



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

August 6, 2013

**VIA ELECTRONIC MAIL**

Brian K. McDaniel, Esq.



Re: *United States v. Derrell Bennett, aka Rel.*  
Case No.: 2010 CF1 24172

Dear Mr. McDaniel:

This letter is to confirm the plea offer for your client, Derrell Bennett, aka Rel. *This plea offer expires on Wednesday, August 7, 2013.* 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:

1. Your client, Derrell Bennett, aka Rel, agrees to admit guilt and enter a plea of guilty to one count of **Second Degree Murder while Armed** in violation of D.C. CODE ANN. §§ 22-2103, 4502 (2001 ed.). The maximum penalty for this offense is forty (40) years of incarceration (unless the government proves aggravating circumstances). This offense carries a mandatory minimum penalty of five (5) years of incarceration.

2. Your client understands that the Government will reserve step-back pending sentencing, will waive any sentencing enhancement papers, will not seek to prove any aggravating circumstances, and will reserve allocution at sentencing, subject to the terms set forth in paragraph 6 of this agreement.

3. Your client understands that the Government agrees that it will dismiss the remaining and greater counts in 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 and the Government agree that a period of incarceration of 204 months (17 years) is the appropriate sentence in this case.

6. 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, that is, 204 months (17 years) of incarceration, 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. The government reserves the right to withdraw this plea offer at any time prior to acceptance of the plea by the Court.


7. In accepting this plea agreement and entering a plea of guilty to the offenses specified in paragraph 1, 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 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.

8. 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 and in open court at the time of the plea, any right he might have to test the evidence for the presence of DNA.

9. 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.

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.

Sincerely,  
RONALD C. MACHEN JR.  
United States Attorney


  
GARY M. WHEELER  
KIMBERLEY C. NIELSEN  
Assistant United States Attorneys

### **DEFENDANT'S ACCEPTANCE**

I have read or had read to me each of the three pages constituting this plea agreement and have discussed it with my attorney, Brian McDaniel. 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.

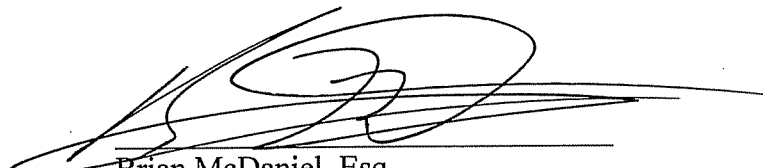
Date: 8/7/13

  
\_\_\_\_\_  
Derrell Bennett  
Defendant

### **ATTORNEY'S ACKNOWLEDGMENT**

I have read each of the three pages constituting this plea agreement. I have fully reviewed and discussed the provisions of the agreement with my client, and I am satisfied that my client understands all of its terms and conditions. These pages accurately and completely set forth the entire plea agreement. I concur with my client's decision to plead guilty.

Date: 8/7/13

  
\_\_\_\_\_  
Brian McDaniel, Esq.  
Counsel for Derrell Bennett

### **PROFFER OF FACTS**

Had this case gone to trial the government would have proven beyond a reasonable doubt that, sometime in the fall of 2010, the defendant, Derrell Bennett, aka Rel, had sold drugs to the victim, Keith Banks, aka Fats. The defendant had fronted the drugs for the victim, and expected payment later. However, the victim did not pay the defendant. In the days before the murder, the defendant sent the victim several text messages in which he demanded the money the defendant believed he was owed.

In the early morning hours of November 12, 2010, the defendant, the victim, and Reginald Vance, aka Dink, were all passengers in a tan or champagne-colored Chevy Tahoe. Vance was driving the Tahoe, the victim was in the front passenger seat, and the defendant was seated directly behind the victim in the back passenger seat. At approximately 3:04 a.m., as they drove alongside the Fort Circle Park in the 1100 block of Galloway Street, N.E., Washington, D.C., the defendant asked Vance to pull the car over so that he could urinate. After Vance stopped the vehicle, the defendant pulled out a gun and ordered the victim out of the car. The victim got out of the car and began to run through the park. The defendant fired a shot at the victim, exited the Tahoe, and chased the victim through the park. As he chased the victim, the defendant continued firing additional shots at the victim. Afterwards, the defendant returned to the Tahoe, re-entered the car, and ordered Vance to drive away.

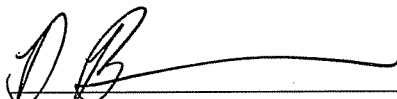
Officers with the Metropolitan Police Department responded to the 1100 block of Galloway Street, N.E., in response to reports for the sounds of gunshots. They discovered the victim, lying on the ground in Fort Circle Park, suffering from multiple gunshot wounds, including two gunshot wounds to the back of the head, one gunshot wound to the right arm, and one gunshot wound to the left arm. Keith Banks died as a result of these gunshot wounds.

At the time of the murder, the victim posed no physical or other threat to the defendant. The defendant did not act in self-defense.

### **DEFENDANT'S ACKNOWLEDGMENT**

I have read or had read to me the Government's Proffer of Facts, setting forth the facts in support of my guilty plea. I have discussed the Government's Proffer of Facts fully with my attorney, Brian McDaniel. I fully understand this proffer and I acknowledge its truthfulness, agree to it, and accept it without reservation. I do this voluntarily and of my own free will. No threats have been made to me nor am I under the influence of anything that could impede my ability to understand this proffer fully.

Date: 8/7/13

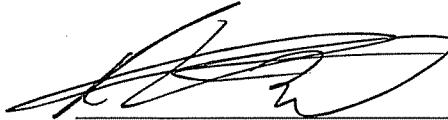
  
Derrell Bennett  
Defendant

**ATTORNEY'S ACKNOWLEDGMENT**

I have read the Government's Proffer of Facts as to my client's guilty plea. I have reviewed the entire proffer with my client and have discussed it with him fully. I concur in my client's agreement with and acceptance of this proffer.

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





Brian McDaniel  
Counsel for Derrell Bennett

**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:

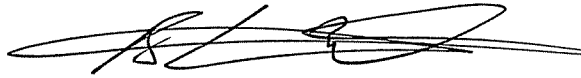
8/2/13



Derrell Bennett  
Defendant

Date:

8/2/13



Brian McDaniel, Esq.  
Counsel for Derrell Bennett