



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*

January 11, 2013

Madalyn Harvey, Esquire  
The Public Defender Service  
633 Indiana Avenue, NW  
Washington, DC 20004

Re: **UNITED STATES v. SEAN CARTER**  
Case No. 2012 CF1 17907

Dear Counsel:

This letter is to confirm the pre-indictment plea offer for your client, Sean Carter. This plea offer will remain open until **January 15, 2013**. However, 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. Your client Sean Carter agrees to admit guilt and enter a plea of guilty to the following offenses: Second Degree Murder While Armed, in violation of D.C. Code §§ 22-2103, 2104, and 4502; and, Assault With Intent To Kill, in violation of D.C. Code § 22-401. Your client understands that the offense of Second Degree Murder While Armed carries a potential penalty of a minimum of ten years of imprisonment and a maximum penalty of 30 years of imprisonment, and that the offense of Assault With Intent To Kill carries a potential penalty of a minimum of two years of imprisonment and a maximum of 15 years of imprisonment.
2. Your client understands that the Government will reserve stepback pending sentencing, will waive any sentencing enhancement papers, and will reserve allocation at sentencing, subject to the terms set forth in paragraph 5 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. 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.

5. Your client understands that the Court may utilize the District of Columbia Sentencing Commission's Voluntary Sentencing Guidelines in imposing the sentence in this case. The Government and your client agree that neither party will seek an upward or downward departure outside of your client's applicable guideline range.

6. 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. The Government understands that your client is not bound by the Government's allocution, and may request a lesser sentence, subject to the terms set forth in paragraph 5, above.

7. 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.

8. 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.

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

A handwritten signature in cursive script, reading "Shana L. Fulton", is written over a horizontal line.

Shana L. Fulton  
Assistant U.S. Attorney

### **DEFENDANT'S ACCEPTANCE**

I have read this plea agreement and factual proffer and have discussed it with my attorney, Madalyn Harvey, 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:

1/15/13

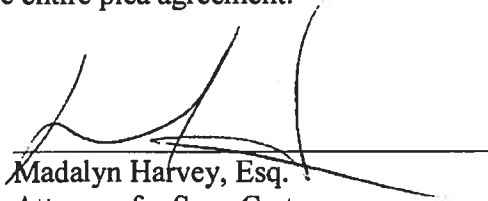
  
Defendant Sean Carter

### **ATTORNEY'S ACKNOWLEDGMENT**

I have read each of the pages constituting this plea agreement, reviewed them with my client, Sean Carter, and discussed the provisions of the agreement with my client, fully. These pages accurately and completely set forth the entire plea agreement.

Date:

1/15/13

  
Madalyn Harvey, Esq.  
Attorney for Sean Carter

### PROFFER OF FACTS

Had this matter gone to trial the Government's evidence would have shown beyond a reasonable doubt that on August 23, 2012, at approximately 10:15 p.m., defendant Sean Carter saw Bidley Warren and the complainant walking on Rhode Island Avenue, NE. Defendant went into his nearby home, retrieved a gun and hurried towards them in the 1000 block of Rhode Island Avenue, NE. When Mr. Warren and the complainant saw defendant, they ran away from defendant. Defendant chased after them and shot at them. Mr. Warren fell. The complainant stopped to check on Mr. Warren, but defendant shot at the complainant again nearly striking the complainant in the head. Due to the assault with gun fire, the complainant was forced to leave Mr. Warren behind and he ran away. Defendant then stood over Mr. Warren and shot Mr. Warren in the head. Mr. Warren died shortly thereafter from the gunshot wound to his head.

After the murder, defendant fled to Atlanta, Georgia. He was apprehended by the U.S. Marshals in Atlanta on October 1, 2012. On October 3, 2012, defendant confessed to two detectives with the Metropolitan Police Department that he chased and shot at Mr. Warren and the complainant, and that he then shot Mr. Warren in the head while Mr. Warren lied on the ground.

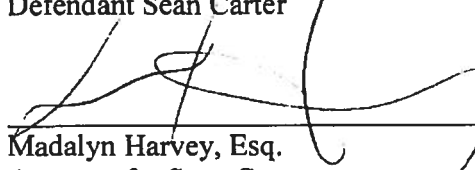
### DEFENDANT'S ACKNOWLEDGMENT

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

Date: 11/15/13

  
Defendant Sean Carter

Date: 11/15/13

  
Madalyn Harvey, Esq.  
Attorney for Sean Carter

**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 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: 1/15/13

  
Defendant Sean Carter

Date: 1/15/13

  
Madalyn Harvey, Esq.  
Attorney for Sean Carter

SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA  
CRIMINAL DIVISION

UNITED STATES OF AMERICA

Case No. 2012 CF1 17907

v.

