



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

KTF:BGD
F. #2026R00067

*271 Cadman Plaza East
Brooklyn, New York 11201*

March 9, 2026

By ECF

The Honorable Diane Gujarati
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Jon Consiglio
Criminal Docket No. 26-28 (DG)

Dear Judge Gujarati:

The government respectfully submits this letter in support of the government's appeal of the release of the defendant Jon Consiglio. A grand jury indicted Consiglio on February 9, 2026 with one count of sexual exploitation of a child in violation of 18 U.S.C. § 2251(a) and one count of possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B) after it was discovered that he had filmed himself engaging in sexual acts with an approximately two-year-old girl referred to as Child Victim 1, whose identity has been previously disclosed to Your Honor. The defendant was detained after his arrest and moved for his release on February 24, 2026. ECF Dkt. No. 10. On Friday, March 6, 2026, the Honorable Clay H. Kaminsky, United States Magistrate Judge, ordered the defendant's release.¹ Following the government's motion for a stay so the government could appeal, Judge Kaminsky stayed the release order until 3:00 P.M. on Monday, March 9, 2026. The Court has ordered a hearing on the government's appeal at 2:00 P.M. on March 9, 2026.

For all of the reasons described in the government's letter opposing release, ECF Dkt. No. 13, which is incorporated herein by reference, release of the defendant pending trial is completely inappropriate because he poses a substantial danger to the community and a risk of flight. But in addition, one of the defendant's sureties—his wife, Brittany Consiglio—has, since the bond hearing on Friday night, been arrested on a criminal complaint charging her with

¹ Because the bond hearing was on a Friday evening, the parties have not yet received copies of the transcript or release order.

distribution of child pornography, in violation of 18 U.S.C. § 2252(a)(2). The defendant's other surety is his mother, Gina Consiglio.

As described in the criminal complaint, Brittany Consiglio took pictures of Child Victim 1's vagina and texted them on or about September 27, 2025, to Jon Consiglio for the purposes of his sexual gratification, which is made clear from the surrounding text messages. See ECF No. 1, 26-MJ-49. A copy of the complaint is attached to this letter as Exhibit 1. These texts were discovered by FBI agents late last week during an ongoing review of Jon Consiglio's cell phone pursuant to a search warrant. The government's recent discovery of Brittany Consiglio as a potential co-conspirator was, until her arrest, covert. However, during the Friday evening bond hearing, Judge Kaminsky described Jon Consiglio's rape of Child Victim 1 as a "crime of opportunity" and observed that it was only one crime that had happened some time ago, which, in Judge Kaminsky's view, supported the defendant's release. In response, the government proffered that it had discovered, during review of his phone, Jon Consiglio exchanging child sex abuse material over text as recently as September 2025, in reference to the above-described text messages with his wife. She was not named publicly by the government due to the ongoing, covert nature of the investigation into her involvement. Because she was being offered as Jon Consiglio's surety, Brittany Consiglio was in court and heard the reference to the text messages.

Once that information came out at the bond hearing, the government was concerned that Brittany Consiglio would understand it referred to her text messages with Jon Consiglio, and that she may attempt to flee or destroy evidence. Agents went to her house that evening, interviewed her, and arrested her after she, among other statements, admitted to sending pictures of Child Victim 1's vagina over text to Jon Consiglio. She consented to the seizure and search of her phone. The next day, Saturday, March 7, 2026, Magistrate Judge Seth D. Eichenholtz arraigned Brittany Consiglio and released her on a \$75,000 bond subject to certain conditions. The defendant's mother is also Brittany Consiglio's surety, and Judge Eichenholtz ordered that she must find a second surety by Thursday, March 12, 2026, or move to have this condition removed from her release order.

Based on Brittany Consiglio's arrest, but also based on her statements at the time of arrest and her attorney's statements in Saturday's arraignment alleging domestic abuse by Mr. Consiglio, she is not an appropriate surety or third-party custodian for the defendant.

Therefore, for all the reasons set forth in the government's prior submission, as well as the additional facts set forth herein, the government respectfully requests that the Court reverse the magistrate judge's order releasing Jon Consiglio and enter a permanent order of detention.

Respectfully submitted,

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