

# UNITED STATES DISTRICT COURT

for the  
District of Columbia

United States of America

v.

Kenneth Kelly

*Defendant*

)  
) Case: 1:21-mj-00389  
) Assigned To : Faruqui, Zia M.  
) Assign. Date : 04/21/2021  
) Description: COMPLAINT W/ ARREST WARRANT  
)

## 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) Kenneth Kelly,  
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) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;
- 18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds;
- 40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct on Capitol Grounds;
- 40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building.

Date: 04/21/2021   2021.04.21 17:06:00 -04'00'  
*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) 4/23/21, and the person was arrested on (date) 4/23/21  
at (city and state) Ocala, FL.

Date: 4/23/21   
*Arresting officer's signature*  
Todd Myers, Special Agent  
*Printed name and title*

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**CASE NO: 5:21-mj-1076-PRL**

**KENNETH KELLY**

AUSA: William Hamilton  
Def Atty: George Tragos (Retained)

JUDGE	Philip R. Lammens	DATE AND TIME	April 23, 2021 12:30 pm - 1:02 pm 32 minutes
DEPUTY CLERK	M. Taylor	TAPE/REPORTER	DIGITAL
INTERPRETER	Not required	PRETRIAL:	Megan Martin

**CLERK'S MINUTES – INITIAL APPEARANCE (Rule 5c)**

Defendant arrested on a Criminal Complaint from the District of Columbia. (Case number 1:21-mj-00389.)

Defendant advised of rights, charges, penalties, etc.

Defendant waives his rights to an identity hearing, production of the warrant and a preliminary hearing.

Court advises defendant of Rule 20 rights.

Court advised the parties of the requirements of the Due Process Protections Act.

Government advises that they are not seeking detention but request conditions of release.

Defendant responds.

Defendant released on an appearance bond with conditions of release imposed.

**ORDER OF REMOVAL and ORDER SETTING CONDITIONS OF RELEASE TO ENTER.**

Government states that the District of Columbia will be setting this case for an initial appearance via zoom on May 5, 2021. Defense counsel advises that he has been in contact with the District of Columbia AUSA on the scheduling of the hearing.

**FILED IN OPEN COURT:**

Waiver of Rule 5(c) & 5.1 Hearings

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

v.

5:21-mj-1076-PRL  
Charging District's Case No. 1:21-mj-00389

KENNETH KELLY,  
Defendant.

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

I, **Kenneth Kelly**, understand that I have been charged in another district, the 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.

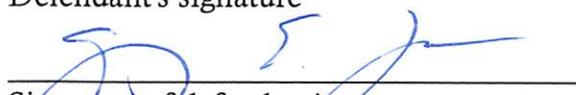
I agree to waive my right to:

- an identity hearing and production of the warrant.
- a preliminary hearing
- 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 by that court.

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

April 23, 2021

  
Defendant's signature

  
Signature of defendant's attorney

George E. Trues  
Printed name of defendant's attorney

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

v

KENNETH KELLY,  
Defendant.

Case Number: 5:21-mj-1076-PRL

**ORDER PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 5(F)**

Pursuant to Federal Rule of Criminal Procedure 5(f), counsel for the government and counsel for the defendant are hereby notified of the prosecutor's obligation under *Brady v. Maryland*, 373 U.S. 83 (1963), to produce to the defendant all potentially exculpatory evidence material either to the guilt or punishment of the defendant at a time sufficient for the defendant to make effective use of the exculpatory information. *See e.g., United States v. Jordan*, 316 F.3d 1215, 1251 (11th Cir. 2003) and *U.S. v. Newton*, 44 F.3d 913, 918 (11th Cir. 1995).

Possible consequences for violation of this Order include those set forth in Federal Rule of Criminal Procedure 16(d)(2), sanctions, and contempt of court.

ORDERED in Ocala, Florida this 23rd day of April, 2021.



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PHILIP R. LAMMENS  
United States Magistrate Judge

UNITED STATES DISTRICT COURT

for the

MIDDLE District of FLORIDA

UNITED STATES OF AMERICA )

v. )

KENNETH KELLY )

Case No. 5:21-mj-1076-PRL

APPEARANCE BOND

Defendant's Agreement

I, KENNETH KELLY, agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- (X) to appear for court proceedings;
(X) if convicted, to surrender to serve a sentence that the court may impose; or
(X) to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

( ) (1) This is a personal recognizance bond.

(X) (2) This is an unsecured bond of \$ 25,000.

( ) (3) This is a secured bond of \$, secured by:

( ) (a) \$, in cash deposited with the court.

