

APPEAL,CAT B,CLOSED

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00708-RCL-1**

Case title: USA v. KELLY

Magistrate judge case number: 1:21-mj-00093-ZMF

Date Filed: 12/03/2021

Assigned to: Judge Royce C.
Lamberth

Defendant (1)

LEO CHRISTOPHER KELLY

represented by **Kira Anne West**
LAW OFFICE OF KIRA WEST
712 H St, NE
Unit 509
Washington, DC 20002
(202) 236-2042
Email: kiraannewest@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Nicole Ann Cubbage
LAW OFFICE OF NICOLE CUBBAGE
712 H. Street NE
Unit 570
Washington, DC 20002
703-209-4546
Email: cubbagelaw@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

18:1512(c)(2); TAMPERING
WITH A WITNESS, VICTIM OR
INFORMANT; Obstruction of an
Official Proceeding
(1)

18:1752(a)(1); TEMPORARY
RESIDENCE OF THE
PRESIDENT; Entering and
Remaining in a Restricted Building

Disposition

JURY VERDICT OF GUILTY. Defendant
sentenced to thirty (30) months of incarceration,
thirty-six (36) months of supervised release, \$100
special assessment, \$5,000 fine and \$2,000
restitution

JURY VERDICT OF GUILTY. Defendant
sentenced to twelve (12) months of incarceration to
run concurrently, thirty-six (36) months of
supervised release to run concurrently, \$25 special

or Grounds
(2)

18:1752(a)(2); TEMPORARY
RESIDENCE OF THE
PRESIDENT; Disorderly and
Disruptive Conduct in a Restricted
Building or Grounds
(3)

40:5104(e)(2)(A); VIOLENT
ENTRY AND DISORDERLY
CONDUCT ON CAPITOL
GROUNDS; Entering and
Remaining on the Floor of
Congress
(4)

40:5104(e)(2)(C); VIOLENT
ENTRY AND DISORDERLY
CONDUCT ON CAPITOL
GROUNDS; Entering and
Remaining in Certain Rooms in
the Capitol Building
(5)

40:5104(e)(2)(D); VIOLENT
ENTRY AND DISORDERLY
CONDUCT ON CAPITOL
GROUNDS; Disorderly Conduct
in a Capitol Building
(6)

40:5104(e)(2)(G); VIOLENT
ENTRY AND DISORDERLY
CONDUCT ON CAPITOL
GROUNDS; Parading,
Demonstrating, or Picketing in a
Capitol Building
(7)

assessment, \$5,000 fine and \$2,000 restitution

JURY VERDICT OF GUILTY. Defendant
sentenced to twelve (12) months of incarceration to
run concurrently, thirty-six (36) months of
supervised release to run concurrently, \$25 special
assessment, \$5,000 fine and \$2,000 restitution

JURY VERDICT OF GUILTY. Defendant
sentenced to six (6) months of incarceration to run
concurrently, \$10 special assessment, \$5,000 fine
and \$2,000 restitution

JURY VERDICT OF GUILTY. Defendant
sentenced to six (6) months of incarceration to run
concurrently, \$10 special assessment, \$5,000 fine
and \$2,000 restitution

JURY VERDICT OF GUILTY. Defendant
sentenced to six (6) months of incarceration to run
concurrently, \$10 special assessment, \$5,000 fine
and \$2,000 restitution

JURY VERDICT OF GUILTY. Defendant
sentenced to six (6) months of incarceration to run
concurrently, \$10 special assessment, \$5,000 fine
and \$2,000 restitution

Highest Offense Level (Opening)

Felony

Terminated Counts

None

**Highest Offense Level
(Terminated)**

None

Disposition

Complaints

COMPLAINT in Violation of
18:1752(a)(1) and (2),
40:5104(e)(2)(A), (C) and (G).

Disposition**Plaintiff**

USA

represented by **Ashley Akers**
DOJ-CIV
Commercial Litigation Branch
1100 L Street Northwest
Washington, DC 20530
(202) 353-0521
Email: ashley.akers@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

Gregory Paul Rosen
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-6932
Fax: (202) 514-9155
Email: gregory.rosen@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

Michael Gordon James
DOJ-USAO
Terry Sanford Federal Building
310 New Bern Avenue
Suite 800
Raleigh, NC 27601-1461
919-856-4530
Email: mike.james@usdoj.gov
TERMINATED: 05/19/2023
Designation: Assistant U.S. Attorney

Date Filed	#	Docket Text
01/16/2021	<u>1</u>	COMPLAINT as to LEO CHRISTOPHER KELLY (1). (Attachments: # <u>1</u> Statement of Facts) (zhsj) [1:21-mj-00093-ZMF] (Entered: 01/18/2021)
01/18/2021		Arrest of LEO CHRISTOPHER KELLY in US District Court for the Northern District of Iowa. (bb) [1:21-mj-00093-ZMF] (Entered: 01/27/2021)
01/27/2021	<u>3</u>	Rule 5(c)(3) Documents Received as to LEO CHRISTOPHER KELLY from US District Court for the Northern District of Iowa Case Number 21-mj-7 MAR (bb) (Main Document 3 replaced on 2/4/2021) (bb). [1:21-mj-00093-ZMF] (Entered: 01/27/2021)

		01/27/2021)
02/08/2021	<u>5</u>	NOTICE OF ATTORNEY APPEARANCE: Kira Anne West appearing for LEO CHRISTOPHER KELLY (West, Kira) [1:21-mj-00093-ZMF] (Entered: 02/08/2021)
02/09/2021	<u>10</u>	Arrest Warrant, dated 1/16/2021, returned executed in the U.S. District Court for the District of Columbia on 2/9/2021 as to Defendant LEO CHRISTOPHER KELLY. (kk) (bb). [1:21-mj-00093-ZMF] (Entered: 03/16/2021)
02/09/2021		JOINT ORAL MOTION by Defendant LEO CHRISTOPHER KELLY and USA to Exclude Time Under the Speedy Trial Act from 2/9/2021 to 3/8/2021. (kk) [1:21-mj-00093-ZMF] (Entered: 03/16/2021)
02/09/2021		Minute Entry for Initial Appearance as to LEO CHRISTOPHER KELLY held by video before Magistrate Judge Robin M. Meriweather on 2/9/2021 : The Court advised the Government of its due process obligations under Rule 5(f). The defendant agreed to appear by video. Preliminary Hearing waived by the defendant; probable cause not contested. Status Hearing set before Magistrate Judge Zia M. Faruqui on 3/8/2021 at 1:00 pm by telephonic/VTC. Joint Oral Motion by Defendant and USA to Exclude Time Under the Speedy Trial Act from 2/9/2021 to 3/8/2021, heard and granted in the interest of justice. Bond Status of Defendant: Defendant placed on Personal Recognizance Bond. Court Reporter: FTR Gold – Ctrm. 24A; FTR Time Frames: 1:38:31 – 1:52:58 and 1:53:14 – 2:10:20. Defense Attorney: Kira Anne West; U.S. Attorney: Kenya Davis; Pretrial Officer: Andre Sidbury. (kk) [1:21-mj-00093-ZMF] (Entered: 03/16/2021)
02/16/2021	<u>7</u>	ORDER Setting Conditions of Release as to LEO CHRISTOPHER KELLY (1) Personal Recognizance. Signed by Magistrate Judge Robin M. Meriweather on 2/16/2021. (ztl) (Additional attachment(s) added on 4/22/2021: # <u>1</u> Appearance Bond) (zkk). [1:21-mj-00093-ZMF] (Entered: 02/16/2021)
03/05/2021	<u>8</u>	Consent MOTION to Continue by USA as to LEO CHRISTOPHER KELLY. (Davis, Kenya) [1:21-mj-00093-ZMF] (Entered: 03/05/2021)
03/08/2021	<u>9</u>	ORDER granting <u>8</u> Motion to Continue Preliminary Hearing as to LEO CHRISTOPHER KELLY (1). Preliminary Hearing set for 4/8/2021 at 10:30 AM by Telephonic/VTC before Magistrate Judge G. Michael Harvey. Signed by Magistrate Judge Zia M. Faruqui on 3/8/21. (ztl) [1:21-mj-00093-ZMF] (Entered: 03/08/2021)
04/05/2021	<u>11</u>	Consent MOTION to Continue <i>Preliminary hearing</i> by USA as to LEO CHRISTOPHER KELLY. (Attachments: # <u>1</u> Text of Proposed Order)(Davis, Kenya) [1:21-mj-00093-ZMF] (Entered: 04/05/2021)
04/05/2021	<u>12</u>	ORDER Granting <u>11</u> Consent MOTION to Continue Preliminary hearing by USA as to LEO CHRISTOPHER KELLY (1). Time between 4/8/2021 and 5/10/2021 (32 Days) shall be excluded from calculation under the Speedy Trial Act in the interest of justice X–T. Preliminary Hearing continued to 5/10/2021 at 10:30 AM in Telephonic/VTC before Magistrate Robin M. Meriweather. Signed by Magistrate Judge G. Michael Harvey on 4/5/2021. (zpt) Modified Judge on 5/7/2021 (zpt). [1:21-mj-00093-ZMF] (Entered: 04/05/2021)
04/12/2021		RESOLVED...NOTICE of Provisional/Government Not Certified Status re <u>11</u> Consent MOTION to Continue <i>Preliminary hearing</i> by USA as to LEO CHRISTOPHER KELLY. (Attachments: # <u>1</u> Text of Proposed Order)(Davis,

