

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA :
 :
 v. : **CASE NO. 21-CR-036 (CJN)**
 :
GINA BISIGNANO, :
Defendant. :

GOVERNMENT’S SUPPLEMENTAL FILING
CONCERNING APPEAL OF RELEASE
ORDER

The United States, by and through its undersigned counsel, respectfully provides additional information to the Court in support of its Appeal of Release Order [Docket # 12]. The defendant has made representations to law enforcement and to the media that she was a mere bystander at the January 6, 2021 riot at the U.S. Capitol, that she was disoriented throughout the incident due to tear gas deployed by police, and that she does not remember her own actions during the riot. However, a search of the defendant’s cell phone reveals otherwise: not only was the defendant aware of her actions, but she also told others about what she did and encouraged them to destroy relevant evidence. This evidence speaks to the history and characteristics of this defendant, see 18 U.S.C. § 3142(g), and further weighs in favor of her detention.

As explained in the United States’ Appeal of Release, on January 6, 2021, the defendant was on the front lines of the riot at the U.S. Capitol building. While she urged others on with a large bullhorn, rioters all around her fought with police officers and broke a window that she and other rioters then used to enter the Capitol building. As detailed in the United States’ initial Appeal of Release, numerous videos show the defendant standing with a bullhorn, both outside and inside of the

Capitol, inciting others to violence. The defendant was not a mere bystander at the January 6th Capitol riot; she was an instigator, a director, and an active participant in the violence, destruction and obstruction at the Capitol that day.

Despite the evidence showing the defendant's substantial involvement in the riot—including several publicly available videos—the defendant has repeatedly downplayed her involvement, both to the media and to the FBI. In addition to asserting to critics on Yelp that “I was let in,” the defendant gave a multi-hour interview to The Beverly Hills Courier about her involvement in the riot that was published on January 14, 2021. Despite the publicly available cell phone videos showing Bisignano shouting through a megaphone for “gas masks” “weapons” and “strong, angry patriots to help our boys,” the article reported that Bisignano “characterizes her role as a passive one.” Indeed, Bisignano said she had been handed the megaphone by another person and directed what to say, that she did not remember saying the things she was recorded saying through the megaphone, that “antifa and BLM” had caused fights in the crowd around her, and that she entered the Capitol building because she was experiencing a panic attack due to tear gas around her.

On January 19, 2021, the defendant gave a similarly mild account to the FBI.¹ The defendant told agents that when she got to the Capitol with a large group of people, she became stuck at the top of the steps in a large crowd. The crowd became chaotic and one of her arms was crushed. She climbed on the building's window ledge because she was scared and disoriented from tear gas, pepper spray, and the pain in her arm. She again asserted that she had been handed a megaphone by another person and told what to say, but that she did not recall actually saying the words she was recorded saying. She also claimed that she went into the Capitol building only to take refuge from the tear gas

¹ This interview, which was audio recorded, took place at the time of her arrest, after she was informed of her *Miranda* rights and waived them.

in the air outside.

However, these tepid accounts to the media and to the FBI are belied not only by the recordings of the defendant during the riot, but also by messages found in the defendant's cell afterward, in which the defendant bragged about her actions to friends while also encouraging them to delete evidence.

In messages to three friends over social media after the riot, Bisignano proudly confirmed that she was involved in it. In one exchange, after being sent a video entitled, "Watch this now! INVASION IMMINENT!!!," Bisignano responded, "That was me[.] We invaded yesterday." In a different exchange, dated January 7, 2021 at 12:09 pm, Bisignano wrote, "Sh[.] Did I see you? Erase the picture[.] I am on [a] plane I was shot at[.] And tazed[.]" When the friend responded, "Maybe, I'm not sure[.] I was in the front the whole time[.] First to get on top the stairs and first few inside[.] I'm sorry to hear you were tazed[.] Hope your ok," Bisignano responded, "So was I." And, in a third exchange, dated January 8, 2021 at 12:27 pm, Bisignano messaged the friend, "Hello erase pictures," to which the friend responded that he/she did not possess any showing the area around the Capitol.

Taken in concert with the strong evidence showing the defendant's involvement in inciting the rioters, this additional evidence speaks to the history and characteristics of this defendant: at the same time that she has denied any substantive involvement in the riot and claimed to not remember what she did, she also has bragged about her involvement to friends and asked them to delete evidence. These wholly contrary representations of her own criminal conduct are relevant to the Court's consideration of the history and characteristics of this defendant. In addition, these social media messages also indicate an attempt to obstruct the FBI's investigation both by encouraging others to delete evidence, and show that her own account to federal investigators was false. Taken together this evidence speaks to the history and characteristics of this defendant, and further weighs

in favor of detention.

For the reasons given above and in the Government's initial Appeal of Release [Docket # 12], the defendant should remain detained pending trial. The Court should review the Magistrate's decision to release defendant and issue a continued stay of that release order.

Respectfully submitted,

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_____/s/_____

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EXHIBIT 1





