

VIRGINIA:

IN THE CIRCUIT COURT OF SPOTSYLVANIA COUNTY

COMMONWEALTH OF VIRGINIA

v.

[REDACTED]
DOB: [REDACTED]
SSN: [REDACTED]

Defendant

PLEA AGREEMENT

1. My name is [REDACTED] and my age is [REDACTED]

2. I am represented by counsel whose name is [REDACTED]

Esquire, and I am satisfied with his services as an attorney.

3. I have received a copy of the warrants or indictments before being called upon to plea, and I have read and discussed them with my attorney, and I fully understand the charges against me in this case. I am the person named in the indictments. I have told my attorney all the facts and circumstances, as known to me, concerning the cases against me. My attorney has discussed with me the nature of the charges, has explained to me the elements of the offenses, and has advised me as to any possible defenses I might have in these cases. I have had ample time to discuss the case and all possible defenses with my attorney.

4. STIPULATION OF FACTS: I agree to the following summary of the Commonwealth's evidence against me (which I stipulate can all be proven by the Commonwealth) in the foregoing case, and I request that the Court accept this summary in lieu of presentation of any evidence by the Commonwealth. I further

stipulate that the Commonwealth's evidence constitutes a *prima facie* case in the instance of the crime with which I am charged.

SUMMARY:

DETECTIVE TROY SKEBO of the Spotsylvania Sheriff's Office, and others, would testify that on or about January 11, 2009 a number of teenage males gathered at a field in the Plantation Forest subdivision in Spotsylvania County to play football. Some time just before 3:00 p.m., the game ended and a group of approximately 15 young men stood around at the field. At about this time, two other young men arrived, [REDACTED] and [REDACTED]. When the two men arrived, someone in the group announced that "those are the guys who beat up 'Buddha.'" Some portion of the group at the field were friends with a juvenile nicknamed 'Buddha,' who had recently been involved in an altercation with [REDACTED]. As this information traveled through the group collected at the field, De'onte Jones approached [REDACTED].

At this point, [REDACTED] another young man in the group, began filming the encounter between De'onte Jones and [REDACTED] on his cell phone. Mr. [REDACTED] recorded the entirety of the altercation that ensued, and Detective Skebo, who was assigned to investigate the case, was able to recover that recording. That recording is offered into evidence as Commonwealth's Exhibit 1.

The recording depicts [REDACTED] and De'onte Jones (black male wearing a navy blue fleece and black track pants) having a conversation. Surrounding these two are numerous young men. Next to these two stood Brock Bullock (white male wearing a blue hooded sweatshirt and black shorts). In the distance beyond the pair stood Kyle Brown (black male wearing a black jacket, blue jeans and a black wool cap). During this conversation, the second victim, [REDACTED] walks up into the frame wearing a black t-shirt and white baseball cap. He stands close to [REDACTED] throughout the entirety of the recording. At one point during this conversation, Matthew Shepherd walks into view (white male wearing a white t-shirt and Carolina blue shorts). He then steps out of view. The conversation lasts approximately a minute and a half, with a running commentary by [REDACTED]. An unidentified male asks Mr. [REDACTED] how long he can record for, and Mr. [REDACTED] responds that he can record for a minute. The unidentified male then states, "alright, as long as I see that junk."

As the video continues, Jonathan Madison (black male wearing a black sweatshirt and black shorts) enters from the left side of the frame and without warning throws a blind-side punch to the jaw of [REDACTED]. [REDACTED] immediately goes limp, falling face-first against a parked car. As [REDACTED] hits the ground, [REDACTED] rushes to his friend's aid. As he approaches the group surrounding [REDACTED] he is driven back by Brock Bullock, and the group turns its attention away from the unconscious [REDACTED] to focus on [REDACTED].

[REDACTED]. From this point, all of the defendants join the altercation, engaging [REDACTED], [REDACTED] or both as follows:

John Madison (Age 18)- After knocking [REDACTED] unconscious, Madison joined the group attacking [REDACTED]. [REDACTED] was already on the ground when he approached him. He punched [REDACTED] in the head numerous times, then stomped on his head with his foot. During an interview with Detective Skebo, Madison admitted that he was the person in the black hooded sweatshirt and black shorts. He further admitted that he punched [REDACTED] and punched and kicked [REDACTED].

De'onte Jones (Age 18)- After [REDACTED] was knocked to the ground by John Madison, De'onte Jones stomped on [REDACTED], then kicked him in the abdomen. Jones then turned his attention to [REDACTED], who was on the ground. Jones stomped on [REDACTED] head at least twice and also punched him in the head. During an interview with Detective Skebo, Jones admitted that he was the person wearing the blue fleece and track pants. He further admitted to striking both victims.

