

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

UNITED STATES OF AMERICA

vs.

**KASH KELLY,
Defendant**

*
*
*
*
*
*

Case No. 1:21-mj-00067 (ZMF)

ooOoo

**AMENDED CONSENT MOTION TO CONTINUE
PRELIMINARY HEARING FOR SIXTY DAYS AND TO EXCLUDE
TIME UNDER THE SPEEDY TRIAL ACT**

Defendant, Kash Kelly, by his undersigned counsel hereby respectfully moves this Honorable Court to continue the Preliminary Hearing scheduled for March 24, 2022 to allow Mr. Kelly to continue to review discovery and consider a plea agreement that the Government has tendered to him. AUSA Emory Cole consents to this request. Mr. Kelly also consents to the exclusion of time under the Speedy Trial Act. This Motion and proposed Order are amended to more fully set forth the relief sought.

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 March 24, 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. 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.

5. COVID-related restrictions on attorney-client visits at the DC Department of Corrections have impeded and delayed counsel's ability to meet with Mr. Kelly to review the plea agreement and review and discuss discovery with him. Now that those restrictions are easing, it is anticipated that a resolution of the case can be accomplished within the next few weeks. Nonetheless, additional time is necessary for Mr. Kelly to review the materials and discuss them with counsel.

6. 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. Accordingly, Mr. Kelly consents to the exclusion of Speedy Trial time until May 20, 2022 so that he may further consider the plea agreement, consult with counsel and review the discovery.

WHEREFORE, Mr. Kelly respectfully requests that the Court continue the Preliminary Hearing scheduled for March 24, 2022 for approximately sixty days to and including May 20, 2022.

Respectfully submitted,

/s/ Carmen D. Hernandez _____

Carmen D. Hernandez

Bar No. MD 03366

7166 Mink Hollow Rd

Highland, MD 20777

240-472-3391

chernan7@aol.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Consent Motion to Continue the Preliminary Hearing was served this 24th day of March, 2022 on all counsel of record via ECF.

/s/ Carmen D. Hernandez _____
Carmen D. Hernandez