

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA : Criminal No. 06-182
:
v. :
: June 28, 2006
DARRYL M. WOODFORK, :
:
Defendant : 11:20 a.m.
. :

TRANSCRIPT OF GUILTY PLEA
BEFORE THE HONORABLE JAMES ROBERTSON
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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Proceedings reported by machine shorthand, transcript produced
by computer-aided transcription.

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P R O C E E D I N G S

COURTROOM DEPUTY: This is criminal number 06-0182, United States of America versus Darryl M. Woodfork. Michael Brittin present for the government, Mr. Dale and Mr. Seltzer present for the defendant. The defendant is present in the courtroom.

THE COURT: This is to be a plea. Is that correct?

MR. SELTZER: Yes, Your Honor, pursuant to a superseding information.

THE COURT: All right. Will the defendant please step up to the podium with one or both of his counsel? Will the clerk please administer the oath and take the plea?

(Oath administered by Courtroom Deputy.)

COURTROOM DEPUTY: Does the defendant waive formal reading of the information?

MR. SELTZER: Yes, he does.

COURTROOM DEPUTY: Mr. Woodfork, as to count one, charging you with participation in a Racketeer Influenced Corrupt Organization through a pattern of racketeering activity, in violation of 18 United States Code Section 1962(c) and 1963, how do you plead?

MR. SELTZER: Your Honor -- and I know the Court and I have sort of been down this road before in lesser cases, but bottom line, he's going to enter a plea of not guilty as to all counts. At the end of the Rule 11 inquiry I suspect or expect

1 he will plead guilty, but for the moment, we enter pleas of not
2 guilty.

3 THE COURT: All right. Well, we have been around this
4 before, Mr. Seltzer. And this is a bit of an illogical
5 conundrum, because as part of the Rule 11 colloquy I'm going to
6 ask him to admit whether the facts cited in the information are
7 true, and when he says yes, it's a little hard to square that
8 with a plea of not guilty. But I understand. We'll do it your
9 way.

10 MR. SELTZER: As I said, later in the colloquy I'm sure
11 he will change that plea.

12 COURTROOM DEPUTY: Would you like for me to continue?

13 THE COURT: Yes.

14 COURTROOM DEPUTY: As to count two, charging you with
15 conspiracy to make false statements in purchase of firearms, in
16 violation of 18 United States Code Sections 371, 924(a)(1)(a),
17 how do you wish to plead?

18 MR. SELTZER: Same representation, not guilty, with the
19 expectation he will change his plea to guilty at the end of the
20 colloquy.

21 COURTROOM DEPUTY: As to count three, charging you with
22 felonious destruction of property, in violation of 22 DC Code
23 Section 303, how do you wish to plead?

24 MR. SELTZER: Same representation.

25 COURTROOM DEPUTY: As to count four, charging you with

1 murder in aid of racketeering activity, in violation of
2 18 United States Code Section 1959, 18 (sic), how do you wish to
3 plead?

4 MR. SELTZER: Same representations.

5 COURTROOM DEPUTY: As to count five, charging you with
6 murder in aid of racketeering activity, in violation of
7 18 United States Code Section 1959(a)(1), how do you wish to
8 plead?

9 MR. SELTZER: Same representations.

10 COURTROOM DEPUTY: Your Honor, the defendant has
11 entered a plea of not guilty to all charges of the information.

12 THE COURT: All right. Mr. Woodfork, I know that
13 you've been over this with your attorneys, and I know that your
14 attorneys are excellent lawyers who have given you all kinds of
15 advice about this, but we're going to go over a lot of things
16 that you've been over with them many times before. Because I
17 have to be certain that the guilty plea that I expect that you
18 will enter is voluntary and intelligent, meaning in ordinary
19 language, I've got to be sure that you know what you're doing
20 here and that you're doing it of your own free will. Do you
21 understand?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: How old are you?

24 THE DEFENDANT: 28.

25 THE COURT: How much education do you have?

1 THE DEFENDANT: 10.

2 THE COURT: 10th grade?

3 THE DEFENDANT: Yes.

4 THE COURT: How are your reading skills?

5 THE DEFENDANT: Fine.

6 THE COURT: You've been able to read this plea
7 agreement?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Have you read it carefully, every word of
10 it?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: You've been over it with your attorney?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: How is your health?

15 THE DEFENDANT: Fine.

16 THE COURT: Taking any medication?

17 THE DEFENDANT: No, sir.

18 THE COURT: You're not under the influence of alcohol,
19 drugs or controlled substances this morning, of course?

20 THE DEFENDANT: No, sir.

21 THE COURT: Your mind is clear?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: The superseding information to which I
24 believe you will plead guilty has five counts. The first one is
25 participation in a Racketeer Influenced Corrupt Organization,

1 also known as RICO. Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Well, you're one of the very few people who
4 do, because RICO is a very, very complicated proposition.

