



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*

April 30, 2014

Janet Mitchell, Esquire
Michael Carter, Esquire

Public Defender Service for the District of Columbia

re: U.S. v. Donte Graves, 2013 CF1 003470

Dear Counsel:

This letter is to confirm the plea offer for your client, Donte Graves. The offer will remain open until close of business on May 9, 2014. However, the government reserves the right to revoke this offer any time prior to your client pleading guilty in court in conformance with the offer. If your client accepts the terms and conditions set forth below, please execute and have your client execute the attachments to this letter in the spaces provided. Upon my receipt, the letter, with the executed attachments, will become the plea agreement between your client and the government. The terms of the offer are as follows.

Defendant's Obligations

1. Your client agrees to admit guilt and enter a plea of guilty to voluntary manslaughter (unarmed), as a lesser included offense of the first count in the indictment, in violation of D.C. Code ' 22-2105. Your client understands that this offense carries a maximum penalty of 30 years in prison, followed by a period of supervised release of up to five years.

2. In entering the plea of guilty called for by this agreement, your client agrees to waive certain rights afforded him by the Constitution and/or by statute, as follows:

- (a) Your client understands that the Fifth Amendment to the Constitution guarantees him the privilege against making incriminating statements. By entering the plea of guilty called for by this agreement, your client knowingly and voluntarily waives, i.e., gives up, his privilege against self-incrimination, for purposes of the guilty plea proceeding.
- (b) Your client also understands that by entering a plea of guilty, he waives the following rights: (i) to be tried by a jury, or by a judge sitting without

Case: 2013 CF1 003470



0051691267
DR: CRAPCF

a jury, and to require the government to prove your client guilty beyond a reasonable doubt; (ii) to be assisted by an attorney at trial; (iii) to present evidence in his defense; and (iv) to confront and cross-examine witnesses against him.

- (c) Your client further understands and agrees that the guilty plea entered under this agreement may not be withdrawn because of the harshness of the sentence imposed. Such a motion to withdraw shall constitute a breach of this agreement.
- (d) You and your client have discussed rule 11(e)(6) of the Federal Rules of Criminal Procedure and rule 11(e)(6) of the Superior Court Rules of Criminal Procedure, which ordinarily restrict the admissibility, in both civil and criminal proceedings, of statements made in the course of plea proceedings or plea discussions, if the guilty plea is later withdrawn. Your client knowingly and voluntarily waives or gives up the rights which arise under these rules. As a result of this waiver, your client understands that if the guilty plea is subsequently withdrawn, any statements which your client has made pursuant to this agreement would be admissible against your client for any purpose in any criminal or civil proceeding.

Government's Obligations

3. In return for your client's specific performance of all obligations under this agreement, the government agrees to the following.

- (a) The government agrees that it will not further prosecute your client in connection with the events of this case.
- (b) The government agrees that, at sentencing, it will dismiss the remaining charges in the indictment.

General Obligations

4. Your client and the government agree that a sentence of 120 months of 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.


If the government determines that your client has failed to comply with any provision of this agreement, or has committed any crime during the pendency of this agreement, the government may, in its sole discretion, be released from its obligations under this agreement in its entirety by notifying your client, through counsel, in writing. Your client understands that, should he breach any provision of this agreement, irrespective of whether the government elects to be released from its obligations under this agreement, your client shall be fully subject to criminal prosecution for any and all crimes that your client has committed.

5. This agreement binds only the United States Attorney=s Office for the District of Columbia. It does not bind any other United States Attorney=s Office or any other federal, state or local prosecuting authority.

6. This letter, with attachments, sets forth the complete plea agreement between your client and the government. This agreement supersedes all prior understandings, promises, agreements, or conditions, if any, between this office and your client. No promises, agreements or conditions have been entered into other than those set forth in this letter. There can be no valid addition or alteration to this agreement unless the addition or alteration is made on the record in open court or made in a writing signed by all of the parties.

Respectfully,

RONALD C. MACHEN JR.
UNITED STATES ATTORNEY

by:  (May 9, 2014)

Michael C. Liebman
Assistant United States Attorney
(202) 252-7243
(202) 305-1577 (fax)
michael.liebman@usdoj.gov

att.

Proffer of Facts

At approximately 6:25 p.m., on February 24, 2013, defendant Donte Graves, one Tyrone Joyner, one Marcus McLean, and one Donald Young were together inside the common area hallway of 14 Canal Street, S.W., Washington, D.C., a multi-unit apartment building. A jacket was lying on top of a railing nearby the defendant and the others, inside the hallway. Defendant Graves was armed with a loaded 9 mm handgun.

Defendant Graves asked Mr. Joyner if he could have a look at a handgun that Mr. Joyner had on his person. Mr. Joyner agreed and gave that handgun to the defendant. The defendant proceeded to look over that handgun. He then exited the building, carrying his own 9 mm handgun and the gun Mr. Joyner had handed him moments before.

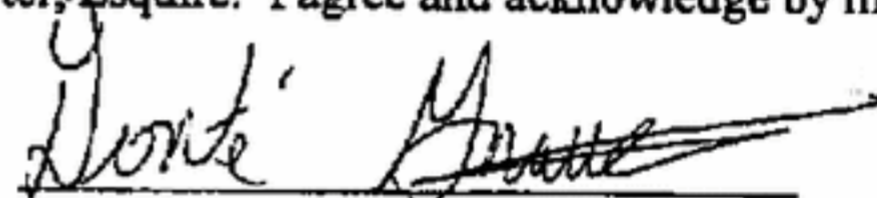
Mr. Joyner followed the defendant out of the building, in an attempt to retrieve the gun he had just handed the defendant. He confronted the defendant in the courtyard in front of the building, and drew back his hand to punch the defendant. The defendant responded by shooting Mr. Joyner one time in the torso with his (the defendant's) 9 mm handgun. The defendant then fled the scene on foot.

Mr. Joyner collapsed on the ground behind 14 Canal Street. On February 25, 2014, Mr. Joyner died as a result of the shooting.

Defendant's Acknowledgment

I have read and discussed the government's proffer of facts with one or both of my attorneys, Janet Mitchell, Esquire, and Michael Carter, Esquire. I agree and acknowledge by my signature that the proffer is true and correct.

date: 5-7-14




Donte Graves, defendant

Attorneys' Acknowledgment

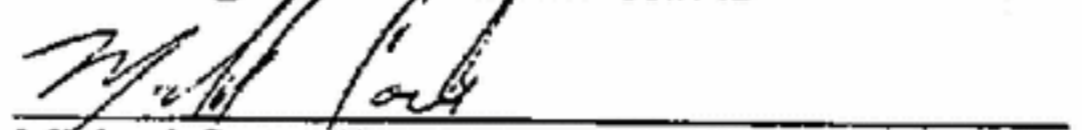
We have read each of the five pages constituting this plea agreement. We have fully reviewed and discussed the provisions of the agreement with our client, defendant Donte Graves, and we are satisfied that our client understands all of its terms and conditions. These pages accurately and completely set forth the entire plea agreement. We concur with our client's decision to plead guilty.

date: 5-7-14



Janet Mitchell, Esquire
Public Defender Service for the District of Columbia
Counsel for defendant Donte Graves

date: 5-7-14



Michael Carter, Esquire
Public Defender Service for the District of Columbia
Co-counsel for defendant Graves