

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

<b>UNITED STATES OF AMERICA,</b>	:	
	:	
<b>v.</b>	:	<b>Case No. 1:21-Cr-00708-Rcl-1</b>
	:	
<b>LEO CHRISTOPHER KELLY,</b>	:	
	:	
<b>Defendant.</b>	:	

**GOVERNMENT’S MOTION TO EXTEND  
TIME TO FILE JOINT PRETRIAL STATEMENT**

The United States of America, by and through the United States Attorney for the District of Columbia, moves the Court for a one-day extension of time from January 2, 2023, to January 3, 2023, to file the joint pretrial statement, and in support thereof shows unto the Court:

The 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 on January 6, 2021. The defendant has pleaded not guilty.

On August 9, 2022, the Court approved and issued a scheduling order, which established various pretrial dates. ECF 45. Relevant here, the Pretrial Order set January 2, 2023 as the date the parties were required to file the Joint Pretrial Statement. *Id.*

**BASIS FOR EXTENSION OF TIME**

The parties have conferred on the Joint Pretrial Statement. The parties have exchanged draft witness lists and jury instructions. The defendant also provided a draft exhibit list and stated that defendant could complete the process today, January 2, 2023. The government has filed this motion for a short extension of time to complete its obligations under the Pretrial Order to provide defendant with the government's exhibit list as part of the Joint Pretrial Statement. The defendant does not object to the government's motion.<sup>1</sup>

Respectfully submitted,

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

*/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

---

<sup>1</sup> The government has filed this motion out of an abundance of caution. Monday, January 2, 2023, is a federal holiday and per Rule 45(a)(1)(C) of the Federal Rules Criminal Procedures, the joint pretrial statement is due the next day that is not a Saturday, Sunday, or legal holiday, here January 3, 2023. *See* Fed. R. Crim P. 45(a)(1)(C).

**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

*/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