



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*

August 2, 2013

Ms. Janet Mitchell
Public Defender Service
for the District of Columbia
633 Indiana Avenue, NW
Washington, DC 20001

Re: United States v. Lloyd Bright, 2012 CF1 17487

Dear Counsel:

This letter is to extend a final post-indictment plea offer to your client, Lloyd Bright. This plea offer will remain open until August 30, 2013, and must be successfully entered before the Court by that date. The government, however, reserves the right to revoke this plea offer at any time before your client enters a guilty plea in this case. 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 plea offer are as follows:

1. Your client, Lloyd Bright, agrees to admit guilt and enter a plea of guilty to one count of **Involuntary (Misdemeanor) Manslaughter**, in violation of 22 D.C. Code § 2105. Your client understands that the offense of Involuntary (Misdemeanor) Manslaughter carries a potential statutory penalty of up to 30 years in prison (with no mandatory-minimum prison term).

In addition, your client understands that pursuant to 4 D.C. Code § 516, as part of his sentence he will be required to pay an assessment to the Crime Victims Compensation Fund of at least \$100 and up to \$5,000, for the felony offense to which he is pleading guilty, and as part of this plea agreement your client agrees to pay such assessments as are specified by the sentencing court.

2. Your client understands that the Government will reserve stepback pending sentencing, will waive any sentencing enhancement papers that do apply, and will reserve allocation at sentencing, subject to the terms set forth in paragraphs 5 and 6 of this agreement.

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Dt: CRMP

3. Your client understands that upon sentencing the Government will dismiss the remaining count(s) in the indictment.

4. The parties further agree that your client, after taking an oath to tell the truth, shall agree to the attached factual proffer.

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. 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. Your client further understands that the applicable guideline range will not be determined by the Court until the time of sentencing.

6. Your client and the Government agree that a sentence of not less than ⁷²~~84~~ months (6 years) and not more than 96 months (8 years) incarceration is the appropriate sentence in this case. Your client and the Government agree, pursuant to Rule 11(e)(1)(C) of the Superior Court Rules of Criminal Procedure, 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, 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. 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.

7. Your client acknowledges that the sentence to which the Court will sentence him in this case is separate and independent from any sentence that your client may receive from the parole commission. Your client acknowledges that he cannot withdraw this plea at a later date because of any harshness of any additional period of incarceration imposed by the parole commission.

8. Your client acknowledges and has been made aware that, pursuant to the Innocence Protection Act, there was not any physical evidence identified that 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. However, your client understands and agrees that in order to plead guilty in this case, your client must waive and give up any claim to conduct independent 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 any DNA tested in this case.

9. 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.

10. 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 offense(s) 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.

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

By: Michelle N. Bradford
Michelle N. Bradford
Assistant U.S. Attorney
(202) 252-7803
Michelle.Bradford@usdoj.gov

DEFENDANT'S ACCEPTANCE

I have read this plea agreement and factual proffer and have discussed it with my attorney, Janet Mitchell, 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 offenses 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: 8-21-13




LLOYD BRIGHT
DEFENDANT

ATTORNEY'S ACKNOWLEDGMENT

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

Date: 8.21.13



JANET MITCHELL, Esq.
Attorney for Lloyd Bright

PROFFER OF FACTS

Had this case gone to trial the Government's evidence would have shown beyond a reasonable doubt that on July 26, 2012, at approximately 10:17 p.m., members of the District of Columbia Emergency Medical Services (EMS) unit responded to 3847 Minnesota Avenue, NE (the "Minnesota Avenue Seafood" carryout) and observed a man, later identified as the decedent, Darryl Sweet, lying in an unconsciousness and unresponsive state. A witness, hereinafter referred to as W5, told the EMS personnel that the decedent had gotten into an argument with another male regarding some money and the male had punched the decedent out. The decedent was stabilized and transported to Medstar, where x-rays of the decedent's head revealed bleeding and swelling of the brain. On July 27, 2012, at approximately 10:25 a.m., the decedent was pronounced dead. A subsequent autopsy was conducted on July 28, 2012. The cause of death was determined to be blunt force injuries of the head and the manner of death was ruled a homicide.

