



August 27, 2004

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August 27, 2004

(FOR IMMEDIATE RELEASE)

### FEDERAL GRAND JURY RETURNS INDICTMENT IN COUNTERFEIT TRADEMARK SCHEME

Shreveport, Louisiana . . . A federal grand jury has returned an indictment charging **WAJDI ABDULAZIZ BEYDOUN**, age 38, a Lebanese national currently residing in the Dearborn Heights, Michigan, area, with one count of conspiracy and one count of trafficking in counterfeit goods, United States Attorney Donald W. Washington announced today. BEYDOUN was arrested by federal authorities in Michigan last Tuesday, August 24, on a criminal complaint. A bond hearing will be held Friday, August 27, in United States District Court in Detroit, Michigan.

BEYDOUN acted as the owner of five Tobacco World stores located in Shreveport, Bossier City, Bethany, and Logansport, Louisiana. The indictment alleges that from January 1999, until August 25, 2004, BEYDOUN was involved in a scheme to illegally import cigarette rolling papers from an overseas source and then re-package them for retail sale in smaller quantities in booklet covers bearing a counterfeit "Zig-Zag" trademark.

The indictment alleges that BEYDOUN contacted a printing company in Tucson, Arizona to print one million booklet covers bearing a counterfeit "Zig-Zag" trademark, and another Arizona company to cut the sheets of counterfeit booklets after they had been printed. BEYDOUN paid over \$16,000 to the company to print them.

The indictment further alleges that the counterfeit booklet covers were smuggled into Mexico and BEYDOUN utilized Mexican prison laborers to remove the legitimate booklet covers from the cigarette rolling papers and have them re-wrapped with the counterfeit Zig-Zag booklet covers, with each package containing a smaller quantity of rolling papers than the original. A legitimate package of Zig-Zag rolling papers contains 100 leaves; the package containing the counterfeit trademark contained only 32 leaves. BEYDOUN then transported the counterfeit Zig-Zag rolling papers from Mexico to Arizona. The counterfeit goods were sent to a store in Dearborn, Michigan, as well as to the Tobacco World stores in Louisiana and sold for \$1.25 each.

If convicted, BEYDOUN faces a maximum penalty of up to 10 years in prison, a \$2 million fine, or both, on the count of trafficking in counterfeit goods. The maximum penalty for the conspiracy count is up to 5 years in prison, a \$250,000 fine, or both.

An indictment is merely an accusation and a defendant is presumed innocent unless and until proven guilty. Defendants are entitled to a presumption of innocence under the law, and the government has the burden of proving every element of the charges beyond a reasonable doubt.

Sentencing in federal court is governed by the United States Sentencing Guidelines. Under U.S. Sentencing Guidelines, actual sentences are based upon a formula that takes into account the severity and characteristics of the offense, and a defendant's criminal history, if any. Parole has been abolished in the federal system.

This case is being investigated by the Federal Bureau of Investigation and the Bureau of Immigration and Customs Enforcement, and is being prosecuted by **Assistant U.S. Attorney Robert W. Gillespie, Jr.**

For further information, please contact United States Attorney Donald W. Washington at 337-262-6618 or First Assistant U.S. Attorney Bill Flanagan at 318-676-3600.

This and other press releases issued by the United States Attorney's Office for the Western District of Louisiana can be found at our website at [www.usdoj.gov/usao/law](http://www.usdoj.gov/usao/law).

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August 26, 2004

(FOR IMMEDIATE RELEASE)

**FIFTH CIRCUIT COURT OF APPEALS AFFIRMS  
RIEMER CALHOUN, JR.'S FIVE YEAR PRISON  
SENTENCE ON FRAUD AND CONSPIRACY CHARGES**

Shreveport, Louisiana . . . The United States Fifth Circuit Court of Appeals in New Orleans, Louisiana, today affirmed the five year sentence of **RIEMER CALHOUN, JR.**, 66, of Mansfield, Louisiana, on fraud and conspiracy charges. In so doing, the Court of Appeals rejected Calhoun's argument that the district court erred in calculating the amount of loss from his fraudulent schemes, and in finding that he obstructed justice, United States Attorney Donald W. Washington announced.

