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SUPERIOR COURT OF THE
DISTRICT OF COLUMBIA
CRIMINAL DIVISION

**SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION – FELONY BRANCH**

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FILED

UNITED STATES OF AMERICA

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v.

DAVON THOMAS

Defendant.

Court Case No.: 2013CF1001944

Judge Russell F. Canan

Sentencing Date: May 28, 2014

GOVERNMENT'S MEMORANDUM IN AID OF SENTENCING

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits the following memorandum to assist the Court in fashioning an appropriate sentence in this case.

1. On August 28, 2013, defendant Thomas was charged in a one-count indictment with Second Degree Murder, in violation of 22 D.C. Code, Section 2103 (2001 ed.)
2. On September 27, 2013, defendant Thomas entered a guilty plea to the lesser included offense of Voluntary Manslaughter, in violation of 22 D.C. Code, Section 2105 (2001 ed.) In exchange for defendant's plea of guilty, the government agreed to dismiss the greater and remaining count of the indictment at sentencing, reserve step-back, waive any sentencing enhancement papers, and reserve allocution. Both parties agreed not to seek a sentence outside the applicable guideline range.
3. The government recommends a guideline compliant term of 96 months incarceration to provide adequate punishment and time for rehabilitation in a confined setting.¹
4. As the Court is aware from the government's factual proffer and the Presentence

¹ The Presentence Report writer cites a range of 48 – 120 months as the applicable guideline range. PSR at 16.

Report, Emmanuel Campbell was assaulted by defendant Thomas on January 17, 2013, ultimately leading to his death on January 31, 2013.

5. Emmanuel Campbell was fifty-three years old at the time of his death. His life in the community was challenging at best. He lost more than twenty years in prison; suffered from a variety of physical ailments and battled substance abuse. Mr. Campbell existed on the fringes of society; and yet, Mr. Campbell's life had value. He had a close friend in Rodney Croom who was with Mr. Campbell the night of the assault; he had a woman in his life, Kathy Green, who cared and shared a home with him. All Mr. Campbell desired was to live out a quiet life with the respect and dignity accorded any human being.

6. Mr. Croom was a frequent visitor to the apartment Mr. Campbell shared with Ms. Green and the defendant. Mr. Croom opined about his observations of significant disrespectful conduct on the part of the defendant toward Mr. Campbell and how progressively frustrated Mr. Campbell became as a result.

7. Notwithstanding mitigating circumstances, defendant Thomas acted in conscious disregard of the risk of death or serious bodily injury to Mr. Campbell -- a man thirty years his senior. Having resided with Mr. Campbell, there was a reasonable basis to conclude that defendant was aware of Mr. Campbell's preexisting frailties; but nevertheless, he kicked and beat Mr. Campbell, causing multiple fractured ribs, head contusion, and internal hemorrhaging. There was opportunity for defendant to consider the appropriateness of his actions; an opportunity to rein in his rage and anger. However, defendant knowingly chose to ignore these opportunities - and in so doing, brought about the death of Mr. Campbell. Defendant Thomas should be held accountable for his choice of violence.

WHEREFORE, for the foregoing reasons, and in consideration for defendant Thomas' acceptance of responsibility, the United States submits that defendant Thomas should receive a guideline compliant term of 96 months incarceration to reflect the serious nature of the offense, to protect society, and to provide adequate punishment and time for rehabilitation in a confined setting.

Respectfully submitted,

RONALD C. MACHEN JR.
UNITED STATES ATTORNEY

By: 

GEORGE A. PACE, JR.
ASSISTANT U.S. ATTORNEY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have caused a copy of the foregoing to be emailed to counsel for defendant Craig E. Hickein, Esq., (chickein@pdsdc.org), this 27th day of May, 2014.


GEORGE A. PACE, JR.
ASSISTANT U.S. ATTORNEY