

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
 :
 v. : Case No. 21-CR-036
 :
 GINA M. BISIGNANO :

**DEFENDANT’S REPLY TO THE GOVERNMENT’S OPPOSITION TO THE MOTION
TO WITHDRAW GUILTY PLEA AS TO COUNT 1 OF THE INDICTMENT**

Defendant Gina M. Bisignano (“Bisignano” or “Defendant”), by and through her undersigned counsel, A. Charles Peruto, Jr., respectfully submits this Reply to the Government’s Opposition to the Motion to Withdraw Guilty Plea as to Count One of the Indictment, and states as follows:

I. FACTS

On August 4, 2021, Ms. Bisignano executed a plea agreement with the United States and entered an unconditional guilty plea as to all Counts, with the exception of Count 3, including Count 1, violation of 18 U.S.C. § 1512(c)(2) and § 2. As a result, the Court vacated the trial date.

Ms. Bisignano now moves the Court to withdraw her guilty plea as to Count 1 of the Indictment, violating 18 U.S.C. § 1512(c)(2) and § 2, corruptly obstructing, influencing, or impeding an official proceeding.

In the Government’s Opposition to Ms. Bisgnano’s Motion to Withdraw Guilty Plea as to Count 1 of the Indictment, the Government asserts that that the Defendant unreasonably delayed the filing of her motion to withdraw the plea for months. This claim is without merit. Additionally, the Government will not be prejudiced by this delay.

Months ago, counsel for the Defendant asked AUSA Kim Paschall whether or not the Defendant would be receiving a downward departure for her cooperation. *See Exhibit A*, letter to

AUSA Kim Paschall dated March 9, 2022, and *Exhibit B*, email correspondence between counsel's office and AUSA Paschall on the dates of March 9, 2022, April 19, 2022, and April 21, 2022. AUSA Paschall responded that she would get back to counsel regarding his letter and inquiry. The impression left by AUSA Paschall was that a motion for downward departure would be filed by the Government if the circumstances warranted. On April 19, 2022, upon not hearing anything from AUSA Paschall, counsel followed up via email regarding his letter and inquiry as to whether the Defendant would be receiving a downward departure. *See Exhibit B*. AUSA Paschall wrote back to counsel via email on April 21, 2022, apologizing for the delay. *Id.*

Subsequent to the Defendant's guilty plea on August 4, 2021, this case had three (3) status conference dates with the Court – September 16, 2021, December 14, 2021, and March 4, 2022. AUSA Paschall participated in the status conferences, however, she still failed to respond to counsel's inquiry regarding whether or not the Defendant would be receiving a downward departure.

Literally, months went by, and Mr. Peruto never received a motion for downward departure or an update on this issue, yet sentencing was scheduled for July 12, 2022. One of the reasons the Motion to Withdraw Guilty Plea as to Count 1 of the Indictment was filed so late is that the Defendant began engaging in meaningful cooperation, warranting a downward departure under United States Sentencing Guideline 5K1.1, as soon as she was released from custody, and never stopped. Counsel for Bisignano never received the motion for downward departure and wasted months waiting.

II. ARGUMENT

This Court is mindful that the Supreme Court has held that “[s]ociety has a particular

interest in bringing swift prosecutions, and society's representatives are the ones who should protect that interest." *Barker v. Wingo*, 407 U.S. 514, 527, 92 S. Ct. 2182, 33 L. Ed. 2d 101 (1972). However, this delay in filing the Motion to Withdraw Guilty Plea as to Count 1 of the Indictment is solely attributable to the Government's inaction, and any further delay would not prejudice the United States of America.

WHEREFORE, for the foregoing reasons, and any others that may become apparent to the Court, Defendant respectfully request that her Motion to Withdraw Guilty Plea be **GRANTED**.

Respectfully submitted,

BYNUM & JENKINS

DATED: 6/14/2022

By: /s/Robert L. Jenkins, Jr.
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CERTIFICATE OF SERVICE

I hereby certify on the 10th day of June, 2022, a copy of same was electronically filed using the CM/ECF system and thus delivered to the parties of record and in pursuant to the rules of the Clerk of Court:

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Respectfully submitted,

BYNUM & JENKINS

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