

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

UNITED STATES OF AMERICA * **CRIMINAL NO. 17-114**
v. * **SECTION: "B"**
DELTOINE SCOTT *
* * *

FACTUAL BASIS

The defendant, **DELTOINE SCOTT**, has agreed to plead guilty as charged to Count One, Count Two, Count Three, Count Five, Count Six, and Count Seven of the pending nine-count Second Superseding Indictment. Count One charges **SCOTT** with conspiracy to commit bank robbery. Count Two charges **SCOTT** with armed bank robbery. Count Three charges **SCOTT** with brandishing a firearm during and in relation to a crime of violence. Count Five charges **SCOTT** with discharging a firearm during and in relation to a crime of violence resulting in death. Counts Six and Seven charge **SCOTT** with making material false statements to federal agents.

Should this matter have proceeded to trial, the government would have proven, through the introduction of competent testimony and other admissible evidence, the following facts, beyond a reasonable doubt, to support the allegations in the Second Superseding Indictment:

SCOTT and Jerome **KIEFFER** attended McDonogh #35 Senior High School in New Orleans and played on the basketball team. They became friends. **SCOTT** ultimately received a scholarship to play football in college and left New Orleans after graduating. After a few years at college, **SCOTT**'s football plans were not going as he had hoped.

Jerome **KIEFFER** called **SCOTT** and began discussing a plan to rob an armored car while it was servicing the ATMs at the JP Morgan Chase Bank (hereinafter "Chase Bank"), located at

1425 North Broad Street in New Orleans, Louisiana. The deposits at Chase Bank were insured by the Federal Deposit Insurance Corporation at all times relevant herein. The Brinks armored car that SCOTT and Jerome KIEFFER were planning to rob was carrying money that belonged to Chase Bank. Specifically, the Brink's Company (hereinafter "Brink's") was a business engaged in the security and transportation of money, along with other security services, and was engaged as Chase Bank's agent transporting money belonging to Chase Bank while Brink's employees were servicing automated teller machines at Chase Bank. Jerome KIEFFER was aware from prior observations that the armored car serviced the ATMs on Sundays.

In the days prior to the robbery, SCOTT and Jerome KIEFFER walked around the area of the Chase Bank, planning how they would conduct the robbery and then make their escape. They decided to cut a hole in a wooden fence separating the area where the ATMs were located from an adjacent parking lot. From their vantage point behind the fence, SCOTT and Jerome KIEFFER could see the truck approach and time the robbery. A dumpster also hid them from observation in the parking lot. The area behind the wooden fence where they cut the hole also accessed another alleyway that SCOTT and Jerome KIEFFER used to make their escape after the robbery. They also parked a white GMC Yukon registered to SCOTT's grandfather, Charles Mitchell, on Bayou Road/Gentilly a few days before the robbery. They blocked out the license plate with blue tape.

Prior to the robbery, SCOTT and Jerome KIEFFER met at Armstead KIEFFER's house at the corner of Columbus Street and Dorgenois Street in New Orleans, which is a few blocks from the Chase Bank. Armstead KIEFFER provided SCOTT and Jerome KIEFFER with the handguns they used during the robbery.

On October 11, 2015, SCOTT and Jerome KIEFFER robbed the armored car as they had planned. They were waiting behind the wooden fence. When they saw one of the guards with

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what appeared to be money away from the truck, they jumped out of their hiding spot and ran toward the guard screaming for him to give it up. They were both armed with handguns. It turned out that the guard only had papers and no money. **SCOTT** ran back to the hole in the fence. Jerome KIEFFER forced the guard into the back of the armored car. The guard then passed money from inside the truck to Jerome KIEFFER. Once he had the money, Jerome KIEFFER ran back to the hole in the fence, passed the money to **SCOTT**, and went through the hole. This part of the robbery was captured on the Chase Bank's surveillance footage.

