

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Cynthia Catherine Ballenger, (DOB: XXXXXXXXXX)

Christopher John Price, (DOB: XXXXXXXXXX)

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)

Case: 1:21-mj-00550

Assigned To : Faruqui, Zia M.

Assign. Date : 7/30/2021

Description: COMPLAINT W/ ARREST WARRANT

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of in the
in the District of Columbia, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. §§ 1752(a)(1) and (2) - Restricted Building or Grounds;

40 U.S.C. §§ 5104(e)(2)(D) and (G) - Violent Entry or Disorderly Conduct.

This criminal complaint is based on these facts:

See attached statement of facts.

Continued on the attached sheet.

Complainant's signature

Jeffrey Belcher, Special Agent, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone.

Date: 07/30/2021

Judge's signature



City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Jeffrey W. Belcher, Special Agent of the Federal Bureau of Investigation, being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of criminal complaint and arrest warrants for CHRISTOPHER JOHN PRICE (hereinafter "PRICE") and CYNTHIA CATHERINE BALLENGER (hereinafter "BALLENGER").

2. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since October of 2019. As such, I am an investigative or law enforcement officer of the United States, within the meaning of Section 2510(7) of Title 18, United States Code, and I am empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code. Currently, I am tasked with investigating criminal activity in and around the U.S. Capitol Grounds on January 6, 2021. My experience includes, but is not limited to, conducting surveillance, interviewing witnesses, conducting database checks, analyzing telephone records, writing affidavits for search warrants, executing search warrants, and working with undercover agents and informants.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested criminal complaint and arrest warrants and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

4. The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

5. On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

6. As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the

exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

7. At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

8. Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

9. During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

10. On January 12, 2021, the FBI received an anonymous tip reporting that BALLENGER and her husband were “part of the crowd that entered” the U.S. Capitol on January 6, 2021. The tip said that BALLENGER and her husband had posted videos taken with their cellphones on social media, though they had since removed the photos but not the comments.

11. The FBI reviewed BALLENGER’s and PRICE’s publicly available Facebook profiles. BALLENGER’s Facebook profile indicated that she was married to PRICE. PRICE’s Facebook profile contained a post stating that PRICE and BALLENGER traveled from Emmitsburg, Maryland, to Union Station in Washington, D.C., on January 6, 2021. A person responded to the post and asked if PRICE and BALLENGER had “[broken] any windows today?” BALLENGER replied, “mostly peaceful.” Another person responded to the post and asked if PRICE received “a free tour of the Capitol building today?” BALLENGER responded with a thumb’s up emoji, which I understand to mean yes.

12. Facebook provided records related to BALLENGER’s account. The account is associated with a Gmail address containing the letters “cyn,” which I understand to be a reference to BALLENGER’s first name, Cynthia (hereinafter the “BALLENGER Gmail”). The account was also associated with a phone number ending in -4832.¹

13. Facebook also provided records related to PRICE’s account. The account is associated with a Yahoo email address containing PRICE’s first name and middle and last initials

¹ Unless otherwise specified, the full phone numbers and email addresses referenced in this Affidavit are known to the FBI but have been anonymized due to the public nature of this filing.

(hereinafter the “PRICE Yahoo”) and a Gmail email address containing PRICE’s last name (hereinafter the “PRICE Gmail 1”). There were no phone numbers associated with the account.

14. Google provided records related to the BALLENGER Gmail. The account belongs to BALLENGER and is associated with a phone number ending in -4832.

