

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
LEO CHRISTOPHER KELLY

) Case: 1:21-mj-00093
) Assigned To : Faruqui, Zia M.
) Assign. Date : 1/16/2021
) Description: Complaint w/ Arrest Warrant
)

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) LEO CHRISTOPHER KELLY,
who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

18 U.S.C. 1752 (a)(1) and (2) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority

40 U.S.C. § 5104(e)(2)(A), (C), and (G) - Violent Entry with Intent to Disrupt the Orderly Conduct of Official Business and Disorderly Conduct on Capitol Grounds

Date: 01/16/2021



2021.01.16
20:37:44 -05'00'

Issuing officer's signature

City and state: Washington, DC

Zia M. Faruqui United States Magistrate Judge


Printed name and title

Return

This warrant was received on (date) 01/19/2021, and the person was arrested on (date) 01/18/2021
at (city and state) Cedar Rapids, IA.

Date: 01/19/2021

Arrested by FBI



DWM

Christopher S. Siemens Deputy US Marshal
Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.
LEO CHRISTOPHER KELLY

) Case: 1:21-mj-00093
) Assigned To : Faruqui, Zia M.
) Assign. Date : 1/16/2021
) Description: Complaint w/ Arrest Warrant
)
)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the
_____ District of Columbia, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 1752 (a)(1) and (2)

Knowingly Entering or Remaining in any Restricted Building or Grounds
Without Lawful Authority

40 U.S.C. § 5104(e)(2)(A), (C), and (G)

Violent Entry with Intent to Disrupt the Orderly Conduct of Official Business
and Disorderly Conduct on Capitol Grounds

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.



Complainant's signature

Michael J. McGillcuddy, Special Agent, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
Telephone (specify reliable electronic means).

Date: 01/16/2021



Judge's signature



2021.01.16 20:36:59
-05'00'

City and state: Washington, D.C.

United States Magistrate Judge

Printed name and title

STATEMENT OF FACTS

On January 6, 2021, your affiant, Michael J. McGillicuddy, was on duty and performing my official duties as a Special Agent with the Federal Bureau of Investigation's (FBI's) Washington Field Office (WFO). Specifically, I was assigned to the Shift 1 Operations Group, which was forward deployed to the vicinity of the United States (U.S.) Capitol upon WFO's Crisis Response Plan activation, tasked with investigating criminal activity in and around the Capitol grounds. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws. The Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the Capitol. On January 6, 2021, the exterior plaza of the Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the U.S. Congress convened at the U.S. Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the U.S. House of Representatives and the U.S. Senate were meeting in separate chambers of the Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the U.S. House of Representatives and the U.S. Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the U.S. Capitol Police and the crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by U.S. Capitol Police Officers or other authorized security officials. At such time, the certification proceedings still underway, the exterior doors and windows of the Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts. Shortly thereafter, at approximately 2:20 p.m. members of the House and Senate, including the President of the Senate, Vice President Pence, were instructed to—and did—evacuate the chambers. Accordingly, all proceedings of the U.S. Congress, including the joint session, were effectively suspended until shortly after 8:00 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the Capitol, including the danger posed by individuals who had entered the Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 p.m. after the building

had been secured. Vice President Pence remained in the Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

