

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

\*

VS.

\* Case No. 1:22-cr-00171 JMC

PAULA CONLON

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**MOTION TO MODIFY CONDITIONS OF RELEASE (TO REMOVE  
REQUIREMENT OF ELECTRONIC MONITORING)**

The Defendant, by and through her attorney, Robert C. Bonsib, Esq., respectfully requests this Honorable Court to modify the conditions of release in the above matter and remove the requirement of electronic monitoring and, as reasons therefore, states as follows:

1. The Defendant was arrested and has been charged with misdemeanor offenses relating to her entry into the United States Capitol on January 6, 2021. She is presently on conditions of release that require her to be supervised via electronic monitoring. For the reasons set forth herein, it is respectfully submitted that electronic monitoring is no longer necessary ensure that the Defendant will appear at court proceedings nor is it necessary to ensure the safety of the community.
2. The factual allegations against the Defendant specify that at 3:10 pm on January 6, 2021 that she entered the Capitol Building through a broken window, walked down a hallway and then almost immediately turned around and exited the building through a door in the area of the vestibule area of the Senate Wing. She was in the building for a total of only approximately three minutes
3. The Defendant was arrested on May 18, 2022. She was detained for five days before she was ordered released on May 23, 2022 on conditions that included electronic monitoring. She has been on electronic monitoring for almost three months. Her co-defendant was released without the requirement of electronic monitoring

4. The Defendant has evidenced her ability to comply with the requirements of electronic monitoring and, particularly since the last status hearing, has been obsessive about trying to comply with her conditions of release. As the Court observed during the status hearing on August 16, 2022, this obsession, together with her concern that she might be deemed to have been in violation of the electronic monitoring requirements, caused her to react inappropriately in communications with her Pre-trial Officer. This conduct, however, did not constitute a violation of the electronic monitoring requirements and, it is submitted, is not a reason to continue her on electronic monitoring. The inappropriate method of communication with her Pre-trial Officer can be addressed in other ways - as the Court did during the August 16, 2022 status hearing

5. During the status hearing on August 16, 2022 the Court received information that the Defendant had a prior arrest record for assault on a police officer in St. Louis in 2015 and for a subsequent arrest in Montgomery County, Maryland for assault in 2017. Undersigned counsel checked on Maryland's Judiciary Case Search and cannot find any record of any such case in 2017. The Defendant has represented that she was not arrested in Montgomery County in 2017 for assault and, additionally, believes the St. Louis matter was resolved in a manner that did not result in a conviction for an assault on a police officer, although her recollection of the disposition of that matter is unclear. Undersigned counsel requested that the government and Pre-trial provide counsel specific information regarding those two matters so that there is clarity as to whether such charges were filed and, if so, how the charges were resolved. A Pre-trial report received from Pretrial after the status hearing does not provide any information regarding the disposition of the 2015 charge and does not contain any reference to a 2017 assault charge in Montgomery County. It does reflect a 2012 probation before judgement disposition for assault and resisting arrest in Montgomery County, Maryland.

6. The Defendant is a night supervisor at Diakon Nursing Facility where she has worked since April of 2020. She works the 6:30 pm to 7 am shift approximately 5-6 nights a week and she supervises two LPN's and 3-5 GNA's on each shift. The Defendant has been an RN for 22 years and worked throughout the pandemic. She was a first responder at the Emergency Room for the first 15 years of her nursing career. She has served the community for decades treating members of community during some of their most difficult times.

7. The Defendant has seven siblings, none of whom she has been able to visit since her arrest in the instant matter. The Defendant's inability to visit one sister, in particular, has been very difficult as that sister is suffering from Stage 4 terminal cancer.

The Defendant has been unable to visit or babysit for her daughter who has three-year old twins and has not been able to serve as her daughter's emergency contact - to pick up the children in the event of illness at their daycare.

The Defendant has been unable to visit her significant other at his home in Thurmont, Maryland nor has she been able to attend family functions.

8. The Defendant is an alcoholic who, except for a relapse period around 2015, has been able to maintain her sobriety and she continues to do so. AA has been a source of her support and she has been an active participant in AA but has been limited her ability to participate at AA meetings.

It was during a brief period of relapse in 2015 that she found herself in the situation where she was arrested in St. Louis for the 2105 charge previously referenced and one that occurred when she was in withdrawal as a result of running out of medication on a trip to St. Louis. Thereafter she voluntarily entered an intensive outpatient program and was able to get off pain medication entirely in 2015.

9. The Defendant has been in regular contact with undersigned counsel, her Pre-trial Officer

and has always appeared for Court hearings. She purchased her home in West Virginia 12 days before her arrest in this matter. There is absolutely no reason to believe if removed from the requirements of electronic monitoring that she would represent a risk of flight.

10. The events surrounding her conduct with firearm at her residence at the time of her arrest is, obviously, a proper matter of concern, however, while that was an irresponsible act by the Defendant, there was no allegation of improper use of the firearm, or that it was unlawfully possessed and the weapon is now in the possession of law-enforcement. The firearm was at her residence but was not her property - although it was in her possession.

11. When viewed in the context of the entirety of the Defendant's life, the fact that she is presently charged with misdemeanor offenses resulting from her fleeting, albeit unlawful, presence in the Capitol, that she has not been charged with any firearm offenses and the fact that she has spent the greater part of her adult life serving those in need of care - the antithesis of someone who represents a danger to the community - and the fact that she has been on severe restrictions for three months, it is reasonable for the Court to grant the Defendant's request to be removed from the requirement of electronic monitoring.

12. Should the Court not be inclined to completely remove the requirement of electronic monitoring, the Court, as an alternative, could modify the Defendant's conditions of release to an early morning to early evening curfew to be monitoring by electronic monitoring. Then, after a period compliance with such a modified condition of release, the Court could then consider to follow-up request by the Defendant to have the condition of electronic monitoring completed removed.

WHEREFORE it is respectfully requested that this Honorable Court grant the relief requested.

Respectfully submitted,

MARCUSBONSIB, LLC

*/s/ Robert C. Bonsib*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing sent via electronic filing this 16th day of August, 2022 to all parties of record.

*/s/ Robert C. Bonsib*

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ROBERT C. BONSIB