



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 3, 2013

VIA ELECTRONIC MAIL

Mr. James Williams
[REDACTED]

Re: **United States v. Muquan Cawthorne, 2013 CF1 3070**

Dear Mr. Williams:

This letter is to confirm the plea offer for your client, Muquan Cawthorne. This plea offer will remain open until September 6, 2013. However, the Government reserves the right to revoke this plea offer at any time 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:

DEFENDANT'S OBLIGATIONS

1. Your client, Muquan Cawthorne, agrees to admit guilt and enter a plea of guilty to the following offenses:

- a. **Voluntary Manslaughter While Armed**, in violation of D.C. Code §§ 22-2105, 4502, as a lesser included offense of Count 9 of the Second Superseding Indictment (Felony Murder While Armed). Your client understands that the maximum penalty for this offense is **30 years' incarceration**.
- b. **Armed Robbery**, in violation of D.C. Code §§ 22-2801, 4502(a)(1), which is Count 5 of the Second Superseding Indictment. Your client understands that the maximum penalty for this offense is **30 years' incarceration**. There is no mandatory minimum.
- c. **Carrying a Pistol**, in violation of The Firearms Emergency Amendment Act

of 2012, to be codified at D.C. Code, Section § 22-4504(a) (2001 ed.)), which is Count 4 of the Second Superseding Indictment. The maximum penalty for this offense is **5 years' incarceration** and a \$5,000 fine, or both.

2. Your client understands that, in exchange for his plea of guilty to the offenses described in paragraph 1, supra, the government will:
 - a) **dismiss**, at the time of sentencing, all greater and remaining counts in the Second Superseding Indictment; and
 - b) **waive** the filing of any applicable sentencing enhancement papers.
3. The parties agree that your client will remain incarcerated pending sentencing.
4. The parties further agree that your client, after taking an oath to tell the truth, shall agree to a proposed factual proffer in open court on the date of the plea. The language of the proffer is attached to this letter.
5. Your client understands that the Court may use 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 agrees that this letter is binding on the Government, but not binding on the Court, and that your client 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, 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. Your client also agrees that if any illegal firearms or illegal contraband were seized by any law enforcement agency from the possession of or the direct or indirect control of your client, then your client consents to the administrative forfeiture, official use and/or

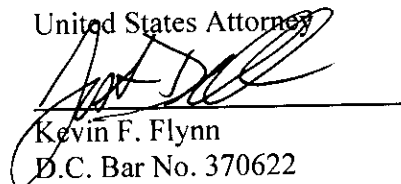
destruction of said firearms or contraband by any law enforcement agency involved in the seizure of these items.

9. 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.
10. 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.
11. Enclosed for your review:
 - a. Defendant's Acceptance & Attorney's Acknowledgment
 - b. Proffer of Facts & Defendant's Acknowledgment
 - e. Defendant's Agreement to Waive DNA testing

Respectfully,

RONALD C. MACHEN JR.

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