



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

December 21, 2012

VIA ELECTRONIC MAIL

Ms. Judith Pipe
Counsel for Ariston Dickson
633 Indiana Avenue, N.W.
Washington, D.C., 20004
Email: JPipe@pdsdc.org

Re: **United States v. Ariston Dickson**
Case No.: 2012 CF1 18405

Dear Ms. Pipe:

This letter is to confirm the pre-indictment plea offer for your client, Ariston Dickson. **This plea offer expires on Wednesday, January 9, 2013, at 12:00 p.m.**¹ 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 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 In accepting this plea offer, the government will not require an executed copy of this agreement until the preliminary hearing currently scheduled for January 11, 2013. However, please provide us with your client's decision as to whether he will be accepting this offer by the January 9, 2013 deadline mentioned above so that we may alert the Court as to how we will proceed on January 11, 2013, as well as prepare for the preliminary hearing in the event that your client rejects this plea offer.



1. Your client, Ariston Dickson, agrees to admit guilt and enter a plea of guilty to one count of each of the following offenses:

- a. Voluntary Manslaughter in violation of D.C. CODE § 22-2105. Your client understands that the offense of Voluntary Manslaughter carries a potential maximum penalty of thirty (30) years of incarceration.
- b. Unlawful Possession of a Firearm, in violation of D.C. CODE § 22-4503 (a) (1). Your client understands that the offense of Unlawful Possession of a Firearm carries a potential maximum penalty of ten (10) years of incarceration, with a mandatory minimum penalty of one (1) year of incarceration.

2. Your client understands that the Government will reserve step-back pending sentencing, will waive any sentencing enhancement papers, which do apply in this case, and will reserve allocation at sentencing, subject to the terms set forth in paragraph 8 of this agreement.

3. Your client understands that the Government agrees that it will not seek indictment on any remaining or greater charges arising from the facts in the above-referenced case.

4. To consider and accept this plea offer, your client must agree to waive the detention hearing currently scheduled for January 11, 2013.

5. The parties further agree that your client, after taking an oath to tell the truth, shall agree to the attached factual proffer in open court on the date of the plea.

6. Your client understands that subject to the terms and conditions set forth in paragraph 8 below, the Court may utilize the District of Columbia Sentencing Commission's Voluntary Sentencing Guidelines in imposing the sentence in this case.

7. Your client and the Government agree that a sentence of 96 months (8 years) of incarceration is the appropriate sentence in this case.

8. 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, that is, 96 months (8 years) of incarceration, 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.

9. 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.

10. The charge to which your client would be entering a guilty plea is a crime of violence as defined in D.C. CODE § 23-1331(4). Your client acknowledges and has been made aware that, pursuant to the Innocence Protection Act, 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.


11. Your client also agrees that if any illegal firearms or illegal contraband were seized by any law enforcement agency from the possession of or the direct or indirect control of your client, then your client consents to the administrative forfeiture, official use and/or destruction of said firearms or contraband by any law enforcement agency involved in the seizure of these items.

12. 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.

13. 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.

Sincerely,
RONALD C. MACHEN JR.
United States Attorney

JEFFREY R. RAGSDALE
MICHELLE D. JACKSON
Assistant United States Attorneys



KIMBERLEY C. NIELSEN
Assistant United States Attorney

DEFENDANT'S ACCEPTANCE

I have read or had read to me each of the four pages constituting this plea agreement and have discussed it with my attorney, Judith Pipe. 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.

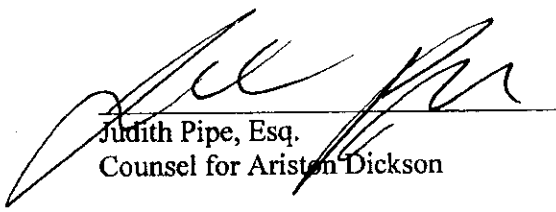
Date: 1-3-13


Ariston Dickson
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read each of the four pages constituting this plea agreement. I have fully reviewed and discussed the provisions of the agreement with my client, and I am satisfied that my client understands all of its terms and conditions. These pages accurately and completely set forth the entire plea agreement. I concur with my client's decision to plead guilty.

