

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

CASE NO.: 21-CR-129

Plaintiff,

vs.

Gabriel Garcia,

Defendant.

**MOTION FOR PERMISSION TO TRAVEL TO THE DISTRICT OF COLUMBIA TO
OBSERVE THE TRIAL OF A JANUARY 6 DEFENDANT , CONSULT WITH HIS D.C.
COUNSEL, AND VIEW THE PUBLICLY ACCESSIBLE AREAS OF THE CAPITOL
WITH COUNSEL**

COMES NOW, the Defendant, Gabriel Garcia, and files his motion for permission to travel to the District of Columbia to observe a trial of a January-6 defendant and consult with his D.C. attorney to prepare his defense, and states the following grounds:

FACTUAL GROUNDS

1. Mr. Garcia respectfully requests to travel and stay in the District of Columbia from June 5, 2022 to June 10, 2022, to observe the trial of the United States v. Daniel Evgtvedt, 21-CR-177, before District Judge Cooper and to meet with his D.C. counsel, Mr. Haskell. Mr. Garcia submits his travel is solely related to his case and trial preparation, but he also wishes to observe a January 6 Defendant's trial to help him decide if he should go to trial himself.

2. Mr. Garcia will provide his Pretrial Officer all of the information regarding his travel and lodging, as he did the previous times when he has traveled with this Court's permission. Mr. Garcia's Pretrial Officer in Miami does not object to this motion, but the D.C. Pretrial Services Office does object, as does the Government. The Government's general argument is he is specifically banned from traveling to this jurisdiction as part of his release

conditions, the nature of the allegations in this case, the evidence recovered from his cellphone, the Government does not believe observing another January 6 trial is a compelling enough reason, and there are potentially alternative ways to learn about a January 6 trial.

MEMORANDUM OF LAW

This Court can grant Mr. Garcia's request under 18 U.S.C. § 3142. Specifically, Mr. Garcia requests permission to observe the January 6-defendant trial of Mr. Evgtvedt, meet with D.C. counsel regarding his case, and tour the publicly accessible areas of the Capitol with counsel. While his conditions of release do prohibit him from coming to D.C., there is an exception for court, pretrial business, and meeting with his attorney. Here, in addition to meeting with his D.C. counsel and conferring about his case and observing the trial, Mr. Garcia would like to walk, with the undersigned counsel and/or Mr. Haskell, the publicly accessible area outside of the Capitol in preparation for his legal defense. A similar motion was granted in *USA v. M. Martin*, 21-CR-394, allowing the defendant to travel from New Mexico to D.C, observe a trial, walk the outside public area of the Capitol with his counsel.

Further, Mr. Garcia has no criminal history; the Government has not charged him with committing any violent act on a law enforcement officer; he is not accused of destroying any property. He faces over 25 years in prison if convicted and asks to be allowed to travel and stay in D.C. to assist his defense as he makes these critical decisions trial.

WHEREFORE, Mr. Garcia respectfully moves this District Court to allow him to travel to, and stay in, the District of Columbia for the reasons stated above. Alternatively, he requests to be allowed to travel to D.C. for the reasons detailed above, but he will stay in Virginia or Maryland for lodging.

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 April 29, 2022.

/s/Aubrey Webb