CALHOUN, developer and manager of numerous low income apartment complexes in Louisiana and other states, was sentenced on September 12, 2003, by U.S. District Judge Tom Stagg to spend five years in prison for committing wire fraud and conspiracy to commit equity skimming. CALHOUN began serving his sentence on October 13, 2003.

CALHOUN was also ordered to pay restitution in the amount of \$3.2 million and was fined \$500,000. The restitution and fine, both of which have been paid in full, were not part of the appeal.

As part of its prosecution, the government previously seized and forfeited approximately \$2 million in gold coins and monies in investment accounts that represent the proceeds of illegal activity.

CALHOUN carried out a scheme to defraud various groups of investors across the country joined together by Boston Capital Corporation of Boston, Massachusetts, to help finance the development and rehabilitation of low income apartment complexes. CALHOUN failed to disclose that he, as the developer, and Ham Contracting, Inc., the general contractor, had an identity of interest. By misrepresenting this fact, excess profits were paid to Ham Contracting, which were then surreptitiously paid to CALHOUN. These illegal profits were paid to CALHOUN through the purchase of gold coins.

CALHOUN was also part of an unrelated conspiracy to commit equity skimming: CALHOUN, acting through Calhoun Property Management, L.L.C., borrowed money from Rural Development, an agency of the United States Department of Agriculture, for the construction of low income and elderly multi-family housing in rural areas of the United States. As a condition of these loans, Calhoun Property Management was required to maintain a reserve account to be used to meet necessary expenses of the property, as approved by Rural Development. CALHOUN conspired to use funds from reserve accounts for other purposes. This was accomplished by submitting inflated reserve requests to Rural Development based on fraudulent bids for work, with CALHOUN reaping the illegal profits.

The government was represented on appeal by **Assistant United States Attorney Josette L. Cassiere**.

For further information, please contact United States Attorney Donald W. Washington at 337-262-6618 or First Assistant U.S. Attorney Bill Flanagan at 318-676-3600.

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August 24, 2004

(FOR IMMEDIATE RELEASE)

### **LAKE CHARLES MAN SENTENCED FOR SELLING AND SHIPPING UNAPPROVED NEW DRUGS**

Lafayette, Louisiana . . . **GREGORY JAMES CATON**, age 48, from Lake Charles, Louisiana, was sentenced today to 33 months imprisonment to be followed by 3 years supervised release by United States District Judge Tucker Melançon, announced United States Attorney Donald W. Washington. CATON pled guilty to a Bill of Information in May 2004, charging him with (1) one count of devising a scheme and artifice to defraud numerous victims and utilizing a commercial interstate carrier to carry out the scheme and artifice to defraud; (2) one count of introduction of unapproved new drugs (Cansema Tonic III and H3O) into interstate commerce; and (3) forfeiture of assets. By pleading guilty to count three, CATON agreed to forfeit any property acquired as the result of his criminal violations.

From 1999 to 2003, CATON and his employees utilized an internet site named Alpha Omega Labs to take direct orders for unapproved new drugs represented to have some medicinal qualities. The chemical substances were not approved for sale by the U.S. Food and Drug Administration. In order to legally market a drug in interstate commerce, the drug's manufacturer is required to comply with all applicable provisions of the Federal Food, Drug, and Cosmetic Act in order to ensure that the products sold are safe for humans and effective for their intended uses. By taking orders for these unapproved new drugs and causing them to be delivered by interstate commercial carriers, CATON was introducing unapproved new drugs into interstate commerce.

As a result of the scheme, CATON received approximately \$950,000. On at least two occasions known to the United States, the items shipped by the defendant and utilized by victims resulted in bodily injury and harm to the victim. CATON shipped Cansema Tonic III and H3O via interstate commerce. Cansema Tonic III was intended for use in the cure, mitigation, treatment, or prevention of cancer. H3O was intended for use in the cure, mitigation, treatment, or prevention of athlete's foot, cuts and burns, eczema, fingernail fungus, chronic gas, gastroenteritis, gingivitis and periodontal disease, halitosis, herpes sores, ophthalmia, psoriasis, sore throat, strep throat, and wounds. Neither drug was recognized as safe and effective by qualified experts for their intended uses and CATON had no approved marketing or investigational applications for the drugs on file.

In order to facilitate the scheme, CATON and/or his wife purchased buildings at two locations and a residence in Lake Charles, Louisiana. The properties were purchased and/or paid for with funds derived from the scheme and are subject to forfeiture pursuant to law.

