

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :  
 :  
 v. : CRIMINAL NO. 21-CR-708 (RCL)  
 :  
 :  
 LEO KELLY :

DEFENDANT’S MOTION IN LIMINE

Mr. Leo Kelly, through his attorneys, Kira Anne West and Nicole Cubbage, respectfully files this motion in limine and states the following in support:

The following should not be mentioned or alluded to in the trial of this case:

1. Any news reports during and after January 6, 2021 that mention police personnel that died. Mr. Kelly had no role in that.
2. Any reference to President Trump’s (hereinafter “Trump”) stop the steal lawsuits, court challenges, or issues raised by Trump’s lawyers about the election and outcomes of those lawsuits. This also includes Trump’s current suit to challenge the subpoena to testify in front of the House Select Committee investigating the January 6<sup>th</sup> events. Mr. Kelly is not an attorney and the legal significance of any lawsuits brought by parties, unrelated to Mr. Kelly, to challenge the elections or subpoenas is irrelevant to Mr. Kelly’s conduct on January 6, 2021 and should be excluded.
3. Any reference to the proud boys, patriot boys, three percenters or oath keepers. This includes any information regarding the Oath Keepers using a hotel in Virginia to stage

weapons in the event that martial law was declared on January 6, 2021. There is not one scintilla of evidence that Mr. Kelly knew of this operation or was a member of any of these groups.

4. Any photos taken from Mr. Kelly's phone that are irrelevant to this case. This may go on a photo by photo basis. Any photographs not related to the events of January 6<sup>th</sup> including but not limited to Mr. Kelly's personal life.
5. Mr. Kelly's mug shot.
6. References to violence at the West Terrace Tunnel, the breach of the Capitol on the East side at the Rotunda doors, the initial breach at the Senate Wing Doors and any other breach at the Capitol other than the door Mr. Kelly entered through. Mr. Kelly had no role in the breach of any door at the Capitol. He walked in through the Senate Fire Door near S132 unhindered by police through open doors following many other people who entered inside. Mr. Kelly was not a participant or witness to the breaches of any doors nor was he a witness or participant to violence at the Lower West Terrace Tunnel. This includes the incident involving Officer Fanone being pulled into the crowd. The government should be precluded from making reference to these events or showing in any compilation or other photos the events to which Mr. Kelly was not involved or even aware of during the events of January 6, 2021.

Respectfully Submitted,

By: Kira Anne West

/s/

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Certificate of Service

I certify that a copy of the forgoing was filed electronically on ECF for all parties of record on this 15<sup>th</sup> day of November, 2022.

/s/

Kira Anne West  
Attorney for Leo Kelly