

**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 (RMM)

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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 January 21, 2022 to allow Mr. Kelly to review discovery and 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 January 21, 2022.
3. The Government has tendered a plea agreement to Mr. Kelly, who needs time to review it and discuss its provisions with his counsel. Mr. Kelly also requires additional time to review discovery produced by the Government.
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. Because of the recently-instituted COVID-related restrictions on attorney-client visits at the DC Department of Corrections, counsel has been meet with Mr. Kelly to adequately review the plea agreement. Accordingly, additional time is necessary for Mr. Kelly to review the materials and discuss them with counsel.

WHEREFORE, Mr. Kelly respectfully requests that the Court continue the Preliminary Hearing scheduled for January 21, 2022 for approximately sixty days to and including March 25, 2022.

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 20th day of January, 2022 on all counsel of record via ECF.

/s/ Carmen D. Hernandez

Carmen D. Hernandez