Alpha Omega Labs was operated from the offices of Lumen Food Corporation located in Lake Charles, Louisiana.

Sentencing in federal court is governed by the United States Sentencing Guidelines established by the United States Congress and the United States Sentencing Commission. Under U.S. Sentencing Guidelines, actual sentences are based upon a formula that takes into account the severity and characteristics of the offense, and a defendant's criminal history, if any. Parole has been abolished in the federal system.

The investigation was conducted by the U.S. Food and Drug Administration, Office of Criminal Investigations,

New Orleans Resident Office and was prosecuted by **Assistant United States Attorney Larry J. Regan**.

For further information, please contact United States Attorney Donald W. Washington at 337-262-6618 or First Assistant U.S. Attorney Bill Flanagan at 318-676-3600.

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August 19, 2004

(FOR IMMEDIATE RELEASE)

### **KINDER MAN PLEADS GUILTY TO FEDERAL FIREARM CHARGES**

Lake Charles, Louisiana . . . **NICOLAS KADE HOLMAN**, age 20, from Kinder, Louisiana pled guilty today before United States District Judge Patricia Minaldi to illegal possession of a short-barreled shotgun, announced United States Attorney Donald W. Washington. HOLMAN was indicted in June 2004.

According to the factual stipulations filed into the court records, HOLMAN and co-defendant Krista Danielle Wilson together robbed a Lake Charles Motel 8 night clerk of \$300 in December 2003. During the robbery, HOLMAN brandished a 12-gauge short-barreled shotgun. A shotgun with a barrel shorter than 18-inches violates federal law. The shotgun in HOLMAN's possession had a 14-inch barrel and was not registered in the National Firearms Registration and Transfer Record at the time of robbery.

Wilson pled guilty earlier this month to illegal possession of a short-barreled shotgun. He has been detained without bond since his initial appearance in U.S. District Court on June 22, 2004.

This case is being prosecuted by the United States Attorney's Office as part of Project Safe Neighborhoods. Project Safe Neighborhoods is a nationwide program begun in 2001, and designed to reduce violence in our communities by aggressively using existing federal firearms laws. United States Attorneys, District Attorneys, Sheriffs, Police Chiefs, and state officials have created partnerships to address crimes involving firearms. Generally, any arrest involving a firearm is reviewed immediately by local, state and federal authorities to decide whether the case is best suited for prosecution under state or federal law, or a combination of both. Project Safe Neighborhoods is expected to lead to longer prison terms for violent criminals, and a significant reduction in violent crime. To date, federal prosecutions under Project Safe Neighborhoods in the Western District of Louisiana have led to the incarceration of criminals responsible for violent crimes such as homicides, aggravated assaults, robbery, car jacking, burglary, and drug trafficking.

Sentencing has been scheduled for November 9, 2004. Both defendants face a maximum term of imprisonment of 10 years, a fine of not more than \$250,000, and a term of supervised release of not more than 3 years.

Sentencing in federal court is governed by the United States Sentencing Guidelines established by the United States Congress and the United States Sentencing Commission. Parole has been abolished in the federal system.

This investigation was conducted by the Lake Charles Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives. The case is being prosecuted by **Assistant United States Attorney Joseph T. Mickel**.

For further information, please contact United States Attorney Donald W. Washington at 337-262-6618 or First Assistant U.S. Attorney Bill Flanagan at 318-676-3600.

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August 12, 2004

(FOR IMMEDIATE RELEASE)

### SULPHUR MAN SENTENCED ON DRUG & FIREARM CHARGES

Lafayette, Louisiana . . . **MICHAEL JAMES FONTENOT**, age 27, from Sulphur, Louisiana was sentenced to 121 months (10+ years) imprisonment to be followed by 3 years supervised release by United States District Judge Richard T. Haik for possession with intent to distribute marijuana and possession of a semiautomatic assault rifle in furtherance of a drug trafficking crime, announced United States Attorney Donald W. Washington. FONTENOT pled guilty to the charges in December 2003.

In January 2001, Calcasieu Parish Sheriff's Office found FONTENOT's vehicle standing in the roadway of PPG Drive at I-210 Eastbound. The driver was asleep behind the wheel. After awaking the driver by beating on the window repeatedly, the driver identified himself as MICHAEL FONTENOT and exited the vehicle.

