

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 1:21-cr-00050 (CRC)
	:	
JENNIFER LEIGH RYAN,	:	
	:	
Defendant.	:	

GOVERNMENT’S RESPONSE TO DEFENDANT RYAN’S SENTENCE MEMORANDUM

The United States of America, by and through its attorney, the Acting United States Attorney for the District of Columbia, respectfully submits this reply to the Defendant’s Sentence Memorandum, ECF 49, to address certain contentions the defense has raised through an attachment, ECF 49-1, to the memorandum. In the attachment, the defendant seeks to minimize her own conduct with objections to the accuracy of statements in the government’s Sentencing Memorandum. For the reasons provided below, the United States stands by its representations.

First, the defendant contends that the prosecution has created a “false timeline” to suggest that the defendant knew about breaking windows before her arrival at the Capitol. ECF 49-1 at 2. The United States has documented the defendant’s entry into the Capitol at 3:21 p.m. on January 6, 2021, ECF 48 at 7, and has placed her exit at 3:23 p.m. *Id.* at 8. In its memorandum, the United States also described a recording from approximately 3:30 p.m., after the defendant’s exit, when the defendant is first notified of and encouraged to film a window being broken. *Id.* The United States also described the defendant’s own recording from approximately 4:22 p.m., when the defendant hears and mentions the sound of a breaking window. *Id.* at 9-10. In fact, the timing the United States has described for the defendant’s direct observation of violence against property appears to be consistent with the defendant’s own assertions.

Second, the defendant claims that the “first” video the prosecution uses to show her culpability, ECF 49-1 at 2, was in fact the last she created. The first video referenced in the government’s memorandum is a self-recording of the defendant from January 6 where she notes that the time is 7:00 a.m. and minutes later begins to refer to a “prelude” to “war.” ECF 48 at 2. The United States submits that there is no inaccuracy in its use of this recording.

Third, the defendant states simply that “I did, however, see on TV that people were going into the Capitol.” ECF 49-1 at 1. What the defendant saw from her hotel room before going to the Capitol was captured in a recording that was recovered, pursuant to a search warrant, from her cellular phone. The recording, with the filename IMG_5707.mov, documents the defendant watching a Fox News report of the breach of the Capitol. The defendant states in the recording that “they’re climbing the walls to the Capitol. Are you seein’—are you watching Fox News? They’re climbing the walls . . . We’re gonna go down there, and we’re gonna sit in those – we’re gonna go down there and move them out of their chairs; we’re goin’ down there because we’ve had it. We’re not here to play around.” Data extracted from the defendant’s phone and attached hereto shows the recording was created on January 6, 2021, at 1:20 p.m. Central Time, or 2:20 p.m. Eastern Standard Time. The United States submits that no reasonable person viewing such a broadcast would consider people “climbing the walls” to be an appropriate or peaceful means of entering the Capitol or that “moving them out of their chairs” connotes anything but the use of force.

Fourth, the defendant denies knowledge of violence before her arrival at the Capitol. The United States has attached a message extracted from the defendant’s cellular phone and the attachment forwarded with that message (IMG_0405.jpg) describing a breach of barriers,

overwhelmed police officers, and destruction. Data for the message shows the defendant read the message at 2:28 p.m., adjusted to Eastern Standard Time.

Fifth, the defendant insists without qualification that she did not witness any violence; see any violence being committed; observe any violence; or see, commit, or participate any violence. ECF 49-1 at 1. In addition to the recordings the United States described in its memorandum that demonstrate the defendant's knowledge of violence before and after unlawful entry into the Capitol, the United States is attaching a photograph of the defendant observing the destruction of media property in progress.

For the foregoing reasons, the United States rejects the baseless claim that it has misrepresented the nature or timing of its evidence. Such evidence shows the defendant's awareness of the potential for violence on January 6, 2021, and her knowledge of actual violence which she continues to attempt to deny. This information is relevant because it reflects the characteristics of this defendant, the nature and seriousness of the offense she joined, her lack of remorse, and her own attempts at misrepresentation.

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