

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION – FELONY BRANCH

UNITED STATES OF AMERICA

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Criminal No. 11-26
JAN 28 11:26 AM '13
FILED
Judge Russell Canarr
Sentencing: February 8, 2013

v.

ANTHONY SPEIGHT

GOVERNMENT’S MEMORANDUM IN AID OF SENTENCING

The United States respectfully submits its Memorandum in Aid of Sentencing for the above-referenced case. For the reasons set forth in this Memorandum, the United States requests a 24-year sentence for murdering William Mitchell nearly two years ago.

BACKGROUND

On January 19, 2011, at approximately 11:11 P.M., officers from the Metropolitan Police Department (MPD) were flagged down at North Capitol Street and Florida Avenue N.W. for a shooting. W1 reported that a black male suspect riding a bicycle had approached W1 and propositioned W1 for sex. W1 declined and continued to a bus stop at the intersection of North Capitol St. and Florida Avenue, N.W. W1 saw the suspect, later identified as defendant Anthony Speight, approach the decedent, William Mitchell, who was standing a bus stop. W1 heard the defendant ask for \$20, and then heard an argument ensue. As W1 approached to assist the decedent, W1 saw the defendant lift up the front of his shirt as if showing something to the decedent. W1 told the defendant to leave the decedent alone, and they began to argue. W1 took her cell phone to call 911, and the defendant knocked the phone to the ground. As W1 tried to pick up the phone, the defendant ran over it with his bicycle tire. From W1’s peripheral vision, W1 saw the defendant move more aggressively towards her, and then saw the decedent jump on the defendant’s back. Both men fell to the ground, and during the struggle, the defendant produced handgun and said, “This is what I’ve been waiting for.” The defendant shot the decedent four times, then fled on his bicycle. The decedent was transported to Washington Hospital Center, where he was pronounced dead the next morning at 1:20 A.M.

Through their investigation, MPD detectives identified the defendant as a suspect in Billy Mitchell's murder. The defendant, who was being held in an armed carjacking case, 2011 CF3 1296, was arrested and interviewed on December 27, 2011. During that interview, the defendant confessed to killing Billy Mitchell.

ARGUMENT

I. The Defendant's Conduct Alone Warrants a Significant Period of Incarceration

By all accounts, William Mitchell, or Billy as his friends and family referred to him, was a warm, kind, and generous person. Billy Mitchell died trying to help someone else, something that based on letters from his friends and family, was consistent with his character. The defendant, on the other hand, was on probation at the time of the murder for a misdemeanor gun offense, tried to lewdly proposition W1 as she was walking to the bus stop, tried to rob Billy Mitchell for a mere \$20, and then assaulted W1 as she tried to call the police to help.

When the defendant pulled out his gun and decided to pull the trigger, he shot not only once, but he shot four times, striking Billy Mitchell in the chest, the left side of his torso, his back, and his left thigh. By contrast, the defendant had a scrape on his head that he complained of during his post-arrest interview. The number of times the defendant shot Billy Mitchell, the location of the gunshot wounds, and the defendant's statement before the murder - "This is what I've been waiting for" - demonstrate premeditation and deliberation. Moreover, the location and direction of the gunshot wound to the mid-back, which was downward, shows that the defendant likely shot Billy Mitchell at least once while he lied helplessly on the ground.

The government has already submitted numerous letters from Mr. Mitchell's family members and close friends, the sentiments of which the government will not repeat in this memorandum. However, the Court should also know that the defendant's conduct not only affected Mr. Mitchell's family, but also affected W1, the young woman who tried to help him that night. Indeed, one of the most tragic parts of this case is that both Billy Mitchell and W1 were trying to help each other. As recently as this past August, W1 had a difficult time discussing what happened without becoming emotional. W1 still feels in

some ways responsible for what happened because she believes if she had not intervened, Billy Mitchell might still be alive today. Of course this logic is not correct because the defendant is the sole person responsible for the murder, but her feelings are certainly understandable.

II. The Defendant's Failure to Accept Responsibility

Although the defendant accepted responsibility and spared the Mitchell family from enduring a trial and hearing in great detail how Billy was killed, he minimized his role during the nearly four-hour interview with detectives and never once apologized for what he did to Billy Mitchell.¹ Instead, the defendant claimed he shot Billy Mitchell in self-defense. The defendant said, among other things, that the decedent "came out of nowhere" and threw the defendant to the ground. It was only when detectives confronted him about his size versus the decedent's size that the defendant admitted he did not have to shoot the decedent to get the decedent off of him. The defendant only appeared to be sorry that detectives finally caught up with him after almost a year, stating during his interview that he knew this arrest was coming and that he had thought about it for an entire year (the defendant was arrested on January 21, 2011, in the armed carjacking case). Indeed, the defendant could barely get through the proffer when he pleaded guilty, claiming that he did not shoot the decedent four times and claiming that he never threatened W1. The defendant's denial of a basic, indisputable fact such as the number of times he shot Billy Mitchell, which was available to him in the autopsy report, demonstrates the defendant's failure to truly accept responsibility in this case. Moreover, the defendant's denial that he threatened W1 is in direct contrast to W1's account of what happened that evening. W1 had never met Billy Mitchell or the defendant, and W1 had absolutely no reason to provide a false or embellished account of what happened in the last minutes of Billy Mitchell's life.

