



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*

July 31, 2013

VIA ELECTRONIC MAIL

Kia Sears
Public Defender Service

Re: United States v. Shawn Lewis, 2013-CF1-11469

Dear Ms. Sears,

I write to convey a plea offer to your client, Shawn Lewis, which will remain open until the date of the next hearing in this case. Please note that the government reserves the right to revoke this plea offer at any point before your client enters a guilty plea in open court and the guilty plea is accepted by the Court.

If your client accepts the terms and conditions set forth below, please have him execute this document in the space provided. Upon receipt of the executed document, subject to the two conditions noted above, 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 and conditions of the plea offer are as follows:^{1/}

TERMS AND CONDITIONS

1. Your client agrees to admit guilt and enter a plea of guilty to the charge of **Second Degree Murder**, in violation of D.C. Code §§ 22-2103.

Your client understands that the offense of Second Degree Murder carries a potential maximum penalty of **40 years imprisonment** and a maximum of **5 years of supervised release**.

^{1/} Any references to "the defendant" or "your client" refer to Shawn Lewis. Any reference to "the government" refers to the United States Attorney's Office for the District of Columbia. Any reference to "the parties" refers to Shawn Lewis and the United States Attorney's Office for the District of Columbia. Any reference to the "agreement" refers to this plea agreement.

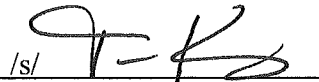
2. Your client understands that, in exchange for his plea of guilty to the offenses described in paragraph 1, supra, the government will:
 - a) not indict your client on any greater or related charges, including but not limited to **First Degree Murder**, arising out of the June 28, 2013 murder of Douglas Farley, as detailed in the attached factual proffer; and
 - b) waive the filing of any applicable sentencing enhancement papers.
3. The parties agree that your client will remain incarcerated pending sentencing.
4. The parties further agree that your client, after taking an oath to tell the truth, shall agree to a proposed factual proffer in open court on the date of the plea. The language of the proffer is attached to this letter.
5. Your client understands that the Court may use the District of Columbia Sentencing Commission's Voluntary Sentencing Guidelines in imposing the sentence in this case. The government agrees not to seek a sentence above 24 years imprisonment. The defense agrees not to seek a sentence below 16 years imprisonment.
6. Your client agrees that this letter is binding on the Government, but not binding on the Court, and that your client 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 offenses 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.
11. Enclosed for your review:
 - a. Defendant's Acknowledgment & Attorney's Acknowledgment
 - b. Proffer of Facts & Defendant's Acknowledgment
 - c. Information
 - d. Waiver of Indictment
 - e. Defendant's Agreement to Waive DNA testing

Respectfully,

RONALD C. MACHEN JR.
United States Attorney

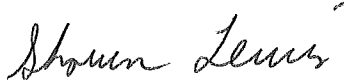

/s/

Jonathan Kravis
Assistant United States Attorney
United States Attorney's Office
555 4th St. NW, Room 9407
Washington, D.C. 20530
202-252-7055

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 (or independent DNA testing, if applicable). I understand the conditions of the plea and agree to them. I knowingly, intentionally, and voluntarily waive and give up DNA testing (or independent DNA testing, if applicable) 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: _____



Shawn Lewis
Defendant

Date: _____

Kia Sears Esq.
Attorney for Defendant

DEFENDANT'S ACCEPTANCE

I have read this plea agreement, or had it read to me, and have discussed it with my attorney. 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 offense 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: 7/31/13

Shawn Lewis
Shawn Lewis
Defendant

ATTORNEY'S ACKNOWLEDGMENT

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

Date: 7/31/13

Kia Sears
Kia Sears Esq.
Attorney for Defendant

PROFFER OF FACTS

On June 28, 2013, at approximately 6:25pm, the defendant Shawn Lewis saw the decedent Douglas Farley on the back porch of 1621 21st Place SE, Washington DC. The defendant approached the decedent holding a lit piece of newspaper and a container of ignitable liquid. The defendant threw the ignitable liquid on the decedent. The lit newspaper in the defendant's hand then ignited the liquid, engulfing the decedent in flames. The defendant then fled the scene. The decedent was taken to the Washington Hospital Center. The defendant was arrested on the scene at approximately 9:25pm that evening.

On July 3, 2013, the decedent succumbed to his injuries and was pronounced dead at 6:28am. On July 4, 2013, a post mortem examination was performed on the decedent. The cause of death was ruled to be complications from thermal and inhalation injuries and the manner of death was ruled to be a homicide.

The defendant acknowledges that, when he threw the ignitable liquid on the decedent while holding a lit newspaper, the defendant acted in conscious disregard of an extreme risk of death or serious bodily injury to the decedent. The defendant further acknowledges that he did not act in self defense.

DEFENDANT'S ACKNOWLEDGMENT

I have read and discussed the above Proffer of Facts with my attorney, whose signature is below. I agree, and acknowledge by my signature, that this Proffer of Facts is true and correct.

Date: 7/31/13

Shawn Lewis
Shawn Lewis
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read and discussed the above Proffer of Facts with my client, Shawn Lewis, whose signature appears above. I know of no reason why his adoption of the above Proffer of Facts is not knowing, voluntary, or intelligent, or of any other reason why his guilty plea to Second Degree Murder, based on the above Proffer of Facts, should not be accepted by the Court.

Date: _____

Kia Sears Esq.
Attorney for Defendant

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Criminal Division – Felony Branch**


UNITED STATES OF AMERICA)	Case Number: 2013-CF1-11469
)	
v.)	Judge Canan
)	
SHAWN LEWIS ,)	Preliminary Hearing: July 31, 2013
)	
Defendant.)	
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INFORMATION

Shawn Lewis, within the District of Columbia, with a conscious disregard of an extreme risk of death or serious bodily injury to another, caused the death of Douglas Farley by dousing and setting fire to Mr. Farley on or about June 28, 2013, thereby causing injuries from which Douglas Farley died on or about July 3, 2013. (Second Degree Murder, in violation of 22 D.C. Code, Section 2103 (2001 ed.))

Respectfully submitted,

RONALD C. MACHEN JR.
United States Attorney



Jonathan Kravis
Assistant United States Attorney

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Criminal Division – Felony Branch**

UNITED STATES OF AMERICA)	Case Number: 2013-CF1-11469
)	
v.)	Judge Canan
)	
SHAWN LEWIS,)	Preliminary Hearing: July 31, 2013
)	
Defendant.)	
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WAIVER OF INDICTMENT

I, Shawn Lewis, the above-named defendant accused of Second Degree Murder, 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 to voluntarily waive my right to be prosecuted for this felony only after a grand jury votes to indict me. This waiver is being made voluntarily and intelligently and without duress or compulsion.

Date: 7/21/13

Shawn Lewis
Shawn Lewis
Defendant

Date: _____

Kia Sears Esq.
Attorney for Defendant