

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 TRAVEL TO THE
DISTRICT OF COLUMBIA**

COMES NOW, the Defendant, Gabriel Garcia, and files his reply to the Government's response to 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 in rebuttal:

1. The Government cites to Garcia's previous trips to D.C. in November and December 2020 and cryptically states those trips were "not without confrontation," as if Garcia intentionally committed violence or caused any disturbance in D.C. during those trips. There is no allegation that Garcia committed any violence, disorder, or intended to, because he did neither. During both trips, there were indeed violent confrontations, including stabbings, between Black Lives Matters members and Proud Boys members on the streets of D.C., while most people were lawfully protesting and expressing their First Amendment rights. However, Garcia was aware that individuals associated with Black Lives Matter had stabbed or attacked Proud Boys and Trump supporters; as a result, he was reasonably concerned for his safety and the safety of others.

2. The Government also claims his actions on January 6 were "not a one-off."

Notably, Garcia has never been arrested, has no criminal history, was honorably discharged from the Army, and served a deployment in Iraq. Moreover, as much as the Government continually tries to play up his so-called “aggressive confrontation” with Capitol Police in Count I of the Superseding Indictment, the Government has not indicted him for attacking or harming any Capitol Police or anyone. Rather, the Government has charged him with Obstruction of a law enforcement officer, under 18 U.S.C. § 231, in Count I. Put more simply, because Garcia neither put his hands on any officer nor attacked any officer, he cannot be charged with assaulting law enforcement. Additionally, the Government did not charge him with destroying, or taking, any property inside the Capitol or harming anyone.

Respectfully submitted,

/s/Aubrey Webb
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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 May 6, 2022.

/s/Aubrey Webb