

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

UNITED STATES OF AMERICA

v.

**CYNTHIA BALLENGER and
CHRISTOPHER PRICE,**

Defendants.

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Case No. 21-cr-719 (JEB)

**GOVERNMENT’S REPLY TO DEFENDANT’S REPOSE TO GOVERNMENT’S
MOTION IN LIMINE REGARDING EVIDENCE ABOUT THE SPECIFIC
LOCATIONS OF U.S. CAPITOL POLICE SURVEILLANCE CAMERAS**

The United States of America respectfully submits this reply to defendants’ response to the government’s motion in limine to restrict the presentation of evidence regarding the specific position of U.S. Capitol Police surveillance cameras.

Defendants’ response provides that they “seek guidance” as to how they can present evidence regarding locations on the Capitol. ECF No. 60 at 2. For example, the defendants acknowledge that the “point is not the specific location of the camera” so long as the defendants are permitted to discuss the camera footage, time, and location “to provide content and avoid confusion.” The government only seeks an order in limine limiting cross-examination as to the *exact* locations of surveillance cameras and prohibiting defendants from introducing maps which show the cameras’ locations. The government’s motion in limine specifically states that the defendants should be allowed to question witnesses about what the surveillance footage shows and does not show, or about the general location of surveillance cameras: “A general description, and the footage from the camera itself, will make clear what the camera recorded and what it did not.” To the extent that the defense seeks to question any witnesses about the “footage” or “time” of the footage, the order in limine that the government seeks should not prevent them from doing that. Similarly, to the extent that the defense seeks to question any witnesses *generally* about the

location that certain cameras are angled, the order in limine that the government seeks should not prevent them from doing that.

Next, the defendants argue that “the location of CCV cameras inside the Capitol could become relevant” if the government claims that the defendants were in certain parts of the Capitol building, and thus the defense “wish[es] to refer to footage potentially by describing the location of the area the camera is taking pictures.” ECF No. 60 at 3-4. As we explained in our motion in limine, we seek an order limiting the presentation of the map of all Capitol Police cameras. An order granting our motion would not preclude a general discussion of the location of CCTV footage. As we explained in our motion, “[a] general description, and the footage from the camera itself, will make clear what the camera recorded and what it did not.” Defendants have not identified a concrete and specific defense need to probe the cameras’ locations, and we have established that there is nothing to be gained from such questioning. Thus, although the defense can probe what Capitol Police’s cameras show, and what they do not show, by asking about the general location of each camera, we seek an order limiting the use of CCTV maps.

Finally, the defendants seemingly challenge the sufficiency of the Superseding Information. ECF No. 60 at 4-5. They assert, for example, that the Court should be “cautious” of our motion in limine, because the Superseding Information fails to satisfy the requirements of the Fifth and Sixth Amendments to the U.S. Constitution and the Federal Rule of Criminal Procedure 7(c). *Id.* at 6. This vague, undeveloped contention has no bearing on whether the Court should limit cross examination regarding the particular location of CCTV and U.S. Capitol maps.

For the reasons stated herein and in the government’s Motion in Limine, the United States respectfully requests that the Court grant its Motion in Limine to Limit Cross Examination regarding Locations of U.S. Capitol Police Surveillance Cameras, ECF No. Z.

