



U.S. Department of Justice

Channing D. Phillips
United States Attorney

District of Columbia

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

April 26, 2017

By Electronic Mail

Abbe Smith
Ashley Jones
Georgetown University Law Center
Counsel for Dane Powell

Re: United States v. Dane Powell, 2017-CF2-1405

Dear Counsel:

This letter confirms the post-indictment plea offer extended to your client, Dane Powell. This plea offer will remain open until **April 28, 2017**. However, the government reserves the right to revoke this plea offer at any time before your client enters a guilty plea in this case. If your client accepts the terms and conditions set forth below, please have your client 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, Dane Powell, agrees to enter a guilty plea in this case, 2017-CF2-1405, to Count One of the superseding Indictment, **Inciting or Urging a Riot (Felony Rioting)**, in violation of 22 D.C. Code, Section 1322(d); and Count Twelve of the superseding Indictment, **Assault on a Police Officer (Felony)**, in violation of 22 D.C. Code, Section 405(c). Your client understands that the offense of **Inciting or Urging a Riot (Felony Rioting)** carries a potential maximum penalty of 10 years' incarceration and a \$25,000 fine, or both. Your client also understands that the offense of **Assault on a Police Officer (Felony)** also carries a potential maximum penalty of 10 years' incarceration and a \$25,000 fine, or both. Your client also understands that the Court must require your client to pay an assessment of at least \$100 for each felony count.

2. Your client understands that the government will reserve stepback pending sentencing, however, if your client is in full compliance with the conditions of his release at the time the guilty plea is entered, the government will not ask that he for stepback pending sentencing.



Your client understands that the government is waiving any applicable enhancement papers, and is reserving allocation at sentencing, subject to the terms set forth in paragraph 5 of this agreement.

3. Your client understands that the Government agrees that it will dismiss the greater and remaining counts against your client in case number 2017-CF2-1405, 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 the Court may utilize the District of Columbia Sentencing Commission's Voluntary Sentencing Guidelines in imposing the sentence in this case. The Government and your client agree that neither party will seek an upward or downward departure outside of your client's applicable guideline range.

6. Your client agrees that this letter is binding on the Government, 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. The Government understands that your client is not bound by the Government's allocation, and may request a lesser sentence, subject to the terms set forth in paragraph 5, above.

7. 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 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.

8. 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.

Sincerely,

CHANNING D. PHILLIPS
UNITED STATES ATTORNEY

BY:


Jennifer A. Kerkhoff
Assistant United States Attorney

DEFENDANT'S ACCEPTANCE

I have read this plea agreement and factual proffer and have discussed it with my attorneys, Abbe Smith and Ashley Jones. 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: 28 Apr 17

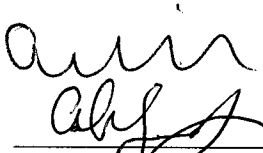


Dane Powell
DEFENDANT

ATTORNEY'S ACKNOWLEDGMENT

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

Date: 4/25/17



Abbe Smith
Ashley Jones
Attorneys for DEFENDANT