		<p>Kenya). Your attorney renewal/government certification has not been received. As a result, your membership with the U.S. District & Bankruptcy Courts for the District of Columbia is not in good standing, and you are not permitted to file. Pursuant to Local Criminal Rule 57.21.1, you must immediately correct your membership status by following the appropriate instructions on this page of our website: https://www.dcd.uscourts.gov/attorney-admissions-and-renewal-information.</p> <p>Please be advised that the presiding judge in this case has been notified that you are currently not in good standing to file in this court. Renewal Due by 4/19/2021. (znmw) Modified on 5/13/2021 (znmw). [1:21-mj-00093-ZMF] (Entered: 04/12/2021)</p>
05/07/2021	<u>13</u>	Consent MOTION to Continue by USA as to LEO CHRISTOPHER KELLY. (Davis, Kenya) [1:21-mj-00093-ZMF] (Entered: 05/07/2021)
05/10/2021	<u>14</u>	ORDER granting <u>13</u> Motion to Continue Status Hearing as to LEO CHRISTOPHER KELLY (1). Status Hearing continued to 7/6/2021 at 1:00 PM by Telephonic/VTC before Magistrate Judge G. Michael Harvey. Signed by Magistrate Judge Robin M. Meriweather on 5/10/2021. (ztl) [1:21-mj-00093-ZMF] (Entered: 05/11/2021)
07/06/2021		ORAL MOTION for Speedy Trial Waiver by USA as to LEO CHRISTOPHER KELLY (1). (zpt) [1:21-mj-00093-ZMF] (Entered: 07/07/2021)
07/06/2021		Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: VTC Status Hearing as to LEO CHRISTOPHER KELLY (1) held on 7/6/2021. Oral Motion by the Government for Speedy Trial Waiver as to LEO CHRISTOPHER KELLY (1) Heard and Granted. Time between 7/6/2021 and 8/9/2021 (34 Days) shall be excluded from calculation under the Speedy Trial Act in the interest of justice X-T. Status Hearing set for 8/9/2021 at 01:00 PM in Telephonic/VTC before Magistrate Judge Robin M. Meriweather. Bond Status of Defendant: Defendant Remains on Personal Recognizance; Court Reporter: FTR Gold FTR Time Frame: CTRM 6 [2:40:00-2:51:34]; Defense Attorney: Kira West; US Attorney: Kenya Davis; Pretrial Officer: Dashanta Valentine-Lewis; (zpt) [1:21-mj-00093-ZMF] (Entered: 07/07/2021)
08/04/2021	<u>16</u>	Consent MOTION to Continue by USA as to LEO CHRISTOPHER KELLY. (Davis, Kenya) [1:21-mj-00093-ZMF] (Entered: 08/04/2021)
08/05/2021	<u>17</u>	ORDER Granting <u>16</u> Consent MOTION to Continue by USA as to LEO CHRISTOPHER KELLY (1). Time between 8/9/2021 and 9/9/2021 (31 Days) shall be excluded from calculation under the Speedy Trial Act in the interest of justice X-T. Status Hearing continued to 9/9/2021 at 01:00 PM in Telephonic/VTC before Magistrate Judge Zia M. Faruqui. Signed by Magistrate Judge Robin M. Meriweather on 8/5/2021. (zpt) [1:21-mj-00093-ZMF] (Entered: 08/06/2021)
08/23/2021	<u>18</u>	NOTICE of discovery letter by LEO CHRISTOPHER KELLY (Attachments: # <u>1</u> Notice to Counsel/Party, # <u>2</u> Notice to Counsel/Party)(West, Kira) [1:21-mj-00093-ZMF] (Entered: 08/23/2021)
09/09/2021		ORAL MOTION for Speedy Trial by USA as to LEO CHRISTOPHER KELLY. (ztl) [1:21-mj-00093-ZMF] (Entered: 09/10/2021)
09/09/2021		ORAL MOTION to Continue by LEO CHRISTOPHER KELLY. (ztl) [1:21-mj-00093-ZMF] (Entered: 09/10/2021)

09/09/2021		Minute Entry for proceedings held before Magistrate Judge Zia M. Faruqui: Status Hearing as to LEO CHRISTOPHER KELLY held on 9/9/2021. Defendant present by video. Oral Motion to Continue Status Hearing by LEO CHRISTOPHER KELLY (1); heard and granted. Oral Motion by the Government for Speedy Trial as to LEO CHRISTOPHER KELLY (1); heard and granted. Speedy Trial Excluded from 9/9/2021 to 11/17/2021 in the Interest of Justice (XT). Status Hearing continued to 11/17/2021 at 1:00 PM by Telephonic/VTC before Magistrate Judge Robin M. Meriweather. Bond Status of Defendant: Defendant Remain on Personal Recognizance; Court Reporter: FTR-Gold; FTR Time Frame: Ctrm 4: [1:40:03-1:44:59]; Defense Attorney: Kira West; US Attorney: Kenya Davis; Pretrial Officer: Christine Schuck. (ztl) [1:21-mj-00093-ZMF] (Entered: 09/10/2021)
11/15/2021	<u>20</u>	Consent MOTION to Continue by USA as to LEO CHRISTOPHER KELLY. (Davis, Kenya) [1:21-mj-00093-ZMF] (Entered: 11/15/2021)
11/15/2021	<u>21</u>	NOTICE OF FILING by USA as to LEO CHRISTOPHER KELLY (Attachments: # <u>1</u> UNITED STATES MEMORANDUM REGARDING STATUS OF DISCOVERY AS OF JULY 12, 2021, # <u>2</u> Exhibit EXHIBIT A, # <u>3</u> UNITED STATES MEMORANDUM REGARDING STATUS OF DISCOVERY AS OF AUGUST 23, 2021, # <u>4</u> UNITED STATES MEMORANDUM REGARDING STATUS OF DISCOVERY AS OF SEPTEMBER 14, 2021, # <u>5</u> UNITED STATES MEMORANDUM REGARDING STATUS OF DISCOVERY AS OF OCTOBER 21, 2021)(James, Michael) [1:21-mj-00093-ZMF] (Entered: 11/15/2021)
11/16/2021	<u>22</u>	ORDER Granting <u>20</u> Consent MOTION to Continue by USA as to LEO CHRISTOPHER KELLY (1). Time between 11/17/2021 and 12/16/2021 (30 Days) shall be excluded from calculation under the Speedy Trial Act in the interest of justice X-T. Status Hearing continued to 12/16/2021 at 01:00 PM in Telephonic/VTC before Magistrate Judge Zia M. Faruqui. Signed by Magistrate Judge Robin M. Meriweather on 11/16/2021. (zpt) [1:21-mj-00093-ZMF] (Entered: 11/17/2021)
11/29/2021	<u>23</u>	NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney James, Michael Gordon added. (James, Michael) [1:21-mj-00093-ZMF] (Entered: 11/29/2021)
11/29/2021	<u>24</u>	Unopposed MOTION for Protective Order <i>GOVERNING DISCOVERY</i> by USA as to LEO CHRISTOPHER KELLY. (Attachments: # <u>1</u> Text of Proposed Order)(James, Michael) [1:21-mj-00093-ZMF] (Entered: 11/29/2021)
11/29/2021	<u>25</u>	Unopposed MOTION for Disclosure <i>ITEMS PROTECTED BY FEDERAL RULE OF CRIMINAL PROCEDURE 6(e) AND SEALED MATERIALS</i> by USA as to LEO CHRISTOPHER KELLY. (Attachments: # <u>1</u> Text of Proposed Order)(James, Michael) [1:21-mj-00093-ZMF] (Entered: 11/29/2021)
11/30/2021	<u>26</u>	PROTECTIVE ORDER setting forth procedures for handling confidential material; allowing designated material to be filed under seal as to LEO CHRISTOPHER KELLY (1). Signed by Magistrate Judge Robin M. Meriweather on 11/30/2021. (zpt) [1:21-mj-00093-ZMF] (Entered: 12/01/2021)
12/02/2021		MINUTE ORDER (paperless) as to LEO KELLY, GRANTING the government's <u>25</u> Unopposed Motion for an Order to Disclose Items Protected by Federal Rule of Criminal Procedure 6(e) and Sealed Materials and AUTHORIZING the government, pursuant to Federal Rule of Criminal Procedure 6(e)(3)(E)(i) and the previously entered protective order governing discovery in this case, to provide to defendants, and any co-defendants who may later be joined, materials protected by Federal Rule

