

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

Kenneth Kelly

Defendant

Case: 1:21-mj-00389

Assigned To : Faruqui, Zia M.

Assign. Date : 04/21/2021

Description: COMPLAINT W/ ARREST WARRANT

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) Kenneth 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) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority;

18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grounds;

40 U.S.C. § 5104(e)(2)(D) - Disorderly Conduct on Capitol Grounds;

40 U.S.C. § 5104(e)(2)(G) - Parading, Demonstrating, or Picketing in a Capitol Building.

Date: 04/21/2021

2021.04.21 17:06:00 -04'00'

*Issuing officer's signature*City and state: Washington, D.C.Zia M. Faruqui, U.S. Magistrate Judge*Printed name and title*

Return

 This warrant was received on (date) 4/23/21, and the person was arrested on (date) 4/23/21
 at (city and state) Ocala, FL.
Date: 4/23/21
Arresting officer's signature
Todd Myers, SPECIAL AGENT
Printed name and title

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

UNITED STATES OF AMERICA

v.

CASE NO: 5:21-mj-1076-PRL

KENNETH KELLY

AUSA: William Hamilton
Def Atty: George Tragos (Retained)

JUDGE	Philip R. Lammens	DATE AND TIME	April 23, 2021 12:30 pm - 1:02 pm 32 minutes
DEPUTY CLERK	M. Taylor	TAPE/REPORTER	DIGITAL
INTERPRETER	Not required	PRETRIAL:	Megan Martin

CLERK'S MINUTES – INITIAL APPEARANCE (Rule 5c)

Defendant arrested on a Criminal Complaint from the District of Columbia. (Case number 1:21-mj-00389.)

Defendant advised of rights, charges, penalties, etc.

Defendant waives his rights to an identity hearing, production of the warrant and a preliminary hearing.

Court advises defendant of Rule 20 rights.

Court advised the parties of the requirements of the Due Process Protections Act.

Government advises that they are not seeking detention but request conditions of release.

Defendant responds.

Defendant released on an appearance bond with conditions of release imposed.

ORDER OF REMOVAL and ORDER SETTING CONDITIONS OF RELEASE TO ENTER.

Government states that the District of Columbia will be setting this case for an initial appearance via zoom on May 5, 2021. Defense counsel advises that he has been in contact with the District of Columbia AUSA on the scheduling of the hearing.

FILED IN OPEN COURT:

Waiver of Rule 5(c) & 5.1 Hearings

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

5:21-mj-1076-PRL
Charging District's Case No. 1:21-mj-00389

KENNETH KELLY,
Defendant.

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

I, **Kenneth Kelly**, understand that I have been charged in another district, the 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 within 14 days of my first appearance if I am in custody and 21 days otherwise - unless I am indicted - to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

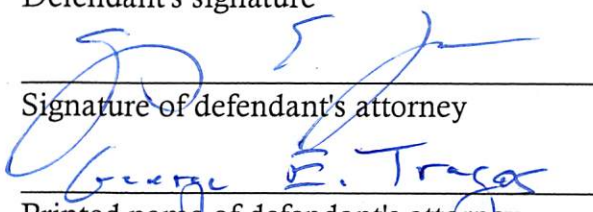
I agree to waive my right to:

- ☒ 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 those hearings 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.

April 23, 2021


Defendant's signature


Signature of defendant's attorney

George E. Trues
Printed name of defendant's attorney

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v

KENNETH KELLY,
Defendant.

Case Number: 5:21-mj-1076-PRL

ORDER PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 5(F)

Pursuant to Federal Rule of Criminal Procedure 5(f), counsel for the government and counsel for the defendant are hereby notified of the prosecutor's obligation under *Brady v. Maryland*, 373 U.S. 83 (1963), to produce to the defendant all potentially exculpatory evidence material either to the guilt or punishment of the defendant at a time sufficient for the defendant to make effective use of the exculpatory information. See e.g., *United States v. Jordan*, 316 F.3d 1215, 1251 (11th Cir. 2003) and *U.S. v. Newton*, 44 F.3d 913, 918 (11th Cir. 1995).

Possible consequences for violation of this Order include those set forth in Federal Rule of Criminal Procedure 16(d)(2), sanctions, and contempt of court.

ORDERED in Ocala, Florida this 23rd day of April, 2021.



