



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*

July 26, 2011

Elizabeth Mullin
D.C. Public Defender Service
633 Indiana Avenue, N.W.
Washington, DC 20004

Re: **UNITED STATES v. RODNEY MC INTYRE**
2011CF1009530

Dear Ms. Mullin:

This letter is to confirm the pre-indictment plea offer for your client, Rodney Mc Intyre. This plea offer will remain open until July 29, 2011, and must be entered into by that day. However, the Government reserves the right to revoke this plea offer at anytime 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, Rodney Mc Intyre, agrees to admit guilt and enter a plea of guilty to the following offense: First Degree (Premeditated) Murder While Armed, in violation of 22 D.C. Code Section 2101. Your client understands that this offense carries a potential maximum penalty of life (60 years) incarceration, a mandatory minimum penalty of 30 years of incarceration, and is followed by 5 years of supervised release.
2. Your client agrees not to object to the Government's recommendation to the Court at the time of his guilty plea in this case that, pursuant to 23 D.C. Code § 1325, your client be held without bond until the time of his sentencing.
3. Your client understands that the Government agrees that it will not seek indictment on any remaining or greater charges arising from the murder and sexual assault(s) of Ebony Franklin, or from your client's efforts to obstruct justice or tamper with evidence in this case.
4. The parties further agree that your client, after taking an oath to tell the truth, shall

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agree to the attached factual proffer in open court on the date of the plea.

5. Your client understands that subject to the terms and conditions set forth in paragraph 6 below, the Court may utilize the District of Columbia Sentencing Commission's Voluntary Sentencing Guidelines in imposing the sentence in this case.

6. Your client and the Government agree that a sentence of not less than 37 years (444 months) and not more than 40 years (480 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.

8. Your client acknowledges and has been made aware that, pursuant to the Innocence Protection Act, that there may be physical evidence which was seized from the victim, crime scene or from your client or from some other source that can be tied to your client that could contain probative biological material. Your client understands and agrees that in order to plead guilty in this case, your client must waive and give up DNA testing in this case and must execute the attached written waiver of DNA testing. Your client further understands that should he waive and give up DNA testing now, it is unlikely that he will have another opportunity to have the DNA tested in this case.

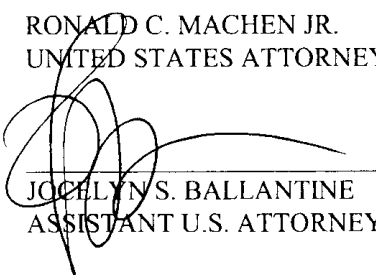
9. In entering this plea of guilty, your client understands and agrees to waive certain rights afforded to your client by the Constitution of the United States and/or by statute. In particular, your client knowingly and voluntarily waives or gives up his right against self-incrimination with respect to the offense(s) to which your client is pleading guilty before the Court which accepts your client's plea. Your client also understands that by pleading guilty your client is waiving or giving up your client's 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 and the right to confront and cross-examine witnesses.

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.

Respectfully,

RONALD C. MACHEN JR.
UNITED STATES ATTORNEY

By:



JOCELYN S. BALLANTINE
ASSISTANT U.S. ATTORNEY

DEFENDANT'S ACCEPTANCE

I have read this plea agreement and factual proffer and have discussed it with my attorney, Elizabeth Mullin, Esquire. 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: 7-20-11

7-29-11

Rodney Mc Intyre
Rodney Mc Intyre
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read each of the pages constituting this plea agreement, reviewed them with my client, Rodney Mc Intyre, and discussed the provisions of the agreement with my client, fully. These pages accurately and completely sets forth the entire plea agreement.

Date: 7-20-11

Rodney Mc Intyre

Elizabeth Mullin, Esq.
Elizabeth Mullin, Esq.
Attorney for Defendant Rodney Mc Intyre

PROFFER OF FACTS

Had this case gone to trial the Government's evidence would have shown beyond a reasonable doubt that Ebony Franklin – who was seventeen at the time of her death – was the biological daughter of Rodney Mc Intyre. Ebony Franklin was raised by her mother in Maryland, but reinitiated contact with her father, Rodney Mc Intyre, in May 2008 when he returned to the community after a period of incarceration.

