

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

LEO CHRISTOPHER KELLY,

Defendant.

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Case No. 1:21-cr-00708-RCL-1

JOINT PRETRIAL STATEMENT

Pursuant to the Court’s August 9, 2022 Scheduling Order, ECF No. 45, the parties hereby jointly submit this Pretrial Statement.

A. Joint Statement of the Case

This is a criminal case. The United States has charged Leo Christopher Kelly with violating seven separate federal criminal laws based on his presence inside the U.S. Capitol on January 6, 2021. Specifically, the United States alleges that on January 6, 2021, Leo Christopher Kelly obstructed an official proceeding; unlawfully entered and remained on restricted grounds and in the U.S. Capitol; unlawfully engaged in disorderly and disruptive conduct on restricted grounds and in the U.S. Capitol; unlawfully entered and remained on the floor of Congress; unlawfully entered and remained in a room in any of the Capitol Buildings set aside and designated for the use of either House of Congress and a Member, committee, officer and employee of Congress, and either House of Congress, and the Library of Congress, without authorization to do so; willfully and knowingly engaged in disorderly and disruptive conduct within the United States Capitol Grounds and in any of the Capitol Buildings with the intent to impede, disrupt, and disturb the orderly conduct of a session of Congress and either House of Congress, and the orderly conduct in that building of a hearing before or any deliberation of, a committee of Congress or either House of Congress; and unlawfully paraded, demonstrated, and picketed. Mr. Kelly denies each charge.

Defendant's Version:

This is a criminal case entitled United States v. Leo Kelly. It arises out of the events at the U.S. Capitol on January 6, 2021. The government has alleged that Mr. Kelly committed seven crimes relating to Congress's meeting at the United States Capitol on January 6, 2021, to certify the Electoral College vote for president. First, he is charged with obstructing an official proceeding for allegedly interfering with Congress's meeting. Second, he is charged with entering and remaining in a restricting building or grounds. Third, he is charged with disorderly and disruptive conduct in a restricted building or grounds. Fourth, he is charged with entering and remaining on the floor of Congress. Fifth, he is charged with entering and remaining in certain rooms in the Capitol building set aside and designated for the use of either House of Congress and a Member, committee, officer and employee of Congress, and either House of Congress, and the Library of Congress, without authorization to do so. Sixth, he is charged with disorderly conduct in a Capitol Building. And seventh, he is charged with parading, demonstrating, or picketing in a Capitol Building. Mr. Kelly has pleaded not guilty to all charges. Mr. Kelly maintains that he did not intend to go into the Capitol on January 6, 2021 until he was invited in by President Trump. Further, Mr. Kelly maintains that he did not intend to disrupt or obstruct the vote on Congress on January 6, 2021. Mr. Kelly believed at the time he entered the Capitol that the doors were opened by police officers with authority to let him in. Mr. Kelly maintains that he acted in a respectful manner at all times while in and around the Capitol.

B. Proposed Voir Dire Questions

The parties' jointly proposed voir dire questions are set forth in Exhibit 1. The parties are not in full agreement on Exhibit 1. The defendant's requested voir dire questions are noted separately.

C. Proposed Jury Instructions

The parties' jointly proposed jury instructions are set forth in Exhibit 2. The parties are not in full agreement on Exhibit 2.

D. List of Witnesses

The parties' witness lists are attached as Exhibits 3 and 4.

E. List of Exhibits

The parties' exhibit lists are attached as Exhibits 5 and 6.

F. Stipulations

The parties have reached stipulations, attached as Exhibit 7. The parties will continue discussing additional stipulations and will continue working toward agreement where possible.

G. Proposed Verdict Form

A proposed verdict form is attached as Exhibit 8.

Dated: January 3, 2023

FOR THE DEFENDANT

LEO CHRISTOPHER KELLY
Defendant

s/
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