

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA. 5K
2018 SEP 27 A 11:04
WILLIAM W. BLEVINS
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

**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

* CRIMINAL NO. 18-204
* SECTION: SECT. A MAG. 4
* VIOLATIONS: 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)
* 21 U.S.C. § 841(a)(1)
21 U.S.C. § 841(b)(1)(C)
* 18 U.S.C. § 1503(a)
18 U.S.C. § 2

* * *

The Grand Jury charges that:

COUNT 1

On or about February 13, 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

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commerce a firearm, to wit: a Del-Ton, Inc. assault rifle; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 2

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, serial number WAK737; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 3

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 4

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, serial number WAK737, with an extended magazine and 20 live rounds; 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 3 of this Indictment; all in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 924(c)(1)(A)(i).

COUNT 5

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 D.G., and directed S.W. to instruct an individual to cut off a phone; all in violation of Title 18, United States Code, Sections 1503(a) and 2.

NOTICE OF FIREARM FORFEITURE

1. The allegations of Counts 1, 2, and 4 of this 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 922(g) and 924(d)(1), made applicable through Title 28, United States Code, Section 2461.

2. As a result of the offenses alleged in Counts 1, 2, and 4, the defendant, **KENDALL BARNES**, shall forfeit to the United States pursuant to Title 18, United States Code, Sections 922(g) 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 a knowing violation as alleged in Counts 1, 2, and 4 of this 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) and 924(d)(1), made applicable through Title 28, United States Code, Section 2461.

NOTICE OF DRUG FORFEITURE

1. The allegation of Count 3 of this Indictment is 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 offense alleged in Count 3, the defendant, **KENDALL BARNES**, 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 Count 3 of this Indictment.

3. If any of the above-described forfeitable property, 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:


FOREPERSON

PETER G. STRASSER
UNITED STATES ATTORNEY


MARIA M. CARBONI
Assistant United States Attorney

New Orleans, Louisiana
September 27, 2018