

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

<b>UNITED STATES OF AMERICA</b>	*	<b>CRIMINAL DOCKET NO. 11-185</b>
<b>v.</b>	*	<b>SECTION: "C" (1)</b>
<b>KENA JAMES</b>	*	<b>VIOLATIONS: 18 U.S.C. § 371</b>
	*	<b>18 U.S.C. § 922(a)(6)</b>
	*	
*	*	*

**FACTUAL BASIS**

If this case had gone to trial, **KENA JAMES**, agrees that the government would have proved the following beyond a reasonable doubt through competent evidence:

A Deputy Clerk of Court would testify that Hilton Fluker entered a plea of guilty and was convicted on August 25, 2003, in the 24<sup>th</sup> Judicial District Criminal Court for the Parish of Jefferson, Docket Number 03-4263, for purse snatching, in violation of LA-R.S. 14:65.1, a felony as defined in LA-R.S. Section 2(4). A State Correction's employee would testify that Hilton Fluker was advised prior to June 11, 2011, among other things, that defendant Hilton Fluker, could not own, or otherwise possess a firearm or ammunition as a result of the above enumerated conviction. Officers of the Jefferson Parish Sheriff's Office, Kenner Police Department and the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms

and Explosives (ATF) would testify that **KENA JAMES** admitted that she was aware that Hilton Fluker was prohibited from legally possessing a firearm or ammunition on or before June 25, 2011.

An employee of Big Al's Guns, a Federal Firearms Licensee (FFL), would testify that on June 25, 2011 she observed Hilton Fluker and **KENA JAMES** at the Great Southern Gun and Knife Show held in Kenner, Louisiana, approach their sales table. Hilton Fluker handled a "AK" style, 7.62 mm machine pistol and negotiated a price for the firearm. After this negotiation Hilton Fluker advised the employee that **KENA JAMES** would be the purchaser of the firearm. The employee refused the sale believing that Hilton Fluker, who selected the firearm and negotiated the price was the actual purchaser of the firearm. The employee then told uniformed security officers at the gun show of Hilton Fluker's and **KENA JAMES'** actions.

A security officer would testify that after receipt of the above information he provided the same to undercover law enforcement and ATF special agents.

Officers of the Jefferson Parish Sheriff's Office, Kenner Police Department and the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) would testify that on June 25, 2011, after receiving the above information, they observed Hilton Fluker and **KENA JAMES** approach the table of Stadler Sales, LLC, a Federal Firearms Licensee (FFL). These officers would testify that they observed Hilton Fluker indicate to **KENA JAMES**, by pointing, a Roman-Dracko 7.62 mm, "AK-47 style" rifle bearing serial number DC-4337-10 thus informing **KENA JAMES** that was the weapon to be purchased. While **KENA JAMES** was completing the paperwork and undergoing the background check, agents observed

Hilton Fluker walked to the rear area of the gun show where additional firearms magazines and ammunition were for sale. **KENA JAMES** falsely answered question 11(a) of the Bureau of Alcohol, Tobacco, and Firearms Form 4473, Firearms Transaction Record by representing that she was the actual purchaser of the Roman-Dracko 7.62 mm, "AK-47 style" rifle bearing serial number DC-4337-10 when, in fact, Hilton Fluker was the actual purchaser and would have taken actual possession of the firearm after its purchase. **KENA JAMES** filled out the ATF Firearm Form 4473, Firearms Transaction Record indicating that she was the actual buyer of the Roman-Dracko 7.62 mm, "AK-47 style" rifle when, in fact, the events they observed indicated that she purchased the weapon for Hilton Fluker at the request of Hilton Fluker. **KENA JAMES** admits that she did not truthfully indicate on the ATF Form 4473 that she was purchasing the Roman-Dracko 7.62 mm, "AK-47 style" rifle bearing serial number DC-4337-10 in fact for Hilton Fluker at his request. After **KENA JAMES** paid for and received the "AK-style" rifle she met up with Hilton Fluker who was observed purchasing three (3), thirty (30) round magazines, six (6), twenty (20) round, boxes of 7.62 mm ammunition, and a seventy-five (75) round capacity drum magazine, all to be used in the just purchased Roman-Dracko 7.62mm, "AK-47 style" rifle. Officers followed Hilton Fluker and **KENA JAMES** from the gun show and seized the Roman-Dracko firearm, the drum magazine, three standard magazines, and 120 rounds of 7.62 mm ammunition. **KENA JAMES** admits that she did not truthfully indicate on the ATF Form 4473 that she was purchasing the Roman-Dracko 7.62 "AK-47 style" rifle in fact for Hilton Fluker at his request. **KENA JAMES** was aware that Hilton Fluker purchased and possessed multiple rounds of 7.62 ammunition on June 25, 2011.

ATF Agents would testify that the Roman-Dracko 7.62 mm, “AK-47 style” rifle bearing serial number DC-4337-10 purchased by **KENA JAMES** was the same gun recovered by the officers from a vehicle occupied by **KENA JAMES** and Hilton Fluker on June 25, 2011, and was manufactured in Romania and imported into the United States into Georgia, Vermont, by firearms importer Century International Arms, Inc., Delray Beach , Florida, and, as such, for this firearm to be found inside the state of Louisiana, it would have had to travel and thereby affect both foreign and interstate commerce.

ATF Agents would testify that the 7.62 ammunition purchased by Hilton Fluker was the same ammunition recovered by the officers from the vehicle occupied by **KENA JAMES** and Hilton Fluker after Hilton Fluker’s purchase of the ammunition on June 25, 2011. ATF Agents would testify that 80 rounds of the recovered ammunition was manufactured by Brown Bear in Barnaul, Russia, and imported into the United States by DKG Trading, Inc, incorporated in Illinois and located in Evansville, Illinois, and 40 rounds of the recovered ammunition was manufactured by Igman d.d. in Konjic, Bosnia and Herzegovina; and, as such, for this ammunition to be found inside the state of Louisiana it would have had to travel and thereby affect both foreign and interstate commerce.

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TONY GORDON SANDERS  
Assistant United States Attorney  
Louisiana Bar Roll No. 11705

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Date

\_\_\_\_\_  
SAMUEL SCILLITANI  
Counsel for Defendant  
Louisiana Bar Roll No. \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
KENA JAMES, Defendant

\_\_\_\_\_  
Date