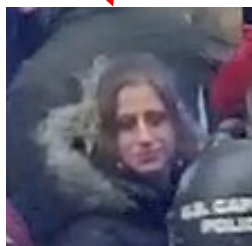
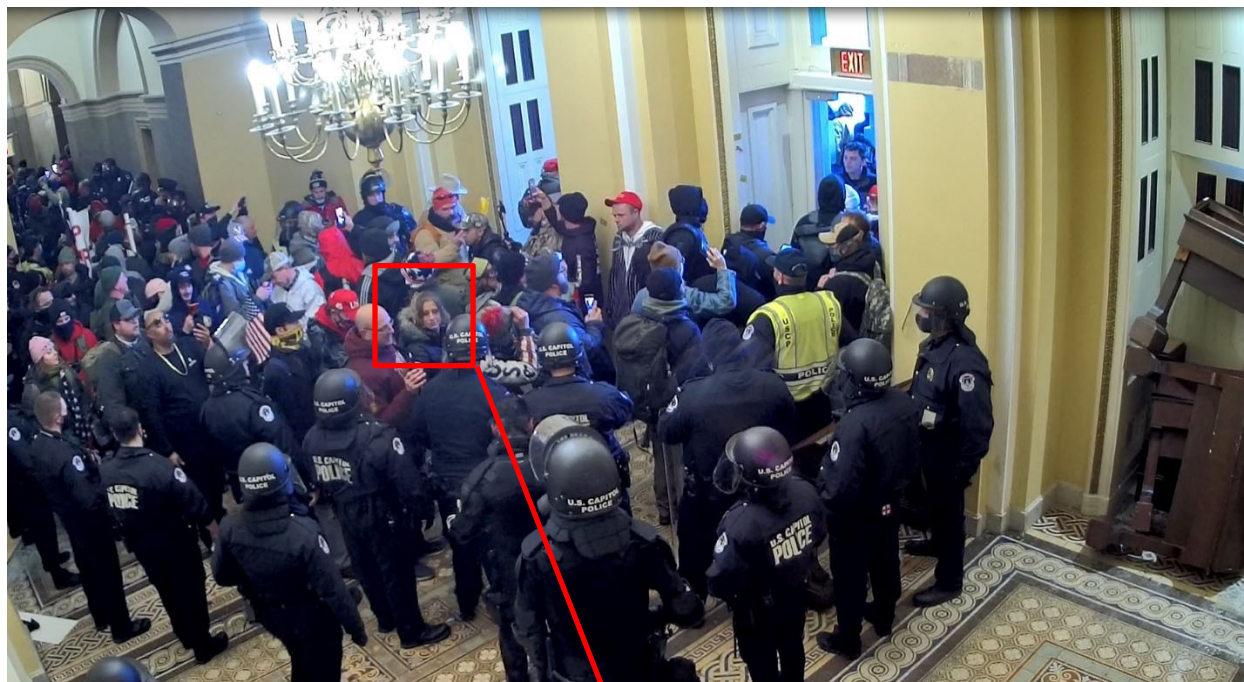
15. Google provided records related to two accounts associated with PRICE. PRICE Gmail 1 belonged to PRICE. Its recovery email was the BALLENGER Gmail and it was associated with a phone number ending in -0043. PRICE Gmail 2 also belonged to PRICE, had no recovery email, and was also associated with a phone number ending in -0043.

16. According to records obtained through a search warrant served on Google, a mobile device associated with the BALLENGER Gmail was present at the U.S. Capitol on January 6, 2021. Google estimates device location using sources including GPS data and information about nearby Wi-Fi access points and Bluetooth beacons. This location data varies in its accuracy, depending on the source(s) of the data. As a result, Google assigns a “maps display radius” for each location data point. Thus, where Google estimates that its location data is accurate to within 10 meters, Google assigns a “maps display radius” of 10 meters to the location data point. Finally, Google reports that its “maps display radius” reflects the actual location of the covered device approximately 68% of the time. In this case, Google location data shows that a device associated with the BALLENGER Gmail was within the U.S. Capitol or the restricted grounds from approximately 2:47 p.m. to approximately 3:49 p.m. Google records show that the “maps display radius” for this location data varied between more than 100 feet and less than 100 feet, which encompasses an area that is partially within the U.S. Capitol Building.

