



U.S. Department of Justice

Ronald C. Machen Jr.
United States Attorney

District of Columbia

*Judiciary Center
555 Fourth St., N.W.
Washington, D.C. 20530*

September 25, 2013

Delivered via Email

Renee Raymond, Esq.
Public Defender Service
633 Indiana Avenue, NW
Washington, D.C. 20004
rreaymond@pdsdc.org

Re: Plea Offer in United States v. Davon Thomas, 2013CF1001944

This letter is to confirm the plea offer for your client, Davon Thomas. This plea offer will remain open until September 27, 2013. However, the Government reserves the right to revoke this plea offer at anytime before your client enters a guilty plea in this case. If your client accepts the terms and conditions set forth below, please have your client execute this document in the space provided below. Upon receipt of the executed document, this letter will become the plea agreement between your client and the Office of the United States Attorney for the District of Columbia. The terms of the offer are as follows:

1. Your client, Davon Thomas, agrees to enter a plea of guilty to the following offense:

Voluntary Manslaughter (lessor included offense of the indictment), in violation of 22 D.C. Code Section 2105 (2001 ed.)

Your client understands that the offense of Voluntary Manslaughter carries a potential maximum penalty of 30 years imprisonment and a maximum of 5 years of supervised release.

2. Your client understands that the Government will reserve stepback pending sentencing, will waive any sentencing enhancement papers, and will reserve allocation at sentencing, subject to the terms set forth in paragraph 5. of this agreement.

3. Your client understands that the Government agrees that it will dismiss any greater or remaining counts of the indictment at the time of sentencing.

4. The parties further agree that your client, after taking an oath to tell the truth, shall agree to the attached factual proffer in open court on the date of the plea.



5. Your client understands that the Court may utilize the District of Columbia Sentencing Commission's Voluntary Sentencing Guidelines in imposing the sentence in this case. The Government and your client agree that neither party will seek an upward or downward departure outside of your client's applicable guideline range.

6. Your client agrees that this letter is binding on the Government, but not binding on the Court, and that he cannot withdraw this plea at a later date because of the harshness of any sentence imposed by the Court. The Government understands that your client is not bound by the Government's allocution, and may request a lesser sentence, subject to the terms set forth in paragraph 5, above.

7. Your client acknowledges and has been made aware that pursuant to the Innocence Protection Act, that there may be physical evidence which was seized from the victim, crime scene or from your client or from some other source that can be tied to your client that could contain probative biological material. Your client understands and agrees that in order to plead guilty in this case, your client must waive and give up DNA testing in this case and must execute the attached written waiver of DNA testing. Your client further understands that should he waive and give up DNA testing now, it is unlikely that he will have another opportunity to have the DNA tested in this case.

8. In entering this plea of guilty, your client understands and agrees to waive certain rights afforded to your client by the Constitution of the United States and/or by statute. In particular, your client knowingly and voluntarily waives or gives up his right against self-incrimination with respect to the offenses to which your client is pleading guilty before the Court which accepts your client's plea. Your client also understands that by pleading guilty your client is waiving or giving up your client's right to be tried by a jury or by a judge sitting without a jury, the right to be assisted by an attorney at trial and the right to confront and cross-examine witnesses.

9. This letter sets forth the entire understanding between the parties and constitutes the complete plea agreement between your client and the United States Attorney's Office for the District of Columbia. This agreement supersedes all prior understandings, promises, agreements, or conditions, if any, between this Office and your client.

Respectfully,

RONALD C. MACHEN JR.
UNITED STATES ATTORNEY

By: 

GEORGE A. FACE, JR.
ASSISTANT U.S. ATTORNEY

DEFENDANT'S ACCEPTANCE

I have read this plea agreement and factual proffer and have discussed it with my attorney, Renee Raymond, Esquire. I fully understand this agreement and agree to it without reservation. I do this voluntarily and of my own free will, intending to be legally bound. No threats have been made to me nor am I under the influence of anything that could impede my ability to understand this agreement fully. I am pleading guilty because I am in fact guilty of the offense set forth herein.

I reaffirm that absolutely no promises, agreements, understandings, or conditions have been made or entered into in connection with my decision to plead guilty except those set forth in this plea agreement. I am satisfied with the legal services provided by my attorney in connection with this plea agreement and matters related to it.

