

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

April 17, 2014

Dana Page
Public Defender Service
For the District of Columbia
633 Indiana Avenue, NW
Washington, DC 20001

Re: UNITED STATES v. KHARI WILLIAMS, 2013 CF1 00487

Dear Ms. Page:

This letter is to confirm the plea offer for your client, Khari Williams. This plea offer will remain open until April 18, 2014. 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 spaces 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, Khari Williams, agrees to admit guilt and enter a plea of guilty to the following offenses: Voluntary Manslaughter While Armed, in violation of 22 D.C. Code, Sections 2105, 4502. Your client understands that the offense of Voluntary Manslaughter While Armed carries a mandatory-minimum sentence of five years and a potential maximum penalty of not more than thirty (30) years.
2. Your client understands that the Government will reserve stepback pending sentencing, will waive any other applicable sentencing enhancement papers, and will reserve 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 remaining count(s) of the indictment 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 6, above.


7. Your client acknowledges and has been made aware that pursuant to the Innocence Protection Act, that there was 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 that the Government has conducted testing of some of these items. Your client understands and agrees that in order to plead guilty in this case, he must waive and give up his opportunity to conduct any independent 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. 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 offense(s) 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.

9. 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.

Respectfully,

RONALD C. MACHEN JR.
UNITED STATES ATTORNEY

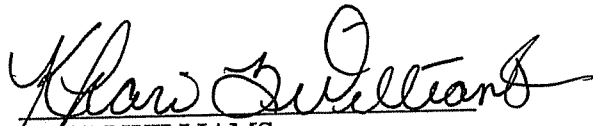
By: 
MICHELLE BRADFORD
ASSISTANT U.S. ATTORNEY

DEFENDANT'S ACCEPTANCE

I have read this plea agreement and factual proffer and have discussed it with my attorney, Dana Page, Esquire. 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: 4/17/14


KHARI WILLIAMS
DEFENDANT

ATTORNEY'S ACKNOWLEDGMENT

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

Date: 4/17/14


DANA PAGE, Esq.
Attorney for Khari Williams

PROFFER OF FACTS

Had this case gone to trial the Government's evidence would have shown beyond a reasonable doubt that on December 30, 2012, at approximately 12:08 a.m., the defendant walked towards an alley located in the 3400 block of Croffut Place, SE, wearing a black open-face ski mask, a black Helly Hensen jacket, and black pants. In the alley, the defendant encountered the decedent, Angelo Payne. The defendant, who believed that the decedent had stolen a quantity of PCP from him, confronted the decedent in the alley. During this confrontation, the defendant produced a 9-milimeter firearm and fired at least three shots in the decedent's direction. One gunshot struck the decedent in the back of the head and a second shot struck the decedent in the back of his torso. The defendant then fled the location, walking back to the 3400 block of Croffut Place, SE, towards 35th Street. While walking, the defendant rolled his ski mask to the top of his head, revealing his face.

Shortly after midnight, police officers from the Sixth District received a radio run for the sound of gunshots in the area of the 3400 block of Croffut Place, SE, Washington, DC. Upon arrival, they discovered the decedent lying face down and suffering from an apparent gunshot wound to the head. D.C. Fire and Emergency Services were called and upon arrival began administration of first-aid. The decedent was transported to Prince George's County Hospital, where all lifesaving efforts failed. An autopsy was subsequently performed where it was determined that the decedent had suffered two gunshot wounds, one to the back of the head and one to the torso. The manner of death was ruled a homicide. Crime scene technicians processed the scene for evidence. Three cartridge cases, consistent with having been fired from a 9mm firearm were recovered.

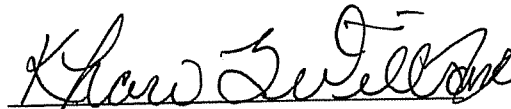
The defendant acted knowingly and intentionally, without advertence or mistake, in shooting Angelo Payne on December 30, 2012.

DEFENDANT'S ACKNOWLEDGMENT

I have read and discussed the Government's Proffer of Facts with my attorney, Dana Page, Esquire. I agree, and acknowledge by my signature that this Proffer of Facts is true and correct.

Date: _____

4/17/14



KHARI WILLIAMS
DEFENDANT

Date: _____

4/17/14

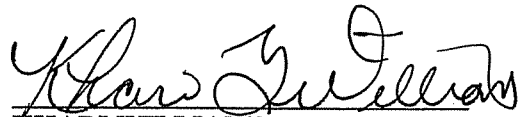


DANA PAGE, Esq.
Attorney for Khari Williams


DEFENDANT'S AGREEMENT TO WAIVE INDEPENDENT DNA TESTING

My attorney has discussed the contents of this plea agreement with me, including the fact that I may request or waive independent DNA testing. I understand the conditions of the plea and agree to them. I knowingly, intentionally, and voluntarily waive and give up independent DNA testing 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: 4/17/14


KHARI WILLIAMS
DEFENDANT

Date: 4/17/14


DANA PAGE, Esq.
Attorney for Khari Williams