

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
Cynthia Catherine Ballenger

)
) Case: 1:21-mj-00550
) Assigned To : Faruqui, Zia M.
) Assign. Date : 7/30/2021
) Description: COMPLAINT W/ ARREST WARRANT
)

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) Cynthia Catherine Ballenger

who is accused of an offense or violation based on the following document filed with the court:

- Indictment
- Superseding Indictment
- Information
- Superseding Information
- Complaint
- Probation Violation Petition
- Supervised Release Violation Petition
- Violation Notice
- Order of the Court

This offense is briefly described as follows:

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.



Date: 07/30/2021

Issuing officer's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 08/09/2021, and the person was arrested on (date) 8/9/2021
at (city and state) Baltimore, MD

Date: 8/9/2021

Arresting officer's signature

SA Jeffrey Belcher, FBI

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.

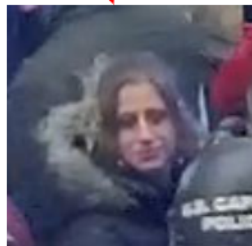
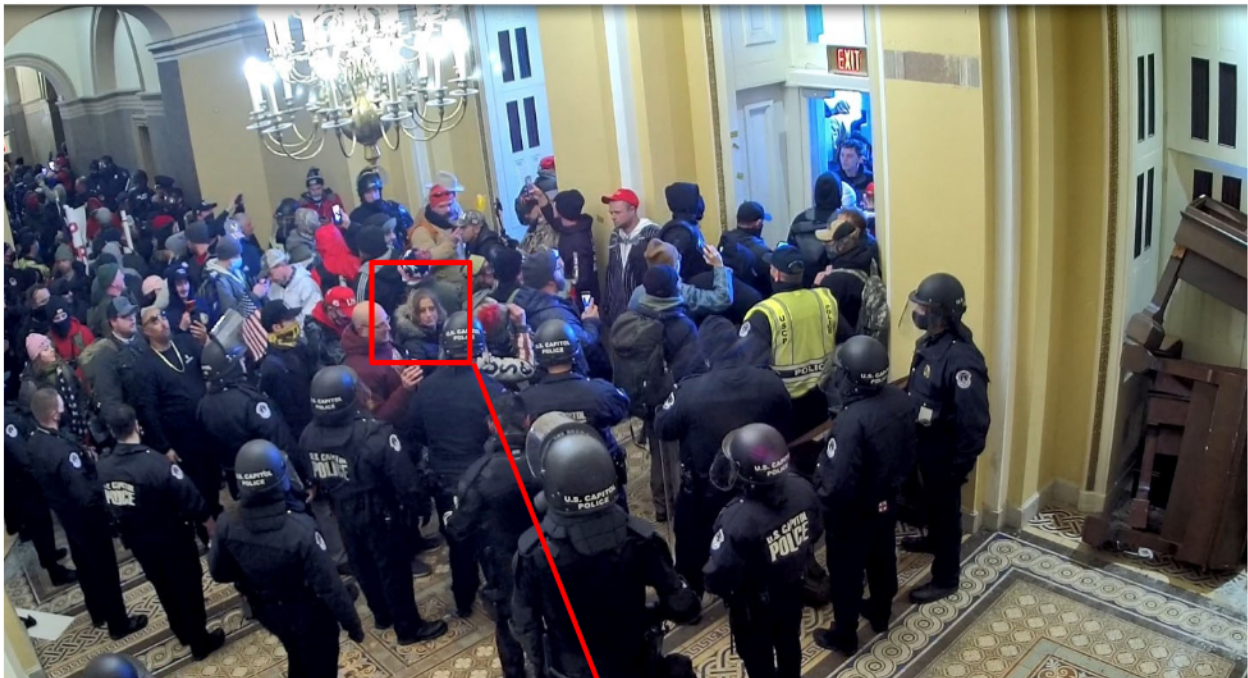
15. Google provided records related to two accounts associated with PRICE. PRICE Gmail 1 belonged to PRICE. Its recovery email was the BALLENGER Gmail and it was associated with a phone number ending in -0043. PRICE Gmail 2 also belonged to PRICE, had no recovery email, and was also associated with a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

