

**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  
AND SCHEDULE A CHANGE OF PLEA HEARING  
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 May 24, 2022 and schedule a change of plea hearing. AUSA Emory Cole consents to this request. Mr. Kelly also consents to the exclusion of time under the Speedy Trial Act.

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 24, 2022.

3. The Government has tendered a plea agreement to Mr. Kelly, who wishes to have the Court set the case in for a change of plea hearing.

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. 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 June 24, 2022 so that a change of plea hearing may e scheduled.

WHEREFORE, Mr. Kelly respectfully requests that the Court continue the Preliminary Hearing scheduled for May 24, 2022 and schedule a change of plea hearing to a date no later than June 24, 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 23<sup>rd</sup> day of May, 2022 on all counsel of record via ECF.

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

**Carmen D. Hernandez**