On January 6, 2021, at approximately 9:18 p.m. (i.e., the same night of the above-referenced activities), a self-described non-profit Internet service emphasizing traditional Judeo-Christian principles posted an exclusive video interview with an individual whom the reporter identified as “Leo Kelly,” and whom I later confirmed to be LEO CHRISTOPHER KELLY. In its description of the video, the website described KELLY as “... one of the first men to breach the Capitol building and go inside with dozens of others.” During the interview, KELLY acknowledged being inside the U.S. Capitol for between 30 and 60 minutes. KELLY stated that, when encountering law enforcement, he and others were “... mostly respectful, as respectful as you can be when you’re kind of really pushing in on somebody’s space like that.” KELLY further stated that he got all the way to the U.S. Senate floor and said a prayer (i.e., with others). Specifically, the interview includes approximately 17 seconds of video footage that KELLY likely filmed with his mobile telephone from the dais of the Senate floor during the insurrection. While the footage was played during the interview, the reporter said “... you shot some video in there,” to which KELLY acknowledged, “Yeah.” The reporter then continued, “... we’re going to show some of that.” KELLY’s footage included desks that were open and in disarray and other persons involved in the insurrection. The area of the Senate floor that KELLY filmed appeared to be overtaken as there were no members of the Senate present and no significant law enforcement presence at that time. Upon being asked how he felt about what happened that day, KELLY stated that he felt “conflicted,” as “... you violate someone else’s space ... force your way into a building ... in some ways that really feels wrong ... but, ... that [space] really does belong to us.” KELLY continued, “... that should only be an absolute last resort ... maybe we shouldn’t have done that ... it’s just, you come to the end of your rope ... and you get swept up in a movement ... and there’s a bunch of people running and doing this ... it’s not the logical mind that’s working anymore ... you’re just reacting to things and, finally, there’s a chance that you can be heard ... we took that chance ... God will judge us ... perhaps I did something wrong ... I tried to be as respectful as I could while I was in there, you know, while still saying what I felt needed to be said.”

On January 8, 2021, I performed a Google image search for “Leo Kelly” and located KELLY’s profile picture at a former employer located in Cedar Rapids, Iowa. Accordingly, I positively identified the individual in the profile picture as one in the same as the subject of the above-referenced video interview. I then performed public records searches using KELLY’s name and the name of his former employer to fully identify KELLY, a resident of Cedar Rapids. Based on KELLY’s driver’s license photograph obtained from the Iowa’s Department of Transportation, I further confirmed that KELLY was the subject of the above-referenced interview.

On January 11, 2021, The Gazette, a daily print newspaper and online news source published in Cedar Rapids, released a news article on its website, entitled “Cedar Rapids man says

he entered US Capitol with mob but was not violent: ‘That is not who I am.’” The article’s reporter had spoken to KELLY earlier that same day. Among other comments, KELLY told the reporter, “‘If the FBI or whoever calls me — I mean, they know where to find me, I’m sure — I’ll talk to them,’ [KELLY] said. ‘I understand there could be consequences for what happened and I will accept those and deal with them.’”


On January 14, 2021, the FBI’s Cedar Rapids Resident Agency was contacted by a Deputy United States Marshal and acquaintance of KELLY’s. The Deputy United States Marshal advised that KELLY had contacted him subsequent to the above-referenced events at the U.S. Capitol (i.e., as KELLY was driving back to Iowa). Specifically, KELLY said that he would turn himself in if an arrest warrant was issued for him.

Based on the foregoing, your affiant submits that there is probable cause to believe that KELLY violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that KELLY violated 40 U.S.C. § 5104(e)(2)(A), (C), and (G), which makes it a crime to willfully and knowingly (A) enter or remain on the floor of either House of Congress or in any cloakroom or lobby adjacent to that floor, in the Rayburn Room of the House of Representatives, or in the Marble Room of the Senate, unless authorized to do so pursuant to rules adopted, or an authorization given, by that House; (C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of— (i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; or (ii) the Library of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

Date: January 16, 2021

Respectfully submitted,


Special Agent Michael J. McGillicuddy
FBI Washington Field Office

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 16th day of January 2021.

 2021.01.16
20:39:38
-05'00'

ZIA M. FARUQUI

UNITED STATES MAGISTRATE JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEO CHRISTOPHER KELLY,

Defendant.

No. 21-mj-7-MAR

**ORDER SCHEDULING
INITIAL APPEARANCE**

The initial appearance for the above defendant will take place before the undersigned on **Tuesday, January 19, 2021, at 3:00 p.m.**; United States Courthouse, Courtroom 4, 111 7th Avenue SE, Cedar Rapids, Iowa.

Due to the COVID-19 pandemic, the Court has alternative means of appearance available to the parties for hearings. Any party requiring or requesting an alternative method of appearance must contact the court to make appropriate arrangements.

Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and re-broadcasting of court proceedings. See Public Administrative Order (Amended) No. 20-AO-0004-P (ND Iowa March 30, 2020).

IT IS SO ORDERED this 19th day of January, 2021.



Mark A. Roberts, United States Magistrate Judge
Northern District of Iowa

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

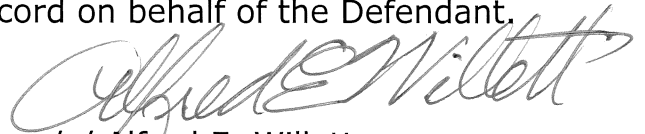
UNITED STATES OF AMERICA,	No 21-MJ-7-MAR
Plaintiff,	
vs.	APPEARANCE
LEO CHRISTOPHER KELLY	
Defendant.	

COMES NOW Alfred E. Willett, Viner Law Firm P.C., 228 2nd Street SE,
a regular practicing attorney in the City of Cedar Rapids, Linn County, Iowa,
and enters his Appearance as attorney of record on behalf of the Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2021, I
electronically filed the foregoing with the Clerk
of the Court using the ECF system, which will
send notification of such filing to the following:

AUSA Tony Morfitt



/s/ Alfred E. Willett

ALFRED E. WILLETT AT8497
VINER LAW FIRM P.C.
ATTORNEY AT LAW
228 Second Street SE,
Cedar Rapids, IA 52401
Telephone: (319) 531-1333
Facsimile: (319) 200-4538
E-mail: awillett@vinerlawfirm.com
Direct Contact E-mail:
cbrain@vinerlawfirm.com
ATTORNEY FOR DEFENDANT,
LEO CHRISTOPHER KELLY

Cc: Leo Kelly

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,
Plaintiff(s)

vs.
LEO CHRISTOPHER KELLY,
Defendant(s)

HEARING MINUTES Sealed: No
Case No.: 1:21-mj-7-MAR
Presiding Judge: Mark A. Roberts, Magistrate
Deputy Clerk: Paul Coberly
Official Court Record: FTR Gold Contract? --
Contact Information: --

Date:	1/19/2021	Start:	3:08 PM	Adjourn:	3:36 PM	Courtroom:	4			
Recesses:	--				Time in Chambers:	--		Telephonic?	No	
Appearances:	Plaintiff(s):	US Attorney Peter E. Deegan, Jr.								
	Defendant(s):	Alfred E. Willett (Defendant appears personally)								
	U.S. Probation:	Matt Sturdevant and Amy Moser via telephone								
	Interpreter:	--		Language:	--		Certified:	--	Phone: --	
TYPE OF PROCEEDING:		INITIAL APPEARANCE:		X	AND/OR	ARRAIGNMENT:				
					Contested?	No	Continued from a previous date?	No		
					Date of indictment:	--				
					Was defendant <i>Mirandized</i> ?	Yes				
					Defendant pleaded	--				
Counsel:	Retained:	X	Or	Appointed:	X	FPD/CJA Panel:				
Stipulation to discovery plan?		--		Did defendant provide financial affidavit?		--				
Did the government move for detention?			No		Was the defendant detained?		No			
					Detention hearing:	--				
					Preliminary hearing:	Waived				
					Witness/Exhibit List is	--				
The offering party must, within 3 days after the hearing, file in electronic form any exhibit that was not filed with a motion, resistance, or other filing related to this hearing. Pub. Admin. Order 09-AO-03-P (5/29/09) ¶7.										
Miscellaneous:		<p>Case arises from a complaint filed in the District of Columbia, case number 21-mj-93.</p> <p>Court advises the defendant of his right under Rule 20.</p> <p>Court confirms the United States' obligation under Rule 5(f), that is, to disclose to the defendant all exculpatory evidence as required by <i>Brady v. Maryland</i> and its progeny. Failure to disclose any such evidence in a timely manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, or sanction by the Court.</p> <p>Defendant waives his rights to any hearings under Rule 5 & 5.1 (waiver executed).</p> <p>Court orders the defendant to appear for a status hearing set for 2/9/2021 at 1:00 PM Eastern in the District of Columbia.</p> <p>Defendant released under the terms/conditions of the court's release order.</p>								

UNITED STATES DISTRICT COURT

for the
Northern District of Iowa

United States of America

v.

