

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

**UNITED STATES OF AMERICA**

\*

**CRIMINAL NO. 17-05**

**v.**

\*

**SECTION: "B"**

**KWAME FLEMING**

\*

\* \* \*

**FACTUAL BASIS**

In support of the defendant **KWAME FLEMING's** ("FLEMING") guilty plea to Count1 (accessory after the fact to murder through use of a firearm), Count 2 (carjacking), Count 3 (brandishing a firearm during a crime of violence), Count 4 (Hobbs Act Robbery), Count 5, (discharging a firearm during a crime of violence); Count 6 (carjacking); and Count 7 (brandishing a firearm during a crime of violence) of the Superseding Bill of Information, the Government submits that it could prove the following facts beyond a reasonable doubt, through credible testimony and the production of reliable evidence:

**Accessory After the Fact to Murder of Jacquez Young and Attempted Murder of J.M. on June 1, 2015**

On June 1, 2015, M.B. and H.J. murdered Jacquez Young and attempted to murder J.M. Subsequently, as described below, **FLEMING** assisted the offenders, M.B. and H.J. in order to hinder and prevent their apprehension, trial, and punishment. Specifically, prior to June 1, 2015, **FLEMING** purchased a quantity of marijuana from D.L., a marijuana dealer in the New Orleans metropolitan area. **FLEMING** had purchased marijuana from D.L. that **FLEMING** believed was of low quality and demanded a refund. D.L. would not provide a refund. Subsequently, on April

  
K.R.

22, 2015, **FLEMING** and others shot D.L. (non-fatal). M.B. was also present during that incident. J.M., who was incarcerated at the time that D.L. was shot, was one of D.L.'s associates, and had indicated that he would retaliate against **FLEMING** once J.M. was released from jail.

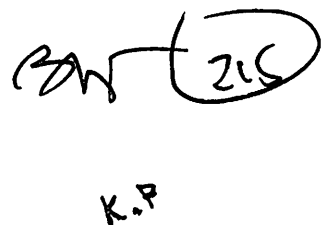
On June 1, 2015, M.B., H.J., and **FLEMING** were together in a previously carjacked Dodge Ram. While in the area of Whitney Ave., in Gretna, they observed J.M. in the area. **FLEMING** was driving the truck, H.J. was in the front passenger seat, and M.B. was in the rear passenger seat.

Subsequently, M.B., H.J., and **FLEMING** observed J.M. enter the front passenger side of a 2008 blue Audi AA4. M.B., H.J., and **FLEMING** later observed the Audi stop at a stop sign at Cooper Road and Whitney Avenue, when it made a right turn onto Whitney Avenue heading towards Stumpf Blvd. At that time, M.B. was armed with a revolver with black tape around the handle. H.J. was armed with a .40 caliber Smith and Wesson, which he previously received from **FLEMING**.

Eventually, the Dodge Ram pulled up next to the Audi on Whitney Avenue. The Dodge Ram was in the left lane, and the Audi was in the right lane. After pulling up next to the Audi, **FLEMING** said, "What's up" to J.M. and the driver of the Audi, Jacquez Young. M.B. then began shooting into the Audi several times. H.J. also fired into the Audi. Jacquez Young was killed instantly, and J.M. was hit several times.

As described below, **FLEMING** received, relieved, comforted, and assisted M.B. and H.J. by arranging to trade the .40 caliber Smith and Wesson and revolver with black tape around the handle in Mississippi with N.H., in an attempt to prevent their seizure by law enforcement.

**Carjacking on June 1, 2015**


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Also on June 1, 2015, M.B., H.J., and **FLEMING**, driving in the previously carjacked Dodge Ram, observed a red 2014 Chevrolet Cruze, in the vicinity of Independence Street in New Orleans. M.B., H.J., and **FLEMING** agreed to carjack the aforementioned Chevrolet Cruze utilizing a firearm. If called at trial, the victim would testify that one of the aforementioned three individuals approached the victim with a firearm, pointed it at the victim, and demanded her car keys. The victim would further testify that she complied by turning over her car keys, and that individual drove away in the Chevrolet Cruze. M.B., H.J. and **FLEMING** then left the area. At trial, the government would call a representative from the General Motors Company, who would testify that the aforementioned Chevrolet Cruze was not manufactured in the state of Louisiana, and was therefore transported, shipped, or received in interstate commerce.

