

ORIGINAL

SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA

Criminal Division

SUPERIOR COURT OF
THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION

UNITED STATES OF AMERICA)
)
 v.)
)
 TERRENCE MCNEAL,)
)
 Defendant.)

No. 2011 CF1 015128
The Hon. Robert E. Morin, J.
Sentencing: February 8, 2013

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FILED

Government's Memorandum In Aid Of Sentencing

The United States of America, by and through the United States Attorney for the District of Columbia, hereby submits this memorandum in aid of sentencing.

Background

Defendant Terrence McNeal faces sentencing for the offense of voluntary manslaughter while armed (knife), in connection with the fatal stabbing on June 19, 2011, of Charles Hicks, age 58. Mr. Hicks, father of two and stepfather of two, was stabbed and killed on Father's Day. The autopsy report showed he suffered a total of eight stab wounds, to his head, torso, abdomen and right thigh. Four of the stab wounds were over three inches deep, and two of those, both to his abdomen, were estimated to be as much as five inches deep. There were also three additional "cutting wounds" to Mr. Hicks's scalp, and "blunt impact injuries" to his face.

On July 22, 2011, after the defendant was developed as a suspect, he spoke on the phone to the lead detective. The defendant told the detective that he was a witness to the

stabbing, which he said occurred after two subjects in masks attacked Mr. Hicks. On August 8, 2011, the defendant was arrested pursuant to a warrant charging him with second degree murder while armed (knife). After waiving his Miranda rights, detectives interviewed him about the case. He initially repeated his account that two masked men had stabbed Mr. Hicks. Later in the interview, however, he acknowledged that he had stabbed Mr. Hicks, but claimed it happened only after Mr. Hicks struck him with his fist. He also reported that a close friend of his, "Eric," beat Mr. Hicks while he was stabbing him.

On January 26, 2012, the defendant was indicted for first degree murder while armed (knife). He faces sentencing after pleading guilty, pursuant to a plea agreement, to the lesser included offense of voluntary manslaughter while armed. The government initially made that offer prior to indictment, and before the defendant's accomplice had been identified, and considered it to have been rejected by the defendant. Over the government's objection, the Court ordered the government to re-issue the offer, which the defendant then accepted. Under the terms of the agreement, both parties must allocute for a sentence within the range called for under the D.C. Voluntary Sentencing Guidelines.

The Statutory Maximum and The Sentencing Guidelines

For the offense of voluntary manslaughter while armed (knife), the defendant faces a sentence of up to sixty years in prison, followed by a period of supervised release of up to five years. D.C. Code §§ 22-2105, 22-4502, 24-2403.01(b)(2)(A), (B). There is no mandatory minimum sentence. If the Court sentences the defendant to more than one year in prison, the Court must impose the maximum five-year supervised release period. Id. § 24-203.01(b)(2)(A).

The defendant, who has a prior conviction for simple assault, faces a range under the sentencing guidelines of 90 to 180 months, with no probation option available. District of Columbia Sentencing and Criminal Code Revision Commission, Voluntary Sentencing Guidelines Manual § 2.2.2, at 7-8; App. A, at A-1 (June 14, 2012).

The Appropriate Sentence

For any felony offense the Court must impose a sentence that reflects the seriousness of the offense and the criminal history of the offender, provides for just punishment and affords adequate deterrence, and provides the offender with needed educational or vocational training, medical care, and other correctional treatment D.C. Code § 24-403.01.

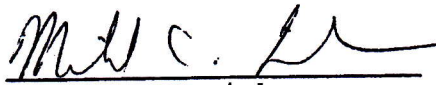
In this case the defendant stabbed the decedent eight times while his accomplice beat and kicked him. He and the accomplice then fled the scene together. When confronted by the police the

defendant not only denied committing the stabbing, he claimed to have seen two other persons attack the decedent, before eventually settling on an account in which he was defending himself. Now, as reflected in his statement to the presentence report writer, he is once again denying responsibility for the death of Mr. Hicks.

Accordingly, the government submits the defendant should be sentenced to the maximum guideline-compliant sentence of 180 months, to be followed by five years of supervised release.¹

Respectfully submitted,

RONALD C. MACHEN, JR.
UNITED STATES ATTORNEY

by: 
Michael C. Liebman
Assistant U.S. Attorney
D.C. Bar No. 479562

¹Notwithstanding his statement to the presentence report writer, the government assumes that the defendant is not seeking to withdraw his guilty plea. If at the scheduled sentencing he indicates otherwise, the government would not oppose withdrawal of the plea.

CERTIFICATE OF SERVICE

I, Michael C. Liebman, an Assistant U.S. Attorney, hereby certify that the foregoing, with proposed order, was served on defendant Terrance McNeal by sending a true and correct pdf copy of the same to his counsel of record, Vida Johnson, Esquire, and Jenifer Wicks, Esquire, by e-mail, with pdf attachment, respectively to vbj2@law.georgetown.edu and jenifer@jwickslaw.com, on February 5, 2013.


Michael C. Liebman