Brock Bullock (Age 17)- After [REDACTED] was knocked to the ground, Brock Bullock intercepted [REDACTED] as he approached to assist his friend. Bullock punched [REDACTED] in the face, then with the assistance of Jonathan Longtin, knocked [REDACTED] to the ground. Bullock is seen getting up off the ground from on top of [REDACTED] as the mob continues to attack the victim. During an interview with Detective Skebo, Bullock admitted that he was the person wearing the blue sweatshirt and black shorts. Bullock further admitted that he struck [REDACTED].

Jonathan Longtin (Age 18)- After [REDACTED] was knocked to the ground, Jonathan Longtin approached the group gathered around the victim. As Brock Bullock attacked [REDACTED], Longtin (white male, navy blue shirt with maroon shorts and a green wool cap) blocked [REDACTED] from escape, then assisted Bullock in knocking him to the ground, punching him once in the face. During an interview with Detective Skebo, Longtin admitted that he is the person wearing the navy blue shirt with maroon shorts and further admitted that he punched [REDACTED].

Kyle Brown (Age 18)- As soon as John Madison struck [REDACTED], Kyle Brown raced up next to the victim, and stomped on his head. He then joined the group attacking [REDACTED], stomping on his head multiple times.

Tyrik Denson (Age 17)- After [REDACTED] had been knocked to the ground, Tyrik Denson (gray hooded sweatshirt with the hood up and gray sweatpants) joined the group attacking him. He pulled Brock Bullock off of [REDACTED] to get a better shot at the victim. Once he had that better shot, Denson kicked [REDACTED] multiple times and punched him. During an interview with Detective Skebo Denson admitted that he was the person wearing a gray hooded sweatshirt and

gray sweatpants. He further admitted that he kicked [REDACTED] several times and punched him once or twice. During an interview with Detective Skebo Denson admitted that he was the person wearing a gray hooded sweatshirt and gray sweatpants. He further admitted that he kicked [REDACTED] several times and punched him once or twice.

Matthew Shepherd (Age 18)- After [REDACTED] had been knocked to the ground, Matthew Shepherd joined the group attacking the victim. He stood over [REDACTED] punching him multiple times, then kicking him in the back.

Tajh Pendleton (Age 19)- After [REDACTED] had been knocked to the ground, Tajh Pendleton (black male wearing red hooded sweatshirt, blue jeans and black wool cap) joined the group attacking the victim. Pendleton punched [REDACTED] multiple times in the body and face. During an interview with Detective Skebo, Pendleton admitted that he was the person wearing the red sweatshirt and blue jeans. Pendleton further admitted to punching [REDACTED]

James Massey (Age 17)- After [REDACTED] had been knocked to the ground, James Massey (black shirt with yellow sleeves and gray sweatpants) joined the group attacking the victim. He punched [REDACTED] in the head twice. During an interview with Detective Skebo, Massey admitted that he was the person wearing the black shirt with yellow sleeves and gray sweatpants. He further admitted that he punched [REDACTED] in the head twice.

At the conclusion of this attack, all of the defendants ran from the scene. [REDACTED] regained consciousness and with [REDACTED] was able to return to his home. The two victims were transported to the hospital in order to obtain treatment for their extensive injuries. [REDACTED] sustained a shattered jaw from this attack, and underwent surgery to repair it. [REDACTED] was hospitalized and treated for a subdural hematoma to his brain. He still has numbness in his face as a result of this attack.

5. My attorney has advised me that the offenses charged are as follows:

Malicious Wounding by Mob, in violation of Code of Virginia § 18.2-41- TWO COUNTS

Punishment: Class 3 Felony, punishable by a term of imprisonment of not less than five nor more than twenty years and a fine of not more than \$100,000.00.

6. I understand that I may, if I so choose, plead "not guilty" to any charge against me, and that if I do plead "not guilty" the Constitution guarantees

me (a) the right to a speedy and public trial by jury; (b) the process of the Court to compel the production of any evidence and attendance of witnesses in my behalf; (c) the right to have the assistance of a lawyer at all stages of the proceedings; (d) the right against self-incrimination; and (e) the right to be confronted by my accuser.

7. I understand that by pleading guilty I waive my right to an appeal and that I am admitting that I committed the offenses as charged and that the only issue to be decided by the Court is punishment.

