

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA.

2019 APR 11 A 11:11

WILLIAM W. BLEVINS
CLERK

FELONY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

**SECOND SUPERSEDING INDICTMENT FOR VIOLATIONS
OF THE FEDERAL GUN CONTROL ACT AND THE FEDERAL
CONTROLLED SUBSTANCES ACT AND FOR OBSTRUCTION OF JUSTICE**

UNITED STATES OF AMERICA

v.

KENDALL BARNES
DERRICK GROVES
a/k/a "Woo"

* CRIMINAL NO. 18-204

* SECTION: "A"

* VIOLATIONS: 21 U.S.C. § 841(a)(1)
21 U.S.C. § 841(b)(1)(C)
* 21 U.S.C. § 846
* 18 U.S.C. § 922(g)(1)
* 18 U.S.C. § 924(a)(2)
* 18 U.S.C. § 924(c)(1)(A)
* 18 U.S.C. § 924(c)(1)(A)(i)
* 18 U.S.C. § 924(o)
* 18 U.S.C. § 1503(a)
18 U.S.C. § 2

* * *

The Grand Jury charges that:

COUNT 1

Beginning on a date unknown, but no later than February 2017, and continuing until on or about January 25, 2019, in the Eastern District of Louisiana and elsewhere, the defendants, **KENDALL BARNES** and **DERRICK GROVES**, a/k/a "Woo," did knowingly and intentionally combine, conspire, confederate, and agree with each other and other persons known and unknown to the Grand Jury, to possess firearms in furtherance of a drug-trafficking crime, to wit: the drug

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distribution conspiracy charged in Count 2 of this Second Superseding Indictment, in violation of Title 18, United States Code, Section 924(c); all in violation of Title 18, United States Code, Section 924(o).

COUNT 2

Beginning on a date unknown, but no later than February 2018, and continuing until on or about January 25, 2019, in the Eastern District of Louisiana and elsewhere, the defendants, **KENDALL BARNES, B.C., DERRICK GROVES, a/k/a "Woo," and J.R.** did knowingly and intentionally combine, conspire, confederate and agree with each other and other persons known and unknown to the Grand Jury, to distribute and to possess with the intent to distribute a quantity of a mixture or substance containing a detectable amount of heroin, a Schedule I drug controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and 846.

COUNT 3

On or about February 19, 2018, in the Eastern District of Louisiana, the defendant, **KENDALL BARNES**, having previously been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: a conviction on July 14, 2014, in Case Number 520-976, in Orleans Parish Criminal District Court, State of Louisiana, for possession of heroin, a violation of La. R.S. § 40:966(c)(1); did knowingly and intentionally possess in and affecting interstate commerce a firearm, to wit: a Glock 27, .40 caliber pistol; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 4

On or about February 19, 2018, in the Eastern District of Louisiana, the defendant, **KENDALL BARNES**, did knowingly and intentionally possess with the intent to distribute a quantity of a mixture or substance containing a detectable amount of heroin, a Schedule I drug

controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C).

COUNT 5

On or about February 19, 2018, in the Eastern District of Louisiana, the defendant, **KENDALL BARNES**, did knowingly and intentionally possess a firearm, to wit: a Glock 27, .40 caliber pistol; in furtherance of a drug-trafficking crime for which he may be prosecuted in a court of the United States, to wit: possession with the intent to distribute a quantity of a mixture or substance containing a detectable amount of heroin, as charged in Count 4 of this Second Superseding Indictment; all in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 924(c)(1)(A)(i).

COUNT 6

On or about February 19, 2018, in the Eastern District of Louisiana, the defendant, **KENDALL BARNES**, did corruptly influence, obstruct, impede, and endeavor to influence, obstruct, and impede the due administration of justice regarding the federal grand jury in the Eastern District of Louisiana in that, while **KENDALL BARNES** was in Saint Bernard Parish Prison, and immediately after federal agents searched his home, **KENDALL BARNES** directed S.W. to move evidence, to wit, a firearm, heroin, and marijuana, and provide it to **DERRICK GROVES**, a/k/a "Woo," and directed S.W. to instruct **B.C.** to cut off a phone; all in violation of Title 18, United States Code, Sections 1503(a) and 2.

