



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 9, 2013

BY EMAIL

Jonathan Zucker, Esq.

Re: United States v. Ricardo Mitchell, 2011 CF1 16373

Dear Counsel:

This letter is to extend a post-indictment plea offer to your client, Ricardo Mitchell. This plea offer will remain open until April 19, 2013, and must be successfully entered before the Court no later than April 23, 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 government's plea offer, please notify me as soon as possible so that I can provide a proposed proffer of facts and additional paperwork to expedite the case's disposition, and so that the case can be placed upon the court's calendar for disposition. 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, Ricardo Mitchell, agrees to admit guilt and enter a plea of guilty to the following offenses: 1) **Second Degree Murder While Armed (Firearm)**, in violation of 22 D.C. Code §§ 2103 and 4502, as a lesser-include of Count I in the indictment; and 2) **Possession Of a Firearm During a Crime Of Violence Or Dangerous Offense**, in violation of 22 D.C. Code, Section 4504(b) (2001 ed.), which is Count II in the indictment.

Your client understands that Second Degree Murder While Armed (Firearm) is a Class A Felony. Your client also understands that this offense carries a potential maximum penalty of forty (40) years of incarceration, with a mandatory minimum period of five (5) years of incarceration: meaning that if the Court accepts your client's plea, the Court is required to sentence your client to at least five (5) years of incarceration, and may impose up to and including forty (40) years of incarceration. Your client also understands that the offense calls for five (5) years of supervised release, with five (5) years of additional incarceration as "backup" time. See 24 D.C. Code Section 403.01.

Your client understands that the offense of Possession Of a Firearm During Crime Of Violence Or Dangerous Offense ("PFCOV") carries a potential maximum penalty of fifteen (15)

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years of incarceration, with thirteen (13) years of initial incarceration, with a mandatory minimum period of five (5) years of incarceration: meaning that if the Court accepts your client's plea, the Court is required to sentence your client to at least five (5) years of incarceration, and may impose up to and including thirteen (13) years of initial incarceration. Your client also understands that the offense carries up to three (3) years of supervised release, with two (2) additional years of incarceration as "backup" time. See 24 D.C. Code Section 403.01.

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 each of the two felony offenses 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 paragraph 5 of this agreement.
3. Your client understands that upon sentencing the Government will dismiss the remaining counts in the indictment.
4. The parties further agree that your client, after taking an oath to tell the truth, shall agree to a factual proffer to be provided upon your acceptance of this agreement.
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 **26 years or 312 months of 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 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.

9. 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.

RONALD C. MACHEN JR.
UNITED STATES ATTORNEY

By: _____-S-
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