

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DERRICK VARGO
2068 Hillcrest Dr.
Greenbrier, TN 37073
Plaintiff

Case: 1:24-cv-00010 JURY DEMAND
Assigned To : Contreras, Rudolph
Assign. Date : 1/2/2024
Description: Pro se. Civ. Gen. (F-Deck)

v.

BRYANT WILLIAMS,
in his official capacity as a Capitol Police Officer
and in his individual capacity.
Defendant

And

JAMES MICHAEL JOHNSON,
in his official capacity as Speaker of the House
Defendant

COMPLAINT

Plaintiff Derrick Vargo, acting pro se, hereby brings this action and states as follows:

1. On January 6, 2021, Capitol Police Officer Bryant Williams, acting under the color of law, intentionally attempted to murder Derrick Vargo.
2. Derrick Vargo attended a rally in Washington, D.C. on January 6, 2021.
3. At no time did Vargo act violently.
4. Vargo was not in D.C. to protest anything.
5. For over a year prior to January 6, 2021, Vargo had disconnected from all media, including news and social media. A week or so before January 6, Vargo heard from someone he knew that President Trump was giving his final speech in Washington, DC and that there was a bus taking people to the speech from Ohio, where he lived at the time. The bus was scheduled to go to and from DC on the same day. Vargo took the bus.

6. Vargo's purpose in traveling to DC was to peacefully support then-President of the United States, Donald J. Trump.
7. Vargo stood with the crowd while President Trump gave his speech.
8. Vargo was not able to hear or understand most of the speech.
9. Vargo did hear that President Trump requested that the crowd join him to march to the Capitol to "peacefully and patriotically make your voices heard."
10. Vargo peacefully walked to the Capitol with a large crowd.
11. On the way to the Capitol, Vargo purchased a large blue flag that said "Trump."
12. When he got to the Capitol, he did not see any barriers erected. People were already on the steps of the Capitol.
13. Vargo saw another person climb up a structure and wave an American flag.
14. Vargo thought to himself, "that's awesome!"
15. Vargo decided to climb a flight of stairs in front of him and wave his "Trump" flag, just like the other person he saw.
16. At the time, Vargo believed that to be his First Amendment right.
17. Vargo climbed the stairs, and when he reached the top, he saw a group of police officers standing on the landing, approximately 30 feet above the ground.
18. Among the officers on the landing was Defendant Officer Bryant Williams wearing a blue motorcycle helmet.
19. There was a stone banister separating the police from Vargo; Vargo was walking on a thin ledge and holding onto the banister with one hand and holding his flag in the other.

20. Vargo carefully shuffled with his feet along the thin ledge, tightly gripping the banister, making his way towards a secure position away from the police so he could wave his flag.

21. Suddenly, and without warning, one of the officers sprayed Vargo in the face with pepper spray.

22. Vargo desperately gripped onto the banister for dear life.

23. At that moment he realized that the police really didn't want him to be there, and would kill him.

24. This was not obvious before the police sprayed him in the face with pepper spray with no regard for his life.

25. The time was 2:02 PM.

26. At that time in the day, nobody knew what would occur later on January 6.

27. At approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers.

28. Vargo and the police on the landing did not know the seriousness of the situation at 2:02 PM. If they did, the Capitol Police surely would have evacuated the Congress sooner. Not to do so would surely be gross negligence by the Capitol Police.

29. Once Vargo understood that the police would murder him for exercising his First Amendment right to wave a flag that said "Trump," he immediately sought to descend the stairs and go to safety.

30. This was clearly apparent to the officers on the landing because Vargo could be seen carefully and slowly reversing his course and taking two large steps back towards the stairs where he came from.

31. The officers on the landing, including the one who sprayed Vargo in the face, can be seen on camera standing down, demonstrating that Vargo was not a threat to them or anyone.

32. Then, suddenly and without warning, Officer Bryant Williams stuck his hand out and intentionally shoved Vargo off the ledge, sending him plummeting 30 feet to the ground.

33. This was an objectively unreasonable use of deadly force, as any reasonable person would have understood that there were many alternatives to deadly force in that situation.

34. For instance, since Vargo was clearly gripping on to the banister for dear life, it was obvious that at that moment he did not pose a threat. The officers could easily have let him descend or grab him and pull him over the banister to safety.

35. Bryant Williams was not acting in self-defense or in the defense of anyone.

36. His action was clearly malicious and an attempt to kill or seriously injure Vargo for no reason.

37. After Vargo was shoved, one of the officers threw an American flag off the landing at the Trump supporters, spiking it victoriously as if the flag were a football and he had just scored a touchdown, and then made hand gestures taunting the Trump supporters, inviting the Trump supporters to climb up and come fight the police. As if to say, “come on up so we can do to the rest of you what we did to him.” This showed that the officers were acting maliciously and were not looking out for the safety of the people who came to visit the Capitol.

38. Officers can be seen on video inviting Trump supporters to come up the same stairs that Vargo ascended.

39. Though later the media called the Trump supporters “insurrectionists,” at that time, in that place, the officers had no evidence that the people in the crowd were anything but peaceful supporters of President Trump.