PHILIP R. LAMMENS
United States Magistrate Judge

UNITED STATES DISTRICT COURT

for the

MIDDLE District of FLORIDA

UNITED STATES OF AMERICA

v.

KENNETH KELLY

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)

Case No. 5:21-mj-1076-PRL

APPEARANCE BOND

Defendant's Agreement

I, KENNETH KELLY, agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- (X) to appear for court proceedings;
- (X) if convicted, to surrender to serve a sentence that the court may impose; or
- (X) to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

- () (1) This is a personal recognizance bond.
- (X) (2) This is an unsecured bond of \$ 25,000.00.
- () (3) This is a secured bond of \$, secured by:

- () (a) \$, in cash deposited with the court.
- () (b) the agreement of the defendant and each surety to forfeit the following cash or other property (describe the cash or other property, including claims on it – such as a lien, mortgage, or loan – and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- () (c) a bail bond with a solvent surety (attach a copy of the bail bond, or describe it and identify the surety):

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. 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: April 23, 2021



Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

CLERK OF COURT

Date: April 23, 2021



Signature of Clerk or Deputy Clerk

Approved.

Date: April 23, 2021



Philip R. Lammens, United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

5:21-mj-1076-PRL

KENNETH KELLY,
Defendant.

FINDINGS AND ORDER OF REMOVAL PROCEEDINGS
PURSUANT TO RULE 5, FED. R. CRIM. P.

Kenneth Kelly, having been arrested and presented before me for removal proceedings pursuant to Rule 5, Federal Rules of Criminal Procedure, and having been informed of the rights specified in Rule 5(c)(3) thereof, the following has occurred of record.

An Initial Appearance on the Rule 5 Complaint from District of Columbia was held on April 23, 2021.

After hearing the evidence, and based on the defendant's waiver of identity hearing, I find that Kenneth Kelly is the person named in the warrant for arrest.

It is, therefore,

ORDERED that Kenneth Kelly be held to answer in the district court in which the prosecution is pending.

DONE and **ORDERED** in Ocala, Florida, on April 23, 2021.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
United States Marshal
United States Pretrial Services

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

Golden-Collum Memorial Federal Building & U.S. Courthouse
207 NW Second Street
Ocala, Florida 34475
(352) 369-4860

Elizabeth M. Warren
Clerk of Court

Lisa Fannin
Division Manager

April 26, 2021

UNITED STATES OF AMERICA

v

CASE NO: 5:21-MJ-1076-PRL

KENNETH KELLY

NOTICE OF SURRENDERED U.S. PASSPORT

To: U.S. Department of State
CA/PPT/L/LA
44132 Mercure Circle
PO Box 1227
Sterling, VA 20166-1227

PURSUANT to the Court's order entered on April 23, 2021 in the above styled case, the Defendant's passport, **Number 666540977** was surrendered to the custody of the Clerk of Court on April 26, 2021. The defendant is not permitted to apply for the issuance of another passport during the pendency of this action.

Defendant's date of birth:	January 13, 1963
Defendant's place of birth:	Arkansas, United States of America
Passport received from:	Kenneth Farrel Kelly
Passport issued to:	Kenneth Farrel Kelly
Date of issuance:	April 6, 2021

ELIZABETH M. WARREN, CLERK

By Melanie L. Sanders
Melanie L. Sanders, Deputy Clerk

c: Counsel and Unrepresented Defendant
Pretrial Services (if before Judgment)
Probation Office (if after Judgment)
Appropriate Agency Listed Above
Passport Coordinator

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

Golden-Collum Memorial Federal Building & U.S. Courthouse
207 NW Second Street
Ocala, Florida 34475
(352) 369-4860

Elizabeth M. Warren
Clerk of Court

Lisa Fannin
Division Manager

April 27, 2021

UNITED STATES OF AMERICA

vs.

**Our Case No. 5:21-mj-1076-PRL
Your Case No. 1:21-mj-00389**

KENNETH KELLY

**NOTICE OF TRANSFERRING SURRENDERED PASSPORT
TO ANOTHER DISTRICT**

PURSUANT to the Court's order entered in the above Middle District of Florida styled case, the Defendant's passport was surrendered to the custody of the Clerk of Court. The defendant was ordered to appear in the District of Columbia where the prosecution is pending. The passport is therefore transmitted to your district.

