

No. 24A-

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In the Supreme Court of the United States

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CYNTHIA BALLENGER,

*Applicant,*

-v.-

UNITED STATES OF AMERICA,

*Respondent*

---

On Application from the United States Court of Appeals  
for the District of Columbia Circuit

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APPLICATION TO THE HONORABLE CHIEF JUSTICE JOHN ROBERTS  
FOR RELEASE AND BAIL PENDING APPEAL TO THE UNITED STATES  
COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT  
APPENDIX

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Counsel for Applicant-Defendant  
Cynthia Ballenger

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**Disc of Video Exhibits**

- 6-Defense 201 Senate Wing Door 2 (3.30-3.40 pm)
- 9-Defense 215 North Walkway (2.00-2.19 pm)
- 10-Defense 216 North Walkway (2.39-2.48 pm)
- 11-Defense 400 Senate Wing Door 1 with Circles (3.22-3.30 pm)

UNITED STATES DISTRICT COURT

District of Columbia [dropdown]

UNITED STATES OF AMERICA

v.

CYNTHIA BALLENGER

JUDGMENT IN A CRIMINAL CASE

Case Number: 21-cr-00719-1

USM Number: 590465-09

Nandan Kenkeremath

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s)
pleaded nolo contendere to count(s) which was accepted by the court.
was found guilty on count(s) 1s-4s of the SUPERSEDING INFORMATION filed on 3/8/2022. after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Table with 4 columns: Title & Section, Nature of Offense, Offense Ended, Count. Rows include 18 USC § 1752(a)(1) Entering and Remaining in a Restricted Building, 18 USC § 1752(a)(1) Disorderly and Disruptive Conduct in a Restricted Building, and 40 USC § 5104(e)(2)(D) Violent Entry and Disorderly Conduct in a Capitol Building.

The defendant is sentenced as provided in pages 2 through 9 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s)
Count(s) is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Date of Imposition of Judgment 9/29/2023

Signature of Judge [Handwritten Signature]

James E. Boasberg USDC Chief Judge
Name and Title of Judge

Date 10/3/23

DEFENDANT: CYNTHIA BALLENGER  
CASE NUMBER: 21-cr-00719-1

**ADDITIONAL COUNTS OF CONVICTION**

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
40 USC § 5104(e)(2)(D)	Parading, Demonstrating, or Picketing in a Capitol Buildir	1/6/2021	4s

DEFENDANT: CYNTHIA BALLENGER  
CASE NUMBER: 21-cr-00719-1

**IMPRISONMENT**

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:  
Defendant sentenced to four (4) months incarceration on counts 1s-4s to run concurrent.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on \_\_\_\_\_

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: CYNTHIA BALLENGER  
CASE NUMBER: 21-cr-00719-1

**ADDITIONAL IMPRISONMENT TERMS**

Defendant is to self surrender on a date no earlier than January 1, 2024.

DEFENDANT: CYNTHIA BALLENGER  
CASE NUMBER: 21-cr-00719-1

### SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

nine (9) months Supervised Release as to counts 1s-2s to run concurrent.

### MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
  - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4.  You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5.  You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6.  You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7.  You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: CYNTHIA BALLENGER  
CASE NUMBER: 21-cr-00719-1**STANDARD CONDITIONS OF SUPERVISION**

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

**U.S. Probation Office Use Only**

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature \_\_\_\_\_

Date \_\_\_\_\_



DEFENDANT: CYNTHIA BALLENGER  
CASE NUMBER: 21-cr-00719-1

### SPECIAL CONDITIONS OF SUPERVISION

While on supervision, you shall abide by the following mandatory conditions, as well as all discretionary conditions recommended by the probation office in Part D. Sentencing Options of the presentence report, which are imposed to establish the basic expectations for your conduct while on supervision.

The mandatory conditions include:

1. You must not commit another federal, state, or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of placement on supervision and at least two periodic drug tests thereafter, as determined by the court.
4. You must make restitution in accordance with 18 USC §§ 3663 and 3663A or any other statute authorizing a sentence of restitution.

You shall comply with the following special conditions:

Firearm Restriction - You shall remove firearms, destructive devices, or other dangerous weapons from areas over which you have access or control until the term of supervision expires.

You are ordered to make restitution to in the amount \$500 to the Architect of the Capitol. The court determined you do not have the ability to pay interest and therefore waives any interest or penalties that may accrue on the balance.

