

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
Hector Emmanuel Vargas Santos

Case: 1:21-mj-00054
Assigned to: Judge Robin M. Meriweather
Assign Date: 1/14/2021
Description: COMPLAINT W/ARREST WARRANT

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Hector Emmanuel Vargas Santos,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment, Superseding Indictment, Information, Superseding Information, Complaint, Probation Violation Petition, Supervised Release Violation Petition, Violation Notice, Order of the Court

This offense is briefly described as follows:

- 18 U.S.C. 1752 (a)(1)&(2) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority
40 U.S.C. 5104(e)(2)(D)&(G) - Violent Entry and Disorderly Conduct on Capitol Grounds



Robin M. Meriweather
2021.01.14 12:18:11
-05'00'

Date: 1/14/2021

Issuing officer's signature

City and state: Washington, DC

Robin M. Meriweather, U.S. Magistrate Judge
Printed name and title

Return

This warrant was received on (date) 01/14/2021, and the person was arrested on (date) 01/19/2021
at (city and state) Jersey City, New Jersey.

Date: 01/20/2021

Arresting officer's signature

SA Monique Y. Bonaparte
Printed name and title

UNITED STATES DISTRICT COURT

for the
District of New Jersey

MAGISTRATE'S COURTROOM MINUTES

UNITED STATES OF AMERICA
Plaintiff

v.

HECTOR EMMANUEL VARGAS SANTOS
Defendant

MAGISTRATE JUDGE: JAMES B. CLARK, III

CASE NO. 21-mj-12020-JBC

1/19/2021

DATE OF PROCEEDINGS:

DATE OF ARREST: 1/19/2021

PROCEEDINGS: Rule 5 Initial Appearance

- COMPLAINT
ADVISED OF RIGHTS
WAIVER OF COUNSEL
APPT. OF COUNSEL: AFPD CJA
WAIVER OF HRG: PRELIM REMOVAL
CONSENT TO MAGISTRATE'S JURISDICTION
PLEA ENTERED: GUILTY NOT GUILTY
PLEA AGREEMENT
RULE 11 FORM
FINANCIAL AFFIDAVIT EXECUTED
OTHER:

- TEMPORARY COMMITMENT
CONSENT TO DETENTION WITH RIGHT TO MAKE A
BAIL APPLICATION AT A LATER TIME
BAIL DENIED - DEFENDANT REMANDED TO CUSTODY
BAIL SET: Personal Recognizance Bond
UNSECURED BOND
SURETY BOND SECURED BY CASH/PROPERTY
TRAVEL RESTRICTED
REPORT TO PRETRIAL SERVICES
DRUG TESTING AND/OR TREATMENT
MENTAL HEALTH TESTING AND/OR TREATMENT
SURRENDER AND/OR OBTAIN NO PASSPORT
SEE ORDER SETTING CONDITIONS OF RELEASE FOR
ADDITIONAL CONDITIONS

HEARING SET FOR:

- PRELIMINARY/REMOVAL HRG.
DETENTION/BAIL HRG.
TRIAL: COURT JURY
SENTENCING
OTHER:

DATE:
DATE:
DATE:
DATE:
DATE:

APPEARANCES:

AUSA: Joyce Malliet

DEFT. COUNSEL: Peter Carter, AFPD

PROBATION:

INTERPRETER
Language:

TIME COMMENCED: 5:01 pm

TIME TERMINATED: 5:10 pm

CD NO: Zoom

Stephen Bond

DEPUTY CLERK

UNITED STATES DISTRICT COURT

for the

District of New Jersey

United States of America)

v.)

Case No. 21-mj-12020-JBC

HECTOR EMMANUEL VARGAS SANTOS)

Defendant)

APPEARANCE BOND

Defendant's Agreement

I, HECTOR EMMANUEL VARGAS SANTOS (defendant), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- (X) to appear for court proceedings;
(X) if convicted, to surrender to serve a sentence that the court may impose; or
(X) to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

- (X) (1) This is a personal recognizance bond.
() (2) This is an unsecured bond of \$
() (3) This is a secured bond of \$, secured by:
(a) \$, in cash deposited with the court.
(b) the agreement of the defendant and each surety to forfeit the following cash or other property (describe the cash or other property, including claims on it - such as a lien, mortgage, or loan - and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- () (c) a bail bond with a solvent surety (attach a copy of the bail bond, or describe it and identify the surety):

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

AO 98 (Rev. 12/11) Appearance Bond

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 01/19/2021

s/Hector Emmanuel Vargas Santos

Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

CLERK OF COURT

Date: 1/19/2021

Stephen Bond

Signature of Clerk or Deputy Clerk

Approved.

Date: 1/19/2021

s/James B. Clark, III

Judge's signature

United States of America

v.