Subsequent investigation revealed that there was a video surveillance camera in front of 3847 Minnesota Avenue, NE. This video surveillance camera revealed that, on the evening of July 26, 2012, the defendant and W5 were in front of the Minnesota Avenue Seafood carryout. Video surveillance from inside the store shows the defendant going inside the store to call an ambulance for W5, who was intoxicated. The defendant then returned to the front of the store. The decedent is seen walking onto the street where the defendant is standing and the defendant is seen approaching the decedent. The defendant and decedent speak for several minutes, at which point the video surveillance becomes fuzzy and unclear for approximately 15 seconds. When the video clears again, the decedent is seen lying on the sidewalk and the defendant is seen walking away from the decedent. Minutes later, an ambulance is seen arriving and W5 is seen approaching the ambulance workers.

The defendant was arrested on October 5, 2012. At the time of his arrest interview, after waiving his rights, the defendant eventually admitted that he had been the person arguing with the decedent as shown in the video surveillance video. A verbal altercation ensued between the two men, during which the defendant became angry at the decedent's demeanor and tone. The defendant then intentionally hit the decedent once with an open hand, causing the decedent to fall onto the sidewalk.

DEFENDANT'S ACKNOWLEDGMENT

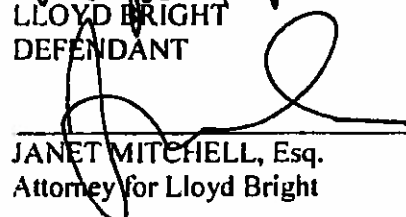
I have read and discussed the Government's Proffer of Facts with my attorney, Janet Mitchell, Esquire. I agree, and acknowledge by my signature that this Proffer of Facts is true and correct.

Date: 8-21-13



LLOYD BRIGHT
DEFENDANT

Date: 8.21.13



JANET MITCHELL, Esq.
Attorney for Lloyd Bright

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 and/or independent DNA testing. I understand the conditions of the plea and agree to them. I knowingly, intentionally, and voluntarily waive and give up DNA testing and/or independent DNA testing, 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: _____

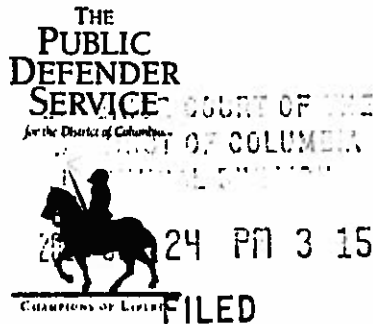
LLOYD BRIGHT
DEFENDANT

Date: _____

JANET MITCHELL, ESQ.
Attorney for Lloyd Bright

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Avis E. Buchanan
Director

Rudolph Acrec, Jr.
Deputy Director

BY HAND

October 23, 2013

The Honorable Herbert B. Dixon, Jr.
Superior Court of the District of Columbia
500 Indiana Avenue, NW
Washington, DC 20001

Re: **United States v. Lloyd Bright**

Dear Judge Dixon:

I am writing to you on behalf of my client, Mr. Lloyd Bright, who is scheduled to appear before this Court for sentencing on October 25, 2013. Mr. Bright respectfully requests that he be sentenced to 72 months incarceration.

Case History

On October 7, 2012, Mr. Bright was arrested and charged with one count of second degree murder. After he was arrested, he was interviewed by the police and confessed to having slapped Darryl Sweet once in the face with an open palm which resulted in Mr. Sweet falling backwards and hitting his head. After being taken to the hospital, Mr. Sweet subsequently died. As Mr. Bright told the police, he and Mr. Sweet had gotten into an oral argument when Mr. Sweet swore at Mr. Bright at which point Mr. Bright reacted by slapping him.¹ Mr. Bright never intended to hurt Mr. Sweet and certainly never intended to kill him. When he learned a couple of days later that Mr. Sweet had died he was flabbergasted. He thought someone must have come and done something to Mr. Sweet after he left and could not understand how his slap had resulted in Mr. Sweet dying. He learned only after the fact that months earlier Mr. Sweet had been attacked and had been hit in the head with a metal pole. What should have been at most a simple assault became a manslaughter because of Mr. Sweet's prior injury.