Leo Christopher Kelly

Defendant

Case No. 21-mj-7-MAR

Charging District's Case No. 1:21-mj-93-ZMF

WAIVER OF RULE 5 & 5.1 HEARINGS (Complaint or Indictment)

I understand that I have been charged in another district, the *(name of other court)* District of Columbia

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☒ a preliminary hearing.
- ☒ a detention hearing.
- ☒ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that any preliminary or detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 01/19/2021



Defendant's signature



Signature of defendant's attorney



Printed name of defendant's attorney

United States District Court

NORTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,

VS.

Kelly, Leo Christopher

APPEARANCE BOND

and

ORDER SETTING CONDITIONS OF RELEASE

Case Number: 0862 1:21-00007M-001

Type of Bond & Conditions of Release

IT IS ORDERED that the defendant is released pursuant to:

- () a personal recognizance bond.
- () an unsecured bond binding the defendant to pay the United States the sum of \$_____ in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.
- () a secured bond of \$_____, secured by () cash deposited with the court () the agreement of the defendant and each surety to forfeit cash or other property as follows (see attached):

While on bond, the defendant must: (1) not violate any federal, state, or local law; (2) cooperate in the collection of a DNA sample if authorized by 42 U.S.C. § 14135a; (3) advise the court and defense counsel in writing before making any change of residence or telephone number; and (4) appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: _____ on _____. If left blank, defendant will be notified of next appearance.

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with every order of this court, or any court that considers this case. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations


Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)


Date: 1/19/21


Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

Date: 1/19/2021


Signature of Judicial Officer

Additional Conditions of Release

Pursuant to 18 U.S.C. § 3142(c), upon finding that release subject to aforementioned conditions will not by itself reasonably assure the appearance of the defendant and/or the safety of any other person and the community, **IT IS FUTHER ORDERED** that the release of the defendant is also subject to court supervision with the following conditions:

1. (✓) **Reporting Instructions:**

You must report to the United States Probation Office no later than _____ or as directed by the probation officer. After initially reporting to the probation office, you will receive instructions from the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed. You must follow the instructions of the probation officer related to the conditions of supervision and answer truthfully the questions asked by your probation officer.

2. (✓) **Restrictions on Personal Associations, Residence, or Travel:**

☒ A. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.

☐ B. You must not knowingly have contact, direct or indirect, with any person who is or may be a victim or witness in the investigation or prosecution, including: _____

☐ C. You must not knowingly communicate, or otherwise interact, with any member, prospect, or associate member of a gang, crime organization, or threat group, without first getting the permission of the probation officer.

☒ D. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

☐ E. You must reside in a Residential Reentry Center (RRC). While a resident of the RRC, you must abide by all rules and regulations of the facility. You must report to the RRC at the time and date directed by the probation officer.

☒ F. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.

☒ G. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting the permission from the probation officer.

☐ H. You must not travel further than _____ miles from your residence without first getting the permission from the probation officer.

☒ I. You must not obtain a new passport, and if you have a passport, you must surrender it to the United States Probation Office.

3. (✓) **Controlled Substance and Firearm/Weapon Restrictions:**

☒ A. You must not unlawfully possess a controlled substance without first getting the permission from the probation officer and pursuant to a cooperation arrangement with law enforcement officials. You must refrain from any unlawful use of a controlled substance.

☒ B. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).

4. (✓) **Law Enforcement Contact and Third Party Risk:**

- ☒ A. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
- ☐ B. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- ☒ C. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.

5. (✓) **Employment and Education:**

- ☒ A. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- ☐ B. You must not accept or maintain any employment in which you would have access to money or assume a fiduciary position. You must allow the probation officer to notify your employer of your current criminal status.
- ☐ C. You must maintain or commence an educational program.