**ORDER SETTING
CONDITIONS OF RELEASE**HECTOR EMMANUEL VARGAS SANTOS

Case Number: 21-mj-12020-JBC

Defendant

IT IS ORDERED on this 19th day of January, 2020 that the release of the defendant is subject to the following conditions:

- (1) The defendant must not violate any federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must immediately advise the court, defense counsel, and the U.S. attorney in writing before any change of address and/or telephone number.
- (4) The defendant must appear in court as required and must surrender to serve any sentence imposed.

Release on Bond

Bail be fixed at \$ _____ and the defendant shall be released upon:

- (X) Executing a personal recognizance bond () with co-signor(s) _____;
- () Executing a secured appearance bond () with co-signor(s) _____, and () depositing in cash in the registry of the Court _____% of the bail fixed; and/or () execute an agreement to forfeit designated property located at _____. Local Criminal Rule 46.1(d)(3) waived/not waived by the Court.
- () Executing an appearance bond with approved sureties, or the deposit of cash in the full amount of the bail in lieu thereof;

Additional Conditions of Release

Upon finding that release by the above methods will not by themselves reasonably assure the appearance of the defendant and the safety of other persons and the community, it is further ordered that the release of the defendant is subject to the condition(s) listed below:

IT IS FURTHER ORDERED that, in addition to the above, the following conditions are imposed:

- (X) Report to Pretrial Services ("PTS") as directed and advise them immediately of any contact with law enforcement personnel, including but not limited to, any arrest, questioning or traffic stop.
- () The defendant shall not attempt to influence, intimidate, or injure any juror or judicial officer; not tamper with any witness, victim, or informant; not retaliate against any witness, victim or informant in this case.
- () The defendant shall be released into the third party custody of _____

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Custodian Signature: _____ Date: _____

- (X) The defendant's travel is restricted to (X) New Jersey () Other _____
(X) unless approved by Pretrial Services (PTS).
- (X) Surrender all passports and travel documents to PTS. Do not apply for new travel documents.
- () Substance abuse testing and/or treatment as directed by PTS. Refrain from obstructing or tampering with substance abuse testing procedures/equipment.
- (X) Refrain from possessing a firearm, destructive device, or other dangerous weapons. All firearms in any home in which the defendant resides shall be removed w/in 24 hours and verification provided to PTS. This includes Purchasers ID & permits.
- (X) Mental health testing/treatment as directed by PTS.
- () Abstain from the use of alcohol.
- (X) Maintain current residence or a residence approved by PTS.
- (X) Maintain or actively seek employment.
- () No contact with minors unless in the presence of a parent or guardian who is aware of the present offense.
- () Have no contact with the following individuals: _____
- () Defendant is to participate in one of the following home confinement program components and abide by all the requirements of the program which () will or () will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer. The defendant shall install a land line telephone W/I 10 days if one is not at the residence.
- () (i) Curfew. You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or
- () (ii) Home Detention. You are restricted to your residence at all times except for the following: education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the pretrial services office or supervising officer. Additionally, employment () is permitted () is not permitted.
- () (iii) Home Incarceration. You are restricted to your residence under 24 hour lock-down except for medical necessities and court appearances, or other activities specifically approved by the court.
- () Defendant is subject to the following computer/internet restrictions which may include manual inspection and/or the installation of computer monitoring software, as deemed appropriate by Pretrial Services. The defendant shall pay all or part of the cost of the monitoring software based upon their ability to pay, as determined by the pretrial services office or supervising officer.
- () (i) No Computers - defendant is prohibited from possession and/or use of computers or connected devices.
- () (ii) Computer - No Internet Access: defendant is permitted use of computers or connected devices, but is not permitted access to the Internet (World Wide Web, FTP Sites, IRC Servers, Instant Messaging, etc);
- () (iii) Computer With Internet Access: defendant is permitted use of computers or connected devices, and is permitted access to the Internet (World Wide Web, FTP Sites, IRC Servers, Instant Messaging, etc.) for legitimate and necessary purposes pre-approved by Pretrial Services at [] home [] for employment purposes.
- () (iv) Consent of Other Residents -by consent of other residents in the home, any computers in the home utilized by other residents shall be approved by Pretrial Services, password protected by a third party custodian approved by Pretrial Services, and subject to inspection for compliance by Pretrial Services.
- (X) Other: Defendant is not to enter any government buildings unless required by the government agency.
- (X) Other: Defendant shall report to the United States Marshal Services in Newark, New Jersey for processing at a date to be determined.
- (X) Other: Travel is also permitted to D.C. in order to confer with local counsel in D.C., for this case, if necessary.

