

U.S. Department of Justice

Ronald C. Machen Jr.  
United States Attorney

*District of Columbia*

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

October 31, 2013

**VIA ELECTRONIC MAIL**

Kia Sears, Esq.  
Public Defender Service  
of Washington, D.C.  
Email: [ksears@pdsdc.org](mailto:ksears@pdsdc.org)

**Re: United States v. William Hogan, 2013 CF1 17360**

Dear Ms. Sears,

I write to convey a pre-indictment plea offer to your client, William Hogan, which will remain open on the following two conditions. First, your client must enter his plea no later than Friday, November 1, 2013. Second, the government reserves the right to revoke this plea offer at any point before your client enters a guilty plea in open court and the guilty plea is accepted by the Court.

If your client accepts the terms and conditions set forth below, please have him execute this document in the space provided. Upon receipt of the executed document, subject to the two conditions noted above, 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 and conditions of the plea offer are as follows:<sup>1/</sup>

**TERMS AND CONDITIONS**

1. Your client agrees to admit guilt and enter a plea of guilty to a criminal information charging the following offense:

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<sup>1/</sup> Any references to "the defendant" or "your client" refer to William Hogan. Any reference to "the government" refers to the United States Attorney's Office for the District of Columbia. Any reference to "the parties" refers to William Hogan and the United States Attorney's Office for the District of Columbia. Any reference to the "agreement" refers to this plea agreement.



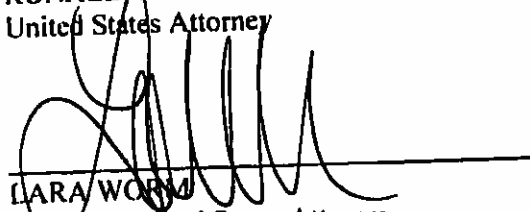
- a) Second Degree Murder while armed, in violation of DC Code Sections 2103, 4502, which carries a maximum penalty of 40 years of incarceration.
2. Your client understands that, in exchange for his plea of guilty to the offenses described in paragraph 1, supra, the government will agree not to indict your client on any additional or greater charges, including but not limited to First Degree Murder while Armed, arising out of this incident (2013 CF1 17360), as detailed in the attached factual proffer.
3. The parties agree that your client will remain incarcerated pending sentencing.
4. The parties agree that your client shall, on the date of the plea, after taking an oath to tell the truth, in open court, agree to the attached factual proffer, which is consistent with the version of events presented in the affidavit in support of an arrest warrant.
5. **The parties agree that a sentence within the applicable guideline range up to the mid-point of the guideline range is the appropriate sentence in this case.** Your client understands that this refers to the D.C. Sentencing Commission's Voluntary Sentencing Guidelines, and that the applicable guideline range will not be determined by the Court until the time of sentencing. This plea offer is contingent upon an agreement between the Government and your client that neither party will seek an upward or downward departure outside of your client's applicable guideline range.
6. **Pursuant to Rule 11(e)(1)(C) of the Superior Court Rules of Criminal Procedure, the parties agree to present this plea agreement to the Court for its approval. If the Court accepts the plea agreement and the specific sentence agreed upon by the parties, that is, a sentence within the applicable guideline range up to the mid-point of the guideline range for Second Degree Murder while armed, then the Court will embody in the judgment and sentence the disposition provided for in this plea agreement, pursuant to Rule 11(e)(3) of the Superior Court Rules of Criminal Procedure.**
7. The parties understand, however, that in light of other factors the Court may not agree that such a sentence is an appropriate one and may reject the plea agreement pursuant to Rule 11(e)(4) of the Superior Court Rules of Criminal Procedure. Upon such a rejection, pursuant to Rule 11(e)(4), neither party would then be bound by this plea agreement. Your client understands that if this happens, the Court, in accordance with the requirements of Rule 11(e)(4), will inform the parties of its rejection of the plea agreement, and will afford your client an opportunity to withdraw the plea, or if your client persists in the guilty plea, will inform your client that a final disposition may be less favorable to your client than that contemplated by this agreement.
8. Your client agrees that this letter is binding on the government, but, other than as noted herein, not binding on the Court. Your client further agrees that, other than as noted herein,

he cannot withdraw his plea at a later date because of the harshness of any sentence imposed by the Court.