**Robbery/Gun Trade/Carjacking on June 3, 2015 & June 4, 2015**

Over the next few days, while located in the Eastern District of Louisiana, **FLEMING** contacted a friend of his, N.H., living in the vicinity of Centerville, Mississippi, over the telephone, to attempt to trade the firearms that were used in the murder of Jacquez Young (although N.H. was unaware that the firearms had been used in a murder), as the firearms were fired by M.B. and H.J. during the aforementioned murder. N.H. agreed to facilitate the trade. During those telephone calls, **FLEMING** also inquired about the possibility of robbing a drug dealer in Mississippi. **FLEMING** intended to bring the proceeds of the robbery to the Eastern District of Louisiana.

On June 3, 2015, M.B., H.J., and **FLEMING** traveled from New Orleans to Mississippi in the carjacked Chevy Cruze to meet with N.H. Although M.B., H.J., and **FLEMING** brought two guns for trade (the revolver and the .40 caliber Smith and Wesson), ultimately, N.H. only wanted to trade for the .40 caliber Smith and Wesson. N.H. had a 9mm firearm that he would trade for

  
 K.F.

the .40 caliber Smith and Wesson. Subsequently, N.H. showed M.B., H.J., and **FLEMING** the location of a local drug dealer, who was the robbery target.

Later on that night, after dropping off N.H., M.B., H.J., and **FLEMING**, returned to the location of the local drug dealer. After arriving, all three got out of the Chevy Cruze and approached the house. H.J. was stationed by the back door, and eventually, M.B. and **FLEMING** were at the front door. After M.B. knocked on the front door, the victim opened the door. Ultimately, **FLEMING** pointed the .40 caliber Smith and Wesson at the victim. M.B. also pulled out his revolver. A struggle ensued, and during the struggle, **FLEMING** discharged his gun at least one time. Ultimately, the victim acquiesced, and **FLEMING** and M.B. entered the house. The victim's girlfriend was also inside the house. H.J. also entered the house and took part in searching. At some point, the victim was able to flee from the house. M.B., H.J., and **FLEMING** continued to search, while holding the girlfriend at gunpoint, and found a large quantity of marijuana, synthetic marijuana, some money, at least one cellular phone, and an AK-47 style assault rifle. M.B., H.J., and **FLEMING** then met with N.H. at another location, and provided him with a portion of the stolen drugs in exchange for his participation in the robbery.

While they were still in Mississippi, the gun trade was completed, the Smith and Wesson was left with N.H., and later, H.J., **FLEMING**, and M.B. traveled back to New Orleans with the 9mm pistol, the revolver, the AK-47, the marijuana, and the synthetic marijuana. M.B. was driving the car. On the way back to New Orleans, and while the car was driving, **FLEMING** leaned out of the window and fired several rounds into the air from the AK-47 to test its operability.

Near Zachary, Louisiana, the police attempted to pull over the Chevy Cruze. M.B. led them on a high speed chase, ultimately leading to a crash near the intersection of I-10 and Highway 19. M.B., H.J., and **FLEMING** were not seriously injured (although the car was severely

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damaged), and fled on foot with, among other things, the AK-47, the 9mm and the revolver. Officers from the Zachary Police Department later recovered a quantity of marijuana from the crash site.

After the crash, M.B., H.J., and **FLEMING** walked along I-10 for a period of time until they encountered a 2004 GMC Yukon parked in a lot on Longfellow Drive in Baton Rouge. They encountered the GMC Yukon on June 4, 2015. Using firearms, including the AK-47 style assault rifle and the revolver, M.B., H.J., and **FLEMING** then took the vehicle forcibly from two individuals, got onto I-10, and drove back to New Orleans. At trial, the government would call a representative from the General Motor Company, who would testify that the aforementioned GMC Yukon was not manufactured in the state of Louisiana, and was therefore transported, shipped, or received in interstate commerce.

The morning after returning to New Orleans, **FLEMING** was arrested, and the aforementioned AK-47 style assault rifle was seized from **FLEMING**.