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (i.e., in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

s/Hector Emmanuel Vargas Santos

 Defendant's Signature

 City and State

Directions to the United States Marshal

- (X) The defendant is ORDERED released after processing.
- () The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 1/19/2021

s/James B. Clark, III

Judicial Officer's Signature

JAMES B. CLARK, III, U.S.M.J.

Printed Name and Title

AO 467 (Rev. 01/09) Order Requiring a Defendant to Appear in the District Where Charges are Pending and Transferring Bail

UNITED STATES DISTRICT COURT

for the
District of Jersey

United States of America
v.

HECTOR EMMANUEL VARGAS SANTOS

Defendant

)
) Case No. 21-mj-12020-JBC
)
) Charging District: Columbia
) Charging District's Case No. 1:21-mj-00054

ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Table with 2 columns: Place: Via Virtual Hearing, Courtroom No.: and Date and Time: 1/22/2021 1:00 pm

The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.

Date: 01/19/2021

s/James B. Clark, III
Judge's signature

JAMES B. CLARK, III, U.S.M.J.
Printed name and title

[Query](#) [Reports](#) [Utilities](#) [Help](#) [What's New](#) [Log Out](#)

CLOSED

U.S. District Court
District of New Jersey [LIVE] (Newark)
CRIMINAL DOCKET FOR CASE #: 2:21-mj-12020-JBC All Defendants

Case title: USA v. SANTOS
Other court case number: 1:21-mj-00054 District of Columbia

Date Filed: 01/19/2021
Date Terminated: 01/21/2021

Assigned to: Magistrate Judge James B.
Clark

Defendant (1)

**HECTOR EMMANUEL VARGAS
SANTOS**
TERMINATED: 01/21/2021

represented by **PETER MICHAEL CARTER**
OFFICE OF THE FEDERAL PUBLIC
DEFENDER
972 BROAD STREET
NEWARK, NJ 07102
(973) 645-6347
Email: peter_carter@fd.org
TERMINATED: 01/21/2021
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

18:1752.P KNOWINGLY ENTERING OR
REMAINING IN ANY RESTRICTED
BUILDING OR GROUNDS WITHOUT
LAWFUL AUTHORITY; 40:193F.P

Disposition

VIOLENT ENTRY AND DISORDERLY
CONDUCT ON CAPITOL GROUNDS

Plaintiff

USA

represented by **JOYCE M. MALLIET**
UNITED STATES ATTORNEY'S OFFICE
970 BROAD STREET
ROOM 702
NEWARK, NJ 07102
(973) 645-2876
Email: joyce.malliet@usdoj.gov
TERMINATED: 01/21/2021
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
01/19/2021		Arrest (Rule 5) of HECTOR EMMANUEL VARGAS SANTOS (seb) (Entered: 01/21/2021)
01/19/2021	1	Minute Entry for proceedings held before Magistrate Judge James B. Clark:Initial Appearance in Rule 5 Proceedings as to HECTOR EMMANUEL VARGAS SANTOS held on 1/19/2021. Defendant advised of rights. AFPD appointed. Defendant released on personal recognizance bond. (Court Reporter/Recorder Zoom.) (seb) (Entered: 01/21/2021)
01/19/2021	2	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to HECTOR EMMANUEL VARGAS SANTOS PETER MICHAEL CARTER for HECTOR EMMANUEL VARGAS SANTOS appointed. Signed by Magistrate Judge James B. Clark on 1/19/2021. (seb) (Entered: 01/21/2021)
01/19/2021	3	ORDER Setting Conditions of Release as to HECTOR EMMANUEL VARGAS SANTOS (1) (Personal Recognizance Bond) (Finance notified). Signed by Magistrate Judge James B. Clark on 1/19/2021. (seb) (Entered: 01/21/2021)
01/19/2021	4	Personal Recognizance Bond Entered as to HECTOR EMMANUEL VARGAS SANTOS (seb) (Entered: 01/21/2021)
01/19/2021	5	ORDER Requiring Defendant to Appear in the District Where Charges are Pending and Transferring Bail as to HECTOR EMMANUEL VARGAS SANTOS. Signed by Magistrate Judge James B. Clark on 1/19/2021. (seb) (Entered: 01/21/2021)
01/21/2021	6	Notice to Columbia of a Rule 5 Initial Appearance as to HECTOR EMMANUEL VARGAS SANTOS. Your case number is: 1:21-mj-00054. Docket sheet and documents attached. <i>(If you require certified copies of any documents, please send a request to InterdistrictTransfer_NJD@njd.uscourts.gov.)</i> (Attachments: # 1 Order Appointing Federal Public Defender, # 2 Order Setting Conditions of Release, # 3 Personal Recognizance Bond, # 4 Order to Appear in Charging District) (seb) (Entered: 01/21/2021)