		of Criminal Procedure 6(e), insofar as such disclosure is necessary for the government to comply with its discovery and disclosure obligations. Signed by Chief Judge Beryl A. Howell on December 2, 2021. (lcbah4) [1:21-mj-00093-ZMF] (Entered: 12/02/2021)
12/03/2021	<u>27</u>	INDICTMENT as to LEO CHRISTOPHER KELLY (1) count(s) 1, 2, 3, 4, 5, 6, 7. (zstd) (Entered: 12/06/2021)
12/07/2021		MINUTE ORDER as to Defendant LEO CHRISTOPHER KELLY : The hearing currently scheduled for December 16, 2021 at 1 p.m. before Magistrate Judge Zia M. Faruqui is hereby VACATED, as the Defendant has had an initial appearance in this jurisdiction; has had counsel appointed; has been released on conditions; and has been charged by Indictment. As such, there are no pending matters necessitating action by a magistrate judge. The parties are directed to contact Judge Royce C. Lamberth, the assigned District Judge, to schedule a status hearing and an arraignment, if one has not yet been set. The parties are instructed to address any requests to toll the Speedy Trial Act to the assigned District Judge; So Ordered by Magistrate Judge Zia M. Faruqui on 12/7/2021. (kk) (Entered: 12/07/2021)
12/08/2021	<u>29</u>	Unopposed MOTION to Continue <i>TO SET DEFENDANTS INITIAL APPEARANCE ON THE INDICTMENT, TO SET A DATE FOR A STATUS HEARING, AND TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT</i> by USA as to LEO CHRISTOPHER KELLY. (Attachments: # <u>1</u> Text of Proposed Order)(James, Michael) Modified on 4/25/2023 (zsmc). (Entered: 12/08/2021)
12/08/2021	30	MOTION to Set Status Hearing and MOTION to Exclude Time Under the Speedy Trial Act by USA as to LEO CHRISTOPHER KELLY. (See DE <u>29</u> to view document). (bb) Modified on 4/25/2023 (zsmc). (Entered: 12/14/2021)
12/09/2021		MINUTE ORDER as to LEO CHRISTOPHER KELLY: Arraignment set for 12/20/2021 at 02:30 PM by VTC before Judge Royce C. Lamberth. Signed by Judge Royce C. Lamberth on 12/9/2021. (lcrcl2) (Entered: 12/09/2021)
12/10/2021		MINUTE ORDER as to LEO CHRISTOPHER KELLY: In light of Defense Counsel's unavailability, the Arraignment set for 12/20/2021 is vacated and reset for 12/21/2021 at 11:00 AM by VTC before Judge Royce C. Lamberth. SO ORDERED by Judge Royce C. Lamberth on 12/10/21. (lsj) (Entered: 12/10/2021)
12/21/2021		Minute Entry for video Arraignment held before Judge Royce C. Lamberth as to LEO CHRISTOPHER KELLY on 12/21/21. Defendant arraigned and enters a Plea of Not Guilty as to Counts 1–7 on the Indictment and waives the formal reading. Status Conference set for 2/25/2022 at 1:15 PM by VTC before Judge Royce C. Lamberth. The Court finds it in the interest of justice to toll the speedy trial clock from 12/21/2021 through 2/25/2022. Bond Status of Defendant: remains on personal recognizance; Court Reporter: Jeff Hook; Defense Attorney: Kira Anne West; US Attorney: Michael Gordon James. (lsj) (Entered: 12/21/2021)
01/03/2022	<u>32</u>	NOTICE OF ATTORNEY APPEARANCE: Kira Anne West appearing for LEO CHRISTOPHER KELLY <i>Nicole Cabbage as co-counsel</i> (West, Kira) (Entered: 01/03/2022)
02/09/2022	<u>33</u>	Unopposed MOTION to Continue <i>status hearing feb 25</i> by LEO CHRISTOPHER KELLY. (West, Kira) (Entered: 02/09/2022)
02/10/2022	<u>34</u>	

		NOTICE OF FILING MEMORANDA REGARDING STATUS OF DISCOVERY AS OF FEBRUARY 9, 2022 by USA as to LEO CHRISTOPHER KELLY (Attachments: # <u>1</u> Memorandum in Support)(James, Michael) (Entered: 02/10/2022)
02/10/2022	<u>35</u>	ORDER granting <u>33</u> Motion to Continue as to LEO CHRISTOPHER KELLY (1); Set/Reset Hearings as to LEO CHRISTOPHER KELLY: Status Conference set for 3/11/2022 at 01:45 PM EST by VTC before Judge Royce C. Lamberth. Signed by Judge Royce C. Lamberth on 2/10/2022. (lcrcl2) (Entered: 02/10/2022)
02/24/2022	<u>36</u>	NOTICE OF FILING DEFENDANT'S SIGNED ACKNOWLEDGEMENT OF THE PROTECTIVE ORDER by USA as to LEO CHRISTOPHER KELLY re <u>26</u> Protective Order, (Attachments: # <u>1</u> Exhibit)(James, Michael) (Entered: 02/24/2022)
03/11/2022		Minute Entry for proceedings held before Judge Royce C. Lamberth: Video Status Conference as to LEO CHRISTOPHER KELLY (1) held on 3/11/2022. The Court will Toll Speedy Trial between March 11, 2022 and May 19, 2022, in the Interest of Justice (XT). Excludable started as to LEO CHRISTOPHER KELLY (1). Motion due by 7/15/2022. Responses due by 8/1/2022. Reply due by 9/1/2022. Status Conference set for 5/19/2022 at 10:00 AM in Telephonic/VTC before Judge Royce C. Lamberth. Bond Status of Defendant: PERSONAL RECOGNIZANCE /appeared via Zoom video; Court Reporter: Cathryn Jones; Defense Attorney: Kira West; US Attorney: Michael James. (nbn) (Entered: 03/11/2022)
03/11/2022		Set/Reset Deadlines as to LEO CHRISTOPHER KELLY: Motions due by 7/15/2022. (nbn) (Entered: 03/11/2022)
05/18/2022		MINUTE ORDER: Status Conference reset for 5/25/2022 at 2:00 PM in VTC before Judge Royce C. Lamberth. Signed by Judge Royce C. Lamberth on 5/18/2022. (lcrcl2) (Entered: 05/18/2022)
05/18/2022		Set/Reset Hearings as to LEO CHRISTOPHER KELLY:Status Conference set for 5/25/2022 at 02:00 PM in Telephonic/VTC before Judge Royce C. Lamberth. (nbn) (Entered: 05/19/2022)
05/25/2022		Minute Entry for proceedings held before Judge Royce C. Lamberth: Video Status Conference as to LEO CHRISTOPHER KELLY (1) held on 5/25/2022. The Court will toll the Speedy Trial Clock between 5/25/2022 and 7/21/2022, in the Interest of Justice (XT). Excludable started as to LEO CHRISTOPHER KELLY (1). Status Conference set for 7/21/2022 at 12:45 PM in Telephonic/VTC before Judge Royce C. Lamberth. Bond Status of Defendant: remains on Personal Recognizance Bond /appeared via Zoom video; Court Reporter: Jeff Hook; Defense Attorney: Nicole Cubbage and Kira West; US Attorney: Michael James (nbn) (Entered: 05/25/2022)
07/14/2022	<u>39</u>	MOTION for Extension of Time to File by USA as to LEO CHRISTOPHER KELLY. (Attachments: # <u>1</u> Text of Proposed Order extend time to file motions in limine)(James, Michael) (Entered: 07/14/2022)
07/15/2022	<u>40</u>	NOTICE of scheduling order by LEO CHRISTOPHER KELLY (West, Kira) (Entered: 07/15/2022)
07/19/2022	<u>41</u>	ORDER: It is ORDERED that <u>39</u> Motion for Extension of Time to File is GRANTED. It is ORDERED that the deadline to file motions in limine is extended to a date the Court shall later establish in a separate order. Signed by Judge Royce C. Lamberth on 07/19/2022. (lcrcl2) (Entered: 07/19/2022)
07/21/2022		

