

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

UNITED STATES OF AMERICA

v.

**CYNTHIA BALLENGER, and
CHRISTOPHER PRICE,**

Defendants.

Case No. 1:21-cr-00719 (JEB)

**DEFENDANTS' REQUEST FOR HEARING ON RULE 29 AND RULE 33
MOTIONS AND MOTION FOR EXTENSION TO FILE SENTENCING
MEMORANDUM AND CONTINUANCE OF SENTENCING HEARING**

Comes now Defendant Cynthia Ballenger (Cynthia Price) and Defendant Christopher Price, by and through undersigned counsel, respectfully requests a hearing at an appropriate time regarding previously filed Rule 29 and Rule 33 motions. Defendants also move extend the time to file Defendants' Sentencing Memoranda, as discussed below, and to delay the Sentencing hearing accordingly. By minute order of May 30, 2023, the sentencing hearing in the instant case is set for June 23, 2023.

Defendants filed Defendants' Renewed Motion for Judgment of Acquittal [ECF 108, 108-1, and 108-2] and Defendant's Post Verdict Rule 33 Motion for a New Trial [ECF 109, 109-1, and 109-2] on April 18, 2023. The Government Opposition to Defendants' Motion for New Trial and Renewed Motion for Judgment of Acquittal was filed on May 9, 2023. [ECF 112]. Defendants filed a reply on May 17, 2023.

[ECF 115]. Defendants Rule 29 and Rule 33 motion raised substantial issues and Defendants seek a hearing on these matters.

Each Defendant, in the instant case, timely filed the “Parties Obligation and Response” to the draft Presentence Report on May 31, 2023. [ECF 116 (Cynthia Ballenger/Price) and ECF 117 (Christopher Price)]. These responses identified numerous issues. The Defense would like an opportunity to review how the United States Probation Office (USPO) resolves these issues in a final presentencing report, in order to properly respond to all appropriate issues in the Defense’s sentencing memoranda. The Defense sentencing memoranda would likely be separate for each Defendant.

Here Defendants seek an extension of 10 days from the date of the USPO’s filing of the final presentence report for Defendants to file their sentencing memoranda and for the Court to set an alternative hearing date which ensures the Court has sufficient time to review the Defense memoranda. The Defense also wants to ensure that if the government raises fundamental new issues in the government Sentencing memoranda, that the Defense may have time to file supplemental memoranda to respond before the hearing.

The government defers to the Court on whether a hearing regarding the Rule 29 and Rule 33 motions are necessary. The government is prepared to proceed with sentencing as currently scheduled. The government defers to the Court as to whether a continuance is warranted. If a continuance is granted, the government respectfully requests an opportunity to submit conflicts to the Court regarding

scheduling for the sentencings, as counsel has several upcoming trials over the next eight weeks that will present conflicts.

Dated: June 13, 2023

Respectfully submitted,

/s/ Nandan Kenkeremath

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