6. () **Substance Abuse:**

- ☐ A. You must participate in a substance abuse evaluation. You must complete any recommended treatment program, which may include a cognitive behavioral group, and follow the rules and regulations of the treatment program. You must participate in a program of testing for substance abuse. You must not attempt to obstruct or tamper with the testing methods.
- ☐ B. You must not use or possess alcohol. You are prohibited from entering any establishment that holds itself out to the public to be a bar or tavern without first getting the permission of the probation officer.
- ☐ C. You must participate in the Remote Alcohol Testing Program during any period of your supervision. You must abide by all rules and regulations of the Remote Alcohol Testing Program. You must pay the costs associated with the program as directed by the Court and determined by the United States Probation Office.

7. () **Mental Health:**

- ☐ A. You must participate in a mental health evaluation. You must complete any recommended treatment program, and follow the rules and regulations of the treatment program. You must take all medications prescribed to the defendant by a licensed medical provider.
- ☐ B. You must undergo medical or psychiatric treatment and/or remain in an institution as follows: _____
-
- ☐ C. You must participate in an evaluation for anger management and/or domestic violence. You must complete any recommended treatment program, and follow the rules and regulations of the treatment program.
- ☐ D. You must participate in a gambling addiction evaluation. You must complete any recommended treatment program, and follow the rules and regulations of the treatment program. You must not be on the premises of any casino during any period of your supervision. You must not participate in any form of gambling, including but not limited to, lotteries, pull-tab cards, card games, on-line gambling, horse and dog racing, and sports betting.
- ☐ E. You must participate in a cognitive behavioral program, and comply with the rules and regulations of the program.
- ☐ F. You must participate in a program for domestic violence.

8. () **Financial:**

- ☐ A. You must timely pay all current and past due child support payments ordered by any state or federal court. You must also cooperate with any requests from the Iowa (or other State) Child Support Recovery Unit (or other state unit) in the collection and satisfaction of those obligations.
- ☐ B. You must provide the probation officer with access to any requested financial information.
- ☐ C. You must cooperate with the Internal Revenue Service in the determination, assessment, and payment of any tax liability you may have. You must provide the probation officer with a copy of any payment plan agreed upon with the Internal Revenue Service, and must make the required payments thereunder. You must allow the probation officer and the Internal Revenue Service to communicate with each other to monitor your compliance with this condition.
- ☐ D. You must file valid and truthful individual income tax returns as they become due by law and must provide copies of such returns to the United States Probation Office as requested.

9. () **Sex Offense Restrictions:**

- ☐ A. You must not possess, view, or otherwise use material including videos, magazines, photographs, computer generated depictions, or any other materials that depict sexually explicit conduct involving children or adults, as defined in 18 U.S.C. § 2256.
- ☐ B. You must not knowingly have contact with children under the age of 18 (including through letters, communication devices, audio or visual devices, visits, electronic mail, the Internet, or any contact through a third party) without first getting the written permission of the probation officer. The probation officer may work with you and your family to set up supervised communications and visits with your biological and legally adopted children.
- ☐ C. You must not knowingly be present at places where minor children under the age of 18 are congregated, such as residences, parks, beaches, pools, daycare centers, playgrounds, and schools without first getting the permission of the probation officer.
- ☐ D. You must allow the probation officer to install computer monitoring software on any computer [as defined in 18 U.S.C. § 1030(e)(1)] that is used by the defendant. To ensure compliance with the computer monitoring condition, you must allow the probation officer to conduct initial and periodic monitoring and inspections of any computers [as defined in 18 U.S.C. § 1030(e)(1)] subject to computer monitoring. This monitoring and said inspections will be conducted to determine whether the computer contains any prohibited data prior to the installation of the monitoring software, whether the monitoring software is functioning effectively after its installation, and whether there have been attempts to circumvent the monitoring software after its installation. You must warn any other people who use these computers that the computers may be subject to monitoring and inspections pursuant to this condition.
- ☐ E. You must comply with the requirements of the Sex Offender Registration Act and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, or any state sex offender registration agency in the location where you reside, work, and/or are a student, and/or was convicted of a qualifying offense.