Restitution Obligation – You must pay the balance of any restitution owed at a rate of no less than \$100 each month upon release.

Restitution payments shall be made to the Clerk of the Court for the United States District Court, District of Columbia, for disbursement to the following victim:

\$500

Architect of the Capitol  
Office of the Chief Financial  
Officer  
Ford House Office Building,  
Room H2-205B  
Washington, DC 20515

Re-entry Progress Hearing - Within sixty days of release from incarceration or placement on supervision, you will appear before the Court for a re-entry progress hearing. Prior to the hearing, the probation officer will submit a report summarizing your status and compliance with release conditions. If you are supervised by a district outside of the Washington DC metropolitan area, the United States Probation Office in that district will submit a progress report to the court within 60 days of the commencement of supervision; upon receipt of the progress report, the Court will determine if your appearance is required.

DEFENDANT: CYNTHIA BALLENGER  
CASE NUMBER: 21-cr-00719-1

**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 70.00	\$ 500.00	\$	\$	\$

The determination of restitution is deferred until \_\_\_\_\_ . An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Clerk of the Court for the United States District Court for the District of Columbia for the disbursement to the following victim Architect of the Capitol Office of the Chief Financial Officer Room H2-205B Ford House Office Building Washington, DC 20515		\$500.00	

TOTALS	\$	0.00	\$	500.00
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Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the  fine  restitution.

the interest requirement for the  fine  restitution is modified as follows:

\* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

\*\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

\*\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: CYNTHIA BALLENGER  
 CASE NUMBER: 21-cr-00719-1

**SCHEDULE OF PAYMENTS**

Having assessed the defendant’s ability to pay, payment of the total criminal monetary penalties is due as follows:

- A  Lump sum payment of \$ 570.00 due immediately, balance due
  - not later than \_\_\_\_\_, or
  - in accordance with  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant’s ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:  
 The financial obligations are immediately payable to the Clerk of the Court for the U.S. District Court, 333 Constitution Ave NW, Washington, DC 20001. Within 30 days of any change of address, you shall notify the Clerk of the Court of the change until such time as the financial obligation is paid in full.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons’ Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
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- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant’s interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

# UNITED STATES DISTRICT COURT

District of Columbia

UNITED STATES OF AMERICA )

v. )

CHRISTOPHER PRICE )

## JUDGMENT IN A CRIMINAL CASE

Case Number: 21-cr-00719-2

USM Number: 590275-09

Nandan Kenkeremath

Defendant's Attorney

### THE DEFENDANT:

- pleaded guilty to count(s) \_\_\_\_\_
- pleaded nolo contendere to count(s) \_\_\_\_\_ which was accepted by the court.
- was found guilty on count(s) 1s-4s of the SUPERSEDING INFORMATION filed on 3/8/2022. after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 1752(a)(1)	Entering and Remaining in a Restricted Building	1/6/2021	1s
18 USC § 1752(a)(1)	Disorderly and Disruptive Conduct in a Restricted Building	1/6/2021	2s
40 USC § 5104(e)(2)(D)	Violent Entry and Disorderly Conduct in a Capitol Building	1/6/2021	3s

The defendant is sentenced as provided in pages 2 through 9 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) \_\_\_\_\_
- Count(s) \_\_\_\_\_  is  are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Date of Imposition of Judgment 9/29/2023

Signature of Judge 

James E. Boasberg USDC Chief Judge  
Name and Title of Judge

Date 10/3/23

DEFENDANT: CHRISTOPHER PRICE  
CASE NUMBER: 21-cr-00719-2

**ADDITIONAL COUNTS OF CONVICTION**

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
40 USC § 5104(e)(2)(D)	Parading, Demonstrating, or Picketing in a Capitol Building	1/6/2021	4s

DEFENDANT: CHRISTOPHER PRICE  
CASE NUMBER: 21-cr-00719-2

**IMPRISONMENT**

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:  
Defendant sentenced to forty-five (45) days incarceration as to counts 1s-4s to run concurrent .

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_,  a.m.  p.m. on \_\_\_\_\_.

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on \_\_\_\_\_.

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL.

DEFENDANT: CHRISTOPHER PRICE  
CASE NUMBER: 21-cr-00719-2

**ADDITIONAL IMPRISONMENT TERMS**

Defendant is to self surrender on a date no earlier than January 1, 2024.