		Minute Entry for video Status Conference held before Judge Royce C. Lamberth as to LEO CHRISTOPHER KELLY on 7/21/2022. Forthcoming Pretrial Order. The court finds it in the interest of justice to toll the speedy trial clock from 7/21/2022 through 7/31/2022. Bond Status of Defendant: remains of personal recognizance; Court Reporter: Sara Wick; Defense Attorneys: Kira Anne West and Nicole Ann Cubbage; US Attorney: Michael Gordon James. (lsj) (Entered: 07/21/2022)
07/27/2022	<u>43</u>	Joint MOTION proposed scheduling order by USA as to LEO CHRISTOPHER KELLY. (Attachments: # <u>1</u> Text of Proposed Order proposed scheduling order, # <u>2</u> Text of Proposed Order Speedy Trial Act)(James, Michael) (Entered: 07/27/2022)
07/27/2022	44	MOTION to Exclude Time Under The Speedy Trial Act by USA as to LEO CHRISTOPHER KELLY. (See docket entry <u>43</u> to view document.) (zstd) (Entered: 07/28/2022)
08/09/2022	<u>45</u>	ORDER: It is hereby ORDERED that <u>43</u> Joint Motion for Scheduling Order is GRANTED. See Order for details. Signed by Judge Royce C. Lamberth on 08/08/2022. (lcrcl2) (Entered: 08/09/2022)
08/09/2022	<u>46</u>	ORDER: It is hereby ORDERED that 44 Motion to Exclude is GRANTED. For good cause having been shown, the court grants the Parties motion to exclude time under the Speedy Trial Act on the basis that the ends of justice served by taking such actions outweigh the best interest of the public and the defendant in a speedy trial and any delay resulting from the court's consideration of the pending motion. The court tolls the speedy trial clock from 07/31/2022 to 12/13/2022. Signed by Judge Royce C. Lamberth on 08/08/2022. (lcrcl2) (Entered: 08/09/2022)
09/25/2022	<u>47</u>	NOTICE OF ATTORNEY APPEARANCE Ashley Akers appearing for USA. (Akers, Ashley) (Entered: 09/25/2022)
11/15/2022	<u>48</u>	MOTION to Change Venue by LEO CHRISTOPHER KELLY. (Attachments: # <u>1</u> Text of Proposed Order)(West, Kira) (Entered: 11/15/2022)
11/15/2022	<u>49</u>	MOTION in Limine <i>to limine out certain words</i> by LEO CHRISTOPHER KELLY. (Attachments: # <u>1</u> Text of Proposed Order)(West, Kira) (Entered: 11/15/2022)
11/15/2022	<u>50</u>	MOTION in Limine by LEO CHRISTOPHER KELLY. (Attachments: # <u>1</u> Text of Proposed Order)(West, Kira) (Entered: 11/15/2022)
11/15/2022	<u>51</u>	MOTION in Limine <i>acts of others</i> by LEO CHRISTOPHER KELLY. (Attachments: # <u>1</u> Text of Proposed Order)(West, Kira) (Entered: 11/15/2022)
11/15/2022	<u>52</u>	MOTION to Dismiss Case <i>charges under 1752</i> by LEO CHRISTOPHER KELLY. (Attachments: # <u>1</u> Text of Proposed Order)(West, Kira) (Entered: 11/15/2022)
11/15/2022	<u>53</u>	MOTION to Dismiss Case <i>as to 1512 count</i> by LEO CHRISTOPHER KELLY. (Attachments: # <u>1</u> Text of Proposed Order)(West, Kira) (Entered: 11/15/2022)
11/15/2022	<u>54</u>	MOTION to Dismiss Count 2–7 <i>as multiplicities</i> by LEO CHRISTOPHER KELLY. (Attachments: # <u>1</u> Text of Proposed Order)(West, Kira) (Entered: 11/15/2022)
11/15/2022	<u>55</u>	MOTION retain rough notes by LEO CHRISTOPHER KELLY. (Attachments: # <u>1</u> Text of Proposed Order)(West, Kira) (Entered: 11/15/2022)
11/15/2022	<u>56</u>	First MOTION to Suppress <i>statements and evidence</i> by LEO CHRISTOPHER KELLY. (Attachments: # <u>1</u> Text of Proposed Order)(West, Kira) (Entered: 11/15/2022)

11/15/2022	<u>57</u>	MOTION in Limine <i>TO EXCLUDE IMPROPER CHARACTER EVIDENCE</i> by USA as to LEO CHRISTOPHER KELLY. (James, Michael) (Entered: 11/15/2022)
11/15/2022	<u>58</u>	MOTION in Limine <i>REGARDING AUTHENTICATION OF PUBLICLY AVAILABLE VIDEO</i> by USA as to LEO CHRISTOPHER KELLY. (James, Michael) (Entered: 11/15/2022)
11/18/2022	<u>59</u>	NOTICE of filing exhibits to motion to change venue by LEO CHRISTOPHER KELLY re <u>48</u> MOTION to Change Venue (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit)(West, Kira) (Entered: 11/18/2022)
11/22/2022	<u>doc</u>	ORDER as to LEO CHRISTOPHER KELLY: Is is hereby ORDERED that the hearing deadlines set forth in Scheduling Order are terminated. SEE ORDER FOR DETAILS. Signed by Judge Royce C. Lamberth on 11/22/2022. (lsj) Modified on 11/29/2022 (lsj). (zlsj). (Entered: 11/22/2022)
11/29/2022	<u>60</u>	NOTICE OF CORRECTION by USA as to LEO CHRISTOPHER KELLY re <u>58</u> MOTION in Limine <i>REGARDING AUTHENTICATION OF PUBLICLY AVAILABLE VIDEO</i> , <u>57</u> MOTION in Limine <i>TO EXCLUDE IMPROPER CHARACTER EVIDENCE</i> (James, Michael) (Entered: 11/29/2022)
11/29/2022	<u>61</u>	RESPONSE by USA as to LEO CHRISTOPHER KELLY re <u>49</u> MOTION in Limine <i>to limine out certain words</i> (James, Michael) (Entered: 11/29/2022)
11/29/2022	<u>62</u>	RESPONSE by USA as to LEO CHRISTOPHER KELLY re <u>55</u> MOTION retain rough notes (James, Michael) (Entered: 11/29/2022)
11/29/2022	<u>63</u>	RESPONSE by USA as to LEO CHRISTOPHER KELLY re <u>54</u> MOTION to Dismiss Count 2–7 <i>as multiplicities</i> (Akers, Ashley) (Entered: 11/29/2022)
11/29/2022	<u>64</u>	RESPONSE by USA as to LEO CHRISTOPHER KELLY re <u>53</u> MOTION to Dismiss Case <i>as to 1512 count</i> (Akers, Ashley) (Entered: 11/29/2022)
11/29/2022	<u>65</u>	RESPONSE by USA as to LEO CHRISTOPHER KELLY re <u>52</u> MOTION to Dismiss Case <i>charges under 1752</i> (Akers, Ashley) (Entered: 11/29/2022)
11/29/2022	<u>66</u>	RESPONSE by USA as to LEO CHRISTOPHER KELLY re <u>48</u> MOTION to Change Venue (Akers, Ashley) (Entered: 11/29/2022)
11/29/2022	<u>67</u>	RESPONSE by USA as to LEO CHRISTOPHER KELLY re <u>51</u> MOTION in Limine <i>acts of others</i> (Attachments: # <u>1</u> Exhibit list, # <u>2</u> Exhibit No. 5, # <u>3</u> Exhibit No. 6)(James, Michael) (Entered: 11/29/2022)
11/29/2022	<u>68</u>	RESPONSE by USA as to LEO CHRISTOPHER KELLY re <u>50</u> MOTION in Limine (James, Michael) (Entered: 11/29/2022)
11/29/2022	<u>69</u>	RESPONSE by USA as to LEO CHRISTOPHER KELLY re <u>56</u> First MOTION to Suppress <i>statements and evidence</i> (Attachments: # <u>1</u> Exhibit No. 1, # <u>2</u> Exhibit No. 2)(James, Michael) (Entered: 11/29/2022)
11/29/2022	<u>70</u>	NOTICE pursuant to Local Criminal Rule 49 by USA as to LEO CHRISTOPHER KELLY re <u>69</u> Response to motion, <u>51</u> MOTION in Limine <i>acts of others</i> , <u>68</u> Response to motion, <u>67</u> Response to motion, <u>56</u> First MOTION to Suppress <i>statements and evidence</i> , <u>50</u> MOTION in Limine (James, Michael) (Entered: 11/29/2022)
12/05/2022	<u>71</u>	