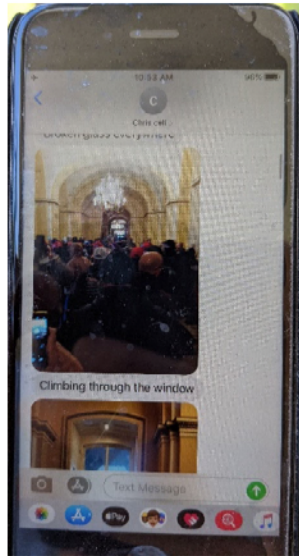
22. On June 17, 2021, the FBI interviewed FRIEND. FRIEND co-owned a business with PRICE and had known PRICE since 2004 and BALLENGER since 2010. FRIEND acknowledged having a landline telephone number ending in -3091 and a cellular telephone number ending in -2771. FRIEND identified PRICE's cellular telephone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

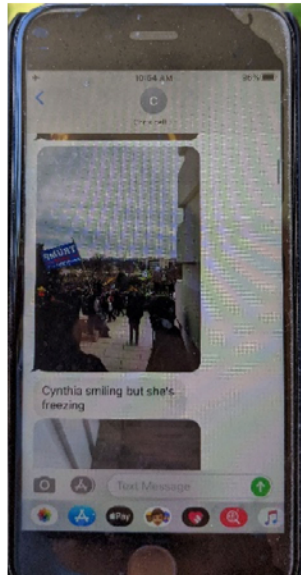
b. At approximately 3:24 p.m. on January 6, 2021, PRICE sent a text message to FRIEND stating, "In." A few minutes later, PRICE sent text messages to FRIEND stating, "Broken glass everywhere" and "Climbing through the window." PRICE also sent a photo depicting a large number of people inside the U.S.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



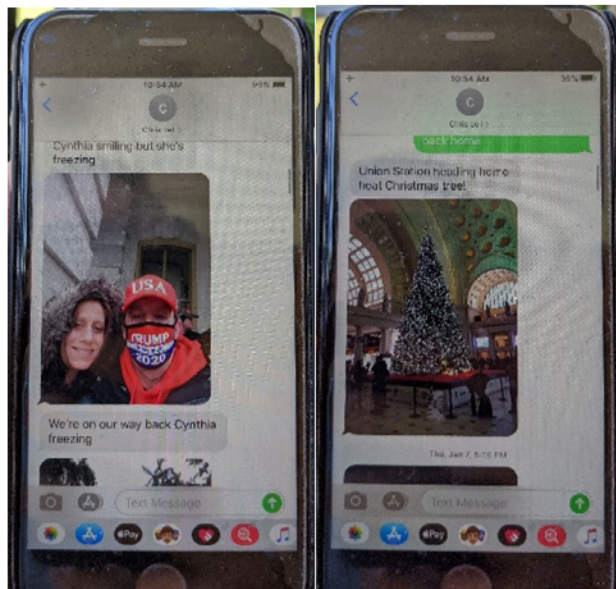
c. At approximately 3:28 p.m. on January 6, 2021, PRICE sent a text message stating, “Worth fighting for Trump.” PRICE sent several more photos depicting large crowds inside and outside of the U.S. Capitol:



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.

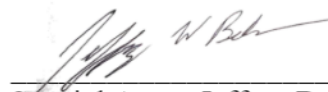
BALLENGER said that there were different categories of people at the U.S. Capitol and she believed that she and PRICE were on the low-end of the spectrum. BALLENGER said that she went to a café on January 6, 2021, to meet some friends, though they never arrived. BALLENGER said the FBI should be able 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

UNITED STATES DISTRICT COURT

for the
District of Maryland

United States of America)
v.)

CYNTHIA CATHERINE BALLENGER)
Defendant)

Case No. 21-mj-2288-DLB

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate any federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant's residence must be approved by the U.S. Pretrial Services Officer (USPTO) supervising the defendant's release and the defendant must advise the court, defense counsel, and the U.S. attorney in writing before any change in address or telephone number.
- (4) The defendant must appear in court as required and must surrender to serve any sentence imposed

The defendant must appear at *(if blank, to be notified)* _____ *To be notified*
Place

_____ on _____
Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released on condition that:

- (5) The defendant promises to appear in court as required and surrender to serve any sentence imposed.
- (6) The defendant executes an unsecured bond binding the defendant to pay to the United States the sum of _____ dollars (\$ _____) in the event of a failure to appear as required or surrender to serve any sentence imposed.

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the defendant's appearance and the safety of other persons or the community,

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- (7) The defendant is placed in the custody of (name of person or organization): _____
 at an address approved by the Pretrial Services Office.
 The defendant must not change that address without advance approval by the Pretrial Services Office who agrees (a) to supervise the defendant in accordance with all of the conditions of release, (b) to use every effort to assure the defendant's appearance at all scheduled court proceedings, and (c) to notify the court immediately if the defendant violates any condition of release or disappears.