DEFENDANT: CHRISTOPHER PRICE

CASE NUMBER: 21-cr-00719-2

**SUPERVISED RELEASE**

Upon release from imprisonment, you will be on supervised release for a term of:

nine (9) months Supervised Release as to counts 1s-2s to run concurrent.

**MANDATORY CONDITIONS**

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
  - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4.  You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5.  You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6.  You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7.  You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.



DEFENDANT: CHRISTOPHER PRICE  
CASE NUMBER: 21-cr-00719-2

### STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

### U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature \_\_\_\_\_

Date \_\_\_\_\_

DEFENDANT: CHRISTOPHER PRICE

CASE NUMBER: 21-cr-00719-2

### SPECIAL CONDITIONS OF SUPERVISION

While on supervision, you shall abide by the following mandatory conditions, as well as all discretionary conditions recommended by the probation office in Part D. Sentencing Options of the presentence report, which are imposed to establish the basic expectations for your conduct while on supervision.

The mandatory conditions include:

1. You must not commit another federal, state, or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of placement on supervision and at least two periodic drug tests thereafter, as determined by the court.
4. You must make restitution in accordance with 18 USC §§ 3663 and 3663A or any other statute authorizing a sentence of restitution.

You shall comply with the following special conditions:

Firearm Restriction - You shall remove firearms, destructive devices, or other dangerous weapons from areas over which you have access or control until the term of supervision expires.

You are ordered to make restitution to in the amount \$500 to the Architect of the Capitol. The court determined you do not have the ability to pay interest and therefore waives any interest or penalties that may accrue on the balance.

Restitution Obligation – You must pay the balance of any restitution owed at a rate of no less than \$100 each month upon release.

Restitution payments shall be made to the Clerk of the Court for the United States District Court, District of Columbia, for disbursement to the following victim:

\$500

Architect of the Capitol  
Office of the Chief Financial  
Officer  
Ford House Office Building,  
Room H2-205B  
Washington, DC 20515

Re-entry Progress Hearing - Within sixty days of release from incarceration or placement on supervision, you will appear before the Court for a re-entry progress hearing. Prior to the hearing, the probation officer will submit a report summarizing your status and compliance with release conditions. If you are supervised by a district outside of the Washington DC metropolitan area, the United States Probation Office in that district will submit a progress report to the court within 60 days of the commencement of supervision; upon receipt of the progress report, the Court will determine if your appearance is required.

DEFENDANT: CHRISTOPHER PRICE

CASE NUMBER: 21-cr-00719-2

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 70.00	\$ 500.00	\$	\$	\$

The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Clerk of the Court for the United States District Court for the District of Columbia for the disbursement to the following victim Architect of the Capitol Office of the Chief Financial Officer Room H2-205B Ford House Office Building Washington, DC 20515		\$500.00	

TOTALS	\$	0.00	\$	500.00
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Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the  fine  restitution.

the interest requirement for the  fine  restitution is modified as follows:

\* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

\*\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

\*\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: CHRISTOPHER PRICE  
CASE NUMBER: 21-cr-00719-2

**SCHEDULE OF PAYMENTS**

Having assessed the defendant’s ability to pay, payment of the total criminal monetary penalties is due as follows:

- A  Lump sum payment of \$ 570.00 due immediately, balance due
  - not later than \_\_\_\_\_, or
  - in accordance with  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant’s ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:  
The financial obligations are immediately payable to the Clerk of the Court for the U.S. District Court, 333 Constitution Ave NW, Washington, DC 20001. Within 30 days of any change of address, you shall notify the Clerk of the Court of the change until such time as the financial obligation is paid in full.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons’ Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
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- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant’s interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

TEXT OF FEBRUARY 29, 2024 MINUTE ORDER IN  
UNITED STATES V. BALLENGER 1:21-CR-00719-JEB

See Also on PACER

Feb 29, 2024

Minute Entry for proceedings held before Chief Judge James E. Boasberg: Status Conference as to CYNTHIA BALLENGER (1) and CHRISTOPHER PRICE (2) held on 2/29/2024. The Court ORDERS Defendants 152 Motion for Release Pending Appeal and Defendants 165 Motion to Reduce Sentence are DENIED for the reasons stated on the record. Bond Status of Defendant: PR; Court Reporter: Tammy Nestor; Defense Attorney: Nandan Kenkeremath; US Attorney: Andrew Haag. (znbn)

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 23-3198**

**September Term, 2023**

**1:21-cr-00719-JEB-1**

**1:21-cr-00719-JEB-2**

**Filed On:** March 15, 2024

United States of America,

Appellee

v.