9. In accepting this plea agreement and entering a plea of guilty to the offense specified in paragraph 1, supra, your client understands and agrees to knowingly, intelligently, and voluntarily waive certain rights afforded to him by the United States Constitution and/or by statute. These rights include, but are not necessarily limited to, the right to a probable cause determination by a magistrate, the right against self-incrimination, the 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, the right to confront and cross-examine witnesses, and the right to appeal his conviction.
10. The charge to which your client would be entering a guilty plea is a crime of violence as defined in D.C. Code Section 23-1331(4). Some of the evidence that was recovered in this case may contain biological material, which could be subjected to DNA testing. Before the government will agree to the above plea offer, the defendant must waive, in writing below and in open court at the time of the plea, any right he might have to test the evidence for the presence of DNA.
11. 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



LARA WORM  
Assistant United States Attorney  
United States Attorney's Office  
Homicide Section  
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**DEFENDANT'S AGREEMENT TO WAIVE DNA TESTING**

My attorney has discussed the contents of this plea agreement with me, including the fact that I may request or waive DNA testing (or independent DNA testing, if applicable). I understand the conditions of the plea and agree to them. I knowingly, intentionally, and voluntarily waive and give up DNA testing (or independent DNA testing, if applicable) of any biological materials in this case. I further state that I am fully satisfied with the services my attorney has provided to me and am fully satisfied with the explanation my attorney has provided me concerning the terms of the plea offer, the potential evidentiary value of DNA evidence in this case, and the consequences of waiving and giving up DNA testing in this case and pleading guilty.

Date: 11/1/13

William Hogan  
William Hogan, Defendant

Date: \_\_\_\_\_

\_\_\_\_\_  
Kia Sears, Esq.  
Attorney for the Defendant

**DEFENDANT'S ACCEPTANCE**

I have read this plea agreement, or had it read to me, and have discussed it with my attorney. 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: 11/1/13

William Hogan  
William Hogan  
Defendant

**ATTORNEY'S ACKNOWLEDGMENT**

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

Date: 11/1/13

Kia Sears  
Kia Sears, Esq.  
Attorney for defendant

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**  
**Criminal Division – Felony Trial Branch**

**UNITED STATES OF AMERICA**

**Case Number: 2013 CF1 17360**

**v.**

**Judge Beck**

**Plea Hearing: November 1, 2013**

**WILLIAM HOGAN,**  
**Defendant.**

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**PROFFER OF FACTS**

If case 2013 CF1 17360 proceeded to trial, the parties agree that the evidence would have shown the following facts beyond a reasonable doubt:

On Tuesday, September 17, 2013, at approximately 10:00 p.m., the defendant, William Hogan, also known as "Goose," was in a courtyard in front of 134 Irvington Street, SW, and was in possession of a shotgun. The defendant walked out of the courtyard, approached the decedent, Robert Spencer, and another individual who was in the area, pointed the shotgun, made a comment and then fired one shot into the decedent. The defendant then fled the area.

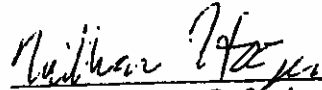
A short time later, MPD officers were dispatched to the area where the shooting occurred and found the decedent lying unconscious on the sidewalk in front of 134 Irvington Street, SW. The decedent suffered from multiple gunshot wounds due to the shotgun blast with buckshot ammunition. The decedent was pronounced dead at 10:59 pm, and died as a result of the gunshot wounds.

The defendant, William Hogan, was arrested on September 29, 2013, and interviewed by MPD homicide detectives in connection with this case. The defendant admitted to shooting the decedent, and told the police that he discarded the shotgun after the murder.

**DEFENDANT'S ACKNOWLEDGMENT**

I have read and discussed the above Proffer of Facts with my attorney, whose signature appears below. I agree, and acknowledge by my signature, that this Proffer of Facts is true and correct.

Date: 11/1/13

  
\_\_\_\_\_  
William Hogan, Defendant

**ATTORNEY'S ACKNOWLEDGMENT**

I have read and discussed the above Proffer of Facts with my client, Michael Galloway, whose signature appears above. I know of no reason why his adoption of the above Proffer of Facts is not knowing, voluntary, or intelligent, or of any other reason why his guilty plea to Voluntary Manslaughter While Armed and Simple Assault, based on the above Proffer of Facts should not be accepted by the Court.

Date: \_\_\_\_\_

\_\_\_\_\_  
Kia Sears, Esq.  
Counsel to defendant