

UNITED STATES DISTRICT COURT

for the Eastern District of Louisiana

ORIGINAL

United States of America )
v. )
HILTON FLUKER )
KENA JAMES )

Case No. 11-79 MAG

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 25, 2011 in the parish of Jefferson in the Eastern District of Louisiana, the defendant(s) violated:

Table with 2 columns: Code Section (18 U.S.C. § 371, 18 U.S.C. § 922(a)(6)) and Offense Description (conspiracy to "straw purchase" a firearm, making a false statement during the acquisition of a firearm).

This criminal complaint is based on these facts: See attached Affidavit.

Continued on the attached sheet.

Complainant's signature (handwritten)
ATF Special Agent, Adam B. Small
Printed name and title

Sworn to before me and signed in my presence.

Date: 06/29/2011

Judge's signature (handwritten)
Honorable Daniel E. Knowles, III
Printed name and title

City and state: New Orleans, Louisiana

## AFFIDAVIT

BEFORE ME, the undersigned authority, personally came and appeared Special Agent Adam B. Small, of the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), United States Department of Justice, who, after being duly sworn, deposes and states the following information which he acknowledges as true to the best of his knowledge and belief:

1. I have been employed as a Special Agent for ATF since February of 2010. As a Special Agent, I am assigned to the New Orleans Field Office. I have received training in firearms identification and trafficking, undercover operations, and federal criminal code violations.
2. I submit this affidavit in support of a criminal complaint for Hilton FLUKER and Kena JAMES because I believe probable cause exists to arrest FLUKER and JAMES for the commission of one or more federal criminal offenses based on the following facts that I have learned from my own personal participation in this investigation, including witness interviews by myself and/or other law enforcement officials, communication with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of securing a criminal complaint; therefore it does not contain all details or all facts of which I am aware relating to this case. I am including what I believe are facts sufficient to establish probable cause for the complaint sought.
3. On June 25, 2011, Agents with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) along with detectives from Jefferson Parish Sheriff's Office (JPSO) and officers from the Kenner Police Department (KPD) were involved in an operation at the Great Southern Gun and Knife Show at the Pontchartrain Center in Kenner, LA, targeting the illegal diversion of firearms from legal commerce by third party "straw purchasers" to prohibited individuals. During this operation, KPD officer George Hoffman (working in a uniformed capacity) was alerted by a vendor with Big Al's Guns to a possible attempted straw purchase of a firearm. Hoffman relayed to ATF Agents that a vendor at Big Al's Guns believed a female, identified as Kena JAMES (B/F, 04/02/1988), had attempted a "straw purchase" for a male, identified as Hilton FLUKER (B/M, 01/23/1986), at the Big Al's display table. Officer Hoffman also notified ATF Agents and JPSO Detectives, who were operating in an undercover capacity inside the gun show, about the attempted purchase. After the attempted purchase at Big Al's Guns, undercover JPSO Detective Harley Smith identified the two individuals by their description. Detective Smith stated he observed FLUKER walk to the Stadler Sales table, point to a 7.62x39mm pistol on the table and then walked away. Moments later, JAMES approached the Stadler Sales table and requested to purchase the firearm that FLUKER had pointed to. Undercover ATF Agent Karen Evanoski observed JAMES filled out the associated paperwork and purchased the firearm, a Roman-Draco 7.62x39mm pistol with serial number DC-4337-10. FLUKER later met up with JAMES carrying two white plastic bags with items obtained from within the gun show.
4. Outside the Pontchartrain Center, ATF Agent Beau Small and JPSO Sergeant Kevin Clouatre observed JAMES and FLUKER exit the building together and walked to the parking lot where they were picked up by two individuals in a white Chevrolet Impala with Louisiana

license plate SQD414. JAMES was carrying a cardboard gun box and FLUKER was carrying two white plastic bags containing unknown items. Uniformed KPD Officer Sal Mangano was notified that an investigatory stop should be conducted on the vehicle in order to determine the lawfulness of the firearm purchase. Officer Mangano, operating his marked Kenner Police patrol vehicle, utilized his blue lights and siren to conduct a traffic stop on the Chevrolet Impala at Williams Boulevard and 39<sup>th</sup> Street. Once the vehicle was stopped and secured, post-Miranda field interviews were conducted on all occupants of the Impala to determine any involvement in a straw purchase conspiracy. FLUKER admitted to purchasing 120 rounds of 7.62x39mm ammunition for the firearm, along with a 75 round capacity "drum" magazine and another 25 round capacity magazine. FLUKER stated he gave JAMES \$200.00 in cash toward the purchase of the firearm. JAMES also admitted to receiving the \$200.00 in cash from FLUKER, as well as, stating FLUKER purchased the ammunition and extra magazines.

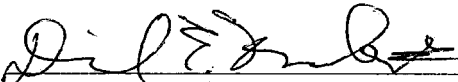
5. A criminal history was run on both FLUKER and JAMES. FLUKER was convicted in Jefferson Parish in 2003 for purse snatching under Louisiana Statute 14:65.1. FLUKER was also convicted in Gwinnett County, Georgia in 2007 for trafficking illegal narcotics (Ecstasy) under Georgia Statute 16-13-31. JAMES did not show any convictions. A consent search of the vehicle revealed a cardboard gun box containing a 7.62x39mm Roman-Draco pistol with Serial Number DC-4337-10 and two 25 round capacity magazines. Two plastic bags were located with one containing a 75-round capacity drum magazine and a 25-round capacity magazine. The second plastic bag contained 120 rounds of 7.62x39mm ammunition.

6. On June 26, 2011, Stephanie Forest, a vendor for Big Al's Guns, was interviewed concerning her observations of the possible straw purchase the previous morning. Forest stated she observed Hilton FLUKER approach Big Al's Guns display table, pick up a 7.62x39mm pistol, manipulate the weapon for a short period and then put it back down. The firearm was priced at \$425.00, but FLUKER asked Forest if she would sell the firearm for \$400.00. Forest stated she would. Kena JAMES, who was standing near FLUKER, but had not been involved with the bargaining of price or handling of the firearm, approached the vendor's table, produced her identification and stated she (JAMES) would buy the firearm. Forest stated she told JAMES she (Forest) would not sell the weapon to JAMES because she believed the firearm was for FLUKER and not for JAMES. Forest stated she observed FLUKER leave the Big Al's display table and walk to the Stadler Sales firearm display table. Forest stated she attempted to gain the attention of the vendors at Stadler Sales to alert them of the possible straw purchase, but was unable to do so. Forest then alerted KPD Officer George Hoffman.

7. Based upon the information, I submit that there exists probable cause to believe that Hilton FLUKER and Kena JAMES were involved in a "straw purchase" of a firearm in violation of Title 18, United States Code, Section 922(a)(6); all in violation of 18 United States Code, Section 371.

  
ADAM B. SMALL  
SPECIAL AGENT, ATF

Subscribed to and sworn before me, on this  
29 day of June, 2011,  
in New Orleans, Louisiana.

  
Honorable Daniel E. Knowles, III  
United States Magistrate Judge