FONTENOT refused to execute a consent to search form, so a narcotics dog was brought to the scene and alerted to the vehicle. Officers searched the vehicle and found a Norinco SKS 39 mm rifle with bayonet and suppressor; three magazines for the rifle and 39 rounds; 12 rounds of ammunition; a box of .410 gauge shotgun shells; an envelope containing \$3,640; a paper bag containing 456.4 grams of marijuana; an Ohaus Model HP-120 electric scale; a Crown Royal bag containing numerous zip-lock bags and a small scale; a small black daily planner; and a plastic bag containing 97 tablets of alprazolam.

At the scene, FONTENOT admitted to smoking marijuana. He said he had purchased the rifle the day before for protection.

This case is being prosecuted by the United States Attorney's Office as part of Project Safe Neighborhoods. Project Safe Neighborhoods is a nationwide program begun in 2001, and designed to reduce violence in our communities by aggressively using existing federal firearms laws. United States Attorneys, District Attorneys, Sheriffs, Police Chiefs, and state officials have created partnerships to address crimes involving firearms. Generally, any arrest involving a firearm is reviewed immediately by local, state and federal authorities to decide whether the case is best suited for prosecution under state or federal law, or a combination of both. Project Safe Neighborhoods is expected to lead to longer prison terms for violent criminals, and a significant reduction in violent crime. To date, federal prosecutions under Project Safe Neighborhoods in the Western District of Louisiana have led to the incarceration of criminals responsible for violent crimes such as homicides, aggravated assaults, robbery, car jacking, burglary, and drug trafficking.

Sentencing in federal court is governed by the United States Sentencing Guidelines established by the United States Congress and the United States Sentencing Commission. Parole has been abolished in the federal system.

This case was investigated by the Calcasieu Parish Sheriff's Office; the Drug Enforcement Administration; and the Department of Alcohol, Tobacco, Firearms, and Explosives. The case is being prosecuted by **Assistant United States Attorney Brett L. Grayson**.

For further information, please contact United States Attorney Donald W. Washington at 337-262-6618 or First Assistant U.S. Attorney Bill Flanagan at 318-676-3600.

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August 12, 2004

(FOR IMMEDIATE RELEASE)

**FORMER PRIEST PATRICK KUJAWA SENTENCED FOR  
POSSESSION OF CHILD PORNOGRAPHY**

Lafayette, Louisiana . . . **PATRICK R. KUJAWA**, age 35, from Opelousas, Louisiana was sentenced today to 10 years imprisonment to be followed by 8 years supervised release by Chief United States District Judge Richard T. Haik for possession of child pornography, announced United States Attorney Donald W. Washington. KUJAWA, a former priest, pled guilty to the charge in April of this year.

U.S. Attorney Washington stated, "Hell surely has a special place for priests and others possessing child pornography. Priests are not immune to sin, and they are not immune to the justice system. Religious leaders exploiting children for deviant, evil purposes are not entitled to live freely in a civilized society. We pledge our full commitment to aggressively prosecute and incarcerate those who engage in the sexual exploitation of our children."

A search warrant executed on KUJAWA's residence in January 2004, revealed hundreds of images of child pornography on a personal computer. The images had been downloaded from the internet using the defendant's home computer. Approximately 300 images and 100 video clips were found on KUJAWA's computer.

KUJAWA was previously convicted on state charges in St. Mary Parish in 2001, on 15 counts of possession of child pornography involving a juvenile. At the time of the present offense, KUJAWA was on probation for the state court conviction. The Protect Act of 2003, and the United States Sentencing Guidelines mandates a 10-year minimum sentence for second offenders.

The Protect Act was passed by the United States Congress on April 9, 2003, and signed by President Bush on April 30, 2003. The Protect Act reformed many statutes that criminalize the sexual exploitation of children. The Act generally increased the mandatory maximum and minimum sentences for possession of child pornography. Federal law before the Protect Act mandated a minimum sentence of two years and a maximum sentence of 10 years for a second offense of possession of child pornography. The Protect Act now requires a mandatory minimum of 10 years and a maximum of 20 years for a second conviction of possession of child pornography.

Sentencing in federal court is governed by the United States Sentencing Guidelines established by the United States Congress and the United States Sentencing Commission. Parole has been abolished in the federal system.