The defendant's version of events in the Presentence Investigation is similarly inconsistent with what actually happened on January 19, 2011, and again shows the defendant's attempt to minimize his conduct. For example, the defendant's assertion that he summoned Mr. Mitchell just because "he [the

¹ A copy of the interview is attached to the Court's copy of this sentencing memorandum. The government provided defense counsel with a copy of the statement during the course of discovery.

defendant] wanted to talk to” Mr. Mitchell is ridiculous. Further, the fact that W1 would call the police just because the defendant wanted to speak to Mr. Mitchell also makes no sense. Finally, the defendant’s claim that Mr. Mitchell, who stood at 5’4” and weighed 128 lbs., somehow got the best of the defendant is simply incredible, as the defendant is much taller and has a much larger build than Mr. Mitchell.

The defendant’s attempt to minimize his conduct is consistent with the statements he made after he was arrested for, and later convicted of, misdemeanor Carrying a Pistol without a License. In that case, which is discussed in greater detail below, the defendant claimed he found the gun in his backpack and was trying to restore it. That this claim is highly questionable is an understatement given the defendant was carrying around a similar gun on January 19, 2011, and used it to try to rob and to kill Billy Mitchell. It is clear from this case and from his gun case that the defendant has a pattern of admitting guilt only after realizing he has no choice but to do so, and then minimizing his responsibility for the crime. Finally, the defendant’s decision to sit around for a year and wait for detectives to find him caused the Mitchell family immeasurable grief, as they had to wait for nearly a year to have some sense of closure and to know that person who killed Billy was finally off the streets.

III. The Defendant’s Criminal History

Perhaps the most notable part of the defendant’s criminal history is the lack of a significant criminal record before 2010. Based on the Presentence Investigation, it appears that the drastic shift in his behavior resulted from his discharge from the army and from depression. On September 11, 2010, within about five months of his discharge from the Army, the defendant was arrested on the platform of the Fort Totten metro station for having an inoperable, but loaded, .38 caliber revolver, the same type of gun he used to kill Billy Mitchell. Metro Transit officers also found a 3 1/3 inch knife in the defendant’s waistband when they arrested him. Further, as the Court is aware, the defendant had a pending case for armed carjacking he was arrested for Billy Mitchell’s murder.² The defendant was offered, and accepted, a plea to a misdemeanor charge of CPWL in the gun case, and to Possession of an Unregistered Firearm

² Because the re-trial in that case is scheduled for later this year, the government is only asking the Court to consider the fact that the defendant had a pending case at the time of his arrest in this case.

and Unlawful Possession of Ammunition. On October 21, 2010, the Honorable Gregory Jackson sentenced the defendant to 180 days on each count to run concurrent, with execution of the sentence suspended and a six-month period of probation under the Youth Rehabilitation Act. Not only did the defendant commit this crime, he was also arrested for armed carjacking, and according to his probation officer, he was testing positive for illegal substances and failed to report for scheduled appointments. His probation revocation hearing is scheduled for February 20, 2013.

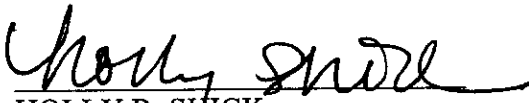
Because of his lack of arrests or criminal record before September 2010, Judge Jackson gave the defendant an opportunity to prove himself during a surprisingly short period of probation. Instead of using that opportunity to turn his life around, the defendant used drugs, failed to report to his probation officer, and took the life of an innocent, vibrant young man who did nothing to deserve what happened to him.

CONCLUSION

The government recognizes that a 24-year sentence is at the top of the defendant's guidelines range; however, it is more than warranted based on the defendant's conduct, the defendant's criminal history, his failure to take full responsibility for his actions, and the cumulative effect his conduct has had on the community. This sentence is also proportionate to the defendant's conduct, and will appropriately punish the defendant and protect the community at large.

Respectfully submitted,

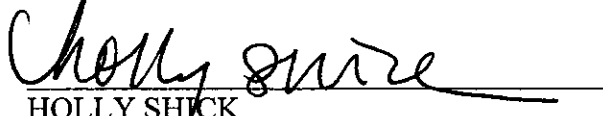
RONALD C. MACHEN JR.
UNITED STATES ATTORNEY


HOLLY R. SHICK
ASSISTANT UNITED STATES ATTORNEY

Dated: January 28, 2013

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Government's Memorandum in Aid of Sentencing was served by email on James Rudsasill, counsel for the defendant, this 28th day of January 2013.



HOLLY SHICK
ASSISTANT UNITED STATES ATTORNEY