ELIZABETH M. WARREN, CLERK

By *Mari Jo Taylor*
Mari Jo Taylor, Deputy Clerk

April 27, 2021

c: Passport file
U.S. Dept. of State

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BOND, CLOSED

**U.S. District Court
Middle District of Florida (Ocala)
CRIMINAL DOCKET FOR CASE #: 5:21-mj-01076-PRL All Defendants**

Case title: USA v. Kelly
Other court case number: 1:21-mj-00389 District of Columbia

Date Filed: 04/23/2021
Date Terminated: 04/23/2021

Assigned to: Magistrate Judge Philip R.
Lammens

Defendant (1)

Kenneth Kelly
TERMINATED: 04/23/2021

represented by **George E. Tragos**
TRAGOS, SARTES & TRAGOS, PLLC
2363 Gulf to Bay Blvd., Suite 100
Clearwater, FL 33765
727/441-9030
Fax: 727/441-9254
Email: george@greeklaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

18:1752.P RESTRICTED BUILDING OR
GROUNDS (knowingly entering or
remaining in any restricted building or
grounds without lawful authority),
18:1752.P RESTRICTED BUILDING OR
GROUNDS (disorderly and disruptive
conduct in a restricted building or grounds),

Disposition

40:5104E.M VIOLENT ENTRY AND
DISORDERLY CONDUCT ON CAPITOL
GROUNDS (disorderly conduct on Capitol
grounds), 40:5104E.M VIOLENT ENTRY
AND DISORDERLY CONDUCT ON
CAPITOL GROUNDS (parading,
demonstrating, or picketing in a Capitol
building)

Plaintiff

USA

represented by **William Stephen Hamilton**
US Attorney's Office - FLM
Suite 300
35 SE 1st Ave
Ocala, FL 34471
352-547-3600
Email: william.s.hamilton@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Docket Text
04/23/2021	1	Arrest pursuant to Rule 5(c)(2) of Kenneth Kelly from the District of Columbia. (MJT) (Entered: 04/23/2021)
04/23/2021	2	Minute Entry for In Person proceedings held before Magistrate Judge Philip R. Lammens: INITIAL APPEARANCE in Rule 5(c)(3) proceedings held on 4/23/2021 as to Kenneth Kelly from the District of Columbia. (DIGITAL) (MJT) (Entered: 04/23/2021)
04/23/2021	3	WAIVER of Rule 5 & 5.1 Hearings hearing by Kenneth Kelly. (MJT) (Entered: 04/23/2021)
04/23/2021	4	ORDER as to Kenneth Kelly: Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland, 373 U.S. 83 (1963), and its progeny and orders the United States to do so. Failing to do so in a timely manner may result in consequences, including exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, and sanctions. Signed by Magistrate Judge Philip R. Lammens on 4/23/2021. (MJT) (Entered: 04/23/2021)
04/23/2021	5	APPEARANCE BOND entered as to Kenneth Kelly. Signed by Magistrate Judge Philip R. Lammens on 4/23/2021. (MJT) (Entered: 04/23/2021)
04/23/2021	6	ORDER Setting Conditions of Release. Signed by Magistrate Judge Philip R. Lammens on 4/23/2021. (MJT) (Entered: 04/23/2021)
04/23/2021	7	ORDER OF REMOVAL pursuant to Rule 5(c)(3) to the District of Columbia as to Kenneth Kelly. Signed by Magistrate Judge Philip R. Lammens on 4/23/2021. (MJT) (Entered: 04/23/2021)
04/23/2021		NOTICE to District of Columbia of a Rule 5 or Rule 32 Initial Appearance as to Kenneth Kelly regarding your case number: 1:21-mj-00389. Using your PACER account, you may retrieve the docket sheet and any documents via the case number link. No documents/record will be sent. If you require certified copies of any documents please send a request to

		InterdistrictTransfer_FLMD@flmd.uscourts.gov. If you wish the court to use a different email address in the future, please send a request to update your address to InterdistrictTransfer_TXND@txnd.uscourts.gov. (MJT) (Entered: 04/23/2021)
04/26/2021	8	Receipt for Surrender of Passport as to Kenneth Kelly Passport Number 666540977 issued by United States of America. (A copy of the Surrender of Passport receipt provided in person to the defendant.) (MLS) (Entered: 04/26/2021)
04/27/2021	9	TRANSFER of passport number 666540977 to the District of Columbia as to Kenneth Kelly. (Country: USA.) (MJT) (Entered: 04/27/2021)