		Unopposed MOTION for Extension of Time to File Response/Reply by LEO CHRISTOPHER KELLY. (West, Kira) (Entered: 12/05/2022)
12/09/2022	<u>72</u>	ORDER granting <u>71</u> Motion for Extension of Time to File Reply. It is ORDERED that the defendant must file replies by 12/20/2022. Signed by Judge Royce C. Lamberth on 12/9/2022. (lcrcl2) (Entered: 12/09/2022)
12/20/2022	<u>73</u>	REPLY TO OPPOSITION to Motion by LEO CHRISTOPHER KELLY re <u>58</u> MOTION in Limine <i>REGARDING AUTHENTICATION OF PUBLICLY AVAILABLE VIDEO</i> , <u>57</u> MOTION in Limine <i>TO EXCLUDE IMPROPER CHARACTER EVIDENCE and all other pretrial motions</i> (West, Kira) (Entered: 12/20/2022)
12/30/2022	<u>74</u>	MOTION for Status Conference re <u>45</u> Order by USA as to LEO CHRISTOPHER KELLY. (Attachments: # <u>1</u> Text of Proposed Order Motion for Status Conference and to Toll Speedy Trial)(James, Michael) Modified event title on 1/2/2023 (zstd). (Entered: 12/30/2022)
12/30/2022	76	MOTION to Toll Speedy Trial Act by USA as to LEO CHRISTOPHER KELLY. (See docket entry <u>74</u> to view document.) (zstd) Modified on 4/25/2023 (zsmc). (Entered: 01/02/2023)
01/02/2023	<u>75</u>	MOTION for Extension of Time to File <i>Joint Pretrial Statement</i> by USA as to LEO CHRISTOPHER KELLY. (Attachments: # <u>1</u> Text of Proposed Order to extend time to file Joint Pretrial Statement)(James, Michael) (Entered: 01/02/2023)
01/03/2023	<u>77</u>	ORDER: It is hereby ORDERED that <u>75</u> Motion for Extension of Time to File is GRANTED. It is ORDERED that the Joint Pretrial Statement shall be filed no later than 1/3/2023. Signed by Judge Royce C. Lamberth on 1/3/2023. (lcrcl2) (Entered: 01/03/2023)
01/03/2023	<u>78</u>	PRETRIAL MEMORANDUM by USA as to LEO CHRISTOPHER KELLY (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7)(James, Michael) (Entered: 01/04/2023)
01/04/2023	<u>79</u>	MOTION for Leave to File <i>Pretrial Statement Exhibit</i> by USA as to LEO CHRISTOPHER KELLY. (Attachments: # <u>1</u> Exhibit 8, # <u>2</u> Text of Proposed Order Motion for leave)(James, Michael) (Entered: 01/04/2023)
01/04/2023	<u>80</u>	ORDER: It is hereby ORDERED that <u>79</u> Motion for Leave to File is GRANTED. Signed by Judge Royce C. Lamberth on 1/4/2023. (lcrcl2) (Entered: 01/04/2023)
02/03/2023		MINUTE ORDER: It is hereby ORDERED that <u>74</u> Motion for Hearing is GRANTED. It is ORDERED that the parties shall appear for a Status Conference set for 2/10/2023 at 02:15 PM by VTC before Judge Royce C. Lamberth. SO ORDERED by Judge Royce C. Lamberth on 2/3/2023. (lcrcl2) (Entered: 02/03/2023)
02/06/2023	<u>81</u>	Unopposed MOTION to Vacate and reset status conference set for February 10, 2023 by LEO CHRISTOPHER KELLY. (Attachments: # <u>1</u> Text of Proposed Order)(West, Kira) Modified event title on 2/6/2023 (zstd). (Entered: 02/06/2023)
02/07/2023	<u>82</u>	ORDER granting <u>81</u> Motion to Vacate and Reset Status Conference. It is hereby ORDERED that the Status Conference set for 2/10/2023 is VACATED. It is further ORDERED that the parties shall appear for a Status Conference set for 2/9/2023 at 12:00 PM by VTC before Judge Royce C. Lamberth. Signed by Judge Royce C. Lamberth on 2/7/2023. (lcrcl2) (Entered: 02/07/2023)

02/09/2023		Minute Entry for Video Status Conference held on 2/9/2023 before Judge Royce C. Lamberth as to LEO CHRISTOPHER KELLY: Jury Trial/Jury Selection set for 5/1/2023 at 10:00 AM in Courtroom 15 (In Person) before Judge Royce C. Lamberth. Bond Status of Defendant: Continued on Personal Recognizance Bond/Appeared by Video. Court Reporter: Cheryl Powell. US Attorneys: Michael James and Ashley Akers. Defense Attorneys: Kira West and Nicole Cubbage. Court Reporter: Cheryl Powell. (smc) (Entered: 02/09/2023)
04/03/2023		MINUTE ORDER It is hereby ORDERED that the parties shall appear for a Pretrial Conference and Motion Hearing set for 4/25/2023 at 12:30 PM in Courtroom 15– In Person before Judge Royce C. Lamberth. SO ORDERED by Judge Royce C. Lamberth on 4/3/2023. (lcrcl2) (Entered: 04/03/2023)
04/04/2023	<u>83</u>	Unopposed MOTION to appear via zoom by LEO CHRISTOPHER KELLY. (West, Kira) Modified event type and text on 4/5/2023 (zstd). (Entered: 04/04/2023)
04/11/2023	<u>84</u>	ORDER as to LEO CHRISTOPHER KELLY granting <u>83</u> Motion for Leave to Appear by Zoom. Signed by Judge Royce C. Lamberth on 4/6/2023. (lcrcl2) Modified on 4/27/2023 to include defendant's name (zcdw). (Entered: 04/11/2023)
04/25/2023		Minute Entry for Hybrid Pretrial Conference/Motions Hearing held on 4/25/2023 before Judge Royce C. Lamberth as to LEO CHRISTOPHER KELLY: For reasons stated on the record, pending Motions <u>48</u> , <u>51</u> , <u>52</u> , <u>53</u> and <u>54</u> are denied; Pending Motions <u>49</u> and <u>50</u> are denied in part, granted in part; and the Court reserved ruling on Motions <u>55</u> , <u>57</u> and <u>58</u> . After hearing oral argument, Motion <u>56</u> was denied. Jury Selection to begin 5/1/2023 at 10:00 AM in Courtroom 15 (In Person) before Judge Royce C. Lamberth. Bond Status of Defendant: Continued on Personal Recognizance Bond/Appeared by Video. US Attorney: Ashley Akers. Defense Attorneys: Kira West and Nicole Cubbage. Court Reporter: Tammi Sefranek. (smc) (Entered: 04/25/2023)
04/26/2023	<u>86</u>	NOTICE OF ATTORNEY APPEARANCE Gregory Paul Rosen appearing for USA. (Rosen, Gregory) (Entered: 04/26/2023)
04/27/2023	<u>87</u>	Emergency MOTION to Exclude <i>evidence or for a continuance of trial</i> by LEO CHRISTOPHER KELLY. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(West, Kira) (Entered: 04/27/2023)
04/27/2023	<u>88</u>	MOTION to Continue by LEO CHRISTOPHER KELLY. (See docket entry <u>87</u> to view document.) (zstd) (Entered: 04/27/2023)
04/27/2023	<u>89</u>	Proposed Jury Instructions by LEO CHRISTOPHER KELLY (Attachments: # <u>1</u> Text of Proposed Order)(West, Kira) (Entered: 04/27/2023)
04/27/2023	<u>90</u>	First MOTION for Reconsideration of <i>motion to dismiss 1512 count 1</i> by LEO CHRISTOPHER KELLY. (Attachments: # <u>1</u> Text of Proposed Order)(West, Kira) (Entered: 04/27/2023)
04/27/2023	<u>92</u>	MOTION in Limine to <i>Exclude Irrelevant Evidence Related to Demonstrations</i> by USA as to LEO CHRISTOPHER KELLY. (Rosen, Gregory) (Entered: 04/27/2023)
04/28/2023	<u>93</u>	REPLY TO OPPOSITION to Motion by LEO CHRISTOPHER KELLY re <u>87</u> Emergency MOTION to Exclude <i>evidence or for a continuance of trial</i> (Attachments: # <u>1</u> Text of Proposed Order)(West, Kira) (Entered: 04/28/2023)
04/28/2023	<u>94</u>	