SCOTT and Jerome KIEFFER then made their escape. They ran down the alley adjacent to the spot behind the wooden fence where they cut the hole, crossed LePage Street, went through an alley by an abandoned house, and got into the GMC Yukon they had left earlier on Bayou Road. They made a U-turn on Bayou Road, which was captured on surveillance footage, and passed Stallings Park. They then turned off Gentilly and took a back way back to Armstead KIEFFER's. Once they arrived at Armstead KIEFFER's house, all three men proceeded to count the money that had been stolen.

Following the robbery, **SCOTT** and Jerome KIEFFER spent some of the money. They went together to Academy Sports on November 10, 2015, and bought new handguns and DRT ammunition, which they would ultimately use in the May 31, 2017 attempted robbery. They each also purchased an Infiniti. Jerome KIEFFER used some of the money to attempt to further a career as a rapper.

SCOTT ultimately got a job working at the Sam's Club in Metairie. On the morning of May 31, 2017, **SCOTT** left work early after speaking with Jerome KIEFFER. Earlier that month, Jerome KIEFFER had rented an apartment at the corner of Tulane and Galvez in New Orleans. The apartment overlooked ATMs owned by the Campus Federal Credit Union. In the weeks prior

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to the May 31, 2017 attempted robbery, Jerome KIEFFER had seen a Loomis armored truck servicing the ATMs at the Campus Federal Credit Union and wanted to do another robbery.

At all times relevant herein, Campus Federal Credit Union, located at 2200 Tulane Avenue in New Orleans, Louisiana, had deposits insured by the National Credit Union Administration Board. Loomis Armored US was a business engaged in the security and transportation of money, along with other security services, and was engaged as Campus Federal Credit Union's agent transporting money belonging to Campus Federal Credit Union while Loomis employees were servicing automated teller machines at the Campus Federal Credit Union.

After leaving work, **SCOTT** went to his grandfather's house on Camelot Street in New Orleans East. Jerome KIEFFER was there as well. They borrowed a Ford F150 truck that had a black hood, white doors and roof, and black bed from Charles Mitchell, **SCOTT**'s grandfather. **SCOTT**, driving the truck, then followed Jerome KIEFFER, driving his Infiniti hatchback, from New Orleans East back to Jerome KIEFFER's apartment. Before going to the apartment, **SCOTT** dropped off the truck on Gravier Street near the Campus Federal Credit Union and got into Jerome KIEFFER's Infiniti.

The two men then proceeded to the parking area of Jerome KIEFFER's apartment. They were captured on the apartment building's surveillance footage entering the garage, exiting the vehicle and entering the building, signing in at the front desk, and then proceeding to Jerome KIEFFER's apartment on the fourth floor. They spent some time in the apartment, which overlooked the ATMs. Jerome KIEFFER explained that the armored car serviced the ATMs on Wednesdays and that they would do the robbery later that afternoon.

SCOTT and Jerome KIEFFER then left the apartment and went to Armstead KIEFFER's house. They discussed the plan with Armstead KIEFFER, who was to act as the lookout. They

also changed clothes, putting on all black outfits. **SCOTT** and Jerome KIEFFER then returned to the truck they had left on Gravier Street earlier. Armstead KIEFFER, driving a burgundy Nissan Sentra, began to circle the area near the Campus Federal Credit Union. All of them were waiting for the armored car to arrive at the Campus Federal Credit Union. Jerome KIEFFER and Armstead KIEFFER spoke to each other on the phone several times while they were waiting.

Eventually, the armored car arrived at the Campus Federal Credit Union and began servicing the ATMs. Because of where their truck was positioned, **SCOTT** and Jerome KIEFFER could not see the armored car or the ATMs. Instead, Armstead KIEFFER parked his Nissan Sentra in a position where he could view the ATMs and called Jerome KIEFFER to report on what he was observing. Surveillance footage captured the Nissan Sentra parked across Galvez Street at this time. Phone records also show Armstead KIEFFER and Jerome KIEFFER on a 7 minute 40 second phone call while the armored car is servicing the ATMs.