5 You understand that you are charged in this information
6 with a number of separate acts, criminal acts, which become, in
7 RICO language, predicate acts or part of the acts performed as
8 part of this Racketeer Influenced Corrupt Organization.

9 THE DEFENDANT: Yes.

10 THE COURT: But it begins with the proposition that the
11 Taft Terrace crew was a Racketeer Influenced Corrupt
12 Organization. Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Is that true, to the best of your
15 knowledge?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Is the Taft Terrace crew, or was the
18 Taft Terrace crew a group of people gathered together for the
19 criminal purpose of dealing drugs?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: All right. I'm trying to do this
22 Mr. Seltzer's way, so I'm not going to put you yet to the
23 proposition of admitting the facts of these, but I want to make
24 sure that you understand a few things about this process. This
25 is a guilty plea proceeding. The purpose of this is, at the end

1 of this exercise you're going to change your plea from not
2 guilty to guilty. Is that your understanding, if it all goes
3 well?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: All right. You don't have to plead guilty.
6 You have the right to a trial in this courthouse. Your trial
7 would be right here in this courtroom or one like it. There
8 would be 12 citizens sitting over there in that jury box, and
9 for you to be convicted of any one of these crimes that you're
10 charged with, the jury would have to find unanimously, all 12 of
11 them would have to find that you were guilty. Do you understand
12 that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: At a trial of this case or any case against
15 you, you don't have to prove anything. You don't have to prove
16 that you are innocent; it is the government's job to prove that
17 you are guilty. Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And the government must -- the government
20 can't compel you to testify against yourself. Do you understand
21 that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you understand that you're entitled to
24 counsel at every stage of this proceeding, and in this
25 particular case, since you were initially charged with a capital

1 offense, you're entitled to two attorneys. Do you understand
2 that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: The jury would be told at the beginning of
5 the trial that you are innocent until or unless proven guilty,
6 that the jury must presume you to be innocent, that you don't
7 have to testify, and that if you don't testify, they can't hold
8 it against you in any way. Do you understand all of that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: The jury would be told that the burden of
11 proof is on the government, that it never shifts, that the
12 government always has the burden of proof. And again, they
13 would be told that you don't have to prove anything. You got
14 that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Although you don't have to testify, you
17 could testify if you chose to do so. And in any event, your
18 attorney could cross examine all the witnesses who appear
19 against you to try to make their testimony seem less important
20 or less believable. Do you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: And your attorney can call witnesses on
23 your behalf, even if you don't testify. Even though you don't
24 have to put a defense on, you could put a defense on. Do you
25 understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: If you were convicted by the jury, you
3 would have a right to an appeal, and again you would have a
4 right to counsel paid for by the government, if necessary, upon
5 your appeal. Do you understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: All of those rights that I've just
8 enumerated for you, you are giving away or waiving with the plea
9 of guilty, if I accept it. Do you understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Now let's talk a little bit about
12 sentencing. As I understand it, the reason you are here today
13 is because although you were originally charged with a crime
14 carrying the death penalty, the death penalty has been taken off
15 the table, and so you are not facing the death penalty but you
16 are facing a penalty of mandatory life imprisonment. Do you
17 understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: That means -- mandatory life imprisonment
20 means without the possibility of parole. That means you'll grow
21 old and die in prison. Do you understand that, sir?

22 THE DEFENDANT: Yes.

23 THE COURT: Now, the plea agreement that you've entered
24 into holds out the possibility of what we know as a 5(k)1.1
25 motion, or a motion made by the government to allow me to

1 sentence you to less than life imprisonment if the government
2 finds that you have cooperated with them and provided
3 substantial assistance to them in finding and prosecuting other
4 people. Is that your understanding?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Let's make very sure that you and I both
7 understand how this works. First of all, Mr. Brittin, who is
8 the prosecutor here, may not come into this court and file that
9 5(k)(1) motion unless he is authorized to do so by a committee
10 of people over in the United States Attorney's Office. You
11 don't know those people, I don't know those people, but that
12 committee has to approve it before Mr. Brittin can file a
13 request here. And if that committee doesn't approve it, then he
14 won't file a request, and there's nothing you can do about it or
15 I can do about it, or Mr. Seltzer or Mr. Dale. Do you
16 understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: None of us can do anything about it.

