

**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-ZMF-1

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CONSENT MOTION TO CONTINUE PRELIMINARY HEARING

Defendant, Kash Kelly, by his undersigned counsel hereby respectfully moves this Honorable Court to continue the Preliminary Hearing scheduled for this afternoon, March 11, 2021 at 3:00 p.m. 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. At his initial appearance on March 10, 2021, this Court scheduled a Preliminary Hearing for March 11, 2021 at 3:00 p.m.

3. After discussing the pending charges with AUSA Cole, counsel is of the opinion that a short continuance of the Preliminary Hearing to provide counsel the opportunity to discuss the matter with Mr. Kelly and attempt to reach a prompt non-trial resolution of the case is in the best interests of Mr. Kelly and of the public.

4. Mr. Kelly is presently serving a federal sentence in an unrelated case so that his continued detention in this matter will not prejudice him as he will receive credit for the time he is serving.

5. Counsel has spoken to Mr. Kelly, who consents to the continuance of his Preliminary Hearing at this time.

6. Counsel proposes to submit a Joint Status Report to the Court on March 25, 2021 alerting the Court of the status of the case.

WHEREFORE, Mr. Kelly respectfully requests that the Court continue the Preliminary Hearing scheduled for March 11, 2021 and counsel will submit a Status Report to the Court on March 25, 2021.

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 11th day of March, 2021 on all counsel of record via ECF.

/s/ Carmen D. Hernandez

Carmen D. Hernandez