Armstead KIEFFER told Jerome KIEFFER and **SCOTT** when to begin the robbery. **SCOTT** and Jerome KIEFFER then exited the truck, ran down a short alleyway, and ran toward the guards (two guards were outside the vehicle and a third was driving). **SCOTT** and Jerome KIEFFER were armed with the pistols they had purchased at Academy Sports in November 2015. **SCOTT** grabbed the moneybag and ran off, quickly realizing it was empty. Jerome KIEFFER then went back toward one of the guards who was prone on the ground. Before Jerome KIEFFER could force the guard back onto the truck to get money—as had happened in the 2015 robbery—the other armored car guard shot at Jerome KIEFFER. **SCOTT** and Jerome KIEFFER then began their escape back to the truck. An exchange of gunfire ensued between **SCOTT**, Jerome KIEFFER, and the other guard. James McBride, one of the Loomis guards, was shot during the course of the attempted robbery and died as a result of his injuries.

Officers later collected shell casings from the scene. In addition to the 9 mm casings from the guard's weapon, they found .40 caliber and .45 caliber casings, which were consistent with the calibers of weapons that **SCOTT** and Jerome KIEFFER had purchased at Academy Sports. The .40 caliber casings were DRT brand, which also was consistent with the Academy Sports purchase. The government would have presented expert testimony that the markings on the casings were consistent with those casings having been fired by the guns purchased by **SCOTT** and Jerome KIEFFER at Academy Sports.

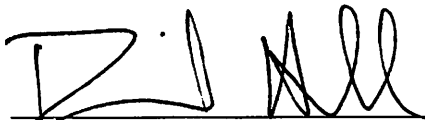
After **SCOTT** and Jerome KIEFFER reached the truck, they drove down Gravier Street and turned right on Galvez Street. They then turned up Poydras Street, went across the overpass on Broad Street, and took the exit from the overpass toward Earhart Boulevard.

Later that day, **SCOTT** returned the truck to his grandfather, Charles Mitchell. The New Orleans Police Department stopped Charles Mitchell as he was driving the truck to get some fried chicken. Mitchell told the police that **SCOTT**, who was with Jerome KIEFFER, had borrowed the truck earlier that day, and the investigation thereafter focused on **SCOTT** and Jerome KIEFFER. **SCOTT** was interviewed on June, 6, 2017, by the New Orleans Police Department and the FBI in the presence of his attorney. **SCOTT** was aware that he was being investigated for a very serious crime and that it was a crime to lie to the FBI. Nevertheless, **SCOTT** falsely told the FBI (1) he had lost his mobile phone on May 29, 2017, had not recovered it, and had not made any calls on that phone on May 31, 2017; and (2) that the truck **SCOTT** had borrowed from his grandfather on May 31, 2017 overheated while **SCOTT** was in route from picking up the truck to a daiquiri shop, that he let the truck cool by the roadside for approximately thirty-five minutes, and that thereafter he drove around without stopping or visiting anyone and then returned the truck to his grandfather. These statements were false and **SCOTT** knew they were false. **SCOTT** used

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his phone multiple times the day of the robbery, including during several calls he had with Jerome KIEFFER. SCOTT also used the truck as the get-away vehicle in the attempted robbery.

This proffer of evidence is not intended to constitute a complete statement of all facts known to the government, 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 SCOTT's plea of guilty to Count One, Count Two, Count Three, Count Five, Count Six, and Count Seven of the pending nine-count Second Superseding Indictment.




DAVID HALLER
Assistant United States Attorney

10/19/18
Date




MICHAEL MCMAHON
Assistant United States Attorney

Oct. 9, 2018
Date



DELVOINE SCOTT
Defendant

9 Oct. 2018
Date



BENNY GEORGE
Attorney for Defendant

9 Oct. 2018
Date