10. (✓) **Location Monitoring:**

You will be monitored by: ☐ Radio Frequency Monitoring ☒ GPS Monitoring ☐ Voice Recognition; and you must abide by all technology requirements. You must pay the costs associated with the program as directed by the Court and determined by the United States Probation Office. While being monitored, you must abide by all of the rules and regulations of the monitoring program.

This form of location monitoring technology will be utilized to monitor the following restriction on your movements in the community, as well as other court-imposed conditions of release:

☒ A. You are restricted to the defendant's residence every day *from _____ to _____, or *as directed by the probation officer (Curfew).

☐ B. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the probation officer (Home Detention).

☐ C. You are restricted to your residence at all times except for medical necessities and court appearances or other activities specifically approved by the Court (Home Incarceration).

☐ D. You are restricted as follows (i.e. exclusion zones): _____

11. () **Third Party Custodian:**

You must be placed in the custody of: _____ who agrees to (1) supervise you, and use every reasonable effort to assure that you will abide by all of the conditions of his/her release; (2) use every reasonable effort to assure that you appear at all proceedings as required and surrenders for service of any sentence imposed; and (3) notify the court immediately in the event you violate a condition of release or are no longer in the custodian's custody.

Address: _____

City and State: _____

Telephone Number: _____

Signed: _____

Custodian or Proxy

Date

12. (✓) The defendant is only allowed to travel to Washington, DC for official court proceedings, pretrial meetings, and attorney consultation meetings, and must obtain prior approval from the United States Probation office.

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant

Directions to United States Marshal

- (☒) The defendant is **ORDERED** to be processed by the United States Marshal and released after processing:
() at _____ a.m./p.m. on _____
() no later than _____ a.m./p.m. on _____
- () The United States Marshal is **ORDERED** to keep the defendant in custody until notified by the U.S. Probation Office that the defendant has posted bond and/or complied with all other conditions required for release.

Date: _____

01/19/2021



Signature of Judicial Officer

Mark A. Roberts, U.S. Magistrate Judge

Name and Title of Judicial Officer

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEO CHRISTOPHER KELLY,

Defendant.

No. 21-mj-7-MAR

ORDER

Pursuant to the Due Process Protections Act, Pub. L. No. 116-182, [134 Stat. 894](#) (2020), the Court confirms the United States' obligation to produce all exculpatory evidence to the Defendant as required by *Brady v. Maryland*, [373 U.S. 83](#) (1963), and its progeny, and orders it to do so. Failing to do so in a timely manner may result in consequences, including, but not limited to, continuance of trial, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, or sanctions by the Court.

IT IS SO ORDERED this 19th day of January, 2021.



Mark A. Roberts, United States Magistrate Judge
Northern District of Iowa

UNITED STATES DISTRICT COURT

for the
Northern District of Iowa

United States of America

v.

Leo Christopher Kelly

Defendant

)

)

)

)

)

Case No. 21-mj-7-MAR

Charging District: District of Columbia

Charging District's Case No. 1:21-mj-93-ZMF

ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Place: United States District Court, District of Columbia
333 Constitution Ave NW, Washington, DC 20001

Courtroom No.: To be determined by DC Court

Date and Time: 2/9/2021 1:00 pm

The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.

Date: 01/19/2021



Judge's signature

Mark A. Roberts; Magistrate Judge

Printed name and title

CLOSED

**U.S. District Court
Northern District of Iowa (Cedar Rapids)
CRIMINAL DOCKET FOR CASE #: 1:21-mj-00007-MAR-1
Internal Use Only**

Case title: USA v. Kelly

Date Filed: 01/19/2021

Other court case number: 1:21-mj-93-ZMF District of Columbia

Date Terminated: 01/19/2021

Assigned to: Magistrate Judge Mark A
Roberts

Defendant (1)**Leo Christopher Kelly***TERMINATED: 01/19/2021*represented by **Alfred E Willett**