COUNT 7

On or about October 12, 2018, in the Eastern District of Louisiana, the defendant, **DERRICK GROVES**, a/k/a "Woo," did knowingly and intentionally possess with the intent to distribute a quantity of a mixture or substance containing a detectable amount of heroin, a Schedule

I drug controlled substance, and fentanyl, a Schedule II drug controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and Title 18, United States Code, Section 2.

COUNT 8

On or about October 12, 2018, in the Eastern District of Louisiana, the defendant, **DERRICK GROVES**, a/k/a "Woo," did knowingly and intentionally possess a firearm, to wit: a Glock Model 19X, 9 mm semi-automatic firearm; in furtherance of a drug-trafficking crime for which he may be prosecuted in a court of the United States, to wit: possession with the intent to distribute a quantity of a mixture or substance containing a detectable amount of heroin and fentanyl, as charged in Count 7 of this Second Superseding Indictment; all in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 924(c)(1)(A)(i).

COUNT 9

On or about January 25, 2019, in the Eastern District of Louisiana, the defendant, **DERRICK GROVES**, a/k/a "Woo," did knowingly and intentionally possess with the intent to distribute a quantity of a mixture or substance containing a detectable amount of heroin, a Schedule I drug controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and Title 18, United States Code, Section 2.

COUNT 10

On or about January 25, 2019, in the Eastern District of Louisiana, the defendant, **DERRICK GROVES**, a/k/a "Woo," did knowingly and intentionally possess a firearm, to wit: a Glock Model 23, Gen4, .40 caliber semi-automatic firearm; in furtherance of a drug-trafficking crime for which he may be prosecuted in a court of the United States, to wit: possession with the intent to distribute a quantity of a mixture or substance containing a detectable amount of heroin,

as charged in Count 9 of this Second Superseding Indictment; all in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 924(c)(1)(A)(i).

NOTICE OF FIREARM FORFEITURE

1. The allegations of Counts 1, 3, 5, 8, and 10 of this Second Superseding Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Section 924(d)(1), made applicable through Title 28, United States Code, Section 2461.

2. As a result of the offenses alleged in Counts 1, 3, 5, 8, and 10, the defendants, **KENDALL BARNES** and **DERRICK GROVES**, a/k/a "Woo," shall forfeit to the United States pursuant to Title 18, United States Code, Sections 922(g)(1), 924(c)(1)(A) and 924(d)(1), made applicable through Title 28, United States Code, Section 2461, any firearm or ammunition, which was involved in or used in knowing violations as alleged in Counts 1, 3, 5, 8, and 10 of this Second Superseding Indictment.

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this Notice of Forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 922(g)(1), 924(c)(1)(A) and 924(d)(1), made applicable through Title 28, United States Code, Section 2461.

NOTICE OF DRUG FORFEITURE

1. The allegations of Counts 2, 4, 7, and 9 of this Second Superseding Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 21, United States Code, Section 853.

2. As a result of the offenses alleged in Counts 2, 4, 7, and 9, the defendants, **KENDALL BARNES** and **DERRICK GROVES**, a/k/a "Woo," shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Counts 2, 4, 7, and 9 of this Second Superseding Indictment.

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or

- e. has been commingled with other property, which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above-forfeitable property.

All in violation of Title 21, United States Code, Section 853.

NOTICE OF OBSTRUCTION OF JUSTICE FORFEITURE

1. The allegations of Count 6 of this Second Superseding Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Sections 1503 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).

2. As a result of the offense alleged in Count 6, defendant, **KENDALL BARNES**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c), any and all property, real or personal, which constitutes or is derived from proceeds traceable to a violation of Title 18, United States Code, Section 1503.

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

All in violation of Title 21, United States Code, Section 853.

A TRUE BILL:

A black rectangular redaction box covering the signature of the Foreperson.

FOREPERSON

PETER G. STRASSER
UNITED STATES ATTORNEY

A handwritten signature in cursive script, likely belonging to Maria M. Carboni.

MARIA M. CARBONI
Assistant United States Attorney

New Orleans, Louisiana
April 11, 2019