

**UNITED STATES DISTRICT COURT  
THE DISTRICT OF COLUMBIA**

<b>UNITED STATES OF AMERICA</b>	:	
	:	
	:	<b>21-cr-147-1 (CKK)</b>
<b>v.</b>	:	
	:	
<b>CHRISTOPHER RAPHAEL SPENCER,</b>	:	
<b>Defendant.</b>	:	

**AGREEMENT AND WAIVER OF JURY TRIAL RIGHTS**

Defendant Christopher Raphael Spencer, by and through counsel, hereby acknowledges that he waives the following rights by proceeding with a Stipulated Trial:

1. The constitutional right to trial by jury. At a trial, the government would have to present evidence to prove the defendant's guilt beyond a reasonable doubt.
2. The right to cross-examine witnesses presented by the government and the right to have witnesses called to court to testify on behalf of the defendant.
3. The right to counsel to assist the defendant at trial.
4. The right to testify if the defendant chose to do so. However, if the defendant chose not to testify, the Court would instruct the jury that the decision could not be used against the defendant.
5. At a jury trial, the defendant could not be convicted unless all 12 jurors agreed that the government had proved the defendant's guilt beyond a reasonable doubt.
6. The defendant understands and acknowledges that if he is not a citizen of the United States, his conviction could result in his deportation or have other immigration consequences.

If the Court grants leave to proceed with a Stipulated Trial, you will give up these rights. The government agrees that proceeding with a Stipulated Trial will not curtail, abridge, or otherwise affect your right to appeal the Court's denial of your motions to dismiss Count 1, which charges a violation of 18 U.S.C. §§ 1512(c)(2) and 2, Count 2, which charges a violation of 18 U.S.C. § 1752(a)(1), and Count 3, which charges a violation of 18 U.S.C. § 1752(a)(2). The Court will consider the Statement of Facts and if it believes that the government has proven your guilt beyond a reasonable doubt, the Court will find you guilty. Your signature means that you wish to proceed by a Stipulated Trial and give up those rights.

The Government agrees that a 2-level reduction will be appropriate, pursuant to U.S.S.G. § 3E1.1, provided that you clearly demonstrate acceptance of responsibility, to the satisfaction of the Government, by agreeing to all provisions in the Stipulated Facts, not contesting guilt at the trial, and by your conduct between entry of the plea and imposition of sentence. Furthermore, assuming your client has accepted responsibility as described in the previous sentence, the Government agrees that an additional 1-level reduction will be appropriate, pursuant to U.S.S.G. § 3E1.1(b), because your client has assisted authorities by providing timely notice of your client's intention to enter into a fully stipulated trial and not contest guilt at the trial, thereby permitting the Government to avoid preparing for trial and permitting the Court to allocate its resources efficiently.

Nothing in this Agreement limits the right of the Government to seek denial of the adjustment for acceptance of responsibility, pursuant to U.S.S.G. § 3E1.1, and/or imposition of an adjustment for obstruction of justice, pursuant to U.S.S.G. § 3C1.1, regardless of any agreement set forth above, should your client move to withdraw your client's agreement to the stipulated trial after it occurs, or should it be determined by the Government that your client has either (a) engaged

in conduct, unknown to the Government at the time of the signing of this Agreement, that constitutes obstruction of justice, or (b) engaged in additional criminal conduct after signing this Agreement.

  
CHRISTOPHER RAPHAEL SPENCER

2-21-24  
DATE