Judge Robert Morin

SEAN CARTER

Next Hearing: January 15, 2013

**INFORMATION**

On or about August 23, 2012, within the District of Columbia, while armed with a gun, and with the intent to kill another and to inflict serious bodily injury on another and with a conscious disregard of an extreme risk of death or serious bodily injury to another, Sean Carter caused the death of Bidley Warren, by shooting him with a gun thereby causing injuries from which Bidley Warren died. **(Second Degree Murder While Armed, in violation of 22 D.C. Code Sections, 2103, 2104, and 4502 )**

On or about August 23, 2012, within the District of Columbia, Sean Carter assaulted Vincent Williams with intent to kill him. **(Assault With Intent to Kill, in violation of D.C. Code, Section 401)**

Respectfully submitted,

RONALD C. MACHEN  
United States Attorney



SHANA L. FULTON  
Assistant United States Attorney  
Homicide Section  
555 Fourth Street, NW, Room 9437  
Washington, DC 20530  
Tel: (202) 252-7281



SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA  
CRIMINAL DIVISION

UNITED STATES OF AMERICA

Case No. 2012 CF1 17907

v.

Judge Robert Morin

SEAN CARTER  
\_\_\_\_\_ /

Next Hearing: January 15, 2013

**WAIVER OF INDICTMENT**

I, Sean Carter, the above-named defendant accused of the felony charges of Second Degree Murder While Armed and Assault With Intent To Kill, being advised of the nature of the charges and of my rights, hereby waive in open court prosecution by indictment, and consent that the proceeding may be by information instead of by indictment.

I have consulted with my attorney, and have decided voluntarily to waive my right to be prosecuted for these felonies only after a grand jury votes to indict me. This waiver is being made voluntarily and intelligently and without duress or compulsion.

Date: 1/15/13

Sean Carter  
Defendant Sean Carter

Date: 1/15/13

Madalyn Harvey  
Madalyn Harvey, Esquire  
Counsel for Sean Carter

Case: 2012 CF1 017907





Superior Court of the District of Columbia

United States of America/  
District of Columbia

vs.

Case No. 2012 CF1 17907

Sean Carter

PLEA AGREEMENT AND WAIVER OF TRIAL

PLEA AGREEMENT: Defendant and the Government enter into the following plea agreement:

If Mr. Carter pleads guilty to 1 ct. 2nd deg murder w/a and  
1 ct AWIK the govt will dismiss the greater charge of 1st deg murder  
w/a, the govt will not seek to indict Mr. Carter for any other  
**YOU ARE NOT REQUIRED TO PLEAD GUILTY.** If you do plead guilty, you will give up charges  
arising from  
the facts of  
this  
case  
the govt  
will  
release  
step back,  
will be  
enhance-  
ment  
papers  
and  
reserve  
allowance  
both  
papers  
will  
allocate  
within  
the  
applicable  
guideline  
range.  
**important rights, some of which are stated below.**

First, you give up your right to a trial by the court or a jury, comprised of 12 members of the community. At a trial you would be presumed to be innocent and the Government would be required to present evidence in open court to prove its case beyond a reasonable doubt.

At the trial you have the right to have a lawyer represent you. The lawyer would be able to cross-examine witnesses, file motions to suppress evidence and statements, and make objections and arguments on your behalf. You would have the right to question any witness and you could have witnesses come to court and testify for you. You would also have the right to testify if you wanted to; however, if you chose not to present testimony that decision could not be used against you. You could not be convicted at trial unless the court found that the Government had proved your guilt beyond a reasonable doubt.

Second, you give up your right to appeal your conviction to the Court of Appeals. This is a right you would have if you were convicted after trial. The right to appeal includes the right to have the Court of Appeals appoint a lawyer for you and pay for your lawyer's services if you could not afford a lawyer.

Third, if you are not a citizen of the United States, your plea of guilty could result in your deportation, exclusion from admission to the United States, or denial of naturalization.

Your signature on this form means that you wish to plead guilty and give up your right to trial and your right to appeal. If the court accepts your guilty plea, you will be convicted and the only matter left in the case will be for the court to sentence you. No person can guarantee what your sentence will be.

**I HAVE REVIEWED THIS FORM WITH MY LAWYER AND HAVE DECIDED TO PLEAD GUILTY IN THIS CASE. I HAVE DECIDED TO GIVE UP MY CONSTITUTIONAL RIGHT TO HAVE A TRIAL AND TO GIVE UP MY RIGHT OF APPEAL.**

S. L. Fule  
Asst. U.S. Attorney  
~~Asst. Corporation Counsel~~

Sean Carter  
Defendant

[Signature]  
Attorney for Defendant

Approved this 5th day of January, 2013  
[Signature]  
Judge

Case: 2012 CF1 017907

