

**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 (ZMF)

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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 September 24, 2021 to allow Mr. Kelly to consider a plea agreement that the Government has tendered to him. 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 September 24, 2021.
3. The Government has tendered a plea agreement to Mr. Kelly, who needs time to review it and discuss its provisions with his counsel.
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. Mr. Kelly has communicated to counsel that he consents to this request.

WHEREFORE, Mr. Kelly respectfully requests that the Court continue the Preliminary Hearing scheduled for September 24, 2021 for sixty days to and including November 22, 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 23rd day of September, 2021 on all counsel of record via ECF.

/s/ Carmen D. Hernandez

Carmen D. Hernandez