

**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. :

**GOVERNMENT’S NOTICE OF FILING OF EXHIBITS
PURUSANT TO LOCAL CRIMINAL RULE 49**

The United States of America, through the undersigned, hereby gives this notice pursuant to Local Criminal Rule 49, of the following exhibits that were provided to the Court and defense counsel on November 29, 2022 via USAfx, in relation to Defendant’s Motion in Limine (ECF No. 50), Motion in Limine to Exclude Evidence Concerning Conduct by Others Than Defendant (ECF No. 51), and Motion to Suppress Statements and Evidence (ECF No. 56), and Government’s Responses to said motions, ECF Nos. 67-69. Because the exhibits are video clips and an audio record of Defendant’s custodial interview, they are not in a format that readily permits electronic filing on CM/ECF.

The proposed exhibits are as follows:

1. Government Exhibit 1 is a video clip recovered as part of evidence recovered by the Federal Bureau of Investigation on a consent search of Defendant’s Samsung Galaxy S10E cellular phone. The events depicted are inside the Capitol on January 6, 2021. The video clip is approximately 44 seconds.

2. Government Exhibit 2 is an open source video posted to a Twitter account, Twitter | gracyn_forever 5ff93adc86c51.video.mp4 (“Kelly Twitter video”), <https://archive.org/download/nmu9xcmP9bo57SEGH/nmu9xcmP9bo57SEGH.mpeg4d>, that was

recorded inside the Capitol on January 6, 2021. The video clip is approximately 36 seconds.

3. Government Exhibit 3 is an open source video recording from a LifeSitenews.com interview of Leo Kelly (January 6, 2021). The video recording of Defendant's interview, LifeSitenews.com, Exclusive: Man who entered Capitol tells his story to LifeSiteNews (Jan. 6, 2021), <https://www.lifesitenews.com/episodes/exclusive-man-who-stormed-capitol-tells-his-story-to-lifesitenews/>), is no longer available on the website. LifeSitenews.com broadcast the recording on January 6, 2021 after the Capitol siege and riot. The video recording is approximately 7 minutes and 4 seconds.

4. Government Exhibit 4 is an extended clip of Government Exhibit 3 which was recorded and originally broadcast on January 6, 2021. On January 8, 2021, LifeSitenews.com broadcast the extended clip. The video clip is approximately 1 minute and 16 seconds.

5. Government Exhibit 5 is an audio recording of the January 18, 2021 custodial interview conducted by Federal Bureau of Investigation agents of Defendant. The audio recording is approximately 2 hours, 2 minutes, and 35 seconds.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that on November 29, 2022, I, the undersigned Assistant United States Attorney, served on copy of the foregoing Notice of Filing Exhibits via CM/ECF on the counsels of record in this action.

By: /s/ *Michael G. James*
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