( ) (b) the agreement of the defendant and each surety to forfeit the following cash or other property (describe the cash or other property, including claims on it - such as a lien, mortgage, or loan - and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

( ) (c) a bail bond with a solvent surety (attach a copy of the bail bond, or describe it and identify the surety):

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

*Release of the Bond.* The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

**Declarations**

*Ownership of the Property.* I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

*Acceptance.* I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: April 23, 2021




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*Defendant's signature*

\_\_\_\_\_  
*Surety/property owner – printed name*

\_\_\_\_\_  
*Surety/property owner – signature and date*

\_\_\_\_\_  
*Surety/property owner – printed name*

\_\_\_\_\_  
*Surety/property owner – signature and date*

\_\_\_\_\_  
*Surety/property owner – printed name*

\_\_\_\_\_  
*Surety/property owner – signature and date*

**CLERK OF COURT**

Date: April 23, 2021




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*Signature of Clerk or Deputy Clerk*

Approved.

Date: April 23, 2021




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*Philip R. Lammens, United States Magistrate Judge*

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

v.

5:21-mj-1076-PRL

KENNETH KELLY,  
Defendant.

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FINDINGS AND ORDER OF REMOVAL PROCEEDINGS  
PURSUANT TO RULE 5, FED. R. CRIM. P.

Kenneth Kelly, having been arrested and presented before me for removal proceedings pursuant to Rule 5, Federal Rules of Criminal Procedure, and having been informed of the rights specified in Rule 5(c)(3) thereof, the following has occurred of record.

An Initial Appearance on the Rule 5 Complaint from District of Columbia was held on April 23, 2021.

After hearing the evidence, and based on the defendant's waiver of identity hearing, I find that Kenneth Kelly is the person named in the warrant for arrest.

It is, therefore,

**ORDERED** that Kenneth Kelly be held to answer in the district court in which the prosecution is pending.

**DONE** and **ORDERED** in Ocala, Florida, on April 23, 2021.



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PHILIP R. LAMMENS  
United States Magistrate Judge

Copies furnished to:

Counsel of Record  
United States Marshal  
United States Pretrial Services

**UNITED STATES DISTRICT COURT**

**MIDDLE DISTRICT OF FLORIDA**

Golden-Collum Memorial Federal Building & U.S. Courthouse  
207 NW Second Street  
Ocala, Florida 34475  
(352) 369-4860

Elizabeth M. Warren  
Clerk of Court

Lisa Fannin  
Division Manager

April 26, 2021

**UNITED STATES OF AMERICA**

**v**

**CASE NO: 5:21-MJ-1076-PRL**

**KENNETH KELLY**

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**NOTICE OF SURRENDERED U.S. PASSPORT**

To: U.S. Department of State  
CA/PPT/L/LA  
44132 Mercure Circle  
PO Box 1227  
Sterling, VA 20166-1227

**PURSUANT** to the Court's order entered on April 23, 2021 in the above styled case, the Defendant's passport, **Number 666540977** was surrendered to the custody of the Clerk of Court on April 26, 2021. The defendant is not permitted to apply for the issuance of another passport during the pendency of this action.

Defendant's date of birth:	January 13, 1963
Defendant's place of birth:	Arkansas, United States of America
Passport received from:	Kenneth Farrel Kelly
Passport issued to:	Kenneth Farrel Kelly
Date of issuance:	April 6, 2021

ELIZABETH M. WARREN, CLERK

By *Melanie L. Sanders*  
Melanie L. Sanders, Deputy Clerk

c: Counsel and Unrepresented Defendant  
Pretrial Services (if before Judgment)  
Probation Office (if after Judgment)  
Appropriate Agency Listed Above  
Passport Coordinator

**UNITED STATES DISTRICT COURT**

**MIDDLE DISTRICT OF FLORIDA**

Golden-Collum Memorial Federal Building & U.S. Courthouse  
207 NW Second Street  
Ocala, Florida 34475  
(352) 369-4860

Elizabeth M. Warren  
Clerk of Court

Lisa Fannin  
Division Manager

April 27, 2021

**UNITED STATES OF AMERICA**

vs.

**Our Case No. 5:21-mj-1076-PRL  
Your Case No. 1:21-mj-00389**

**KENNETH KELLY**

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**NOTICE OF TRANSFERRING SURRENDERED PASSPORT  
TO ANOTHER DISTRICT**

**PURSUANT** to the Court's order entered in the above Middle District of Florida styled case, the Defendant's passport was surrendered to the custody of the Clerk of Court. The defendant was ordered to appear in the District of Columbia where the prosecution is pending. The passport is therefore transmitted to your district.

