

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

<b>UNITED STATES OF AMERICA,</b>	:	
	:	
v.	:	<b>CASE NO. 1:21-cr-00708-RCL-1</b>
	:	
<b>LEO CHRISTOPHER KELLY,</b>	:	
	:	
<b>Defendant.</b>	:	

**GOVERNMENT’S MOTION FOR STATUS CONFERENCE AND TO TOLL  
SPEEDY TRIAL ACT**

The United States of America, by and through the United States Attorney for the District of Columbia, moves the Court for an order setting a status conference and in the event the status conference is set after January 17, 2023, to toll speedy trial until the date of the status conference, and in support thereof state:

Leo Christopher Kelly, the defendant, is charged in an indictment with violating 18 U.S.C. § 1512(c)(2) (Obstruction of an Official Proceeding) (Count One), 18 U.S.C. § 1752(a)(1) (Entering and Remaining in a Restricted Building or Grounds) (Count Two), 18 U.S.C. § 1752(a)(2) (Disorderly and Disruptive Conduct in a Restricted Building or Grounds) (Count Three), 40 U.S.C. § 5104(e)(2)(A) (Entering and Remaining on the Floor of Congress)(Count Four), 40 U.S.C. § 5104(e)(2)(C) (Entering and Remaining in Certain Rooms in the Capitol Building)(Count Five), 40 U.S.C. § 5104(e)(2)(D) (Disorderly Conduct in a Capitol Building) (Count Six), and 40 U.S.C. § 5104(e)(2)(G) (Parading, Demonstrating, or Picketing in a Capitol Building) (Count Seven). ECF 27.

On August 9, 2022, the Court approved and issued a scheduling order, which established various pretrial dates and set a trial date to commence on January 17, 2023. ECF 45.

On November 22, 2022, the Court issued an order vacating the December 14, 2022 pretrial hearing, the January 9, 2023 pretrial conference, and the January 17, 2023 trial date. The Court's order left intact the other pretrial deadlines but is silent as to when the trial will commence. Therefore, the government moves the Court to set a status conference to discuss the schedule in this case. If the Court grants the motion and sets the conference after January 17, 2023, the government requests the tolling of time under 18 U.S.C. § 3161(h)(7), the Speedy Trial Act, until the date of the status conference in that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. Counsel for the defendant does not object to this motion.

Respectfully submitted,

MATTHEW M. GRAVES  
United States Attorney  
DC Bar No. 481052

By: */s/ Michael G. James*  
MICHAEL G. JAMES  
Assistant United States Attorney  
N.Y. Reg. No. 2481414  
Office of the United States Attorney  
Eastern District of North Carolina  
(on detail to the USAO-D.C.)  
150 Fayetteville Street, Suite 2100  
Raleigh, NC 27601  
Mike.James@usdoj.gov  
Telephone: (919) 856-4530

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned counsel for the United States served a copy of the foregoing motion upon counsel for Defendant in this action via the Court's CM/ECF addressed to:

LAW OFFICE OF KIRA WEST  
Kira Anne West  
712 H St, NE  
Unit 509  
Washington, DC 20002

By: */s/ Michael G. James*  
MICHAEL G. JAMES  
Assistant United States Attorney  
N.Y. Reg. No. 2481414  
Office of the United States Attorney  
Eastern District of North Carolina  
(on detail to the USAO-D.C.)  
150 Fayetteville Street, Suite 2100  
Raleigh, NC 27601  
Mike.James@usdoj.gov  
Telephone: (919) 856-4530