		Memorandum in Opposition by USA as to LEO CHRISTOPHER KELLY re <u>90</u> Motion for Reconsideration (Rosen, Gregory) (Entered: 04/28/2023)
04/28/2023	<u>95</u>	SURREPLY in Support by USA as to LEO CHRISTOPHER KELLY re <u>87</u> Emergency MOTION to Exclude evidence or for a continuance of trial (Akers, Ashley) Modified text on 4/28/2023 (zstd). (Entered: 04/28/2023)
04/28/2023		MINUTE ORDER as to LEO CHRISTOPHER KELLY: It is hereby ORDERED that <u>87</u> Motion to Exclude and 88 Motion to Continue are hereby DENIED. However, the Court ORDERS that the government's <u>91</u> Response and the attached exhibit be REMOVED from the public docket and filed under seal because it contains sensitive information. It is ORDERED that <u>90</u> Motion for Reconsideration is DENIED because the Court understands the lead opinion and concurrence in United States v. Fischer, ----- F.4th -----, 2023 WL 2817988 (D.C. Cir. Apr. 7, 2023), to together control the relevant issues, not the dissenting opinion and the concurrence. Finally, it is ORDERED that <u>92</u> Motion in Limine is DENIED as untimely. Evidentiary issues of that sort will be considered at trial as presented. SO ORDERED by Judge Royce C. Lamberth on 4/28/2023(lrcrl2) Modified on 4/28/2023 (zsmc). (Entered: 04/28/2023)
05/01/2023		Minute Entry for Jury Selection (Voir Dire) held before Judge Royce C. Lamberth as to LEO CHRISTOPHER KELLY on 5/1/2023: Jury Selection (Voir Dire) commenced and continued to 5/2/2023 at 2:00 PM in Courtroom 15 (In Person) before Judge Royce C. Lamberth. Jury Trial to commence on 5/2/2023 in Courtroom 15 (In Person). Bond Status of Defendant: Continued on Personal Recognizance Bond. US Attorneys: Greg Rosen and Ashley Akers. Defense Attorneys: Kira West and Nicole Cubbage. Court Reporter: Tammy Nestor. (smc) (Entered: 05/01/2023)
05/02/2023	<u>96</u>	TRIAL BRIEF by LEO CHRISTOPHER KELLY (Cubbage, Nicole) (Entered: 05/02/2023)
05/02/2023		Minute Entry for Jury Trial held before Judge Royce C. Lamberth as to LEO CHRISTOPHER KELLY on 5/2/2023: Jury Selection (Voir Dire) commenced and concluded with twelve jurors and two alternates selected and sworn. Jury Trial to commence on 5/3/2023 at 10:00 AM in Courtroom 15 (In Person) before Judge Royce C. Lamberth. Bond Status of Defendant: Continued on Personal Recognizance Bond. US Attorneys: Greg Rosen and Ashley Akers. Defense Attorney: Kira West and Nicole Cubbage. Court Reporter: Tammy Nestor. (smc) (Entered: 05/02/2023)
05/02/2023	<u>97</u>	REPLY by USA as to LEO CHRISTOPHER KELLY re <u>96</u> Trial Brief (Rosen, Gregory) (Entered: 05/02/2023)
05/03/2023		MINUTE ORDER: The Court having impaneled the jury in this action, it is hereby ORDERED that during trial and deliberations, all meals for said jury shall be paid by the Clerk of the Court for the U.S. District Court for the District of Columbia. Approved by Judge Royce C. Lamberth on 5/2/2023. (smc) (Entered: 05/03/2023)
05/04/2023		Minute Entry for Jury Trial held on 5/3/2023 before Judge Royce C. Lamberth as to LEO CHRISTOPHER KELLY on Counts 1 through 7: Jury Trial resumed with same jury and alternates. Jury Trial to continue on 5/4/2023 at 10:00 AM in Courtroom 15 (in person) before Judge Royce C. Lamberth. Bond Status of Defendant: remains on Personal Recognizance. US Attorneys: Ashely Akers and Greg Rosen. Defense Attorneys: Kira West and Nicole Cubbage. Government Witnesses: Tia Summers, Lanelle Hawa and Daniel Schwager. Court Reporter: Tammy Nestor. (smc) (Entered: 05/04/2023)

05/04/2023		Minute Entry for Jury Trial held on 5/4/2023 before Judge Royce C. Lamberth as to LEO CHRISTOPHER KELLY on Counts 1 through 7: Jury Trial resumed with same jury and alternates. Jury Trial to continue on 5/5/2023 at 10:00 AM in Courtroom 15 (in person) before Judge Royce C. Lamberth. Bond Status of Defendant: remains on Personal Recognizance. US Attorneys: Ashely Akers and Greg Rosen. Defense Attorneys: Kira West and Nicole Cubbage. Government Witnesses: Jamall Nicholas, Justin Cohen and Keith Robishaw. (smc) (Entered: 05/04/2023)
05/05/2023		Minute Entry for Jury Trial held on 5/5/2023 before Judge Royce C. Lamberth as to LEO CHRISTOPHER KELLY on Counts 1 through 7: Jury Trial resumed with same jury and alternates. Government formally rested case in chief and Defense proceeded to presentation of case. Jury Trial to continue on 5/8/2023 at 10:00 AM in Courtroom 15 (in person) before Judge Royce C. Lamberth. Bond Status of Defendant: remains on Personal Recognizance. US Attorneys: Ashely Akers and Greg Rosen. Defense Attorneys: Kira West and Nicole Cubbage. Government Witness: Michael McGillicuddy. Defense Witnesses: Terry Pizinger, Scott Grossi, Ajai Prakasah, Troy Bronner and Christopher Kelly. Court Reporter: Tammy Nestor. (smc) (Entered: 05/05/2023)
05/07/2023	<u>99</u>	MOTION for Acquittal by LEO CHRISTOPHER KELLY. (West, Kira) (Entered: 05/07/2023)
05/07/2023	<u>100</u>	RESPONSE by USA as to LEO CHRISTOPHER KELLY re <u>99</u> MOTION for Acquittal (Akers, Ashley) (Entered: 05/07/2023)
05/08/2023		Minute Entry for Jury Trial held on 5/8/2023 before Judge Royce C. Lamberth as to LEO CHRISTOPHER KELLY on Counts 1 through 7: Jury Trial resumed with same jury and alternates. Defense rests presentation of evidence. Government presents rebuttal case and formally rests. Defendant's <u>99</u> Motion for Acquittal is DENIED. The Court gave Jury charge instructions. Alternate jurors 2167 and 0697 released. Jury Deliberations began and continued to 5/9/2023 at 10:00 AM in Courtroom 15 (in person) before Judge Royce C. Lamberth. Bond Status of Defendant: remains on Personal Recognizance. US Attorneys: Ashely Akers and Greg Rosen. Defense Attorneys: Kira West and Nicole Cubbage. Government Rebuttal Witness: Michael McGillicuddy. Court Reporter: Tammy Nestor. (smc) (Entered: 05/08/2023)
05/08/2023	<u>101</u>	Court's Final Jury Instructions as to LEO CHRISTOPHER KELLY. Signed by Judge Royce C. Lamberth on 5/8/2023. (smc) (Entered: 05/08/2023)
05/08/2023	<u>102</u>	COUNSELS' ACKNOWLEDGMENT CONCERNING TRIAL EXHIBITS as to LEO CHRISTOPHER KELLY. (smc) (Entered: 05/08/2023)
05/09/2023	<u>103</u>	FINAL TRIAL EXHIBITS FOR THE DEFENDANT by LEO CHRISTOPHER KELLY. (smc) (Entered: 05/09/2023)
05/09/2023	<u>104</u>	FINAL TRIAL EXHIBITS FOR THE UNITED STATES by USA as to LEO CHRISTOPHER KELLY. (smc) (Entered: 05/09/2023)
05/09/2023		Minute Entry for Jury Deliberations held before Judge Royce C. Lamberth as to LEO CHRISTOPHER KELLY on Counts 1 through 7. Jury deliberations resumed and concluded with same twelve jurors. Jury Verdict of Guilty on Counts 1 through 7. Jury Panel discharged. REFERRAL TO PROBATION OFFICE for Presentence Investigation. Sentencing set for 8/18/2023 at 12:30 PM in Courtroom 15 (In Person) before Judge Royce C. Lamberth. Bond Status of Defendant: remains on Personal Recognizance. US Attorneys: Ashley Akers and Greg Rosen. Defense Attorneys:

		Kira West and Nicole Cubbage. Court Reporter: Stacy Havenridge. (smc) (Entered: 05/09/2023)
05/09/2023	<u>105</u>	Jury Notes (2) and Written Responses (2) as to LEO CHRISTOPHER KELLY. (smc) (Entered: 05/09/2023)
05/09/2023	<u>106</u>	Signature Page of Foreperson as to LEO CHRISTOPHER KELLY in Jury Notes and Written Responses. (Access to the PDF Document is restricted pursuant to the E-Government Act. Access is limited to Counsel of Record and the Court.) (smc) (Entered: 05/09/2023)
05/09/2023	<u>107</u>	VERDICT FORM as to LEO CHRISTOPHER KELLY. (smc) (Entered: 05/09/2023)
05/09/2023	<u>108</u>	Signature Page of Foreperson as to LEO CHRISTOPHER KELLY in Jury Verdict. (Access to the PDF Document is restricted pursuant to the E-Government Act. Access is limited to Counsel of Record and the Court.) (smc) (Entered: 05/09/2023)
05/19/2023	<u>109</u>	NOTICE OF WITHDRAWAL OF APPEARANCE <i>Michael G. James</i> by USA as to LEO CHRISTOPHER KELLY (James, Michael) (Entered: 05/19/2023)
06/06/2023	<u>110</u>	Unopposed MOTION for Extension of Time to <i>file motion for new trial</i> by LEO CHRISTOPHER KELLY. (Attachments: # <u>1</u> Text of Proposed Order)(West, Kira) (Entered: 06/06/2023)
06/07/2023	<u>111</u>	ORDER as to LEO CHRISTOPHER KELLY granting Motion <u>110</u> for Extension of Time to File Motion for New Trial. It is ORDERED that the defendant must file a motion for new trial by 07/15/2023. Signed by Judge Royce C. Lamberth on 06/06/2023. (lcrl2) Modified on 6/7/2023 (zsmc). (Main Document 111 replaced on 6/7/2023) (zsmc). (Entered: 06/07/2023)
06/13/2023	<u>112</u>	TRANSCRIPT OF PROCEEDINGS in case as to LEO CHRISTOPHER KELLY before Judge Royce C. Lamberth held on 5/1/23; Page Numbers: 1–244. Court Reporter/Transcriber Tammy Nestor, Telephone number 202–354–3127, Transcripts may be ordered by submitting the <u>Transcript Order Form</u> For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov . Redaction Request due 7/4/2023. Redacted Transcript Deadline set for 7/14/2023. Release of Transcript Restriction set for 9/11/2023.(Nestor, Tammy) (Entered: 06/13/2023)

06/13/2023	<u>113</u>	<p>TRANSCRIPT OF PROCEEDINGS in case as to LEO CHRISTOPHER KELLY before Judge Royce C. Lamberth held on 5/2/23; Page Numbers: 1–78. Court Reporter/Transcriber Tammy Nestor, Telephone number 202–354–3127, Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 7/4/2023. Redacted Transcript Deadline set for 7/14/2023. Release of Transcript Restriction set for 9/11/2023.(Nestor, Tammy) (Entered: 06/13/2023)</p>
06/13/2023	<u>114</u>	<p>TRANSCRIPT OF PROCEEDINGS in case as to LEO CHRISTOPHER KELLY before Judge Royce C. Lamberth held on 5/3/23; Page Numbers: 1–242. Court Reporter/Transcriber Tammy Nestor, Telephone number 202–354–3127, Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 7/4/2023. Redacted Transcript Deadline set for 7/14/2023. Release of Transcript Restriction set for 9/11/2023.(Nestor, Tammy) (Entered: 06/13/2023)</p>
06/13/2023	<u>115</u>	<p>TRANSCRIPT OF PROCEEDINGS in case as to LEO CHRISTOPHER KELLY before Judge Royce C. Lamberth held on 5/4/23; Page Numbers: 1–203. Court Reporter/Transcriber Tammy Nestor, Telephone number 202–354–3127, Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript</p>

		<p>formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 7/4/2023. Redacted Transcript Deadline set for 7/14/2023. Release of Transcript Restriction set for 9/11/2023.(Nestor, Tammy) (Entered: 06/13/2023)</p>
06/13/2023	<u>116</u>	<p>TRANSCRIPT OF PROCEEDINGS in case as to LEO CHRISTOPHER KELLY before Judge Royce C. Lamberth held on 5/5/23; Page Numbers: 1–276. Court Reporter/Transcriber Tammy Nestor, Telephone number 202–354–3127, Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 7/4/2023. Redacted Transcript Deadline set for 7/14/2023. Release of Transcript Restriction set for 9/11/2023.(Nestor, Tammy) (Entered: 06/13/2023)</p>
06/13/2023	<u>117</u>	<p>TRANSCRIPT OF PROCEEDINGS in case as to LEO CHRISTOPHER KELLY before Judge Royce C. Lamberth held on 5/8/23; Page Numbers: 1–178. Court Reporter/Transcriber Tammy Nestor, Telephone number 202–354–3127, Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our</p>

		<p>website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 7/4/2023. Redacted Transcript Deadline set for 7/14/2023. Release of Transcript Restriction set for 9/11/2023.(Nestor, Tammy) (Entered: 06/13/2023)</p>
07/13/2023	<u>118</u>	MOTION pursuant to Rule 33 for new trial by LEO CHRISTOPHER KELLY. (West, Kira) (Entered: 07/13/2023)
07/13/2023	120	MOTION for Judgment of Acquittal by LEO CHRISTOPHER KELLY. (See docket entry <u>118</u> to view document.) (zstd) (Entered: 07/14/2023)
07/17/2023	<u>121</u>	NOTICE of filing exhibit for motion for new trial by LEO CHRISTOPHER KELLY re <u>118</u> MOTION pursuant to Rule 33 for new trial , 120 MOTION for Acquittal (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(West, Kira) (Entered: 07/17/2023)
07/21/2023	<u>122</u>	RESPONSE by USA as to LEO CHRISTOPHER KELLY re <u>118</u> MOTION pursuant to Rule 33 for new trial , 120 MOTION for Acquittal <i>Government's Opposition</i> (Rosen, Gregory) (Entered: 07/21/2023)
08/11/2023	<u>128</u>	SENTENCING MEMORANDUM by LEO CHRISTOPHER KELLY (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(West, Kira) (Entered: 08/11/2023)
08/11/2023	<u>129</u>	SENTENCING MEMORANDUM by USA as to LEO CHRISTOPHER KELLY (Akers, Ashley) (Entered: 08/11/2023)
08/12/2023	<u>130</u>	NOTICE of filing letters of support by LEO CHRISTOPHER KELLY (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(West, Kira) (Entered: 08/12/2023)
08/16/2023	<u>131</u>	MEMORANDUM OPINION as to LEO CHRISTOPHER KELLY. Signed by Judge Royce C. Lamberth on 8/16/2023. (lcrl2) (Entered: 08/16/2023)
08/16/2023	<u>132</u>	ORDER as to LEO CHRISTOPHER KELLY (1) denying Motion <u>118</u> for New Trial and Judgment of Acquittal for the reasons stated in the Memorandum Opinion issued by the Court this same date; denying Motion <u>124</u> for Leave to File a Motion Under Seal/Ex Parte and denying Motion for Permission to Interview Jurors. Defense Counsel is directed to file ECF 124, attachment 1 on the public docket. Signed by Judge Royce C. Lamberth on 8/16/2023. (lcrl2) Modified on 8/17/2023 (smc). (Entered: 08/16/2023)
08/16/2023	<u>133</u>	NOTICE of additional letters of support by LEO CHRISTOPHER KELLY re <u>130</u> Notice (Other) (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit)(West, Kira) (Entered: 08/16/2023)
08/18/2023		Minute Entry for Sentencing held on 8/18/2023 as to LEO CHRISTOPHER KELLY on all Counts. before Judge Royce C. Lamberth: Defendant sentenced to thirty (30) months of incarceration to run concurrently, thirty-six (36) months of supervised release to run concurrently, \$190 special assessment, \$5,000 fine and \$2,000 restitution. Bond Status of Defendant: Personal Recognizance; Court Reporter: Tammi Sefranek; Defense Attorney: Kira West and Nicole Cubbage; US Attorney: Gregory Rosen and Ashley Akers; Prob Officer: Jessica Reichler. (zjch,) Modified to correct restitution and court reporter on 8/22/2023 (smc). (Entered: 08/18/2023)
08/18/2023	<u>135</u>	JUDGMENT as to LEO CHRISTOPHER KELLY. Statement of Reasons Not Included. Signed by Judge Royce C. Lamberth on 8/18/2023. (zstd) (Entered: 08/22/2023)

