

SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION

UNITED STATES OF AMERICA

v.

RECO COATES

2013 JAN -9 10 3:27
Case No. 2009 CF1 15475

Judge William Jackson

Sentencing: January 11, 2013

GOVERNMENT'S MEMORANDUM IN AID OF SENTENCING

The United States, by and through its attorney, the United States Attorney for the District of Columbia, hereby submits the following Memorandum in Aid of Sentencing. Defendant pled guilty to one count of Voluntary Manslaughter, in violation of D.C. Code § 22-2105, which carries a potential maximum penalty of not more than 30 years in jail. The government recommends a sentence of eight years of incarceration. It opposes a sentence under the Youth Rehabilitation Act. In support of its recommendation, the government relies on the following points and authorities.

BACKGROUND

On November 12, 2007, at approximately 5:30 p.m., defendant along with other individuals robbed Anthony Collins in an apartment at [REDACTED] 34th Street, S.E., in Washington, D.C. The robbers, who included defendant, knocked on the front door and claimed to want to buy illegal drugs from Mr. Collins. When Mr. Collins opened the door, a robber shoved a gun through the doorway and said words to the effect of, "You know what time it is." Mr. Collins attempted to slam the door shut and barricade it with his body as he was stabbed by the robbers on the other side. The robbers gained entry into the apartment, stabbed and cut Mr. Collins with knives and stole Mr. Collins' crack cocaine. The robbers then fled the apartment.

Due to his wounds, Mr. Collins was transported by ambulance to the hospital where he was admitted and treated. During the course of his treatment, Mr. Collins' condition deteriorated. After lapsing into a coma, Mr. Collins died in the hospital on December 28, 2007. A subsequent autopsy determined that the cause of death was complications from the stab wound to Mr. Collins' left chest and that the manner of death was homicide.

On July 14 and 15, 2009, defendant confessed to the police that he participated in the robbery that led to Mr. Collins' death. He assaulted Mr. Collins with a knife and searched the apartment for more items to steal. He also told the police that he assaulted another individual (Sam Buckmon) with a frying pan who tried to hide in the bedroom during the robbery.

On July 16, 2009, defendant was presented at D.C. Superior Court on the charge of First Degree Murder While Armed. A detention hearing was held on August 4, 2009, which resulted in defendant being held without bond pursuant to D.C. Code § 23-1325. Defendant was indicted, and arraigned on April 10, 2010, for First Degree Murder While Armed (two counts), First Degree Burglary While Armed, Armed Robbery, Assault with a Deadly Weapon, Possession of a Firearm During a Crime of Violence (three counts), and Carrying a Dangerous Weapon.

During the course of the litigation, defendant recanted his confession to the police and sought to admit expert testimony at trial to support his contention that his confession was false. Litigation over the admissibility of the expert testimony stretched over a year. Ultimately, the Court concluded on September 17, 2012, that the expert testimony was inadmissible.

On November 19, 2012, defendant pled guilty to Voluntary Manslaughter pursuant to a Rule 11(e)(1)(c) plea agreement where the parties agreed to recommend a sentence to the Court of 8 years of incarceration. Defendant is scheduled to be sentenced on January 11, 2013.

THE GOVERNMENT'S RECOMMENDATION

The maximum statutory penalty for Voluntary Manslaughter is 30 years of incarceration. D.C. Code § 22-2105. The maximum prison term that can be imposed is 27 years. See 2012 D.C. Voluntary Sentencing Guidelines Manual (hereinafter "Sentencing Guidelines") at CI-9. The maximum term of supervised release is five years. See id. Due to defendant's lack of convictions,¹ the defendant's sentencing range under the Sentencing Guidelines, is 48 to 120 months (4 to 10 years). See Pre-Sentence Report.

The government has agreed with defendant to request eight years of incarceration. The government requests this sentence and believes it is appropriate in light of defendant's participation in the robbery. The government opposes any request for sentencing under the Youth Rehabilitation Act due to the severity of the offense. Mr. Collins was attacked brutally and stabbed for illegal drugs. His pre-existing health issues (including diabetes and cardiovascular disease) complicated his potential recovery from these wounds. He lapsed into a coma which lasted for over a month before he died. Though Mr. Collins' overall health complicated his recovery, he would not have suffered in the hospital and died from his wounds if not for defendant's actions.

Though defendant early on took responsibility for his actions in a confession, he denied responsibility when brought before the Court and disavowed that confession. He then delayed the litigation of this case by presenting multiple experts to help him disavow that confession at trial. Though defendant has a right to present the defense of his choice, his litigation strategies prolonged this case which caused much grief to the decedent's loved ones.

¹ Defendant has pending traffic cases and a pending case for destruction of property in Maryland. Bench warrants were issued due to his failure to appear in court for these cases. Defendant was incarcerated in D.C. Jail for this murder case at the time of his hearings in Maryland.

The impact of defendant's actions on those loved ones also justifies incarceration.² One of them witnessed the robbery. Not only does she have to endure the pain of the loss of Mr. Collins, but she also has to cope for the rest of her life with the memory of witnessing the incident. Other family members and friends of Mr. Collins live in the same building where the robbery occurred and had to endure hearing the violence of the robbery while it happened. One family member refuses to visit other family and friends in the building because of the incident.

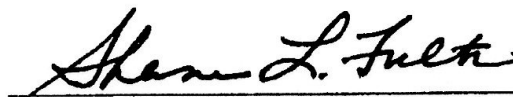
Defendant should be given credit for accepting a plea offer and diverting a trial which would have caused more pain for Mr. Collins' family and expended the court's valuable resources. However, by pleading guilty to voluntary manslaughter, he saved himself from the likelihood of a first degree murder conviction and its much more severe and mandatory 30-year minimum sentence. Accordingly, any leniency or credit that the defendant is entitled to has been provided through his acceptance of the government's plea offer that will dismiss the remaining and greater charges in the indictment. His acceptance of the plea offer does not excuse his killing of a man for crack cocaine that he could not legally possess either, nor does it merit treatment under the Youth Rehabilitation Act.

² The government has informed Mr. Collins' family of the sentencing date and their ability to provide an impact statement to the Court. The family is considering whether to address the Court at the sentencing hearing.

For these reasons, the government respectfully recommends a sentence of incarceration of eight years.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading was sent by e-mail and U.S. mail to counsel for Defendant Reco Coates on January 8, 2013: Andrew Stanner, The Public Defender Service, 633 Indiana Avenue, NW, Washington, DC 20004; Email: astanner@pdsdc.org.



Assistant United States Attorney