

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

\* CRIMINAL NO. 18-204

v.

\* SECTION: "T"

KENDALL BARNES

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\* \* \*

FACTUAL BASIS

The above-named defendant, **KENDALL BARNES**, has agreed to plead guilty to Counts One through Four of Superseding Bill of Information in the above-captioned case. 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. Unless stated otherwise, these acts occurred in the Eastern District of Louisiana:

On or about February 19, 2018, **KENDALL BARNES** was arrested by agents of the Federal Bureau of Investigation ("FBI") in Chalmette, Louisiana on a state warrant for firearm possession. At the time of **BARNES**'s arrest, agents obtained consent from his cohabitating girlfriend, S.W., to search their residence. Agents did not locate any contraband during the search. **BARNES** was advised of his *Miranda* rights, and agreed to be interviewed by agents. During the interview, **BARNES** was asked about violent crimes in New Orleans for which he was a suspect. Agents then transported **BARNES** to the St. Bernard Parish Jail

On February 19, 2018, **BARNES** placed a jail call from the St. Bernard Parish Jail to a female, via the jail City Tele Coin system. The call was made using the Personal Identification

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Number (“PIN”) that is assigned to **BARNES**. If this case proceeded to trial, an FBI agent would testify that he or she recognized **BARNES**’s voice from prior interactions with him. During this call, **BARNES** told the female that “the feds” were the ones that brought him to jail. He also indicated that law enforcement was talking about “bigger shit” that happened in the Ninth Ward. FBI agents believed, based on their training, experience, and knowledge of the investigation, that **BARNES** was referring to pending federal and state investigations into violent crimes.

**BARNES** placed another call from prison using his PIN to S.W. on February 19, 2018. On the call, **BARNES** told S.W. that **BARNES** needs S.W. to get “Bro” over there to do something. If this case went to trial, a witness would testify that “Bro” is a nickname that **BARNES** regularly uses when speaking to or about GROVES. S.W. spoke to **BARNES** about how she had provided law enforcement with consent to search. **BARNES** also told S.W. that he has to worry about an “investigation” that is going on, and said that they had been asking him questions.

Also during the call, **BARNES** asked S.W. several times where she was. S.W. indicated that she was at her mother’s home, which Agents knew was located at 2340 Tupelo Street in New Orleans. **BARNES** told S.W. to go outside. Later in the call, **BARNES** confirmed that S.W. was outside. He then gave verbal directions to S.W. to recover items from underneath the house. **BARNES** directed S.W. to an area of the yard where the two had recently been together. **BARNES** told S.W. to find the laundry room window, then the first opening under the house. **BARNES** told S.W. to move a container, and stated that she may need to get on her knees and look under.

**BARNES** confirmed that S.W. saw what he was talking about. **BARNES** asked S.W. if she got everything, and S.W. indicated that she did. **BARNES** told S.W. to call “Bro” and to

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have “Bro” put the items by “Grams.” Due to the duration of the call, the two had to end the phone call. Shortly thereafter, **BARNES** made a second call to S.W. using his PIN. **BARNES** asked S.W. if she instructed someone “to cut that phone off.” S.W. indicated that she did. **BARNES** asked if he did it, and S.W. indicated that she did not know. **BARNES** told S.W. to make sure he did it. This investigation revealed that **BARNES** was referring to a phone that was in B.C.’s possession, which was used to sell heroin. After the jail calls with **BARNES** on February 19, 2018, S.W. called GROVES’s girlfriend, and stated that GROVES needed to come get something. GROVES agreed.

On February 19, 2018, FBI reviewed the above-described jail calls, and traveled to 2340 Tupelo Street shortly thereafter. S.W. was at the residence. When she observed law enforcement arrive, S.W. called **GROVES** and told him not to come. After FBI advised S.W. of her *Miranda* rights, she admitted that **BARNES** had directed her to collect items from below her mother’s home. S.W. agreed to give FBI agents the items she found under the home. The homeowner was also on scene, and granted the FBI agents consent to search the home for any contraband items. S.W. led the agents to a firearm and narcotics that she stated she had retrieved for **BARNES** from underneath the house.

Specifically, FBI agents recovered one clear plastic bag containing a powder substance, suspected to be heroin, and nine smaller bags which were also suspected to contain heroin. This powder substance was sent to the Jefferson Parish Sheriff’s Office Crime Laboratory subsequently, and it was found to contain heroin and had a net weight of 13 grams. If this case proceeded to trial, an agent would testify that, in his training and experience, the amount and packaging of the heroin was consistent with distribution. FBI agents also recovered one Glock 27, .40 caliber pistol with serial number WAK737, loaded with an extended magazine. The pistol had one live

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round in the chamber and approximately 20 live rounds in the magazine. If this case had gone to trial, an agent would testify that, in his training and experience, firearms are often utilized by drug dealers to protect their drug enterprise and guard against robberies. An agent would further testify that this Glock firearm was manufactured in Austria, and it traveled in and/or affected interstate and/or foreign commerce. S.W. stated that she had no previous knowledge that the heroin or firearm were being hidden under the home, and that these items did not belong to her. She stated that **BARNES** directed her to give the items to DERRICK GROVES.


The next day, on February 20, 2018, **BARNES** placed another call to S.W. from prison. During this call, **BARNES** and S.W. argued about the search of the home on Tupelo Street. S.W. stated that she was upset that **BARNES** placed her in a situation that could have resulted in her arrest, and that S.W. did not know what was under the house. **BARNES** stated that he was “sorry that y’all had to go through that yesterday” and “I didn’t mean for none of that shit to happen.”

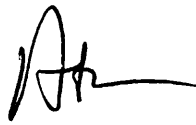
At the time that **BARNES** possessed and exercised control over the Glock recovered from 2340 Tupelo Street, **BARNES** knew that he had previously been convicted of a crime punishable by a year or more. Specifically, **BARNES** knew that he had a conviction in Orleans Parish Criminal Court in Case Number 520-976, on or about July 14, 2014, for Possession of Heroin, in violation of Louisiana Revised Statute § 40:966(c)(1).

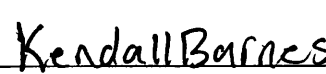
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Limited Nature of Factual Basis

This proffer of evidence is not intended to constitute a complete statement of all facts in this matter. The limited purpose of this Factual Basis is to demonstrate that there exists a sufficient legal basis for **BARNES's** plea of guilty to Counts One through Four of the Superseding Bill of Information in the above-captioned case.

 12/17/19  
\_\_\_\_\_  
Maria M. Carboni (Date)  
Assistant United States Attorney

 12/17/19  
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Arthur Lemann IV (Date)  
Counsel for Kendall Barnes

 12/17/19  
\_\_\_\_\_  
Kendall Barnes (Date)  
Defendant