This investigation was conducted by the Internal Revenue Service. The case is being prosecuted by **Assistant United States Attorney John Luke Walker**.

For further information, please contact United States Attorney Donald W. Washington at 337-262-6618 or First Assistant U.S. Attorney Bill Flanagan at 318-676-3600.

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August 12, 2004

(FOR IMMEDIATE RELEASE)

### ERATH MAN SENTENCED ON GUN CHARGES

Lafayette, Louisiana . . . An Erath man will be spending some time behind bars after ignoring federal laws regarding firearms, announced United States Attorney Donald W. Washington. **ANTHONY SCOTT TAYLOR**, age 29, was sentenced to 51 months imprisonment to be followed by 3 years supervised release by United States District Judge Richard T. Haik for being a convicted felon in possession of a firearm. The Court ordered the defendant to obtain his GED and complete a 500 hour drug program offered by the Bureau of Prisons as a condition of supervised release. TAYLOR pled guilty to the charge in April 2004. The sentencing is the result of an incident which occurred on January 7, 2004, at Michael's Gentleman's Club in Broussard, Louisiana.

TAYLOR threatened a security guard with a pistol after being asked to leave the establishment due to disruptive behavior. TAYLOR pointed the gun at the security personnel, fired several rounds through the open sunroof window of his vehicle, and left the scene at a high rate of speed. The incident was witnessed by several police officers. TAYLOR turned himself in to the Broussard Police Department on the morning of January 8, 2004.

Investigations following this incident reveal that TAYLOR sold a Walther P22 pistol at Dave's Gun Shop in Lafayette on December 9, 2003. Records indicate that TAYLOR and his girlfriend returned to the gun shop on December 11, 2003, to repurchase the same pistol on December 11, 2003.

TAYLOR was convicted in the 15th Judicial District Court in 1995 for sexual battery and again in 2001, for simple burglary of an automobile. He also had numerous misdemeanor convictions that raised his federal sentencing guideline computations. It is unlawful for a convicted felon to have possession of a firearm and/or ammunition.

This case is being prosecuted by the United States Attorney's Office as part of Project Safe Neighborhoods. Project Safe Neighborhoods is a nationwide program begun in 2001, and designed to reduce violence in our communities by aggressively using existing federal firearms laws. United States Attorneys, District Attorneys, Sheriffs, Police Chiefs, and state officials have created partnerships to address crimes involving firearms. Generally, any arrest involving a firearm is reviewed immediately by local, state and federal authorities to decide whether the case is best suited for prosecution under state or federal law, or a combination of both. Project Safe Neighborhoods is expected to lead to longer prison terms for violent criminals, and a significant reduction in violent crime. To date, federal prosecutions under Project Safe Neighborhoods in the Western District of Louisiana have led to the incarceration of criminals responsible for violent crimes such as homicides, aggravated assaults, robbery, car jacking, burglary, and drug trafficking.

Sentencing in federal court is governed by the United States Sentencing Guidelines established by the United States Congress and the United States Sentencing Commission. Parole has been abolished in the federal system.

This case was investigated by the Broussard Police Department and the Department of Alcohol, Tobacco, Firearms, and Explosives. The case is being prosecuted by **Assistant United States Attorney Brett L. Grayson**.

For further information, please contact United States Attorney Donald W. Washington at 337-262-6618 or First Assistant U.S. Attorney Bill Flanagan at 318-676-3600.

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August 12, 2004

(FOR IMMEDIATE RELEASE)

### FEDERAL DRUG TRIAL ENDS WITH 3 GUILTY VERDICTS

Lafayette, Louisiana . . . A three-week trial before United States District Judge Tucker Melançon ended today with a federal jury returning three guilty verdicts and one not guilty verdict following a two-hour deliberation, announced United States Attorney Donald W. Washington. The trial led to the conviction of the leaders of a drug trafficking organization spanning the states of Texas, Louisiana, Mississippi, and Kansas. Drug proceeds from the organization were estimated to be as much as \$43 million over a decade. Evidence at trial indicated that the organization was responsible for trafficking from an estimated 699 to as much as 1820 kilograms of powder cocaine from Columbian and Dominican Republic sources in Houston, Texas.

**JOHN TIMOTHY COTTON**, age 39, was convicted of conspiracy to possess with intent to distribute cocaine base and for leading a continuing criminal enterprise, for which he faces a mandatory life sentence.