Date: 1-3-13


Judith Pipe, Esq.
Counsel for Ariston Dickson

PROFFER OF FACTS

The government would have proven beyond a reasonable doubt that on Monday, October 22, 2012, at approximately 1:33 a.m., the defendant, Ariston Dickson, was in Witness 1's bedroom at ■■■ 27th Street, S.E., Apartment ■■■, Washington, D.C. Witness 1 and the defendant were watching movies in the bedroom when the victim, Robert Lesueur, also known as Mo, began knocking on the apartment door. The victim and Witness 1 had a child in common, and the victim had just moved out of the apartment.

When the victim began knocking on the door, Witness 1 left the bedroom and went to the front door of the apartment to confront the victim. Witness 1 did not let the victim into the apartment, but was speaking with him through the door, asking the victim to leave. Initially, the victim stated that he just wanted his cell phone charger from inside the apartment. However, when Witness 1 indicated that it was not going to let the victim into the apartment, the victim became insistent upon entering the apartment. The victim began banging and kicking on the door, and stated words to the effect of "if someone is in there, let me know," and "open this door or I will kick it down; if someone is in there he has to see me." At no time did the victim state that he had a weapon or threaten any kind of bodily harm.

The defendant was still in Witness 1's bedroom, sitting on the bed. When the victim's banging and kicking on the door became more insistent, the defendant rolled a black ski mask over his face, covering his entire face except his eyes.

The victim forced open the front door of the apartment. When the defendant heard the door being forced open, he removed a loaded 9 mm caliber handgun that he had brought with him to Witness 1's apartment. While holding the gun, he extended his arm towards the open bedroom door. When the victim appeared in the doorway of Witness 1's bedroom – completely unarmed – the defendant shot at the victim three times. Two of the shots took effect, and the victim collapsed to the ground. The defendant, still wearing the black ski mask, fled the apartment.

The victim was shot once in the face and once in the chest. He was transported to Prince George's County Hospital, where he died from his injuries on October 22, 2012, at 11:09 a.m.

After his arrest, the defendant spoke with law enforcement and admitted that he knew Witness 1 had been in a relationship with the victim, that he brought the gun with him to Witness 1's apartment, and that he put on his ski mask while the victim was kicking on the front door. The defendant further admitted that he had the gun pointed at the door before the victim arrived in the doorway so that as soon as the victim walked in the door, the victim would see the gun. Finally, the defendant admitted that he fired the gun three times.


When the defendant shot the victim he did not have a reasonable belief that he was in danger of serious bodily injury or that such force was necessary to defend against the victim's actions.

The defendant was previously convicted of Possession of a Regulated Firearm by a Person under 21 Years of Age in Maryland, a crime punishable by imprisonment for a term exceeding one year.

DEFENDANT'S ACKNOWLEDGMENT

I have read or had read to me the Government's Proffer of Facts, setting forth the facts in support of my guilty plea. I have discussed the Government's Proffer of Facts fully with my attorney, Judith Pipe. I fully understand this proffer and I acknowledge its truthfulness, agree to it, and accept it without reservation. I do this voluntarily and of my own free will. No threats have been made to me nor am I under the influence of anything that could impede my ability to understand this proffer fully.

Date: 1-3-13


Ariston Dickson
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read the Government's Proffer of Facts as to my client's guilty plea. I have reviewed the entire proffer with my client and have discussed it with him fully. I concur in my client's agreement with and acceptance of this proffer.


Date: _____

Judith Pipe
Counsel for Ariston Dickson

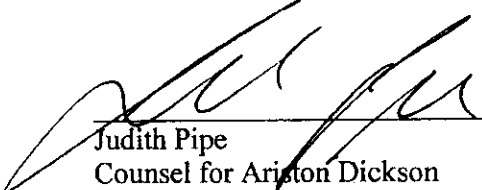
DEFENDANT'S AGREEMENT TO WAIVE DNA TESTING

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: 1-3-13


Ariston Dickson
Defendant

Date: 1-3-13


Judith Pipe
Counsel for Ariston Dickson