

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 21-CR-47
	:	
HECTOR EMMANUEL	:	
VARGAS SANTOS,	:	
	:	
Defendant.	:	

**NOTICE OF LETTER PROVIDED TO DEFENSE COUNSEL**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby gives notice that the United States gave to counsel of record in the above-captioned case via USAfx file exchange and via email the discovery listed in the attached letter on the dates set forth in the letter. The government requests that the attached discovery letter, dated July 26, 2021, be made part of the record in this case.

Respectfully submitted,

CHANNING D. PHILLIPS  
ACTING UNITED STATES ATTORNEY  
D.C. Bar No. 415793

By: /s/ Angela N. Buckner  
Angela N. Buckner  
DC Bar #1022880  
Assistant United States Attorney  
United States Attorney's Office  
555 Fourth Street, N.W.  
Washington, DC 20530  
Phone: (202) 252-2656  
Phone: (202) 252-7692

**CERTIFICATE OF SERVICE**

On July 27, 2021, a copy of the foregoing notice and attached discovery letter were served on defendants' counsel through the Court's Electronic Filing System with the listed attachments provided to counsel through the means described in the discovery letter.

By: /s/ Angela N. Buckner  
Angela N. Buckner  
Assistant United States Attorney



U.S. Department of Justice

Channing D. Phillips  
Acting United States Attorney

*District of Columbia*

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*Judiciary Center  
555 Fourth St., N.W.  
Washington, D.C. 20530*

July 27, 2021

**By e-mail**

Dwight Crawley, Esq.  
[vadclawyer@gmail.com](mailto:vadclawyer@gmail.com)

Re: *Hector Emmanuel Vargas Santos*  
*Preliminary Discovery for Case Number 21-cr-47*

Dear Counsel:

I have uploaded preliminary discovery to USAfx. As we receive and review additional discovery, it will be uploaded to USAfx. When our investigation and review is complete, I will provide a more formal, bates stamped production which will include items such as serialized 302s and responsive search warrants returns.

For now, I have included below most (if not all) of the warrant affidavits we have sought thus far so that you have an idea of the universe of discovery. Because the search warrant returns belong to your client, you will receive a full copy.

To protect identities and privacy, I have redacted the following: day and month of birthdays, street addresses, names of witnesses and tipsters.

If you have any questions, issues, or concerns with how I've marked (or not marked) documents, please let me know and I'm happy to revisit.

**On or about July 27, 2021, the following items were uploaded to USAfx:**

Twitter Account	hectorisborn (changed from thundervargas) thundervargas (changed from vargas6105) Text files, along with all linked media. <i>Entire account provided, regardless of responsiveness</i>
Cell Phone Extractions	Extraction report via Cellebrite reader for Samsung phone and Wiki phone <sup>1</sup>
Facebook Search Warrant	Includes application and affidavit (40 pages)
Twitter Search Warrant	Includes application and affidavit (36 pages)
Cell Phone Warrant	Includes application and affidavit (47 pages)
Subpoena Returns	Facebook (13 pages)  WhatsApp (1 page)  Instagram (4 pages)  Uber (4 pages)

**On or about May 26, 2021, the following items were uploaded to USAfx<sup>2</sup>:**

Facebook Account	Hector.vargas.35 (UID 100000747094986) PDF file (14703 pages), along with all linked media. <i>Entire account provided, regardless of responsiveness</i>
Link to Third-Party Twitter Page	Page contains photos of Mr. Vargas (provided via email)
CCTV	0959 USC 02 Rotunda South <b>[HS]</b>

<sup>1</sup> Because of size limitations, native files not included. If you'd like a full copy of the extractions, please provide an external hard drive.

<sup>2</sup> As I noted in my May 26 email to you, the CCTV is in the USAfx folder marked "highly sensitive (**[HS]**)" and is therefore subject to the protective order. If Mr. Vargas wants to see the entire videos, he'll have to agree to sign "Attachment A" to the protective order. However, I did make some clips to assist in viewing. Those shorter videos, one for each CCTV video, were uploaded on the same date.