**OTIS CHARLES JACKSON**, age 55, was convicted of conspiracy to possess with intent to distribute cocaine base.

**TRINA RAUCHELL JACKSON**, age 32 was convicted of conspiracy to possess with intent to distribute cocaine base.

**LESLIE SIMONE JACKSON**, age 33, was charged with conspiracy to possess with intent to distribute cocaine base but was exonerated by the jury.

The subjects were all from Houston, Texas.

COTTON was the master-mind of the operation who obtained cocaine powder from more than one source living in Houston. He then converted most of the cocaine into cocaine base or "crack" and distributed it to co-conspirators in Louisiana, Texas, Mississippi, and Kansas. OTIS JACKSON is COTTON's father-in-law. OTIS JACKSON acquired some of COTTON's "crack" and distributed it and marijuana in Natchitoches and Alexandria, Louisiana. TRINA JACKSON is the daughter of OTIS JACKSON and is married to COTTON. According to evidence presented during trial, TRINA JACKSON was a facilitator of the drug trafficking enterprise. She delivered "crack" and marijuana to both Houston and out of town dealers and counted money received from COTTON's drug sales.

This drug trafficking organization was a very large operation, bringing in up to \$80,000 per week in drug proceeds. During the early portion of the conspiracy, COTTON and his associates operated an estimated 6-9 "crack houses" in the Fifth Ward area of Houston, where he paid 15 to 20 young men to distribute small quantities of "crack" to addicts.

COTTON and others sought protection for their illicit business by means of blessings by a "spiritualist" or channel from the Dominican Republic, to whom they sent numerous money wires. COTTON received drug proceeds from Houston, Texas; Wichita, Kansas; Hattiesburg, Mississippi; and from Hammond, Morgan City, Rayne, Natchitoches, and Alexandria, Louisiana.

The investigation located financial records relating to U.S. Postal money orders purchased by a major drug trafficker in Rayne, who carried the money orders to the Dominican Republic. The money orders were deposited to an account with Citibank in New York. Numerous wire transfers were made from the Citibank account to an account with Mellon Bank of Miami totaling \$3.7 million. The Mellon Bank account was utilized by Dominican money launders in an undercover investigation by the IRS Criminal Investigation Division in Puerto Rico.

Further, the Rayne drug trafficker testified that COTTON smuggled \$500,000 in drug proceeds inside a Nissan Maxima, which was shipped to the Dominican Republic. Investigators gathered evidence establishing that the Maxima was registered in a Dominican's name at the address of COTTON's business in Houston, and that it was shipped from Elizabeth, New Jersey to the Dominican Republic.

This case was prosecuted under the Department of Justice's Organized Crime Drug Enforcement Task Force known as "Operation Rap Crack" involving 34 federal indictments. Prior to this prosecution, some 47 other traffickers identified in Operation Rap Crack were successfully convicted. These previous convictions included

elements of COTTON's organization located in Rayne and Morgan City, Louisiana, Kansas, and Mississippi. Many of COTTON's former associates are now serving lengthy federal prison terms. Some of these former associates testified against COTTON in an attempt to qualify for potential reductions in their prison sentences.

Sentencing has been scheduled for December 1, 2004. Otis Jackson and Trina Jackson could receive prison terms ranging from a minimum of 120 months to a maximum of life imprisonment. Since the conspiracy involved more than one and a half kilograms of cocaine base, John Timothy Cotton faces a mandatory term of life imprisonment. Sentencing in federal court is governed by the United States Sentencing Guidelines established by the United States Congress and the United States Sentencing Commission. Parole has been abolished in the federal system.

This case was investigated by the Federal Bureau of Investigation, Immigration and Customs Enforcement, the Internal Revenue Service's Criminal Investigation Division, the Drug Enforcement Administration, the Louisiana State Police, the Texas Department of Public Safety Narcotics Service, the Mississippi Bureau of Narcotics, the Acadia Parish Sheriff's Office, the Terrebonne Parish Sheriff's Office, the Morgan City Police Department, the Houston Police Department, and the Rayne police Department. The case was prosecuted by **Assistant United States Attorney Brett L. Grayson**.

For further information, please contact United States Attorney Donald W. Washington at 337-262-6618 or First Assistant U.S. Attorney Bill Flanagan at 318-676-3600.