19 If Mr. Brittin does come over here with a
20 recommendation for a downward departure under the sentencing
21 guidelines, I don't have to accept it. Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And if I don't accept it, there's nothing
24 you can do about it, there's nothing Mr. Seltzer can do about
25 it, there's nothing Mr. Dale can do about it, and there's

1 nothing the government can do about it. Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: I also need for you to understand - maybe
4 your lawyers have told you this, maybe they haven't - but there
5 was a decision in our Court of Appeals just a few weeks ago in a
6 case in which a man was facing a penalty of 360 months, that's
7 30 years to life, he cooperated with the government; the
8 government came in with a recommendation for a downward
9 departure, and the judge departed all the way down to
10 360 months, meaning the judge imposed a 30-year sentence. Which
11 the man said, I'm 30 or 40 years old, that's the equivalent of a
12 life sentence. You didn't depart at all. The Court of Appeals
13 said, tough, that's a departure, you got it.

14 So if you think that anybody is either promising you
15 anything or suggesting to you that you may get a downward
16 departure down to a couple or three years, five years, even 10,
17 15 years, don't think that this possibility of a downward
18 departure is more than it is. Because it's something of a long
19 shot. Do you understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And here's the most important part about
22 this whole discussion of sentencing, Mr. Woodfork: You're here
23 to plead guilty, and I expect that's going to be what happens
24 here at the end of this conversation. If you do enter a plea of
25 guilty and I accept it, and then you don't like the sentence

1 you've gotten, you cannot withdraw your guilty plea. Do you
2 understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Just to complete this discussion of
5 sentencing, you're hoping that you'll be able to cooperate and
6 get some kind of a downward departure and reduce your prison
7 time somewhat. Is that right?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: If you do succeed in that and if you do
10 ever get out of prison, there will definitely be a substantial
11 period of supervised release after release from prison. Do you
12 understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Supervised release, it goes by a lot of
15 different names, but it means essentially you'll be under the
16 thumb of a probation officer. Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Now, Mr. Woodfork, I have in my hand a copy
19 of a 37-page document called a proffer of evidence. It was
20 received in my chambers June 22nd, last week; it bears what
21 looks like a signature, June 21st, over your name. Did you read
22 this document?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Did you sign it?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Did you read it carefully?

2 THE DEFENDANT: Yes.

3 THE COURT: Did you understand every word of it?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Is it all true?

6 THE DEFENDANT: Yes.

7 THE COURT: Well, I'm not going to go over all 37 pages
8 of it. I don't think we need to do that here. But I want to
9 make sure that I understand what it is that you're admitting
10 here. These RICO predicate acts that I told you about, this
11 long list of crimes that are part of the criminal conspiracy,
12 this RICO conspiracy --

13 THE DEFENDANT: Yes, sir.

14 THE COURT: -- you're admitting to being part of a
15 conspiracy to distribute and possess with intent to distribute
16 50 grams or more of crack cocaine. Is that correct?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: You're admitting to the attempted murder of
19 two unidentified individuals in the 2000 block of Newton Street,
20 Northeast on December the 11th, 2001. Is that correct?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: You're admitting to the possession with
23 intent to distribute cocaine base specifically on December the
24 17th, 2001. Is that correct?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: And to a conspiracy to murder the occupants
2 of Yellow House at 2228 Otis Street, Northeast, on February 27th
3 and 28th, 2002. Is that correct?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And to the robbery of John Crawford,
6 Delonta Jackson, and Corey Rious at the BP service station on
7 January 2nd, 2003. Is that right?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And to the interstate transportation of a
10 stolen motor vehicle on that same date of January 2nd, 2003. Is
11 that right?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And to the interstate transportation of
14 another stolen motor vehicle on January 21st, 2003. Is that
15 right?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And to interstate travel in aid of
18 racketeering - that means going across state lines as part of
19 your criminal enterprise - on January 21st, 2003, and later on
20 December 24th, 2003. Is that right?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And to the attempted murder of Damian May
23 and Tyrone Garrett on December 28th, 2003?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And to the interstate transportation of a

1 stolen motor vehicle on several days, December 30th and 31st,
2 2003; January 5th, 2004; January 6th, 2004?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And to the murder of Damian Wink on
5 January 7th, 2004?

6 MR. SELTZER: It's Damian May. I guess his nickname is
7 Wink.

8 THE COURT: What did I say? Damian May is what I
9 meant.

10 MR. SELTZER: Yes, Your Honor.

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And to Clabe Walker the next day, on
13 January 8th, 2004.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And to burning that van, that Van Leeuwen
16 van, on January the 7th, 2004.

17 THE DEFENDANT: Yes, sir.

18 THE COURT: You're admitting to all those things?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: There are several other counts of this
21 information, Mr. Woodfork. There are some of the same matters
22 stated another way, but count two is conspiracy to make false
23 statements in the purchase of firearms. Did you do that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you know what a conspiracy is?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: What is it?

