

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

UNITED STATES OF AMERICA,	:	
	:	
v.	:	CASE NO. 1:21-cr-00708-RCL-1
	:	
LEO CHRISTOPHER KELLY,	:	
	:	
Defendant.	:	

**CONSENT MOTION TO EXTEND
TIME TO FILE MOTIONS IN LIMINE**

The United States of America, by and through the United States Attorney for the District of Columbia, with the consent of the defendant, moves to extend the time to file motions in limine from July 15, 2022, to a date to be determined, and in support thereof shows unto the Court:

RELEVANT BACKGROUND

On January 6, 2021, a Joint Session of the United States House of Representatives and the United States Senate convened to certify the vote of the Electoral College of the 2020 U.S. Presidential Election. While the certification process was proceeding, a large crowd gathered outside the United States Capitol, entered the restricted grounds, and forced entry into the Capitol building. As a result, the Joint Session and the entire official proceeding of the Congress was halted until law enforcement was able to clear the Capitol of hundreds of unlawful occupants and ensure the safety of elected officials.

The defendant, Leo Christopher Kelly, has been charged by indictment with obstructing an official proceeding, in violation of 18 U.S.C. § 1512(c)(2) (Obstruction of an Official Proceeding), 18 U.S.C. § 1752(a)(1)(Entering and Remaining in a Restricted Building or Grounds), 18 U.S.C. § 1752(a)(2) (Disorderly and Disruptive Conduct in a Restricted Building or Grounds), 40 U.S.C. § 5104(e)(2)(A) (Entering and Remaining on the Floor of Congress), 40 U.S.C. § 5104(e)(2)(C)

(Entering and Remaining in Certain Rooms in the Capitol Building), 40 U.S.C. § 5104(e)(2)(D) (Disorderly Conduct in a Capitol Building), and 40 U.S.C. § 5104(e)(2)(G) (Parading, Demonstrating, or Picketing in a Capitol Building) based on his entry into the United States Capitol and presence in the United States Senate Chamber. The defendant has pleaded not guilty.

At a status conference on March 11, 2022, the Court set July 15, 2022, as the deadline for the parties to file motions. Undersign counsel understood the Court to have meant motions in limine. Undersigned counsel is presently engaged in trial preparations in *United States v. Grover*, Case No. 1:21-cr-00374-APM-1, which is set for trial beginning on August 5, 2022, and was engaged in preparation for a sentencing hearing in *United States v. Persick*, Case No. 1:21-cr-00485-BAH, which was held today, July 14, 2022.

The government is identifying potential Capitol police officers it may call as witnesses at defendant's trial. The defendant has also contacted the government seeking the identities of other officers who are not among the group of officers the government is looking to identify as potential witnesses. At the defendant's request, the government is now also seeking to identify the identities of the defense requested officers. Once identified, the officers will be interviewed and the interview process may reveal information that may be discoverable under *Giglio v. United States*, 405 U.S. 150 (1972). A thorough review of any existing documentation is necessary to determine whether, and to what extent, motions in limine are necessary to address potential *Giglio* information. Therefore, additional time is necessary to identify the officers to determine if *Giglio* information exist and whether such information may be used at trial to impeach the law enforcement officer. Undersigned counsel has conferred with counsel for the defendant. The defendant does not object to the motion.

CONCLUSION

For the above-stated reason, the Court should grant the government's motion and extend the time to file motions in limine to a date to be determined later by the Court.

Respectfully submitted,

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