

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No.: 23-CR-0114 (ACR)
	:	
RONALD BALHORN,	:	
	:	
Defendant.	:	

UNITED STATES’ MOTION TO MODIFY CONDITIONS OF RELEASE

The United States of America, by and through its undersigned attorney, respectfully moves the Court pursuant to 18 U.S.C. § 3145(a)(1) to modify the conditions of release for Defendant Ronald Balhorn for violations of the terms of his pretrial release. Consistent with recommendations by Pretrial Services Agency for the District of Columbia (PSA), the Government requests that the defendant’s conditions of release be modified to include the following: the defendant shall undergo a substance abuse assessment and sign all required releases of information for PSA to obtain and report treatment compliance to the Court.

I. Balhorns’s Release Conditions and Convictions

On February 9, 2023, United States Magistrate Judge Robin M. Meriweather imposed conditions of pre-trial release on the defendant that included, among other things, that he “not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.” ECF No. 13 at 2.¹ That condition of release has remained unchanged throughout the pendency of this case.

On October 18, 2023, after the conclusion of a bench trial, this Court convicted the defendant of (1) entering and remaining in a restricted building or grounds, in violation of 18

¹ Marijuana is a Schedule I controlled substance under the federal Controlled Substances Act. See 21 U.S.C. § 802 et seq.

U.S.C. § 1752(a)(1); (2) disorderly and disruptive conduct in a restricted building or grounds, in violation of 18 U.S.C. § 1752(a)(2); and (3) parading, demonstrating, or picketing in a capitol building, in violation 40 U.S.C. § 5104(e)(2)(G).

II. Evidence of Violations of the Balhorn’s Release Conditions

On January 5, 2024, PSA provided a status update on Balhorn’s non-compliance with his conditions of release. ECF No. 55 at 2. In violation of the conditions of his release, Balhorn has tested positive for marijuana on eight occasions since his February 9, 2023 release, including one instance post-conviction. *Id.* (“The defendant tested positive for marijuana on 02/27/23, 03/28/23, 04/28/23, 06/01/23, 07/10/23, 09/05/23, 10/10/23, and 12/21/23”). PSA verbally warned Balhorn after each of the eight instances of non-compliance. *Id.*

III. The Court Should Modify Balhorn’s Release Conditions

The Court should modify Balhorn’s release conditions. The defendant has had ample opportunity to comply with his release conditions, but nevertheless continues to flout judicial orders. Given the nature of his non-compliance, the Court should modify Balhorn’s conditions of release consistent with PSA recommendations.

A. Legal Standard

Under 18 U.S.C. § 3145(a)(1), “[i]f a person is ordered released . . . the Government may file, with the court . . . a motion for . . . amendment of the conditions of release . . . The motion shall be determined promptly.” Under 18 U.S.C. § 3148(a), a person “who has violated a condition of his release, is subject to a revocation of release, an order of detention, and a prosecution for contempt of court.”² Under 18 U.S.C. § 3563(b)(9), the court may provide that the defendant “undergo . . . treatment for drug or alcohol dependency, as specified by the court”

² The Government does not move to revoke Balhorn’s release order.

B. Discussion

Balhorn's release conditions provide that he "not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner." ECF No. 13, at 2. Marijuana is a Schedule I controlled substance. *See* 21 U.S.C. § 802 *et seq.* Balhorn has tested positive for marijuana on eight occasions since his February 9, 2023 release. ECF No. 55, at 2. After each instance, Balhorn received a verbal warning. *Id.* Nevertheless, Balhorn has shown disregard for the conditions of his release, PSA, and this Court, for his continued use of a controlled substance. At other times, Balhorn has shown himself able to comply with the condition of release, given that he tested negative for illicit substances on November 21, 2023, in his first drug test post-conviction. *See id.* However, one month later, he tested positive for marijuana on December 21, 2023, *id.*, and has repeatedly flouted his conditions of release since then.

In *U.S. v. Joshua Colgan*, PSA recommended substance abuse treatment following the defendant's violations of his conditions of release. 22-cr-224 (DLF), ECF 21. Upon consideration of PSA's recommendations and the lack of objection from either party, Judge Friedrich modified the defendant's conditions of release to include substance abuse treatment. *See id.*, MINUTE ENTRY (October 3, 2022). Similarly, given Balhorn's repeated non-compliance, the Court should modify his conditions of release to include the following: the defendant shall undergo a substance abuse assessment and sign all required releases of information for PSA to obtain and report treatment compliance to the Court. Allowing such non-compliance to go unabated is not only a disservice to Balhorn, who could benefit from substance abuse assessment, but delegitimizes judicial orders.

IV. Conclusion

For the foregoing reasons, the Government's motion should be granted.

DATED: January 8, 2024

Respectfully submitted,

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