40. Vargo was severely injured. Among other things, he severely injured his back and foot. Due to the injuries, he required surgery and other medical treatment. He experienced pain and suffering that will last for the rest of his life.

41. He was so high, that on his way down, he had enough time to think “I’m either dead or guaranteed to be in a wheelchair.”

42. To this day, every night in his sleep he reexperiences the fall and believes it to be real every time. As a result, he wakes up and is constantly deprived of sleep.

43. When Vargo hit the ground, he blacked out.

44. When he regained consciousness, he was in an ambulance that took him to a hospital.

45. Soon after he arrived at the hospital, two men approached him and presented government identification.

46. They questioned Vargo.

47. Vargo was in a hospital bed and in severe pain while they questioned him.

48. They did not read him any rights or ask him if he wanted a lawyer.

49. They asked for his name and asked him if he made it into the Capitol.

50. They did not ask about his health or well-being in any way. They did not even ask “how are you?” They just came in and shot off their questions as if they were on a very specific mission.

51. Vargo answered their questions and they left.

52. The police have since arrested hundreds if not thousands of Trump supporters for being in or around the Capitol on January 6, but Vargo has not been arrested or charged in almost three years.

53. Some of the people arrested are elderly people in their 60s and 70s.

54. These people were caught after extensive investigation, including phone records and credit card activity.

55. Some of the people arrested did not commit any acts of violence or vandalism.

56. Vargo did public media interviews about his experience on January 6.

57. Vargo is one of the highest profile victims of the police brutality on January 6 and has been subject to countless media reports.

58. Vargo was mentioned in a trial of a January 6 defendant and the Court ruled that the defense could not play the video of Vargo being shoved because it would be “too damaging to the government.”

59. It is impossible that the police, FBI, and DOJ are not aware of Vargo’s identity and his activity on January 6.

60. Yet in almost 3 years, they have not arrested him.

61. The Government has classified January 6 as an “insurrection.”

62. The Government has held some January 6 defendants in prison without trial.

63. The Government has argued in Court that January 6 detainees deserve different treatment from other defendants because January 6 was “an attack on democracy” and therefore the January 6 defendants present an unusual danger to the community and therefore must be locked up without trial.

64. The courts have agreed and have held January 6 defendants without trial because the courts found them to be a danger to the community.

65. Yet somehow, the Government has not arrested Vargo in almost 3 years.

66. This shows that he did nothing wrong on January 6.

67. If he is arrested following the filing of this lawsuit, it is clear that they are retaliating against him for filing this lawsuit.

68. If he is arrested and charged with felonies following the filing of this lawsuit, it is clear that they are retaliating against him for filing this lawsuit.

69. If he is arrested and charged with felonies and the government claims that he poses a danger to the community and must be locked in prison, it is clear that the Government is lying because if he was such a danger, they could have arrested him any time over the last three years.

70. The Committee on House Administration of the House of Representatives and the House Appropriations Committee, subcommittee on the Legislative Branch are required by statute to oversee the Capitol Police.

71. The Speaker of the House has authority over the Capitol Police.

72. Neither the members of the oversight committees nor the Speaker of the House have performed their duty of conducting oversight over Bryant Williams for pushing Vargo off of a ledge in an act of attempted murder of an American citizen.

73. The Government has investigated January 6 more than any event in American history.

74. The Government has arrested more people in connection with January 6 than they did for 9/11 or Benghazi.

75. More FBI and DOJ resources have been dedicated to January 6 than 9/11 or Benghazi.

76. President Joseph R. Biden has stated that January 6 was the worst event since the American Civil War.

77. Yet, Vargo, who is an important witness to this supposedly unprecedented historic event, has never been questioned in any way by the committees charge with oversight of the Capitol Police.

REQUEST FOR RELIEF

- A. Vargo wants an order from the Court declaring that Officer Bryant Williams attempted to murder him in retaliation for exercising his First Amendment right to wave a flag with a political message, which is clearly political speech and protected. Officer Bryant did not shove Vargo because of any legitimate law enforcement purpose. Officer Bryant shoved Vargo off of the ledge and attempted to murder Vargo because of Vargo's viewpoint. If Vargo had attempted to wave a Black Lives Matter flag, Officer Bryant would not have shoved him, as is evidenced by the months of police inaction while Black Lives Matter supporters were allowed to wave their flags wherever they wanted, including in Washington, DC.
- B. Vargo wants an Order from the Court that Officer Bryant violated his Fourth Amendment right by using excessive force against him, in a way that was objectively unreasonable when he shoved Vargo off of the ledge which could easily have led to Vargo's death.


- C. Vargo is also seeking that the Court Order Defendant Mike Johnson to immediately begin an investigation of the police brutality that occurred on January 6, including the attempted murder of Vargo.
- D. Vargo is seeking damages for his injuries, including for pain and suffering, as well as punitive damage from Defendant Bryant Williams who attempted to murder him.

REQUEST FOR A TRIAL BY JURY

Vargo requests a trial by jury.

Dated: January 2, 2023

Signed

A handwritten signature in black ink, appearing to read "Derrick Vargo", written over a horizontal line.

Derrick Vargo