

ORIGINAL
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION

2013 APR -2 P 12:13

UNITED STATES OF AMERICA

Case No. 2012 CF1 16105

v.

Judge Thomas Motley

QUINETTA COSBY

Sentencing: April 5, 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 While Armed, in violation of D.C. Code §§ 22-2105 and 4502, and one count of Felony Assault, in violation of D.C. Code § 22-404. The government recommends a sentence of fifteen years of incarceration for the death of Paul Morris and a consecutive sentence of one year of incarceration for the assault of defendant's neighbor. In support of its recommendation, the government relies on the following points and authorities.

BACKGROUND

On September 13, 2012, at approximately 6:19 p.m. in the 2200 block of Fourth Street, NE, Washington, DC, defendant and decedent Paul Morris, who were close friends, argued with each other about obtaining drugs for use by both of them. Defendant's friend joined in the argument. The argument grew into a physical fight between Mr. Morris and defendant's friend. The defendant joined into the fight, which defendant's friend was losing, and hit Mr. Morris. Mr. Morris knocked defendant down. Defendant pulled out a knife and stabbed Mr. Morris in the left side of his upper torso. Mr. Morris fled from her into the 300 block of Bryant Street, NE. Blood gushed from the stab wound as he ran. Defendant chased Mr. Morris with the knife and

screamed threats to kill him. When Mr. Morris retreated to the porch of 329 Bryant Street, NE, defendant followed him, threatened to kill him again, and stabbed him a second time. Mr. Morris died shortly thereafter from his wounds.

When the police arrived, defendant was covered in Mr. Morris' blood. She held the knife she used to stab Mr. Morris. Upon police order, defendant dropped the knife. She was arrested. She told the arresting officers at the crime scene that she stabbed Mr. Morris. Later, at the police station, she told the lead detective on the case that she stabbed Mr. Morris.

Prior to Mr. Morris' death, on July 16, 2012, defendant argued with her neighbor in an apartment at 611 Edgewood Street, NE, Washington, DC. The argument turned physical and spilled into the hallway where Ms. Cosby pushed her neighbor to the ground and cut the neighbor with a knife. The neighbor received approximately 12 stitches due to the wound. After her arrest for Mr. Morris' death, defendant confessed to the government that she assaulted her neighbor.

On September 14, 2012, defendant was arraigned by this Court for Second Degree Murder While Armed for the death of Mr. Morris. The Court held defendant without bond based on a finding of substantial probability that defendant killed Mr. Morris. On November 15, 2012, defendant pled guilty to Voluntary Manslaughter While Armed for Mr. Morris' death and Felony Assault on her neighbor. Defendant is scheduled to be sentenced on April 5, 2013.

THE GOVERNMENT'S RECOMMENDATION

The maximum statutory penalty and maximum prison term that can be imposed for Voluntary Manslaughter While Armed is 30 years of incarceration. See 2012 D.C. Voluntary Sentencing Guidelines Manual (hereinafter "Sentencing Guidelines") at C-14. The term of supervised release is five years. See id. The maximum statutory penalty for Felony Assault is

three years of incarceration. See id. at C-4. The maximum prison term that can be imposed is two years. Id. The term of supervised release is three years. Id. The defendant's range under the Sentencing Guidelines, is 90 to 180 months (7.5 to 15 years) for Voluntary Manslaughter While Armed and 6 to 24 months (0.5 to 2 years) for Felony Assault.¹ See Pre-Sentence Report.

The government recommends a sentence of fifteen years of incarceration for the death of Mr. Morris consecutive to one year of incarceration for the assault of defendant's neighbor. Defendant's conduct in both of these incidents warrants incarceration. Both began as verbal arguments that defendant escalated unnecessarily with violence. Moreover, Mr. Morris was a close friend of defendant's. According to the government's evidence, Mr. Morris and defendant's argument started with joking banter between them that escalated into insults and then into a physical fight. Defendant's assault of her neighbor began similarly. Defendant has acknowledged that on both occasions she was under the influence of illicit drugs.

However, her drug use does not excuse her behavior and the impact it has had on her victims, their loved ones and the community. Mr. Morris' family has suffered greatly due to the loss of Mr. Morris.² The Edgewood community has lived in fear of defendant. Defendant had a known reputation in the neighborhood for attacking others with a knife whenever she was under the influence of drugs and alcohol. Unfortunately, these other incidents were not reported to the police.

¹ Defendant has multiple prior convictions dating back to 1983. See Presentence Report. However, her criminal history score is only .25, because her convictions are older with the exception of her 2008 conviction for simple assault. See id.

² The government has informed Mr. Morris' family of the sentencing date and their ability to provide an impact statement to the Court. The family has submitted some victim impact statements in writing. The family also intends to address the Court directly at the sentencing hearing. Defendant's neighbor also has been informed of her right to make a statement to the Court. Defendant's neighbor has declined to make a statement.

Despite her violent behavior, defendant does deserve credit for taking responsibility early. Defendant confessed quickly to killing Mr. Morris and assaulting her neighbor. She indicated to the government her desire to plead guilty shortly after she was arrested and then pled guilty at the first opportunity. As a result, a trial has been diverted which would have caused more pain for Mr. Morris' family and expended the court's valuable resources. The government accounted for her early acceptance of responsibility when it fashioned its plea offer to her.

Due to defendant's reckless and violent behavior, the government believes that the community is best protected and justice is best served by defendant's incarceration. Hopefully, while in jail, defendant can receive drug treatment in an environment that will keep the community safe while she deals with her drug problems.

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 Quindetta Cosby on April 2, 2013: Liyah Brown, The Public Defender Service, 633 Indiana Avenue, NW, Washington, DC 20004; Email: lbrown@pdsdc.org.


Assistant United States Attorney