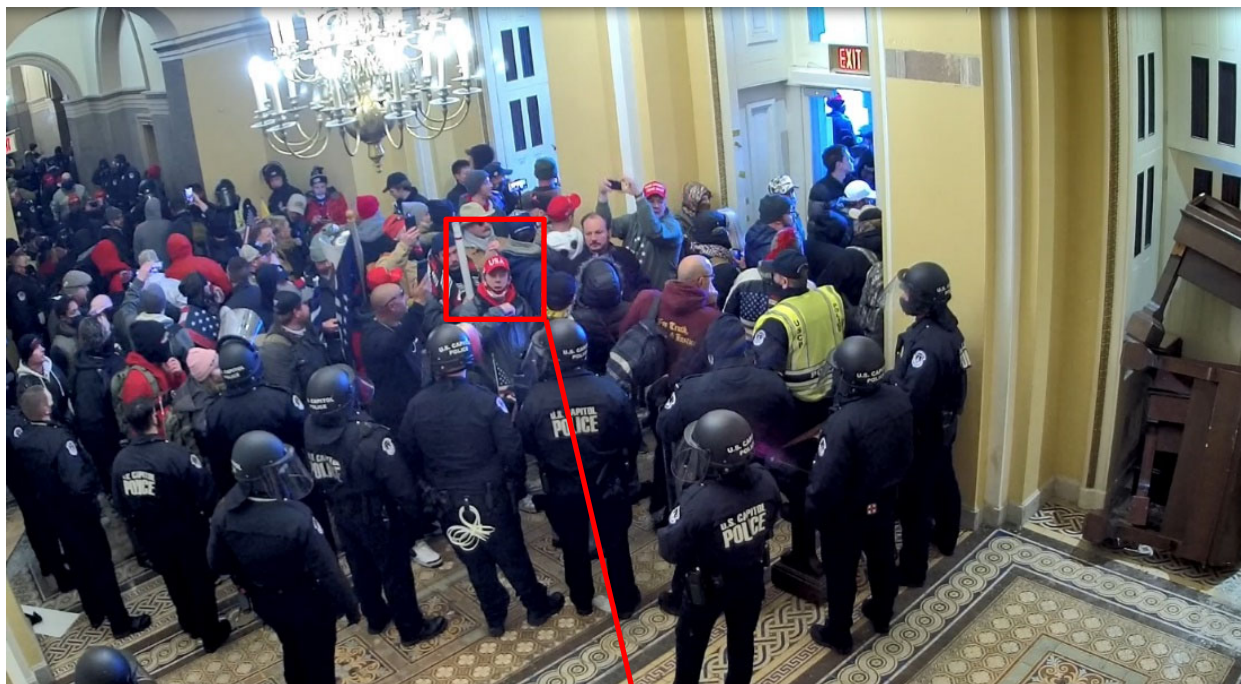
17. Google records also identified that a mobile device associated with PRICE Gmail 2 was within the U.S. Capitol Building or the restricted grounds beginning at approximately 2:44 pm, and ending at approximately 4:13 pm on January 6, 2021. Again, Google records show that the “maps display radius” for this location data varied between more than 100 feet and less than 100 feet, which encompasses an area that is partially within the U.S. Capitol Building.

18. The FBI reviewed U.S. Capitol closed circuit television surveillance footage from January 6, 2021. Your affiant obtained BALLENGER’s and PRICE’s driver’s license photographs and, based on those photos and the records provided by Google, was able to identify and locate BALLENGER and PRICE in the surveillance footage. At approximately 3:22 p.m., BALLENGER and PRICE can be seen entering the U.S. Capitol through the Senate Carriage Door. BALLENGER and PRICE make an immediate right, toward the Crypt. At approximately 3:25 p.m., BALLENGER and PRICE are observed heading back toward the area where they entered the U.S. Capitol. BALLENGER and PRICE can be seen exiting the U.S. Capitol building via the Senate Carriage Door at approximately 3:29 p.m.

a. Below is a screen capture of video surveillance footage showing BALLENGER inside the U.S. Capitol at approximately 3:27 p.m. on January 6, 2021:



b. Below is a screen capture of video surveillance footage showing PRICE inside the U.S. Capitol at approximately 3:28 p.m. on January 6, 2021:



c. Below is a screen capture of video surveillance footage showing BALLENGER and PRICE standing near a low wall that is outside of the U.S. Capitol but inside the restricted grounds, at approximately 3:51 p.m. on January 6, 2021:



19. PNC Bank provided records related to a credit card account held jointly by BALLENGER and PRICE. On January 6, 2021, BALLENGER and PRICE completed five transactions using this credit card. The first two transactions were at a Sheetz convenience store in Thurmont, Maryland, which is located approximately 16 miles southeast of BALLENGER's and PRICE's residence. The next transaction was for \$23.70 at the Shady Grove Metro stop in Rockville, Maryland. That stop is located approximately 53 miles south of their residence, between their residence and Washington, D.C. The last two transactions were for parking at the Shady Grove North Garage. Based on my investigation and my knowledge of the area, I submit that these transactions are consistent with BALLENGER and PRICE driving to the Metro and taking a Metro to Union Station in Washington, D.C., on January 6, 2021.

20. AT&T provided records with respect to a phone number ending in -4832 and a phone number ending in -0043. PRICE was the account holder for both phone numbers. On January 6, 2021, at approximately 2:09 p.m., the -4832 phone received an incoming call from the -0043 phone, which lasted approximately seven minutes. Based on my training and experience, I believe that this call record shows that the phones were being used by two parties. As explained below, my investigation revealed that the -4832 number is used by BALLENGER and the -0043 number is used by PRICE.

21. The AT&T records show that, at approximately 6:36 p.m. on January 6, 2021, the -0043 phone received a call from a phone number ending in -3091 lasting approximately 49 minutes. Through open source research, I was able to determine that the -3091 phone number was a landline belonging to a certain person (hereinafter "FRIEND").

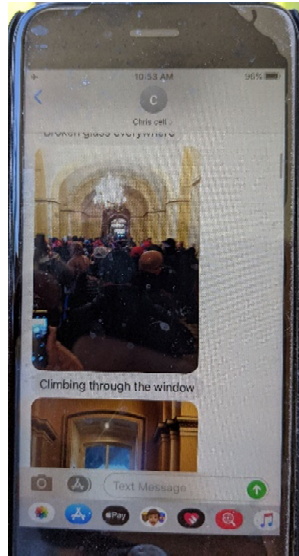
22. On June 17, 2021, the FBI interviewed FRIEND. FRIEND co-owned a business with PRICE and had known PRICE since 2004 and BALLENGER since 2010. FRIEND acknowledged having a landline telephone number ending in -3091 and a cellular telephone number ending in -2771. FRIEND identified PRICE's cellular telephone number as the one ending in -0043.

23. The FBI showed FRIEND screen captures of video surveillance showing BALLENGER and PRICE inside the U.S. Capitol. FRIEND identified BALLENGER. FRIEND was not able to identify PRICE, commenting that he looked like an "alien" in the screen capture.

24. FRIEND allowed the FBI to review text messages and photos stored on FRIEND's phone that FRIEND and PRICE had exchanged on January 6, 2021. FRIEND identified BALLENGER and PRICE as the people in the photographs PRICE sent on January 6, 2021. Below are several of the text messages and photos reviewed by the FBI:

a. At approximately 2:52 p.m. on January 6, 2021, PRICE sent a text message stating, "We're just taking over the capitol." FRIEND replied, "Trump said to be peaceful." PRICE responded with a photo and replied, "Tear gas and explosions going off."

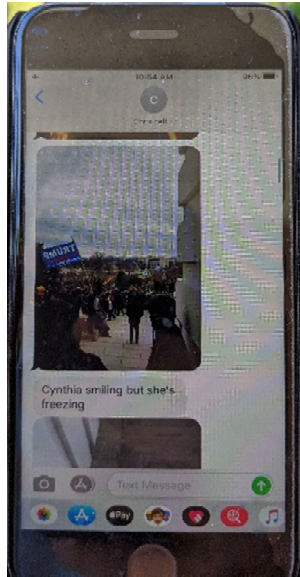
b. At approximately 3:24 p.m. on January 6, 2021, PRICE sent a text message to FRIEND stating, "In." A few minutes later, PRICE sent text messages to FRIEND stating, "Broken glass everywhere" and "Climbing through the window." PRICE also sent a photo depicting a large number of people inside the U.S. Capitol:



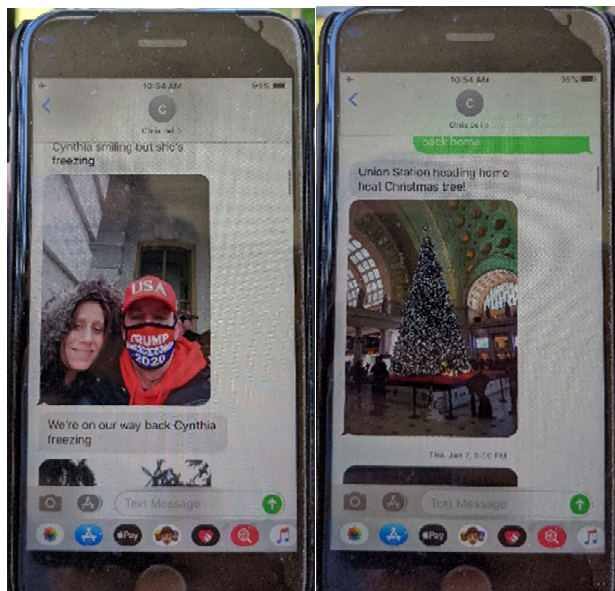
c. At approximately 3:28 p.m. on January 6, 2021, PRICE sent a text message stating, “Worth fighting for Trump.” PRICE sent several more photos depicting large crowds inside and outside of the U.S. Capitol:



d. At approximately 3:42 p.m. on January 6, 2021, PRICE sent a photo of BALLENGER standing outside the U.S. Capitol along with the message, “Cynthia smiling but she’s freezing.”



e. At approximately 3:48 p.m. on January 6, 2021, PRICE sent a photograph of BALLENGER and PRICE standing outside the U.S. Capitol along with the message, “We’re on our way back Cynthia freezing.” At approximately 4:30 p.m. on January 6, 2021, PRICE sent a photo of a Christmas tree inside Union Station along with the message, “Union Station heading home [n]eat Christmas Tree!”



25. On June 24, 2021, the FBI interviewed BALLENGER at her residence. BALLENGER confirmed her cellular telephone number was the one ending in -4832, her email address was the BALLENGER Gmail, and PRICE’s cellular telephone number was the one ending in -0043. BALLENGER provided few details about her activities on January 6, 2021. When asked how she traveled to Washington, D.C., on January 6, 2021, BALLENGER responded that the FBI should know or be able to figure out that information. BALLENGER denied having been at the U.S. Capitol “at the time” when others damaged property and assaulted law enforcement officers.

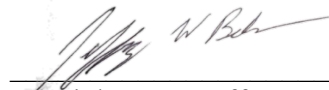
BALLENGER said that there were different categories of people at the U.S. Capitol and she believed that she and PRICE were on the low-end of the spectrum. BALLENGER said that she went to a café on January 6, 2021, to meet some friends, though they never arrived. BALLENGER said the FBI should be able to figure out where the café was located and declined to provide the names of or contact information for the friends.

26. On June 24, 2021, the FBI interviewed PRICE at his workplace. PRICE said, “hypothetically,” if he and BALLENGER were at the U.S. Capitol on January 6, 2021, they were not among those causing problems but may have been swept up and just followed the crowd. PRICE said that there are times when you look back when you have done something, and at the time you do not know that you are doing anything wrong and you do not feel like you are doing anything wrong, but then later you find out what you did may have been wrong. PRICE said that whatever happened on January 6, 2021, and whatever the consequences may be, it was all in God’s hands now.

27. Based on the foregoing, your affiant submits that there is probable cause to believe that PRICE and BALLENGER violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or ground when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

28. Your affiant submits there is also probable cause to believe that PRICE and BALLENGER violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 30th day of July 2021.


Special Agent Jeffrey Belcher
Federal Bureau of Investigation





HONORABLE ZIA M FARUQUI
U.S. MAGISTRATE JUDGE