ELIZABETH M. WARREN, CLERK

By *Mari Jo Taylor*  
Mari Jo Taylor, Deputy Clerk

April 27, 2021

c: Passport file  
U.S. Dept. of State

**U.S. District Court  
Middle District of Florida (Ocala)  
CRIMINAL DOCKET FOR CASE #: 5:21-mj-01076-PRL All Defendants**

Case title: USA v. Kelly  
Other court case number: 1:21-mj-00389 District of Columbia

Date Filed: 04/23/2021  
Date Terminated: 04/23/2021

Assigned to: Magistrate Judge Philip R. Lammens

**Defendant (1)**

**Kenneth Kelly**  
*TERMINATED: 04/23/2021*

represented by **George E. Tragos**  
TRAGOS, SARTES & TRAGOS, PLLC  
2363 Gulf to Bay Blvd., Suite 100  
Clearwater, FL 33765  
727/441-9030  
Fax: 727/441-9254  
Email: [george@greeklaw.com](mailto:george@greeklaw.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

18:1752.P RESTRICTED BUILDING OR  
GROUNDS (knowingly entering or  
remaining in any restricted building or  
grounds without lawful authority),  
18:1752.P RESTRICTED BUILDING OR  
GROUNDS (disorderly and disruptive  
conduct in a restricted building or grounds),

**Disposition**

40:5104E.M VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS (disorderly conduct on Capitol grounds), 40:5104E.M VIOLENT ENTRY AND DISORDERLY CONDUCT ON CAPITOL GROUNDS (parading, demonstrating, or picketing in a Capitol building)

**Plaintiff**

USA

represented by **William Stephen Hamilton**  
 US Attorney's Office - FLM  
 Suite 300  
 35 SE 1st Ave  
 Ocala, FL 34471  
 352-547-3600  
 Email: william.s.hamilton@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

Date Filed	#	Docket Text
04/23/2021	<a href="#">1</a>	Arrest pursuant to Rule 5(c)(2) of Kenneth Kelly from the District of Columbia. (MJT) (Entered: 04/23/2021)
04/23/2021	<a href="#">2</a>	Minute Entry for In Person proceedings held before Magistrate Judge Philip R. Lammens: INITIAL APPEARANCE in Rule 5(c)(3) proceedings held on 4/23/2021 as to Kenneth Kelly from the District of Columbia. (DIGITAL) (MJT) (Entered: 04/23/2021)
04/23/2021	<a href="#">3</a>	WAIVER of Rule 5 & 5.1 Hearings hearing by Kenneth Kelly. (MJT) (Entered: 04/23/2021)
04/23/2021	<a href="#">4</a>	<b>ORDER as to Kenneth Kelly: Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland, 373 U.S. 83 (1963), and its progeny and orders the United States to do so. Failing to do so in a timely manner may result in consequences, including exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, and sanctions. Signed by Magistrate Judge Philip R. Lammens on 4/23/2021. (MJT) (Entered: 04/23/2021)</b>
04/23/2021	<a href="#">5</a>	<b>APPEARANCE BOND entered as to Kenneth Kelly. Signed by Magistrate Judge Philip R. Lammens on 4/23/2021. (MJT) (Entered: 04/23/2021)</b>
04/23/2021	<a href="#">6</a>	<b>ORDER Setting Conditions of Release. Signed by Magistrate Judge Philip R. Lammens on 4/23/2021. (MJT) (Entered: 04/23/2021)</b>
04/23/2021	<a href="#">7</a>	<b>ORDER OF REMOVAL pursuant to Rule 5(c)(3) to the District of Columbia as to Kenneth Kelly. Signed by Magistrate Judge Philip R. Lammens on 4/23/2021. (MJT) (Entered: 04/23/2021)</b>
04/23/2021		NOTICE to District of Columbia of a Rule 5 or Rule 32 Initial Appearance as to Kenneth Kelly regarding your case number: 1:21-mj-00389. Using your PACER account, you may retrieve the docket sheet and any documents via the case number link. No documents/record will be sent. If you require certified copies of any documents please send a request to

		InterdistrictTransfer_FLMD@flmd.uscourts.gov. If you wish the court to use a different email address in the future, please send a request to update your address to InterdistrictTransfer_TXND@txnd.uscourts.gov. (MJT) (Entered: 04/23/2021)
04/26/2021	<a href="#">8</a>	Receipt for Surrender of Passport as to Kenneth Kelly Passport Number 666540977 issued by United States of America. (A copy of the Surrender of Passport receipt provided in person to the defendant.) (MLS) (Entered: 04/26/2021)
04/27/2021	<a href="#">9</a>	TRANSFER of passport number 666540977 to the District of Columbia as to Kenneth Kelly. (Country: USA.) (MJT) (Entered: 04/27/2021)