0960USC02 Rotunda North <b>HSI</b>
7029 USCS 02 Rotunda Door Interior <b>HSI</b>

**On or about April 29, 2021, the following items were uploaded to USAfx:**

Vargas Interview (During Transport)	Audio Recording (length: 34:16) 302: Arrest (2 pages) Email regarding interview (2 pages)
Vargas Interview (at FBI)	302: Custodial Interview (5 pages)
Tipster Interview	302: Tipster Statement (4 pages) Outline from Tipster (1 page) FBI Agent Notes (1 page) Screenshots from Facebook (3 pages) Neighborhood Watch Sign-In (1 page) Article: "JC Times 'Unsung Hero' arrested after homeless donation dispute exposes alleged DV" (8 pages) Article: "Coronavirus exposes Jersey City's Unsung Heroes" (10 pages) Article: "Jersey man charged with terroristic threats after police respond to domestic violence call" (4 pages)
Miscellaneous Articles	Article: "Coronavirus exposes Jersey City's Unsung Heroes" (4 pages) Article: "Jersey Man charged with terroristic threats after police respond to domestic violence call" (1 page)
Videos Posted by Vargas	Video: Vargas in Rotunda (27 seconds) Video: Vargas leaving building (58 seconds)

Photos and Screenshots of Vargas' Posts and Social Media	Video: Scroll through Facebook post including video of rotunda and video of Vargas leaving building  Photo: Facebook - HectorGPuertoRico – disabled  Photo: GoFundMe - Hector Vargas DC trip  Photo: Hector Vargas - Twitter profile pic  Photo: Hector Vargas – Twitter  Photo: Hector Vargas - YouTube channel  Photo: Hector Vargas - YouTube w other contact info  Photo: Facebook post (we're inside capitol")  Photo: Facebook profile  Photo: Instagram - hectorgsourpr – disabled  Photo: Instagram - realgardenstate - post about Hector Vargas  Photo: Twitter - Hector Vargas thundervargas - GoFundMe request  Photo: Twitter - Hector Vargas thundervargas  Photo: Twitter - Hector Vargas thundervargas2  Photo: Facebook ("we the people took over the U.S. Capitol")
Information from Jersey City	Jersey City Police Department Investigation Report – 1/7/2021 (2 pages)  Jersey City Police Department Investigation Report – 5/13/2018 (1 page)  Jersey City Police Department Investigation Report – 8/15/2019 (1 page)  Jersey City Police Department Investigation Report – 11/27/2019 (1 page)

Jersey City Police Department Arrest Report – 7/28/2020 (16 pages)

Jersey City Police Department Investigation Report – 7/31/2020 (6 pages)

Jersey City Police Department Warrant (7 pages)

Due to the extraordinary nature of the January 6, 2021 Capitol Attack, the government anticipates that a large volume of materials may contain information relevant to this prosecution. These materials may include, but are not limited to, surveillance video, statements of similarly situated defendants, forensic searches of electronic devices and social media accounts of similarly situated defendants, and citizen tips. The government is working to develop a system that will facilitate access to these materials. In the meantime, please let me know if there are any categories of information that you believe are particularly relevant to your client.

I recognize the government's discovery obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), its progeny, and Rule 16. I will provide timely disclosure if any such material comes to light. Consistent with *Giglio*, *Ruiz*, and 18 U.S.C. § 3500, I will provide information about government witnesses prior to trial and in compliance with the court's trial management order.

I request reciprocal discovery to the fullest extent provided by Rule 16 of the Federal Rules of Criminal Procedure, including results or reports of any physical or mental examinations, or scientific tests or experiments, and any expert witness summaries. I also request that defendant(s) disclose prior statements of any witnesses defendant(s) intends to call to testify at any hearing or trial. *See* Fed. R. Crim. P. 26.2; *United States v. Nobles*, 422 U.S. 255 (1975). I request that such material be provided on the same basis upon which the government will provide defendant(s) with materials relating to government witnesses.

Additionally, pursuant to Federal Rules of Criminal Procedure 12.1, 12.2, and 12.3, I request that defendant(s) provide the government with the appropriate written notice if defendant(s) plans to use one of the defenses referenced in those rules. Please provide any notice within the time period required by the Rules or allowed by the Court for the filing of any pretrial motions.

I will forward additional discovery as it becomes available. If you have any questions, please feel free to contact me.

Sincerely,

CHANNING D. PHILLIPS  
Acting United States Attorney

By: /s/ Angela N. Buckner  
ANGELA N. BUCKNER  
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