Date: 9/27/13

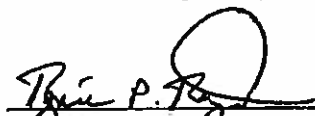


Davon Thomas
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read each of the pages constituting this plea agreement, reviewed them with my client, Davon Thomas, and discussed the provisions of the agreement with my client, fully. These pages accurately and completely sets forth the entire plea agreement.

Date: 9/27/13



Renee Raymond, Esq.
Attorney for Davon Thomas

PROFFER OF FACTS

Had this case gone to trial, the Government's evidence would have shown beyond a reasonable doubt that on Thursday, January 17, 2013, defendant Davon Thomas, decedent Emmanuel Campbell, 53, and defendant's "grandmother," hereinafter referred to as W-1, resided together in apartment #102 of 2008 Maryland Avenue, NE, Washington, D.C. W-1 and decedent were romantically linked. During the late evening hours of the aforementioned date, a male friend of decedent, hereinafter referred to as W-2, was a visitor at the apartment. W-2 and decedent had planned to cook dinner that night. During the course of the evening, decedent and defendant engaged in an ongoing verbal argument concerning the dinner plans.

At approximately 11:30 p.m., defendant and decedent were in a face-to-face verbal confrontation in the living room of the apartment when decedent produced a pocket knife and swung it at defendant causing a vertical laceration to the left side of defendant's neck. W-2 and a male acquaintance of defendant, hereinafter referred to as W-3, immediately jumped on decedent and disarmed him while defendant examined the wound in a mirror. Decedent then left the apartment alone, followed shortly thereafter by defendant and W-3. Outside the apartment building, defendant - without acting in self-defense - assaulted decedent with conscious disregard of the extreme risk of death or serious bodily injury to decedent. Afterwards, defendant returned to the apartment and advised W-2 that he had hit decedent and that he was outside on the ground.

W-1 arrived home from work during the course of the argument and observed decedent swing a sharp object in the direction of defendant. W-1 then observed decedent leave the apartment. When decedent failed to return, W-1 went outside in search of him and found decedent lying on the ground on the side of the apartment building in apparent distress. While outside, W-1 encountered defendant who told W-1 that decedent had cut him and that he assaulted decedent as a result. W-1 placed a 911 call to report an assault and "stabbing." Defendant did not seek medical treatment for the laceration caused by decedent.

At approximately 11:47 p.m., members of the MPD/Fifth District responded to 2008 Maryland Avenue, NE, and discovered decedent lying on the ground outside the apartment building suffering from apparent blunt force trauma. Decedent was transported to Med Star where hospital personnel determined decedent to be intoxicated, disoriented and suffering from swollen eyes and facial abrasions. Decedent complained of pain on the right side of his rib cage and head. Subsequent physical examinations revealed a contusion to the right frontal lobe, internal hemorrhaging, and multiple fractured ribs. Due to these injuries decedent remained hospitalized; however, over the next several days his condition rapidly deteriorated resulting in Acute Respiratory Distress Syndrome. Decedent was ultimately placed on life support and listed in critical condition. On January 31, decedent was pronounced dead by Dr. Alex Pratt of the Med Star staff. Decedent's remains were transported to the Office of the Chief Medical Examiner for the District of Columbia pending autopsy.

On Friday, February 1, 2013, an autopsy was performed by Dr. Angellee Chen. Dr. Chen ruled the cause of death as complications of multiple blunt force traumatic injuries and the



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manner of death as homicide. DR. Chen diagnosed the decedent as suffering from a history of ventilator-dependent respiratory failure, sepsis, renal failure, gastritis, diabetes & fibrosis.

DEFENDANT'S ACKNOWLEDGMENT

I have read and discussed the Government's Proffer of Facts with my attorney, Renee Raymond, Esquire. I agree, and acknowledge by my signature that this Proffer of Facts is true and correct.

Date: 9/27/13

Davon Thomas
Davon Thomas
Defendant

Date: 9/27/13

Renee Raymond
Renee Raymond, Esq.
Attorney for Davon Thomas