08/18/2023	<u>136</u>	STATEMENT OF REASONS as to LEO CHRISTOPHER KELLY re <u>135</u> Judgment Access to the PDF Document is restricted per Judicial Conference Policy. Access is limited to Counsel of Record and the Court. Signed by Judge Royce C. Lamberth on 8/18/2023. (zstd) (Entered: 08/22/2023)
08/25/2023	<u>137</u>	NOTICE OF APPEAL – Final Judgment by LEO CHRISTOPHER KELLY re <u>135</u> Judgment. Filing fee \$ 505, receipt number 205408. Fee Status: Fee Paid. Parties have been notified. (zstd) (Entered: 08/28/2023)

United States District Court for the District of Columbia

UNITED STATES OF AMERICA

vs.

Leo Kelly

Criminal No.

21-708

NOTICE OF APPEAL

Name and address of appellant:

Leo Kelly

Name and address of appellant's attorney:

Kira Anne West
712 H St NE, Unit 509
Wash, DC 20002

Offense: 18 USC 1512, 1752, 40 USC 5104

Concise statement of judgment or order, giving date, and any sentence:

guilty verdict on all counts; sentencing August 18, 2023 (RCL)
30 months, \$5,000 fine, \$190 special assessment + \$2,000 restitution

Name and institution where now confined, if not on bail:

I, the above named appellant, hereby appeal to the United States Court of Appeals for the District of Columbia Circuit from the above-stated judgment.

August 25, 2023
 DATE

Leo Kelly by Kira West
 APPELLANT

Kira West
 ATTORNEY FOR APPELLANT

GOVT. APPEAL, NO FEE ☐

CJA, NO FEE ☐

PAID USDC FEE ☐

PAID USCA FEE ☒

Does counsel wish to appear on appeal?

YES ☐

NO ☒

Has counsel ordered transcripts?

YES ☐

NO ☒

Is this appeal pursuant to the 1984 Sentencing Reform Act?

YES ☒

NO ☐

UNITED STATES DISTRICT COURT

District of Columbia

UNITED STATES OF AMERICA

v.

LEO CHRISTOPHER KELLY

JUDGMENT IN A CRIMINAL CASE

Case Number: 21cr708 (RCL)

USM Number: 26155-509

Kira West and Nicole Cabbage

Defendant's Attorney

THE DEFENDANT:

- ☐ pleaded guilty to count(s) _____
- ☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.
- ☒ was found guilty on count(s) 1-7 of the Indictment filed on 12/3/2021
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 1512(c)(2)	Obstruction of an Official Proceeding	1/6/2021	1
18 USC § 1752(a)(1)	Entering and Remaining in a Restricted Building or Grounds	1/6/2021	2
18 USC § 1752(a)(2)	Disorderly and Disruptive Conduct in a Restricted Building	1/6/2021	3

The defendant is sentenced as provided in pages 2 through 9 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____
- ☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

8/18/2023

Date of Imposition of Judgment



Signature of Judge

Royce C. Lamberth, United States District Court Judge

Name and Title of Judge

8/18/23

Date

DEFENDANT: LEO CHRISTOPHER KELLY
CASE NUMBER: 21cr708 (RCL)

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
	or Grounds		
40 USC § 5104(e)(2)(A)	Entering and Remaining on the Floor of Congress	1/6/2021	4
40 USC § 5104(e)(2)(C)	Entering and Remaining in Certain Rooms in the Capitol Building	1/6/2021	5
40 USC § 5104(e)(2)(D)	Disorderly Conduct in a Capitol Building	1/6/2021	6
40 USC § 5104(e)(2)(G)	Parading, Demonstrating, or Picketing in a Capitol Building	1/6/2021	7

DEFENDANT: LEO CHRISTOPHER KELLY
CASE NUMBER: 21cr708 (RCL)

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

Thirty (30) months as to Count 1, Twelve (12) months as to Counts 2 and 3, and Six (6) months as to Counts 4 through 7. All terms to run concurrently.

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends that the defendant be housed at a facility that is in close proximity to Cedar Rapids, IA.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☒ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: LEO CHRISTOPHER KELLY
CASE NUMBER: 21cr708 (RCL)

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

Thirty-six (36) months as to Count 1 and Twelve (12) months as to Counts 2 and 3. All terms to run concurrently.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☒ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: LEO CHRISTOPHER KELLY
CASE NUMBER: 21cr708 (RCL)

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

AO 245B (Rev. 09/19) Judgment in a Criminal Case
Sheet 3B — Supervised Release

Judgment—Page 6 of 9

DEFENDANT: LEO CHRISTOPHER KELLY
CASE NUMBER: 21cr708 (RCL)

ADDITIONAL SUPERVISED RELEASE TERMS

The Court authorizes supervision of this case to be transferred to the United States District Court for the Northern District of Iowa.

DEFENDANT: LEO CHRISTOPHER KELLY
CASE NUMBER: 21cr708 (RCL)

SPECIAL CONDITIONS OF SUPERVISION

Financial Information Disclosure - You must provide the probation officer access to any requested financial information and authorize the release of any financial information until financial obligations are paid. The probation office may share financial information with the United States Attorney's Office.

Re-entry Progress Hearing - Within sixty days of release from incarceration or placement on supervision, you will appear before the Court for a re-entry progress hearing. Prior to the hearing, the probation officer will submit a report summarizing your status and compliance with release conditions. If you are supervised by a district outside of the Washington DC metropolitan area, the United States Probation Office in that district will submit a progress report to the court within 60 days of the commencement of supervision; upon receipt of the progress report, the Court will determine if your appearance is required.

DEFENDANT: LEO CHRISTOPHER KELLY
CASE NUMBER: 21cr708 (RCL)**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 190.00	\$ 2,000.00	\$ 5,000.00	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Clerk of the Court for the United States		\$2,000.00	
District Court for the District of Columbia			
for disbursement to the following victim:			

Architect of the Capitol

Office of the Chief Financial Officer

Ford House Office Building,

Room H2-205B

Washington, DC 20515

TOTALS	\$	<u>0.00</u>	\$	<u>2,000.00</u>
---------------	----	-------------	----	-----------------

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☒ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: LEO CHRISTOPHER KELLY
CASE NUMBER: 21cr708 (RCL)**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A** ☒ Lump sum payment of \$ 190.00 due immediately, balance due
- ☐ not later than _____, or
- ☒ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B** ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☒ Special instructions regarding the payment of criminal monetary penalties:

The financial obligations are immediately payable to the Clerk of the Court for the U.S. District Court, 333 Constitution Ave NW, Washington, DC 20001. Within 30 days of any change of address, you shall notify the Clerk of the Court of the change until such time as the financial obligation is paid in full.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Case Number
Defendant and Co-Defendant Names
(including defendant number)

Total Amount

Joint and Several
Amount

Corresponding Payee,
if appropriate

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.