

United States of America/
~~District of Columbia~~

vs.

Case No. 2011 (F1 9743)

Paul Simon

PLEA AGREEMENT AND WAIVER OF TRIAL

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

*Wink
must
30 years*

He/C to voluntary resketch to 96 months
see attached agreement.

YOU ARE NOT REQUIRED TO PLEAD GUILTY. If you do plead guilty, you will give up 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.

[Signature]
Asst. U.S. Attorney
Asst. Corporation Counsel

Paul Simon
Defendant

Approved this 11th day of Oct, 20012

[Signature]
Attorney for Defendant

[Signature]
Judge



U.S. Department of Justice

United States Attorney

District of Columbia

*Judiciary Center
555 Fourth St. N.W.
Washington, D.C. 20530*

October 10, 2012

Eugene Ohm, Esq.
Public Defender Service
Washington, D.C.

Re: UNITED STATES v. PAUL JOHNSON, 2011 CF1 9743

Dear Mr. Ohm:

This letter is to confirm the plea offer for your client, Paul Johnson (hereinafter "client"). If your client accepts the terms and conditions set forth below, please have him 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 agrees to admit guilt and enter a plea of guilty to Voluntary Manslaughter While Armed, which is a lesser included offense of count 3 in the indictment in this case. Your client understands that this offense carries a potential maximum penalty of thirty years in prison and a mandatory minimum period of incarceration of five years in prison.

2. Your client understands that the Government will reserve stepback pending sentencing, waive any sentencing enhancement papers, and reserve allocation at sentencing, subject to the terms set forth in paragraph 6. of this agreement.

3. Your client understands that the Government agrees that it will dismiss counts 1 and 2 and counts 4 through 8 at the time of sentencing.

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 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 96 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 and your client 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.

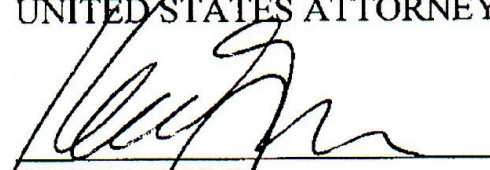
8. In entering this plea of guilty, your client understands and agrees to waive certain rights afforded to your client by the Constitution of the United States and/or by statute. In particular, your client knowingly and voluntarily waives or gives up his right against self-incrimination with respect 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.

9. 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:



KEVIN FLYNN
DANIEL FRIEDMAN
ASSISTANT U.S. ATTORNEYS

DEFENDANT'S ACCEPTANCE

I have read this plea agreement and factual proffer and have discussed it with my attorney, Eugene Ohm, Esq. 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: 10/11/12

Paul Johnson
DEFENDANT

ATTORNEY'S ACKNOWLEDGMENT

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

Date: 10/11/12

Eugene Ohm
EUGENE OHM, ESQ.
ATTORNEY FOR PAUL JOHNSON

PROFFER OF FACTS

Had this case gone to trial the Government would have been able to establish the following beyond a reasonable doubt:

On March 14, 2007, in the early morning hours, the decedent, Gregory Edwards, left a residence in the 1400 block of Congress Place, SE. At the time that he left the residence, he was observed to be in possession of a bag of 20 smaller bags of greenish weed. The decedent proceeded down Congress Place and approached a group of three individuals, including the defendant. The decedent asked the group if anyone wanted to buy some marijuana; everyone in the group declined. The decedent continued walking down the street away from the group. The defendant at this point turned to the others and said something to the effect that he was out of money and was going to take the weed from the decedent. He walked behind the decedent and accompanied him into an alley. No one else was observed entering or leaving the alley at that time. Minutes after the defendant accompanied the decedent into the alley, witnesses overheard gunshots. Police officers coming on the scene subsequently found the decedent's body lying in the alley a short distance away from where he was last seen entering it with the defendant. A witness would testify that it was looking out on Congress Place following the shooting and observed an individual matching the defendant's description moving down Congress Place as if from the direction of the alley and then handing a small wrapped up package off to another individual who then ran. When the decedent's body was found by police, his clothing was searched and no marijuana was recovered. The decedent was later autopsied and the cause of his death was ruled multiple gunshot wounds and manner of death homicide.


DEFENDANT'S ACKNOWLEDGMENT

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

Date: 10/11/12


DEFENDANT

Date: 12/11/12


EUGENE OHM, ESQ.
ATTORNEY FOR PAUL JOHNSON