



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*

June 5, 2024

Michael Lawlor, Esq.
BRENNAN McKENNA & LAWLOR, CHTD.
6305 Ivy Lane, Suite 700
Greenbelt, MD 20770

Brian K. McDaniel
THE COCHRAN FIRM
1666 K Street, NW, Suite 1150
Washington, D.C. 20006

Re: *U.S. v. Pearce Then*
Criminal Case No. 2019 CF1 8007

Dear Messrs. Lawlor and McDaniel:

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 COB on Thursday, June 6, 2024**, that is, the plea must be entered by then. 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 offense: **one count of Attempted First-Degree Sexual Abuse of a Patient or Client**, in violation of 22 D.C. Code § 3015(a)(4) and 3018, and as a lesser-included offense of Count One of the Indictment. Your client understands that the offense of **Attempted First-Degree Sexual Abuse of a Patient or Client** carries a potential maximum penalty of five (5) years imprisonment and/or a \$12,500.00 fine. Your client further understands that the Court shall impose a term of supervised release of up to ten (10) years. Your client understands that, pursuant to 16 D.C. Code § 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.

Your client understands that as a result of his conviction for **Attempted First-Degree Sexual Abuse of a Patient or Client**, he will be required to register in the District of Columbia as a sex offender for a period to be determined by the Court, pursuant to 22 D.C. Code §§ 4001 *et seq.* Your client further understands that he must abide by federal and state sex offender registration laws in any jurisdiction where he lives, works or attends school or job training.

2. Your client understands that the Government will **waive 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 further understands that the government **will dismiss the remaining and greater counts of the Indictment in this case at the conclusion of the sentencing hearing.**

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 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 guidelines range, unless the specific basis for such a departure is identified and is set forth in this agreement. **Your client understands that the government will agree to a probation-only sentence, i.e., the government will not seek a sentence involving any incarceration.** Your client further understands that the applicable guidelines range will not be determined by the Court until the time of sentencing.

6. Your client agrees that this agreement is binding on the Government and the defendant, 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 allocation, 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 and 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 DNA testing now, it is not expected that your client that your client will have another opportunity to have 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

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: 6/6/24

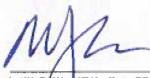


PEARCE THEN
Defendant

ATTORNEYS' 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: 6/6/24



MICHAEL LAWLOR, ESQ.
BRIAN K. McDANIEL, ESQ.
Attorneys for Defendant