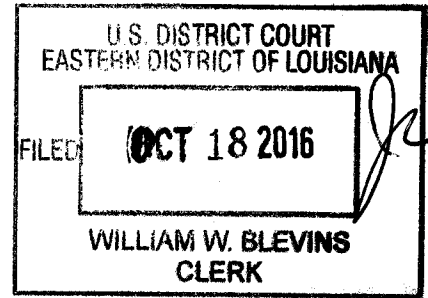


**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**



<b>UNITED STATES OF AMERICA</b>	*	<b>CRIMINAL NO: 16-51</b>
<b>v.</b>	*	<b>SECTION: "A"</b>
<b>KENNETH JACKSON</b>	*	<b>VIOLATIONS: 18 U.S.C. § 922(g)(1)</b>
	*	<b>18 U.S.C. § 922(q)(2)(A)</b>

\* \* \*

**FACTUAL BASIS**

The above-named defendant, **KENNETH JACKSON**, has agreed to plead guilty as charged to Count One of the Indictment, in which he is charged with being a felon in possession of a firearm and ammunition, and Count Two of the Indictment, in which he is charged with possession of a firearm in a school zone. Should this matter have proceeded to trial, the United States of America would have proven beyond a reasonable doubt, through the introduction of relevant, competent, and admissible testimonial, physical and demonstrative evidence, the following facts to support the allegation against defendant **KENNETH JACKSON** ("**JACKSON**").

On March 9, 2016, Special Agents from the Federal Bureau of Investigation ("FBI") conducted surveillance in the vicinity of the Homer A. Plessy Community School, located in New Orleans, Louisiana. At approximately 2:05 p.m., Special Agents observed **JACKSON** sitting on the front porch of 2100 Pauger Street, which is located on the corner of N. Villere Street and Pauger Street. They identified him based on a mugshot photograph. At that time,

___	Fee	_____
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___	CtRmDep	_____
___	Doc. No.	_____

**JACKSON** was wearing black pants, a black shirt with an orange-colored design, and black and white shoes. A short time later, the surveillance moved to a different area.

Approximately thirty-five minutes later, at approximately 2:40 p.m., Special Agents received information from the New Orleans Police Department (“NOPD”) that a shooting had occurred in front of 2100 Pauger Street, New Orleans, Louisiana. Almost immediately, the FBI received information that **JACKSON** may have been involved in this shooting. Through follow up investigation, the FBI obtained video footage from a video camera registered with SafeCam NOLA, which is a surveillance camera registration service run by the NOPD. That camera showed the intersection of N. Villere Street and Pauger Street on March 9, 2016.

The video camera footage obtained from that residence showed that at approximately 2:38 p.m., just minutes before the shooting, a red Pontiac G6 stopped at the intersection of N. Villere Street and Pauger Street. The unidentified driver of the red Pontiac appeared to have a verbal altercation with an individual wearing black pants, a black shirt with an orange-colored design, and black and white shoes, who, the FBI recognized based on their surveillance approximately thirty-minutes prior, as **JACKSON**. The camera footage showed **JACKSON** and another unidentified individual wearing grey clothing become agitated and jump up and down. The Pontiac then drove off. **JACKSON** walked around the corner to a brown Chevrolet Impala parked on N. Villere Street bearing temporary Louisiana registration 1683942 which was taped in the back windshield of the vehicle.

The video further showed that after arriving at the vehicle, **JACKSON** opened the driver’s side door to the Chevrolet Impala, retrieved an object, and then concealed it under his shirt. The manner in which he concealed the object was consistent with the manner in which an individual would conceal a firearm. Subsequently, **JACKSON** walked back to the front porch

area of 2100 Pauger Street. Approximately one minute later, the same red Pontiac G6 again traveled east on N. Villere Street, and it stopped again in the intersection of N. Villere Street and Pauger Street. After the Pontiac stopped, the video showed an exchange of gunfire between the Pontiac and **JACKSON**. The camera footage showed **JACKSON** raising what appeared to be a firearm and firing shots in the direction of the Pontiac.

After the shooting, NOPD investigators arrived on the scene and recovered four (4) .40 caliber shell casings from the location at which **JACKSON** was standing when he fired the aforementioned shots: one (1) Companhia Brasileira de Cartuchos (“CBC”) shell casing, and three (3) Remington Arms Company, Inc. (“RS”) shell casings. If this matter had proceeded to trial, an expert witness from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”), would have testified that both CBC and Remington Arms Company do not manufacture and have not manufactured ammunition in Louisiana. Moreover, the ATF expert witness would further have testified that no commercial firearms (including no .40 caliber firearms) are manufactured in the state of Louisiana.

**JACKSON** was arrested on March 21, 2016, inside of 2100 Pauger Street, New Orleans. After receiving *Miranda* warnings, **JACKSON** stated in sum and substance to Special Agent James Ollinger that he shot at two individuals in a red car at the intersection of Pauger Street and N. Villere Street on March 9, 2016. **JACKSON** further stated in sum and substance that he did not know the identity of the two individuals in the red car.

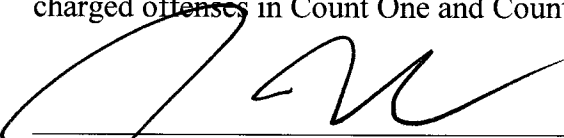
Special Agents from the FBI further obtained telephone calls placed by **JACKSON** while incarcerated in St. Charles Parish while awaiting trial for the instant case. During a telephone call placed by **JACKSON** on March 26, 2016, to telephone number (504) 667-0580, During that call, an unidentified male individual stated to **JACKSON**, “Man, you already know you were

goin' spend the rest of your life in jail when once you shot out that fuckin' car. Then they goin' try to put it on that man talkin' bout he wasn't shootin' and all that. It was only him doin' all the shootin'. . . Man, yo stupid ass. You can hide all you want them people see all that." **JACKSON** replied, "Uh huh. That boy a clown man." The unidentified male said, "He goin' take his fuckin' lick, stupid ass." **JACKSON** then replied, "Uh huh. I guarantee you the gun is down there on Lesseps."

Based on the FBI's physical surveillance, as well as measurements conducted by the FBI, the Homer A. Plessy Community School is visible from, and is located less than 1000 feet from the location where **JACKSON** fired shots at the Pontiac. Homer A. Plessy Community School is a pre-K through 8<sup>th</sup> grade public charter school.

On March 25, 2015, in Orleans Parish Criminal District Court, under case number 522148 "A", **JACKSON** was convicted of possession of cocaine, in violation of Louisiana Revised Statutes 40:967(C)(2); and (2) on January 17, 2013, in Orleans Parish Criminal District Court, under case number 514412 "I", **JACKSON** was convicted of illegal carrying of a weapon, second offense, in violation of Louisiana Revised Statutes 14:95(C). Both convictions are punishable by imprisonment for a term exceeding one year.

This proffer of evidence is not intended to constitute a complete statement of all facts learned during this investigation, but rather is a minimum statement of facts intended to prove the necessary factual predicate for the guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for **JACKSON**'s plea of guilty to the charged offenses in Count One and Count Two of the Indictment.

  
JONATHAN L. SHIH  
Assistant United States Attorney

10/18/16  
(Date)

  
VALERIE WELZ RUSSEHL, ESQ.  
Attorney for Defendant

10-18-16  
(Date)

  
KENNETH JACKSON  
Defendant

10-18-16  
(Date)