

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

**UNITED STATES OF AMERICA**

vs.

**KASH KELLY,  
Defendant**

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**Case No. 1:21-mj-00067 (RMW)**

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**CONSENT MOTION TO CONTINUE  
PRELIMINARY HEARING FOR SIXTY DAYS**

Defendant, Kash Kelly, by his undersigned counsel hereby respectfully moves this Honorable Court to continue the Preliminary Hearing scheduled for May 21, 2021 to July 23, 2021 to allow continued discussions by the parties to seek to reach a non-trial resolution of the case. AUSA Emory Cole consents to this request.

1. Mr. Kelly is charged by Criminal Complaint with two misdemeanor offenses arising out of his alleged conduct at the United States Capitol on January 6, 2021. *See* Complaint, (ECF 1, filed 1/15/21).

2. A Preliminary Hearing in this matter is scheduled for May 21, 2021.

3. The parties are engaged in active talks to resolve the case without a trial but require additional time to complete those discussions.

4. A non-trial resolution of the case and tolling of the Speedy Trial is in the best interests of Mr. Kelly and of the public and furthers the interests of justice.

5. Mr. Kelly is presently serving a federal sentence in an unrelated case so that his continued detention will not prejudice him as he will receive credit for the time he is serving.

6. Counsel has spoken to Mr. Kelly, who consents to the continuance.

WHEREFORE, Mr. Kelly respectfully requests that the Court continue the Preliminary Hearing scheduled for May 21, 2021 for thirty days to and including July 23, 2021.

Respectfully submitted,

*/s/ Carmen D. Hernandez* \_\_\_\_\_

**Carmen D. Hernandez**

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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the Consent Motion to Continue the Preliminary Hearing was served this 21<sup>st</sup> day of May, 2021 on all counsel of record via ECF.

*/s/ Carmen D. Hernandez* \_\_\_\_\_

**Carmen D. Hernandez**