8. I understand that the Commonwealth's Attorney has agreed to amend one of the indictments reflecting a charge of Malicious Wounding by Mob to reflect a charge of Unlawful Wounding of both [REDACTED] and [REDACTED] [REDACTED] in violation of Code of Virginia § 18.2-51, a Class 6 Felony punishable by imprisonment for one to five years, or a jail option of confinement for not more than twelve months and a fine of not more than \$2,500.00, either or both. The Commonwealth has further agreed to recommend to the Court the following handling of the case as the appropriate disposition in this case, as follows:

- A. Upon the defendant's guilty plea to the amended charge of Unlawful Wounding in violation of Code § 18.2-51, the parties agree as follows:**
- (i) That the court shall make a finding of "facts sufficient" on the amended felony charge, and withhold a finding of guilt pending sentencing;**
 - (ii) That the parties shall jointly move the Court to set August 13, 2009 at 9:00 a.m. as a sentencing date for this case;**
 - (iii) The parties agree that at the sentencing hearing all parties shall be free to argue for any appropriate disposition of the case, specifically including, but not limited to, defense motions for further reduction of the charge, after testimony**

from witnesses from the Commonwealth and/or the defense. The Commonwealth does not agree to any further amendment or reduction of the charge, but does agree to leave the matter to argument, and specifically agrees that the Court would be free to consider conviction of Assault and Battery by Mob, or Assault and Battery, if it deems the circumstances appropriate for this defendant; and

- (iv) The parties agree that, pending sentencing, the defendant may remain free on bond.
- B. The Commonwealth further agrees that upon a finding by the Court of "facts sufficient" in the matter of the amended indictment, the Commonwealth shall move to *Nolle Pro* the remaining indictment.
- C. If the defendant is ultimately convicted of a felony offense, as a condition of the defendant's sentence, the defendant shall forthwith give a biological sample for DNA analysis, pursuant to Virginia Code Section 19.2-10.2, et. seq., and shall cooperate fully in such procedure.
- D. **RESTITUTION:** Any restitution ordered under this Plea Agreement shall be collected by the Clerk of this Court, and shall be disbursed on a first priority to all crime victims before any court costs are collected and disbursed, pursuant to Code section 19.2-305.2(D). The parties agree that defendant shall be liable for one-ninth (1/9) of the restitution due and owing to the victims in this case. Circuit Court Restitution Plan(s) will be submitted at the sentencing hearing.

It is further agreed that any restitution judgment(s) set forth as part of this agreement shall also constitute civil restitution judgment(s) in favor of the named victim(s), which judgment(s) the Clerk is directed to docket in the manner provided for civil judgments per Code section 19.2-305.2.

9. I understand that the Court may or may not follow the Commonwealth's Attorney's recommendation and may accept or reject this plea agreement. I understand that if the Court rejects this agreement, I will be permitted to withdraw my plea of guilty if I so desire, and if I do not withdraw my

guilty plea neither side is bound by this agreement and the Court may impose any sentence within the limits set forth in Paragraph 5, which disposition may be less favorable to me than is contained in this agreement.

10. I declare no officer or employee of the State or County or Commonwealth's Attorney's office, or anyone else, has made any promise to me except as contained in this agreement.

11. In deciding to allow for amendment of the above-listed charge and in arriving at this plea agreement, the Commonwealth took into account the following public policy considerations:

- a. The age of the defendant;
- b. The defendant's lack of prior criminal history; and
- c. Input received from the victims and from the families of the victims, and upon their express consent to this agreement.

12. After having discussed the matter with my attorney, I do freely and voluntarily plead guilty to the amended offense listed in Paragraph 8 above, and waive my right to a trial by jury, and request the Court to hear all matters of law and fact.

Signed by me in the presence of my attorney on this _____ day of _____, 200__.

Defendant

CERTIFICATE OF DEFENDANT'S COUNSEL

The undersigned attorney for the above-named defendant, after having made a thorough investigation of the facts relating to this case, do certify that I have explained to the defendant the elements of the charges in this case; and that the defendant's plea of guilty is voluntarily and understandingly made.

[Redacted]
Counsel for the defendant

CERTIFICATE OF COMMONWEALTH'S ATTORNEY

The above accords with my understanding of the facts in this case, and I further certify that, when applicable upon the written request of the victim, I have consulted with such victim(s) and I have notified him/her of the right to be present at this hearing (unless an exception is marked below), pursuant to Section 19.2-11.01 of the Code of Virginia.

Exceptions:

- 1. Victim unavailable due to incarceration: _____
- 2. Victim unavailable due to hospitalization: _____
- 3. Victim unavailable due to failure to appear when subpoenaed: _____
- 4. Victim unavailable due to change of address without notice: _____
- 5. Victim unavailable due to other reason _____

as set forth here: _____
_____.

COMMONWEALTH OF VIRGINIA

By: _____
Brian P. Boyle
Assistant Commonwealth's Attorney

Matthew B. Lowery
Assistant Commonwealth's Attorney

The Court, being of the opinion that the plea of guilty and waiver of jury trial are voluntarily made, and that the defendant understands the nature of the charges and the consequences of said plea of guilty, doth accept the same and concur therewith.

Filed and made a part of record this _____ day of _____, 200__.

Judge