

**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' MOTION TO FILE OBJECTIONS TO THE FINAL
PRESENTENCE REPORTS**

Comes now Defendant Cynthia Ballenger (Cynthia Price) and Defendant Christopher Price, by and through undersigned counsel, respectfully leave to file objections to the final presentencing reports for these defendants.

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.

Defendants moved to extend the time to file Defendants' Sentencing Memoranda and to delay the sentencing hearing accordingly on June 13, 2023. [ECF 118]. As stated in this motion, the Defense wanted 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. The Court granted Defendant's motion to continue by minute order on June 14, 2023.

The USPO issued final presentencing report for Christopher Price on June 16, 2023 [ECF 121] and Presentencing recommendation [ECF 122]. The USPO issued final presentencing report Cynthia Ballenger [ECF 123] and presentencing recommendations [ECF 124] on June 20, 2023.

A status conference was held on June 23, 2023. At that Conference the court indicated it would delay the sentencing hearing and granted a continuance, in part, to issue a ruling regarding Defendants' Renewed Motion for Judgement 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] filed April 18, 2023. The Defense's understanding was that the defense should not file further memorandum regarding sentencing until the Court made a ruling on the Renewed Motion for Judgement of Acquittal and Rule 33 motion for New Trial. The Court recently issued its order [ECF 126] and memoranda [ECF 127] denying these motions on July 18, 2023.

Since, the ruling has now occurred, the Defense would like to address the substantial, remaining issues in the Final Presentencing Reports as objections to the final presentencing report, even though some of Defendant's concerns raised regarding the draft Pre-sentencing Reports are summarized later in the final presentencing reports. The Defenses' opportunity to object would provide more accurate characterizations of the Defense arguments on these points. Moreover, in the final presentencing report, the USPO, based on information sent from the

government on June 8, 2023, after the draft presentencing report, offered yet another rationale for an obstruction enhancement for Cynthia Price. The rationale was not offered in the draft presentencing report, and concerns statements at trial. The Defense has not yet directly responded to this line of argument. Defense would need to address all of the above issues in the Sentencing Memoranda, if not in an earlier filing.

By minute order of July 7, 2023, the sentencing hearing date is set for September 29, 2023. The Defenses understanding is that sentencing memoranda would be due September 22, 2023.

Here the Defense seeks an opportunity, separately, to file objections to the final pre-sentencing reports with a due date of August 15, 2023. This should not have any impact on the timing of the sentence hearing. In the alternative, the Defense would seek an additional 15 pages in each sentencing memoranda to help address these issues.

Government counsel has reviewed this motion and defers to the Court with respect to the motion.

Dated: July 21, 2023

Respectfully submitted,

/s/ Nandan Kenkeremath

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