3 THE DEFENDANT: Being involved in criminal activity,
4 like having dealings with it.

5 THE COURT: It's agreeing with other people to be
6 involved in a criminal activity. Conspiracy is two or more
7 people joined together to do a criminal act. So you were
8 involved with other people --

9 THE DEFENDANT: Yes, sir.

10 THE COURT: -- in making false statements to purchase
11 firearms. Right?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Count three charges you with felonious
14 destruction of property, and that's a blue 1987 Chevrolet Blazer
15 that belonged to Freda Malone that you and others injured and
16 broke and destroyed on April 23rd, 2003. Is that right?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And counts four and five are the murders of
19 Damian May and Clabe Walker, which were also charged as
20 predicate acts under the RICO count but here they're charged the
21 other way around. This is murder in aid of racketeering
22 activity. And the murder of Damian May, you and Nelson were in
23 a car together, you fired at May with a gun in each hand. Is
24 that right?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Killed him?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: The next night you were in a van with
4 Sanders, and you spotted Walker, who was in a black Buick
5 Roadmaster driving on Rhode Island Avenue, and you instructed
6 Sanders to pull alongside, open fire, and kill Walker. Is that
7 right?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Mr. Brittin, do you think we have on the
10 record an adequate factual admission of guilt?

11 MR. BRITTIN: Yes, Your Honor.

12 THE COURT: Mr. Woodfork, has anybody promised you
13 anything that is not written down in this plea agreement?

14 THE DEFENDANT: No, sir.

15 THE COURT: Has anybody forced you or put any pressure
16 on you or coerced you in any way to accept this plea of guilty?

17 THE DEFENDANT: No, sir.

18 THE COURT: Are you entering into this plea agreement
19 voluntarily and of our own free will?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Are you satisfied with the services of your
22 attorneys?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And are you pleading guilty to these five
25 separate counts in the superseding information, or will you

1 plead guilty --

2 THE DEFENDANT: Yes, sir.

3 THE COURT: -- to participation in a Racketeer
4 Influenced Corrupt Organization through a pattern of
5 racketeering activity, conspiracy to make false statements,
6 felonious destruction of property, and two counts of murder in
7 aid of racketeering activity, will you plead guilty to those
8 five charges because you are guilty of them?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Mr. Seltzer, is your client ready to change
11 his plea?

12 MR. SELTZER: Yes, Your Honor.

13 THE COURT: And do you now plead guilty to each of
14 those five counts, Mr. Woodfork?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Mr. Seltzer, have I omitted anything from
17 this colloquy that you think I should have covered?

18 MR. SELTZER: I don't believe so, Your Honor.

19 THE COURT: Mr. Brittin?

20 MR. BRITTIN: No, Your Honor.

21 THE COURT: In that case, I find on the basis of the
22 defendant's appearance and demeanor and his answers to my
23 questions that his plea of guilty is voluntary and intelligent.
24 I will accept it and judge him guilty at this time.

25 What is the anticipated course of events from here on,

1 Mr. Brittin? Should we set it for sentencing or is there some
2 lengthy period of cooperation that has to be attempted?

3 MR. BRITTIN: Judge, we would recommend not referring
4 this to the probation office for preparation of a presentence
5 report at this time. We have a scheduled status date on the
6 Court's calendar at 9:30 on October 5th, and if we convene at
7 that time, I'll be in a position to advise the Court about
8 progress that's been made over the summer and the likely course
9 of events further into the future.

10 THE COURT: All right. Mr. Woodfork, it's come to my
11 attention in the last few days that you've made yourself
12 unwelcome at one place of incarceration in this area, and
13 they're going to have to move you around. I'm not going to
14 state even on the sealed record exactly what the details of that
15 are, but I do want to let you know that it's important for your
16 own situation that you continue to be available to the attorneys
17 on both sides, and if you make any more trouble and get sent any
18 farther away, it's going to be awful hard for anybody to be in
19 touch with you the way they need to be in touch with you. It's
20 in your interest to do what you can to help both defense counsel
21 and the government. Do you understand?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Anything further from anybody this morning?

24 MR. SELTZER: No, Your Honor.

25 THE COURT: Thank you. We're adjourned. We'll

1 reconvene on this matter on October the 5th at 9:30 in the
2 morning.

3 (Proceedings adjourned at 11:45 a.m.)
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6 **CERTIFICATE OF OFFICIAL COURT REPORTER**

7

8 I, Rebecca Stonestreet, certify that the foregoing is a
9 correct transcript from the record of proceedings in the
10 above-entitled matter.
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SIGNATURE OF COURT REPORTER

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