



U.S. Department of Justice

Matthew M. Graves
United States Attorney

District of Columbia

*Patrick Henry Building
601 D Street N.W.
Washington, D.C. 20530*

March 20, 2024

Brandon Burrell, Esq.
Steven Ogilvie, Esq.
Counsel for Jamal Matthews

Re: United States v. Jamal Matthews
*Case Nos. 2019 CF1 004166, 2019 CF1 010430, 2024 CF2
001218*

Dear Counsel:

This agreement sets forth the full and complete plea offer for your client, from the Office of the United States Attorney for the District of Columbia (hereinafter also referred to as “the Government” or “this Office”). This plea offer will remain open until March 21, 2024. 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 agreement will become the plea agreement between your client and the Government. The terms of the offer are as follows:

1. Your client agrees to admit guilt and enter a plea of guilty to the following offenses: one count of Aggravated Assault While Armed against D.H. (a minor) (Count 6) and one count of Aggravated Assault While Armed against Daryl Holton (an adult) (Count 8) in violation of 22 D.C. Code Sections 404.01 and 4502 in case 2019 CF1 004166; **AND** one count of Obstructing Justice (Count 7) in violation of 22 D.C. Code Section 722(a)(2)(A) in case 2024 CF2 001218. Your client understands that the offense of Aggravated Assault While Armed carries a potential maximum penalty of thirty (30) years’ imprisonment, including a mandatory minimum penalty of five (5) years of imprisonment, and/or a \$75,000 fine. Your client understands that Obstructing Justice carries a maximum penalty of thirty (30) years’ imprisonment, including a minimum penalty of three (3) years of incarceration, and/or a \$75,000 fine. Your client further understands that the Court shall impose a term of supervised release of not more than five (5) years for each count. Your client understands that, pursuant to D.C. Code § 16-711, the Court may, in addition to any other sentence imposed as a condition of probation or as a sentence itself, require your client to make reasonable restitution or reparation, pursuant to the factors set forth therein.

2. Your client understands that the Government will reserve stepback pending sentencing, will waive any 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 and greater counts of the Indictment in cases 2019 CF1 004166 and 2024 CF2 001218 at the time of sentencing and will dismiss the Indictment in its entirety in case 2019 CF1 010430 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 and acknowledge under oath that the statements in the factual proffer are true.

5. Your client and the Government agree that the appropriate total sentence for your client in these cases is between 17 years (204 months) and 26 years (312 months) of imprisonment. Your client and the government agree, pursuant to Rule 11(c)(1)(C) of the Superior Court Rules of Criminal Procedure, to present this plea agreement to the Court for its approval. If the Court accepts the plea agreement and the specific sentence agreed upon by the parties, then the Court will embody in the judgment and sentence the disposition provided for in this plea agreement, pursuant to Rule 11(c)(3) of the Superior Court Rules of Criminal Procedure. The parties understand, however, that in light of other factors the Court may not agree that such a sentence is an appropriate one and may reject the plea agreement pursuant to Rule 11(c)(4) of the Superior Court Rules of Criminal Procedure. Upon such a rejection, pursuant to Rule 11(c)(4), neither party would then be bound by this plea agreement. Your client understands that if this happens, the Court, in accordance with the requirements of Rule 11(c)(4), will inform the parties of its rejection of the plea agreement, and will afford your client an opportunity to withdraw the plea, or if your client persists in the guilty plea will inform your client that a final disposition may be less favorable to your client than that contemplated by this agreement.

6. Your client understands and acknowledges that this agreement and any plea of guilty that your client may enter pursuant to this plea agreement are contingent upon the entry of guilty pleas by your client's co-defendants, Darnell Savoy and Stefon Freshley, in this case. If these co-defendants fail to enter a guilty plea or any co-defendant successfully withdraws his plea before your client is sentenced, this agreement and any proceedings pursuant to this agreement may be withdrawn or voided at the sole discretion of the Government.

7. Your client acknowledges and has been made aware that pursuant to the Innocence Protection Act, that there may be physical evidence that 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 your client waive and give up DNA testing now, it is not expected that your client 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. 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. Your client agrees to waive, insofar as such waiver is permitted by law, the right to direct appeal the conviction in this case, including but not limited to claim(s) that (1) the statute(s) to which your client is pleading guilty is unconstitutional, and (2) the admitted conduct does not fall within the scope of the statute(s). Your client agrees to waive any right your client may have to move for a reduced sentence under Superior Court Rule of Criminal Procedure 35(b), unless such a motion seeks a sentence within a range agreed upon by the parties in the plea agreement. Your client also agrees to waive the right to appeal the sentence in this case, including but not limited to any term of imprisonment, fine, forfeiture, award of restitution, term or condition of supervised release, authority of the Court to set conditions of release, except to the extent the Court imposes an illegal sentence, or imposes the sentence in an illegal manner. In agreeing to this waiver, your client is aware that your client's sentence has yet to be determined by the Court. Realizing the uncertainty in estimating what sentence the Court ultimately will impose, your client knowingly and willingly waives your client's right to move for a reduced sentence (except as described above in this paragraph) and to appeal the sentence, to the extent noted above, in exchange for the concessions made by the Government in this Agreement. Notwithstanding the above agreement to waive the right to appeal the conviction and sentence, your client retains the right to appeal on the basis of ineffective assistance of counsel or the imposition of an illegal sentence, or a sentence imposed in an illegal manner, but not to raise on appeal other issues regarding the conviction or sentence.

10. This agreement 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,

Matthew M. Graves
United States Attorney

By: /s/ Kimberley C. Nielsen
KIMBERLEY NIELSEN
SHARON DONOVAN
Assistant United States Attorneys
U.S. Attorney's Office for the District of Columbia

DEFENDANT'S ACCEPTANCE

I have read this plea agreement and factual proffer 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, and no threats have been made to me. I am not 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: 3/29/24



Jamal Matthews
Defendant

ATTORNEY'S ACKNOWLEDGMENT

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

Date: 3/29/24



Brandon Burrell
Attorney for Defendant

Date: _____

Steven Ogilvie
Attorney for Defendant