On Friday, November 26, 2010, Ebony Franklin was to meet her father, Rodney Mc Intyre, in the Columbia Heights area of the District of Columbia to shop for Christmas presents. Thereafter, according to the pre-arranged plan, she was supposed to return to her mother's home in Maryland to complete her chores. Once her chores were completed, Ebony Franklin planned to return to the District of Columbia to spend the weekend with her father, and to visit her boyfriend.

Upon arriving in the District of Columbia, Ebony Franklin met with Rodney Mc Intyre in the area of Meyer Elementary School, where Rodney Mc Intyre was employed by a now-defunct afterschool program called Keely's Boxing Gym. While the two were together at Meyer Elementary School, Rodney Mc Intyre, acting with premeditation and deliberation, stabbed his daughter, Ebony Franklin, at least 15 times, causing her death. There were no mitigating circumstances, and Rodney Mc Intyre did not act in self defense.

At some point after the murder, Rodney Mc Intyre disposed of Ebony Franklin's body by placing it in a city-issued trash can. Ebony Franklin's head was positioned toward the bottom of the trash can; her legs were positioned in the air toward the top of the trash can. Rodney Mc Intyre then covered her body with trash to disguise its presence in the trash can, and wheeled the trash can to the rear of 1030 Fairmont Street, Northwest, Washington, D.C., which is approximately one block away from Rodney Mc Intyre's place of work.

Ebony Franklin's body was not discovered until November 29, 2010, at approximately 1:08 p.m. During the period of time between the commission of the murder and when the body was found, Rodney Mc Intyre engaged in multiple attempts to conceal the murder and Ebony Franklin's resulting disappearance.

After committing the murder, Rodney Mc Intyre took Ebony Franklin's cell phone. Rodney Mc Intyre used this phone to send multiple text messages to various individuals. Beginning on Saturday, November 27, 2010, at approximately 08:10 a.m. Rodney Mc Intyre caused a series of text messages to be sent to Ebony Franklin's stepfather. These texts inquired if Ebony Franklin's mother was upset about the decedent not coming home on Friday, November 26, 2010. Rodney Mc Intyre also placed a call to Ebony Franklin's stepfather, in which he stated that Ebony Franklin running away from home. Because the decedent's stepfather did not have a close relationship with Rodney Mc Intyre, he did not recognize the defendant's voice.

On Sunday, November 28, 2010, at approximately 8:46 a.m., Rodney Mc Intyre used Ebony Franklin's cell phone to send a text message to her mother, stating, "Remember.the.bitch."

told.on.my.man.now.yoo.get.her.out.the.trash."

During the weekend between her murder and the discovery of her body, Rodney Mc Intyre also visited several local police stations to report Ebony Franklin missing.

On Tuesday, November 30, 2010, Dr. Sunil Prashar from the Office of the Chief Medical Examiner performed an autopsy on the Ebony Franklin's remains. The decedent was found to have been stabbed at least 15 times. Medical staff completed a sex kit during the autopsy. The cause of death for the decedent was ruled multiple stab wounds. The manner of death was ruled a homicide.

Between May 2008 and the time of her murder, Rodney Mc Intyre engaged in sexual intercourse with his daughter, Ebony Franklin, on multiple occasions. The sex kit performed at her autopsy was submitted for DNA testing. This testing revealed the presence of Rodney Mc Intyre's semen in his daughter's vagina, indicating that there was sexual contact close-in-time to her murder.

DEFENDANT'S ACKNOWLEDGMENT

I have read and discussed the Government's Proffer of Facts with my attorney, Elizabeth Mullin, Esquire. I agree, and acknowledge by my signature that this Proffer of Facts is true and correct.

Date: 7-20-11

Rodney Mc Intyre
Rodney Mc Intyre
Defendant

Date: 7-20-11

EM
Elizabeth Mullin, Esq.
Attorney for Defendant Rodney Mc Intyre

7-29-11

Rodney Mc Intyre

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. 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: 7-20-11

Rodney McIntyre
Rodney Mc Intyre
Defendant

Date: 7/20/11

Elizabeth Mullin
Elizabeth Mullin, Esq.
Attorney for Defendant Rodney Mc Intyre