Viner Law Firm

228 2nd Street SE

Cedar Rapids, IA 52401

319 531 1333

Email: awillett@vinerlawfirm.com

LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Designation: Retained***Christopher J Nathan**

Federal Public Defender

222 Third Avenue SE

Suite 290

Cedar Rapids, IA 52401

319 363 9540

Email: christopher_nathan@fd.org

*TERMINATED: 01/19/2021**Designation: Public Defender or**Community Defender Appointment***Pending Counts**

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None


Complaints

None

Disposition**Plaintiff**

USA

represented by **Anthony Morfitt**
 US Attorney's Office
 111 Seventh Avenue SE
 Box 1
 Cedar Rapids, IA 52401
 319 363 6333
 Email: tony.morfitt@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Docket Text
01/19/2021	<u>1</u>	Rule 5(c)(3) Documents Received from the District of Columbia as to Defendant Leo Christopher Kelly. (pac) (Main Document 1 replaced on 1/19/2021) (pac). (Entered: 01/19/2021)
01/19/2021	<u>2</u>	ORDER SETTING HEARING as to Defendant Leo Christopher Kelly: Initial Appearance - Rule 5(c)(3) set for 1/19/2021 03:00 PM in Ctrm 4 (4th Floor) Cedar Rapids before Magistrate Judge Mark A Roberts. Signed by Magistrate Judge Mark A Roberts on 1/19/2021. (skm) (Entered: 01/19/2021)
01/19/2021		Attorney update in case as to Defendant Leo Christopher Kelly: Attorney Christopher J Nathan for Leo Christopher Kelly added pursuant to the CJA Panel Administrator under the direction of Magistrate Judge Mark A Roberts. (pac) (Entered: 01/19/2021)
01/19/2021	<u>3</u>	NOTICE of Attorney Appearance: Alfred E Willett appearing for Defendant Leo Christopher Kelly. (Willett, Alfred) Modified text on 1/19/2021 (pac). (Entered: 01/19/2021)
01/19/2021		Attorney update in case as to Defendant Leo Christopher Kelly: Attorney Christopher J Nathan terminated pursuant to the filing of <u>3</u> Notice of Appearance by Alfred E Willett. (pac) (Entered: 01/19/2021)
01/19/2021	 <u>4</u>	SEALED Pretrial Services Report as to Defendant Leo Christopher Kelly PLEASE NOTE: The Pretrial Services Report shall be used for the purposes of bail determination only and shall remain confidential as provided in Title 18 U.S.C. Section 3153(c)(1). The Pretrial Services Report is not public record and shall not be reproduced or disclosed to any other party (Moser, Amy) (Entered: 01/19/2021)

01/19/2021	<u>5</u>	MINUTE Entry for proceedings held before Magistrate Judge Mark A Roberts: Initial Appearance in Rule 5(c)(3) Proceedings as to Defendant Leo Christopher Kelly held on 1/19/2021. Attorney Alfred E Willett for defendant. Defendant released. (Official Court Record: FTR Gold) (pac) (Entered: 01/20/2021)
01/19/2021	<u>6</u>	WAIVER of Rule 5 & 5.1 Hearings by Defendant Leo Christopher Kelly. (pac) (Entered: 01/20/2021)
01/19/2021	<u>7</u>	APPEARANCE BOND AND ORDER Setting Conditions of Release as to Defendant Leo Christopher Kelly. Signed by Magistrate Judge Mark A Roberts on 1/19/2021. (pac) (Entered: 01/20/2021)
01/19/2021	<u>8</u>	ORDER Pursuant to the Due Process Protections Act as to Defendant Leo Christopher Kelly. Signed by Magistrate Judge Mark A Roberts on 1/19/2021. (pac) (Entered: 01/20/2021)
01/19/2021	<u>9</u>	COMMITMENT to Another District as to Defendant Leo Christopher Kelly: Defendant ordered to appear in the District of Columbia on 2/9/2021 at 1:00 PM. Signed by Magistrate Judge Mark A Roberts on 1/19/2021. (pac) (Entered: 01/20/2021)