¹ Although Mr. Bright left after he slapped Mr. Sweet and Mr. Sweet fell to the ground, Mr. Bright knew an ambulance was on the way as he had just called for one to come to assist a wheelchair-bound friend of his who was highly intoxicated and needed help getting home.

On August 26, 2012, Mr. Bright entered an 11(e)(1)(c) plea to one count of involuntary manslaughter where the government and defense agreed to a sentence ranging from 72 months to 90 months incarceration.

Personal

Mr. Bright is a personable and insightful middle aged man. As the presentence report makes clear, like many men in the District of Columbia, much of Lloyd's early life was quite difficult and emotionally troubling. But Mr. Bright is abundantly aware that he is a fully formed adult and does not blame his bad behavior on his troubled upbringing. He acknowledges that his inability to control his drug habit was intrical in the events surrounding Mr. Sweet's death. The argument they were having that night had to do with the fact that Mr. Bright was warning Mr. Sweet that the drug dealers they both bought drugs from were angry that Mr. Sweet wasn't paying his drug debt. What is clear is that once Mr. Bright learned that he had killed Mr. Sweet he went into a tailspin. Lloyd has told counsel that it was a relief when he was finally arrested on this charge and he could clear his conscience by telling the authorities what he had done.² While I suspect this is cold comfort for Mr. Sweet's family, Lloyd is truly remorseful and astonished by what he did and what happened.

While the pull to go back to drugs has been strong in the past, Mr. Bright is now significantly clearer about how his addiction has harmed himself and others. It has had led to arguments at home, parole violations and health problems. Unfortunately, while previously incarcerated Mr. Bright was able to continue using drugs and therefore did not take advantage of the presumed forced sobriety that a prison sentence can afford. But he is in a different position now. His age, new insight, and significant medical issues have made his desire to use illegal drugs disappear. The significant medical issues that he is dealing with, including chronic digestive issues and sciatica, have been made worse by his drug use and he is learning that to deal effectively with his medical conditions he needs to remain sober.

The shock of having had his actions result again in someone dying has also been a compelling motivator in Mr. Bright working on turning around what life he will have left when he is finally released from jail. He is committed to making the necessary lifestyle changes needed to insure a productive life. Prior to getting ill and re-involving himself with drugs, Mr. Bright was able to maintain employment and relationships. He is looking forward to working again once he is released. Counsel has spoken to his wife who has told her that she is supportive of Mr. Bright and will continue to be a support for him while he is locked up. She has said that his use of

² Counsel has seen both the video of the incident and of Mr. Bright's interview with the police. The video and interrogation corroborate Mr. Bright's account of what occurred during his interaction with Mr. Sweet. In addition, his admission to the police make clear how genuinely remorseful Mr. Bright is as one can observe him breaking down and crying when he talks about how much he never meant his actions to result in such a terrible outcome.


drugs was a big point of contention for them and that she will be a pillar for him to rely on to help him remain drug free.

Mr. Sweet's death is a tragedy and while the intent to kill wasn't there the stupidity of slapping someone over an argument is inexcusable and Mr. Bright understands that. He fervently wishes he could go back to that second when he stupidly reacted and slapped Mr. Sweet and not do it. But he can't and that is why we are here now.

Conclusion

Mr. Bright is fully aware of what an awful thing resulted from his actions. And while he may not have intended to kill him, he knows that it is his act that led to Mr. Sweet dying. He is able to understand the awful pain that his acts have caused Mr. Sweet's family and can empathize with their loss. His plea in which he took responsibility for his actions is an indication of his commitment to acknowledging his behavior and moving forward. Mr. Bright does have family and friends in the community who will work with him to insure that once released he will have the support he needs to maintain his sobriety and help with finding employment. This is such a tragedy and while nothing will bring Mr. Sweet back, we are asking the court to take into consideration Mr. Bright's age, his profound remorse over his actions and his total lack of intent to cause any kind of injury serious or not. In weighing these factors we believe that a sentence of 72 months incarceration is appropriate under the circumstances.

Respectfully Submitted,



Janet E. Mitchell
Bar No. 438717
The Public Defender Service
633 Indiana Avenue, N.W.
Washington, D.C. 20004
(202) 824-2748

cc: Michelle Bradford, Esq.