbia, hereby submits this list of proposed Instagram exhibits from the account “thundervargasofficial” in response to the defendant’s motion *in limine* to exclude specific Instagram posts and messages. The messages below with a strikethrough indicate those the Court has excluded.

January 2:

- Page 6 of Exhibit 702 and Page 799 of Instagram Business Record: Date Created and Text “@students4trump guys, if you can’t come to DC but want to support others coming please donate on my GoFundMe posted on my profile of Venmo or cashapp me. We need to get as many people as possible down there to fight the good fight.”

January 4:

- Page 7 of Exhibit 702 and Page 800 of Instagram Business Record: Date Created, and Text “@libertyforlatinos of course we’ll setup a GoFundMe and we’ll help you or anyone who gets into legal issues for practicing their 2<sup>nd</sup> amendment [sic] right in DC. If we come as a group of armed people collectively we won’t get arrested. So bring it in. Time to stop being scared, if you’re a legal gun owner then bring it with you”

- Page 16 of Exhibit 702 and Page 1960 of Instagram Business Record: Author, Sent and Body “We been blocked and cancelled many times but look it up there’s gonna be protests on evert state Capitols in the US on Jan 6<sup>th</sup> awaiting results from Washington DC. Best time to start a revolution.”
- Page 17 of Exhibit 702 and Page 2113 of Instagram Business Record: Author, Sent, and Text “As we’re getting close to Jan 6<sup>th</sup> there are way more true American Patriots interested in coming to fight the good fight in Washington DC. With your donations we can help them get down there to fight for our democracy. Please donate n share. Thx. #MAGA2021.”
- Page 18 of Exhibit 702 and Page 2115 of Instagram Business Record: Author, Sent, Body “Some of this people here only going to DC to take pics and videos and say they’re real patriots but wont do shit that involves taking real action cause they’re ‘pEaCeful”

January 5:

- Page 8 of Exhibit 702 and Page 1004 of Instagram Business Record: Author, Sent and Body “If they cheat the presidential election they’re cheating the cities. Time to rise but the peaceful shit that aint taking is [sic] nowhere its over. If being peaceful worked I wouldn’t have gone to Afghanistan to kill ISIS.”
- Page 22 of Exhibit 702 and Page 2720 of Instagram Business Record: Author, Sent and Body “We either risking it all this DC Rally or this wont mean shit” and “I don’t wanna go to DC again or another peaceful protest”

January 6:

- Page 14 of Exhibit 702 and Page 1833 of Instagram Business Record: Author, Sent and Body “And Imma go to sleep cause in 2 hours we boutta go wait for our president to talk

to us and await the results of this fake fraudulent election that could result in the beginning of the next American civil war and revolution.”

- Page 3 and 4 of Exhibit 702 and Pages 647 and 648 of Instagram Business Record: Photo of Vargas on Jeep, User, Date Created and Text “We done talking I'm fed up we not here for everyone to like US, we're here to be effective and to make a plan and execute and that's exactly what we did today. . . . #uscapitol #stopthesteal...”
- Page 10 of Exhibit 702 and Page 1171 of Instagram Business Record: Author, Sent and Body “Even tho I gained weight I managed to take 2 hills and force our way into the Capitol.”
- Page 15 of Exhibit 702 and Page 1844 of Instagram Business Record: Author, Sent and Body “Bro today we took the US Capitol. Try doing that in your communist country. Next time wont be a break or a go home from Trump.”
- Page 19 of Exhibit 702 and Page 2145 of Instagram Business Record: Author, Sent and Body “We took over the front and back of the Capitol” through “ready to get shot again”
- Page 20 of Exhibit 702 and Page 2146 of Instagram Business Record: Author, Sent and Body “Today we make history” and “Remember this day so u can tell ur grandkids.” and “A million Americans in here there’s no turning back”
- ~~- Page 21 of Exhibit 702 Page 2147 of Instagram Business Record: Author, Sent and Body “Oath keepers, proud boys here holding the line”~~
- Page 25 of Exhibit 702 and Page 38158 of Instagram Business Record: Author, Sent and Body “Nigga wtf. I was shot with paintballs, tear gassed like it was candy, my eyes still hurting, got hit with a few flashbangs I mean it was the basics of a combat zone.”

January 8:

- Pages 11 and 12 of Exhibit 702 and Pages 1214 to 1215 of Instagram Business Record: Author, Sent and Body starting with “we went in deep” through “But Capitol Police wouldn’t let us.”
- Page 13 of Exhibit 702 and Page 1302 of Instagram Business Record: Author, Sent and Body starting with “But I saw him and said hi to him and he was like I gotta go and I’m like ight see u later. When trump said let’s go to Capitol I was the first guy to bust down the capitol fence down and rushing to the capitol...” through “Then they all came after we had already did the hard part.”
- Page 24 of Exhibit 702 and Page 4265 of Instagram Business Record: Author, Sent and Body “You call the FBI and tell them I was there” through “Let me know bro”
- Pages 26 to 28 of Exhibit 702 and Pages 72957 to 72959 of Instagram Business Record: Author, Sent, Attachments and Photograph of Vargas with flag.

January 12:

- Page 23 of Exhibit 702 and Page 2772 of Instagram Business Record: Author, Sent and Body “Imma stop with the politics cause I risked my life going inside the Capitol to fight for all of us and now the feds might be looking for me and it seems like no ones gonna fight for me if I get arrested”

Respectfully submitted,

MATTHEW M. GRAVES  
UNITED STATES ATTORNEY  
D.C. Bar No. 481052