Cynthia Ballenger,

Appellant

-----  
Consolidated with 23-3199

**BEFORE:** Millett, Pillard, and Wilkins, Circuit Judges

## **ORDER**

Upon consideration of the emergency motion for release pending appeal, the opposition thereto, and the reply; and the motion to hold in abeyance or, in the alternative, for an extension of time to file the appellee brief, the opposition thereto, and the reply, it is

**ORDERED** that the motion for release pending appeal be denied. Ballenger was sentenced to four concurrent four-month prison terms, followed by two concurrent nine-month terms of supervised release. Ballenger has not raised “a substantial question of law or fact” as to her conviction for disorderly or disruptive conduct in a Capitol Building or grounds, in violation of 40 U.S.C. § 5104(e)(2)(D). See 18 U.S.C. § 3143(b)(1); United States v. Perholtz, 836 F.2d 554, 555 (D.C. Cir. 1987) (“[A] substantial question is a close question or one that very well could be decided the other way.”) (internal quotation marks omitted). First, whether the area that Ballenger entered was “restricted” for purposes of 18 U.S.C. § 1752(c) does not present a substantial question as to her conviction under § 5104(e)(2)(D), which was not based on a finding that the area was restricted for purposes of § 1752(c). Second, Ballenger has not raised a substantial question as to whether she engaged in disruptive conduct, because there was sufficient evidence to prove that her “unauthorized presence in the Capitol as part

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 23-3198**

**September Term, 2023**

of an unruly mob contributed to the disruption of the Congress's electoral certification and jeopardized public safety." See United States v. Alford, 89 F.4th 943, 946 (D.C. Cir. 2024). Third, Ballenger has not raised a substantial question as to whether the superseding information, in order to provide sufficient notice of the elements of the offense, needed to allege that she "joined a mob." See United States v. Williamson, 903 F.3d 124, 130 (D.C. Cir. 2018) ("[I]t is generally sufficient that an indictment set forth the offense in the words of the statute itself, as long as those words of themselves fully, directly, and expressly, without any uncertainty or ambiguity, set forth all the elements necessary to constitute the offence intended to be punished.") (citation omitted). Fourth, Ballenger has not shown that her arguments regarding the sealing of documents obtained under the search warrant for her Facebook account present a substantial question as to, or had any material impact on, the validity of her conviction under § 5104(e)(2)(D).

Accordingly, even assuming Ballenger's appeal presents substantial questions of law or fact as to her other convictions, she still has not shown that resolution of such questions in her favor is likely to lead to reversal or a new trial as to "all counts on which imprisonment is imposed." Perholtz, 836 F.3d at 556-57 (emphasis added). And the district court determined that Ballenger's sentence to four months' imprisonment on each count was warranted in part based on its findings that her testimony was not honest or credible and that she had not accepted responsibility or shown remorse. Given those findings, Ballenger also has failed to show that her appeal would likely result in a sentence that does not include a term of imprisonment, or would likely result in a reduced term of imprisonment. See 18 U.S.C. § 3143(b)(1)(B). It is

**FURTHER ORDERED** that the request to hold these cases in abeyance be denied. It is

**FURTHER ORDERED** that the following briefing schedule will apply in these cases:

Appellee's Brief

April 15, 2024

Appellants' Reply Brief

May 6, 2024

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 23-3198**

**September Term, 2023**

The briefing format and word limits established in the court's order filed December 21, 2023 remain in effect.

