U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
FILED JAN 10 2013
LORETTA G. WHYTE
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	**CRIMINAL DOCKET NO.: 10-329**
v.	*	**SECTION: "I"(5)**
AKAI SULLIVAN	*	

* * *

FACTUAL BASIS

The above-named defendant, **AKAI SULLIVAN ("SULLIVAN")**, has agreed to plead guilty as charged to Count 6 of the Third Superseding Indictment in this matter. Should this matter proceed to trial, the United States of America will prove beyond a reasonable doubt, through credible testimony of Special Agents of the Federal Bureau of Investigation ("FBI"), the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"), state and local law enforcement agencies, the production of reliable witnesses, and evidence, the following facts in support of the allegations against defendant **SULLIVAN**. The following proffer of the Government's evidence is intended only to provide the Court with enough evidence to satisfy the mandate of Rule 11(b)(3) of the Federal Rules of Criminal Procedure. This factual basis is not intended to be a disclosure of all the evidence available to the Government nor, to the extent it makes representations concerning anything the defendant said, is it a recitation of all that the defendant said.

On October 3, 2008, members of the Jefferson Parish Sheriff's Office ("JPSO") arrested **MELVIN HUDSON ("M. HUDSON")** for possession of various firearms, quantities of heroin and cocaine hydrochloride, and United States currency. Law enforcement officials discovered

the contraband inside an apartment located at 1248 Aberdeen Dr., Apt. B, Harvey, Louisiana. At the time, **M. HUDSON** was the lessee of the apartment.

After processing, law enforcement officials imprisoned **M. HUDSON** at the Jefferson Parish Prison pending a resolution to his charges. While in prison, **M. HUDSON** made phone calls to various individuals. The calls were recorded and **M. HUDSON** was made aware of that fact via audio notifications during his calls. On October 27, 2008, **M. HUDSON** spoke with **AKAI SULLIVAN ("SULLIVAN")** while he was still incarcerated. During the recorded call, **M. HUDSON** asked **SULLIVAN** to make a three-way call to (XXX) XXX-7734. The phone number belonged to K.N. K.N. was the landlord of a four-plex at 1248 Aberdeen Drive. The four-plex included **M. HUDSON'S** apartment B.

SULLIVAN successfully contacted K.N. **M. HUDSON** identified himself as "Keenan" during the call, and asked K.N. if there was any way for K.N. to remove his name from the lease agreement. K.N. agreed to remove **M. HUDSON's** name on the lease for $1650.00 provided that **M. HUDSON** produced another tenant. Also, K.N. agreed to sign an affidavit falsely stating that **M. HUDSON** was not the lessee of the apartment on October 3, 2008. After K.N disconnected from the call, **SULLIVAN** complained about K.N.'s requirement of finding a new tenant to move into the apartment before he changed the lease agreement.

On October 30, 2008, **M. HUDSON** called **SULLIVAN** from jail. **SULLIVAN** informed **M. HUDSON** that she met with K.N. and personally convinced K.N. to accept $900.00 rather than $1650.00. For the $900.00, K.N. changed the lessee's name from **M. HUDSON** to "Rachel Williams." **SULLIVAN** convinced K.N. not to require that a new lessee be produced in exchange for the payment. K.N. would still sign an affidavit when needed.

The recordings underscore that both **SULLIVAN** and **M. HUDSON** were scheming to obstruct justice after realizing that the search of **M. HUDSON's** apartment by law enforcement could lead to serious criminal charges against **HUDSON** because it was his apartment and his property in that apartment. That scheme as openly discussed by **SULLIVAN, HUDSON**, and K.N. was as follows: conceal the fact that the apartment was occupied by **HUDSON** by having K.N. create a new lease in a fictitious name rather than **HUDSON's** name; and 2) have **HUDSON's** attorney draft an affidavit for the landlord to sign that would falsely reflect that **HUDSON** never occupied the apartment. At **HUDSON's** request, **SULLIVAN** spoke both to the lawyer and spoke to the apartment landlord in fulfilling **HUDSON's** obstructive objective of fraudulently concealing the fact that he leased the apartment at the time of the search and that his property was in that apartment.

On January 22, 2009, **M. HUDSON** informed TEDRICK REYNARD ("REYNARD") that K.N. signed the affidavit. The Government obtained a copy of the affidavit from Jefferson Parish law enforcement authorities. Further, the affidavit was signed by K.N. and a notary public. The affidavit stated that:

1. K.N. was the landlord of the apartment four-plex located at 1248 Aberdeen Drive in Harvey, Louisiana;
2. **M. HUDSON** was not the lessor (sic) of this apartment complex; and
3. Rachel Williams was the lessor (sic) of apartment "B" from the dates of 7/16/08-12/31/08.

Items two and three of the affidavit were false. **SULLIVAN** and K.N. assisted **M. HUDSON** with the intent to impede and obstruct the investigation into **M. HUDSON's** alleged possession of firearms and illegal narcotics. Also, the crimes that **M. HUDSON** committed

(firearms and illegal narcotics) were within the investigative jurisdiction of both the FBI and ATF, both agencies of the United States of America.

READ AND APPROVED:

DUANE A. EVANS
Assistant United States Attorney

1/10/13
DATE

DEMETRIE E. FORD, ESQ.
Counsel for Defendant Akai Sullivan

1/10/13
DATE

AKAI SULLIVAN
Defendant

1/10/13
DATE