Signed: _____
Custodian or Proxy Date Tel. No (only if above is an organization)

- (8) The defendant must:
- (a) report to the _____
telephone number _____, no later than _____
- (b) report on a regular basis to the supervising officer. The defendant shall promptly obey all reasonable directions and instructions of the supervising officer.
- (c) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property:

- (d) post with the court the following proof of ownership of the designated property, or the following amount or percentage of the above-described sum

- (e) execute a bail bond with solvent sureties in the amount of \$ _____.
- (f) maintain or actively seek employment as approved by the U.S. Pretrial Services Officer.
- (g) maintain or commence an education program.
- (h) surrender any passport and/or travel documents to: _____
- (i) obtain no new passport and/or travel documents.
- (j) abide by the following restrictions on personal association, place of abode, or travel:
Travel is restricted to Maryland and Pennsylvania, and to D.C. for court appearances, unless approved in advance by the Pretrial Services office
- (k) avoid all contact, directly or indirectly, with any person who is or may become a victim or potential witness in the investigation or prosecution, including but not limited to:

- (l) undergo medical or psychiatric treatment: _____
- (m) abide by a curfew from _____ to _____
- (n) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
- (o) refrain from possessing a firearm, destructive device, or other dangerous weapons.
- (p) refrain from any excessive use of alcohol.
- (q) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- (r) submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which is (are) required as a condition of release.
- (s) participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable.
- (t) submit to a location monitoring program
- (i) as directed by the supervising officer; or
- (ii) restricted to the residence except for employment, education, religious services, medical purposes, substance abuse testing/treatment, mental health treatment, attorney visits, court appearances, or other court ordered obligations; or
- (iii) restricted to the residence except for medical purposes, court appearances, meetings with counsel, or other activities specifically approved by the court or Pretrial Services.
- (u) Refrain from the use of computer systems, Internet-capable devices and/or similar electronic devices at any location (including employment or educational program) without the prior written approval of the U.S. Probation or Pretrial Services Officer. The defendant shall cooperate with the U.S. Probation and Pretrial Services Office monitoring of compliance with this condition. Cooperation shall include, but not be limited to, participating in a Computer & Internet Monitoring Program, identifying computer systems, Internet-capable devices and/or similar electronic devices the defendant has access to, allowing the installation of monitoring software/hardware at the defendant's expense, and permitting random, unannounced examinations of computer systems, Internet-capable devices and similar electronic devices under the defendant's control.
- (v) Comply with all local, state, and federal health directives as they relate to COVID-19.
- (w) Appear for an initial appearance in US District Court for the District of Columbia by August 13, 2021

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (i.e., in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

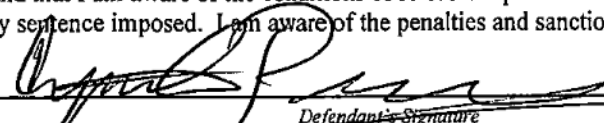
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more - you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years - you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony - you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor - you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

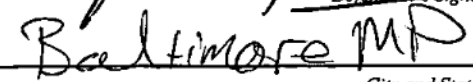
A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature

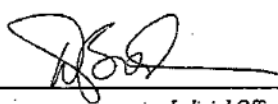


City and State

Directions to the United States Marshal

- The defendant is ORDERED released after processing.
- The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: August 9, 2021



Judicial Officer's Signature

Deborah L. Boardman, United States District Judge

Printed name and title

UNITED STATES DISTRICT COURT

for the District of Maryland

FILED U.S. DISTRICT COURT DISTRICT OF MARYLAND

2021 AUG -9 PM 4: 22

United States of America

v.

CYNTHIA C. BALLENGER

Defendant

Case No. 21-02288DLB

Charging District's Case No. 21-MJ-550

CLERK'S OFFICE AT BALTIMORE

WAIVER OF RULE 5 & 5.1 HEARINGS (Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court) United States District of

Columbia

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
(2) an identity hearing to determine whether I am the person named in the charges;
(3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
(4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
(5) a hearing on any motion by the government for detention;
(6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- [checked] an identity hearing and production of the warrant.
[checked] a preliminary hearing.
[checked] a detention hearing.
[] an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: August 9, 2021

Signature for Def

Defendant's signature

Signature of defendant's attorney

Signature of defendant's attorney

SABINE LEV. /

Printed name of defendant's attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

Criminal No. 21-2288-DLB

CYNTHIA BALLENGER

Defendant.

