



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 8, 2014

VIA ELECTRONIC MAIL

Kia Sears, Esq.
Christopher Kemmitt, Esq.
Public Defender Service
of Washington, D.C.

Re: United States v. Michael Marshall, 2012 CF1 17177

Dear Counsel,

I write to convey plea offer to your client, Michael Marshall, which your client must enter no later than Thursday, April 10, 2014. 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 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:^{1/}

TERMS AND CONDITIONS

1. Your client agrees to admit guilt and enter a plea of guilty to:

^{1/} Any references to "the defendant" or "your client" refer to Michael Marshall. 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 Michael Marshall and the United States Attorney's Office for the District of Columbia. Any reference to the "agreement" refers to this plea agreement.



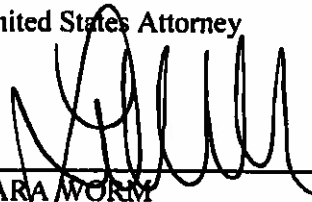
- a) Second Degree Murder while armed, in violation of DC Code Sections 2103, 4502, which carries a maximum penalty of 40 years of incarceration.
2. Your client understands that, in exchange for his plea of guilty to the offenses described in paragraph 1, supra, the government will agree to dismiss the greater and remaining charges in the indictment.
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 in the range of 144 months to 192 months (12-16 years) is the appropriate sentence in this case. Your client understands that the applicable guideline range under the D.C. Sentencing Commission's Voluntary Sentencing Guidelines will not be determined by the Court until the time of sentencing. The parties have agreed that neither party will argue for a sentence outside the above-stated 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 range agreed upon by the parties, that is, 12-16 years 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



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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: 4/10/14


Michael Marshall, Defendant

Date: 4/10/14


Kia Seals, Esq.
Christopher Kemmitt, 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: 4/10/14




Michael Marshall
Defendant

ATTORNEY'S ACKNOWLEDGMENT

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

Date: 4/10/14



Kia Sears, Esq.
Christopher Kemmitt, Esq.
Attorney for defendant