



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

*By e-mail*

October 31, 2012

Chris Roberts  
Tejal Kothari  
Public Defender Service  
633 Indiana Avenue, N.W.  
Washington, D.C. 20004

Re: United States v. Maurice Yancey a/k/a Malik Shabazz  
Case No. 2011 CF1 3870

Dear Counsel:

This letter confirms the agreement between your client, Maurice Yancey, also known as Malik Shabazz, and the Office of the United States Attorney for the District of Columbia (hereinafter also referred to as "the Government" or "this Office"). If your client accepts the terms and conditions of this offer, 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. The terms of the offer are as follows:

Defendant's Obligations, Acknowledgments and Waivers:

1. Your client agrees to enter a guilty plea in this case, 2011 CF1 3879, to one count of voluntary manslaughter for the killing Demetrius Dempsey, in violation of 22 D.C. Code, Section 2105 (2005 ed.). Mr. Dempsey was assaulted by your client on June 30, 2007. He died as a result of complications from that assault on December 9, 2010.
2. Your client understands that pursuant to 22 D.C. Code, Sections 2105 (2005 ed.), the charge of voluntary manslaughter carries a maximum statutory term of imprisonment of not more than 30 years. Your client also understands that the Court must require your client to pay an assessment of at least \$100 for this felony count.
3. Your client and the Government agree to a sentence of 12 years of imprisonment, to be followed by a period of five years of supervised release for the offense to which your client is



pleading guilty.

4. 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 sentence specified 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 the agreed upon 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. 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.

5. Your client agrees that she will remain in custody pending sentencing.

6. 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 to which your client is pleading guilty before the Court 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.

7. Your client further agrees that if, pursuant to Rule 11(e)(4) of the Superior Court Rules of Criminal Procedure, the Court determines to reject the plea agreement of the parties as set out in this agreement, then the parties will return to the *status quo ante*.

8. Your client understands that this Office reserves its full right of allocution for purposes of sentencing in this matter. However, the Government agrees that the sentence set forth in paragraph 3 is the agreed upon sentence in this case.

9. The Government reserves its right to full allocution in any post-sentence litigation in order to defend the Court's ultimate decision on such issues. Your client further understands that the Government retains its full right of allocution in connection with any post-sentence motion which may be filed in this matter and/or any proceeding(s) before the Bureau of Prisons. In addition, your client acknowledges that the Government is not obligated and does not intend to file any post-sentence motion in this case pursuant to Rule 35(b) of the Federal Rules of Criminal Procedure.

10. Your client understands and agrees that your client will not be allowed to withdraw the guilty plea entered under this agreement solely because of the harshness of the sentence imposed. Such a motion to withdraw shall constitute a breach of this agreement.



THE GOVERNMENT'S OBLIGATIONS, ACKNOWLEDGMENTS AND WAIVERS:

11. The Government will not proceed against your client with any additional or greater charges for his conduct related to the homicide of Demetrius Dempsey. Specifically, at the time of sentencing the government will move to dismiss the greater count of the indictment. However, your client agrees and acknowledges that the charge to be dismissed at the time of sentencing was based in fact and would not provide your client with a basis for any future claims as a "prevailing party" under the "Hyde Amendment," P. L. 105-119 (1997).

GENERAL CONDITIONS

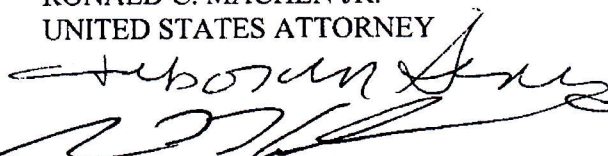
12. This letter sets forth the entire understanding between the parties and constitutes the complete plea agreement between your client and the United States Attorney's Office for the District of Columbia. This agreement supersedes all prior understandings, promises, agreements, or conditions, if any, between this Office and your client.

13. This agreement only binds 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 office or agency of the United States Government, including, but not limited to, the Tax Division of the United States Department of Justice, the Internal Revenue Service of the United States Department of the Treasury; or any state or local prosecutor. These individuals and agencies remain free to prosecute your client for any offense committed within their respective jurisdictions.

14. There are no other agreements, promises, understandings or undertakings between your client and this Office. Your client understands and acknowledges that there can be no valid addition or alteration to this agreement unless the modification is made on the record in open Court or made in a writing signed by all of the parties.

Sincerely,

RONALD C. MACHEN JR.  
UNITED STATES ATTORNEY

  
BY: \_\_\_\_\_

Deborah Sines  
Glenn L. Kirschner  
Assistant United States Attorneys

DEFENDANT'S ACCEPTANCE

I have read this plea agreement and the proffer of facts 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 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: 11/1/12

  
Maurice Yancey also known as Malik Shabazz  
Defendant

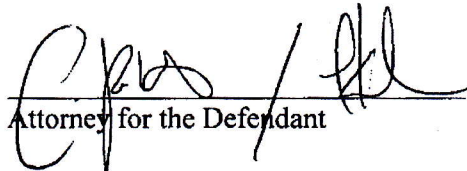
ATTORNEYS' ACKNOWLEDGMENT

We have read each of the pages constituting this plea agreement, reviewed them with our client, and discussed the provisions of the agreement with our client, fully.

These pages accurately and completely sets forth the entire plea agreement.

We concur in our client's desire to plead guilty as set forth in this agreement.

Date: 11/1/12

  
Attorney for the Defendant

## PROFFER OF FACTS

Had this case gone to trial the United States would have proved beyond a reasonable doubt that on June 30, 2007, the decedent, Demetrius Dempsey, got into a fight with his girlfriend, Alicia Jackson, in front of 300 54<sup>th</sup> Street, N.E., in the Clay Terrace neighborhood of Washington, D.C. During the fight, the decedent took Ms. Jackson's keys. The defendant, Maurice Yancey, also known as Malik Shabazz, did not realize that the decedent had already returned the keys to Ms. Jackson, when he interceded. The decedent told the defendant to mind his business. Instead, the defendant pushed the decedent, and the two men wrestled, exchanging punches. Thereafter, the decedent walked away from the defendant, toward the 200 block of 54<sup>th</sup> Street, N.E.

The government would have proved that the defendant followed the decedent and that a group of young teenagers also followed. The defendant stopped in the yard of 215 54<sup>th</sup> Street, N.E., and picked up a landscaping brick from the yard. The defendant then followed the decedent to the yard of 219 54<sup>th</sup> Street, N.E., where the defendant struck the decedent in the head two times with the brick. After striking the decedent once with the brick, a witness attempted to pull the defendant off of the decedent. The decedent fell to the ground. The defendant hit the decedent a second time while he was on the ground. Thereafter, a number of the young teenagers who had followed the decedent and the defendant, kicked the decedent in the body.

After this beating the decedent lapsed into a coma. He was hospitalized until he was transferred to a series of rehab centers, until he died, on December 9, 2010, from the injuries to his brain which he received on June 30, 2007.

The government would have proved that the defendant grew up in Clay Terrace; that his mother lived on 54<sup>th</sup> Street, N.E. in 2007; and that the defendant was known in the neighborhood by the nicknames of "Mickey" and "Mousey." The government would have proved its case through direct testimony of eyewitnesses; the medical examiner; medical records, and evidence recovered from the scene.