ORDER PURSUANT TO Fed R. Crim. P. 5(f)

As amended on October 21, 2020, Federal Rule of Criminal Procedure 5(f) and the Due Process Protections Act, Pub. L. No 116–182, 134 Stat. 894 (Oct. 21, 2020) require that:

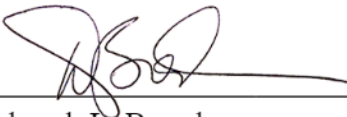
“In all criminal proceedings, on the first scheduled court date when both prosecutor and defense counsel are present, the judge shall issue an oral and written order to prosecution and defense counsel that confirms the disclosure obligation of the prosecutor under *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, and the possible consequences of violating such an order under applicable law.”

Accordingly, the Court ORDERS the United States to adhere to the disclosure obligations set forth in *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny. *Brady v. Maryland* instructs that “the suppression by the prosecution of evidence favorable to an accused” violates due process where the evidence is “material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.” 373 U.S. at 87. Failure to adhere to this requirement in a timely manner may result in serious consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, vacating a conviction, or disciplinary action against the prosecution.

Having given counsel the oral admonition required by the Due Process Protections Act, the United States is ordered to produce in a timely manner all exculpatory evidence to the defendant pursuant to *Brady v. Maryland* and its progeny. Not doing so may result in the imposition of the sanctions referenced in this Order.

It is SO ORDERED.

Date: August 9, 2021



Deborah L. Boardman
United States District Judge

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
Cynthia Catherine Ballenger

)
) Case: 1:21-mj-00550
) Assigned To : Faruqui, Zia M.
) Assign. Date : 7/30/2021
) Description: COMPLAINT W/ ARREST WARRANT
)

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) Cynthia Catherine Ballenger

who is accused of an offense or violation based on the following document filed with the court:

- Indictment
- Superseding Indictment
- Information
- Superseding Information
- Complaint
- Probation Violation Petition
- Supervised Release Violation Petition
- Violation Notice
- Order of the Court

This offense is briefly described as follows:

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.



Date: 07/30/2021

Issuing officer's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) 08/09/2021, and the person was arrested on (date) 8/9/2021
at (city and state) Baltimore, MD

Date: 8/9/2021

Arresting officer's signature

SA Jeffrey Belcher, FBI

Printed name and title

**U.S. District Court
District of Maryland (Baltimore)
CRIMINAL DOCKET FOR CASE #: 1:21-mj-02288-DLB-1**

Case title: USA v. Ballenger

Date Filed: 08/09/2021

Other court case number: 1:21-mj-00550 U.S. District Court
of the District of Columbia

Assigned to: Judge Deborah L. Boardman

Defendant (1)

Cynthia Catherine Ballenger

Pending Counts

Disposition

None

Highest Offense Level (Opening)

None

Terminated Counts

Disposition

None

Highest Offense Level (Terminated)

None

Complaints

Disposition

None

Plaintiff

USA

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Page	Docket Text
08/09/2021	<u>1</u>	3	Rule 5(c)(3) Documents Received from the District of Columbia as to Cynthia Catherine Ballenger (Attachments: # <u>1</u> Affidavit, # <u>2</u> Return Arrest Warrant)(stds, Deputy Clerk) (Entered: 08/17/2021)
08/09/2021	<u>2</u>		Initial Appearance in Rule 5(c)(3) Proceedings as to Cynthia Catherine Ballenger held on 8/9/2021 before Judge Deborah L. Boardman.(FTR Gold) (stds, Deputy Clerk) (Entered: 08/17/2021)

08/09/2021	<u>3</u>	14	ORDER Setting Conditions of Release as to Cynthia Catherine Ballenger. Signed by Judge Deborah L. Boardman on 8/9/2021. (stds, Deputy Clerk) (Entered: 08/17/2021)
08/09/2021	<u>4</u>	17	WAIVER of Rule 5(c)(3) Hearing by Cynthia Catherine Ballenger(stds, Deputy Clerk) (Entered: 08/17/2021)
08/09/2021	<u>5</u>	18	ORDER pursuant to Fed R Crim P 5(f) and the Due Process Protections Act as to Cynthia Catherine Ballenger. Signed by Judge Deborah L. Boardman on 8/9/2021. (stds, Deputy Clerk) (Entered: 08/17/2021)
08/09/2021	<u>6</u>	19	Arrest Warrant Returned Executed on 8/9/2021 in case as to Cynthia Catherine Ballenger(stds, Deputy Clerk) (Entered: 08/17/2021)