**Per Curiam**

**FOR THE COURT:**

Mark J. Langer, Clerk

BY: /s/

Emily Campbell

Deputy Clerk



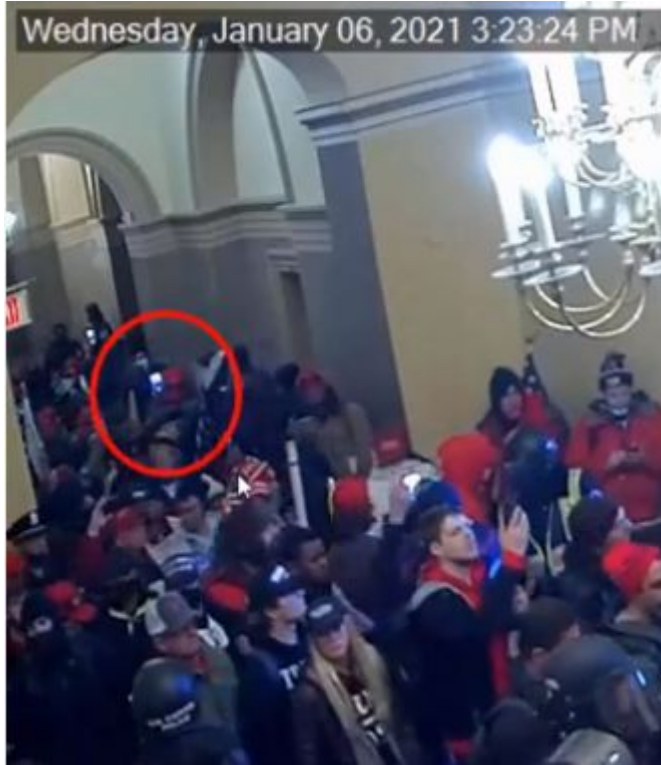
**Defense Exhibit # 303**  
**US v Price & Ballenger 21-cr-719**

CERTAIN PICTURES FROM  
APPENDIX TO APPELLATE BRIEF  
U.S. 23-3198



**3:22:40 pm Chris and Cynthia through the open door**

Page # 137 in Appendix to Appellate Brief



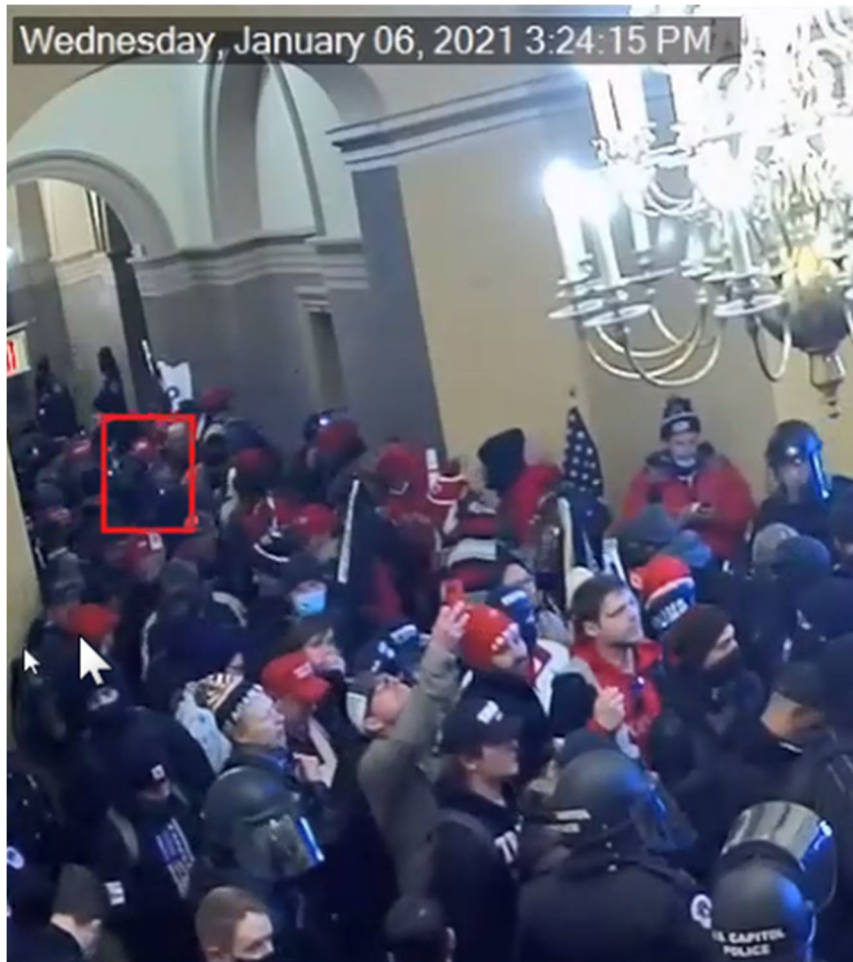
**At 3:23:24 pm (About 44 seconds after entering), Chris has his phone up to take a picture/texts when approaching the policeman**

**From Text/Pictures of Christopher Prices**

In



Page # 138 in Appendix to Appellate Brief



Page 139 in Appendix to Appellate Brief

**Before 3:24:15 pm (About 1:35 seconds after entering) Both Cynthia and Chris are facing the exit**