

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

UNITED STATES OF AMERICA :
 :
 v. : **Criminal No. 1:21-cr-00708 (RCL)**
 :
LEO CHRISTOPHER KELLY, :
 :
 Defendant. :

**JOINT MOTION FOR SCHEDULING ORDER AND TO EXCLUDE TIME UNDER
THE SPEEDY TRIAL ACT.**

The United States of America, by and through the United States Attorney for the District of Columbia, and counsels for the Defendant, jointly move for an order setting a Scheduling Order and to exclude time under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, on the basis that the ends of justice served by taking such actions outweigh the best interest of the public and Defendant in a speedy trial and any delay resulting from the Court’s consideration of this pretrial motion pursuant to the factors described in 18 U.S.C. §§ 3161(h)(7)(A) and (1)(D), to a later date the Court will determine in a separate order.

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.

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. Defendant has pleaded not guilty.

The Court held a status conference on July 21, 2022. At the conclusion of the status conference the Court directed the Parties to file a proposed scheduling order in the case. The Court also excluded time under the Speedy Trial Act from July 21, 2022, to July 31, 2022. Pursuant to the Court's Order, the Parties have conferred and submit the attached proposed Scheduling Order.

The Parties further agree that time under the Speedy Trial Act should be tolled on the basis that the ends of justice served by taking such actions outweigh the best interest of the public and Defendant in a speedy trial and because of any delay resulting from the Court's consideration of this pretrial motion pursuant to the factors described in 18 U.S.C. §§ 3161(h)(7)(A) and (1)(D).

Respectfully submitted.

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