**Murder of DeShawn Butler and DeShawn Kinard on November 13, 2013**

By way of this factual basis, **FLEMING** also admits that he participated in the murder of DeShawn Butler and DeShawn Kinard on November 13, 2013. Specifically, on November 12, 2013, **FLEMING** and K.P. carjacked a van in the Eastern District of Louisiana. After the carjacking, **FLEMING** and K.P. parked the stolen van at a location in New Orleans, Louisiana. The next day, **FLEMING** learned from K.T. or I.P., via a telephone call, that DeShawn Butler shot at a Toyota Camry that K.T., N.L., I.P. and possibly K.W. were in.

Later that day, November 13, 2013, **FLEMING**, K.P. and I.P. were in a car together. I.P. was driving the vehicle, K.P. was in the back seat and **FLEMING** was in the front passenger seat. **FLEMING** was armed with a Taurus .40 caliber firearm, and K.P. was armed with a Glock 21

*Blaw (JCS)*  
*K.P.*

firearm. Both firearms were equipped with laser sights. The group spotted DeShawn Butler in another vehicle with two women. DeShawn Butler was in the backseat and the two women were in the front seat. Unbeknownst to **FLEMING**, DeShawn Kinard, DeShawn Butler's infant child, was also in the backseat of DeShawn Butler's vehicle.

Subsequently, **FLEMING**'s vehicle caught up to DeShawn Butler's vehicle in and around the area of the Crescent City Connection. **FLEMING** then fired approximately 10 shots into the vehicle. K.P. also fired into the vehicle. Both DeShawn Butler and DeShawn Kinard were killed as a result of gunshot wounds.

After the shooting, **FLEMING**, I.P., and K.P. discussed burning the van that **FLEMING**, K.P. and I.P. used during the shooting. They called another individual and asked him to pick them up at the levee. Subsequently, **FLEMING**, I.P. and K.P. traveled to a location on the levee on the West Bank of New Orleans in the van. **FLEMING** poured gasoline on the vehicle, and I.P. lit a match and ignited the van. The other individual then picked up the group and drove them to another location.

#### **Murder of Guy Henderson on December 29, 2014**

By way of this factual basis, **FLEMING** also admits that he killed Guy Henderson on December 29, 2014. Specifically, **FLEMING** was contacted by an individual named "Harold" who was looking for someone to kill Guy Henderson. According to "Harold," Guy Henderson had put a gun to "Harold's" aunt's head, and "Harold" was seeking to retaliate. **FLEMING** agreed to commit the murder for \$5,000.

On December 29, 2014, **FLEMING** and other individuals, including R.J. were in a vehicle at a gas station when he observed Guy Henderson. **FLEMING** called "Harold" to confirm that Guy Henderson was the correct person, and received such confirmation. **FLEMING** then

followed Guy Henderson to a location in Algiers, Louisiana. Guy Henderson was in a blue Kia at the time. Guy Henderson got out of the blue Kia.

**FLEMING** put on a ski mask and was armed with a Berretta Model 89 .380 caliber firearm. **FLEMING** waited for Guy Henderson in the bushes. After Guy Henderson walked towards the blue Kia, **FLEMING** began shooting at Guy Henderson. R.J. also fired at Guy Henderson. Unbeknownst to **FLEMING**, there was a passenger in the blue Kia, who began to fire a gun at **FLEMING**. **FLEMING** attempted to fire at the passenger, but his firearm jammed. **FLEMING** then ejected a live round from his firearm. **FLEMING** then fled the area.

The above described information regarding the murders of DeShawn Butler, DeShawn Kinard, and Guy Henderson was provided by **FLEMING** in proffer-protected statements.




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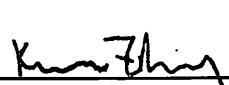
**Limited Nature of Factual Basis**

This proffer of evidence is not intended to constitute a complete statement of all facts, 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 **FLEMING'S** plea of guilty to the charged crimes in Counts 1, 2, 3, 4, 5, 6, and 7 of the Superseding Bill of Information.

READ AND APPROVED:

 7/31/2018  
\_\_\_\_\_  
Bruce Whittaker, Esq. Date  
Counsel for Kwame Fleming

 7/31/18  
\_\_\_\_\_  
Jonathan L. Shih Date  
Assistant United States Attorney

 7/31/2018  
\_\_\_\_\_  
Kwame Fleming Date  
Defendant