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August 9, 2004

(FOR IMMEDIATE RELEASE)

#### **FORT POLK COUPLE SENTENCED FOR ASSAULT ON THEIR BABY**

Lake Charles, Louisiana . . . A couple originally from Indianapolis, Indiana, were sentenced today by United States District Judge Patricia Minaldi for assault resulting in serious bodily injury to their infant child, announced United States Attorney Donald W. Washington. **STEVEN THOMAS HIETT**, age 26, was sentenced to 33 months imprisonment to be followed by 3 years supervised release. **TRINI DEANN HIETT**, age 29, was sentenced to 37 months imprisonment to be followed by 3 years supervised release. The HIETT's were also ordered to pay restitution in the amount of \$9,047.08 jointly and severally to the United States Army for reimbursement of expenses related to medical treatment of the victim. The couple was indicted in July 2002, and convicted of the charge during a 2-day trial in March of this year. At the time of the incident, STEVEN HIETT was a Private First Class with the U.S. Army, stationed at Fort Polk, Louisiana.

On the night of March 10, 2001, the four-month old daughter of STEVEN and TRINI HIETT was taken to the Bayne-Jones Army Hospital at Fort Polk, Louisiana. The infant was treated for a broken femur (upper leg) and placed in a body cast. During the course of treating the infant, the physicians also noted other injuries, to include three broken ribs in the process of healing; a corner break to one of the infant's knees; and strap marks on the infant's legs. The physicians determined the breaks to the ribs had occurred no earlier than two weeks prior to March 10, 2001.

Physicians tested and determined that the victim did not suffer from any bone disease or abnormality, and that the injuries to the infant were not the result of any bone condition. The medical conclusion was that the injuries to the ribs, knee, and femur were non-accidental based on the flexibility of the bones in the body of a baby that young, as well as the fact that it takes specific blunt force, trauma, squeezing and/or twisting to cause these types of injuries.

During the March 2004, trial, testimony was heard from the radiologist, orthopedic surgeon, and the pediatrician

who treated the victim on the night of March 10, 2001. All agreed that the injuries suffered by the four-month old victim were not accidental in nature and were caused by trauma. Further testimony was heard from a Special Agent of the Army Criminal Investigative Division who conducted several interviews during the scope of the investigation of this matter.

After the trial, the jury deliberated for approximately one hour and fifteen minutes before returning a guilty verdict for both STEVEN HIETT and TRINI HIETT.

The victim is currently in the custody of the maternal grandmother.

Sentencing in federal court is governed by the United States Sentencing Guidelines established by the United States Congress and the United States Sentencing Commission. Parole has been abolished in the federal system.

This investigation was conducted by the Federal Bureau of Investigation, Alexandria Resident Agency, and the Army Criminal Investigative Division. The case was prosecuted by **Assistant United States Attorney Larry Regan**.

For further information, please contact United States Attorney Donald W. Washington at 337-262-6618 or First Assistant U.S. Attorney Bill Flanagan at 318-676-3600.

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August 5, 2004

(FOR IMMEDIATE RELEASE)

### **RAPIDES PARISH PRISONER SENTENCED FOR ESCAPE**

ALEXANDRIA, LOUISIANA . . . **CODY FRANKLIN ELLERMAN**, alias JOHNATHON DAVIS, age 25, from Burlington, Kansas, was sentenced today to 262 months (21+ years) imprisonment to be followed by 5 years supervised release, and a \$17,500 fine by United States District Judge F.A. Little, Jr. for possession of a firearm by a convicted felon, announced United States Attorney Donald W. Washington. ELLERMAN pled guilty to the charge on February 18, 2003. ELLERMAN was also sentenced today to 18 months imprisonment followed by 3 years supervised on an escape charge. Both of these prison terms are to run concurrently with each other.

U.S. Attorney Washington state, "Project Safe Neighborhoods works. We are aiming the spear of federal, state, and local law enforcement at the hearts of thugs with guns. If you are a felon with a gun, you are going to be prosecuted."

The escape charge stems from an incident that occurred on June 20 2003, when ELLERMAN escaped from the Rapides Parish Detention Center III, where ELLERMAN was in federal custody awaiting sentence on the firearm charge. At the time of the escape ELLERMAN had been in federal custody since January 13, 2003, when he was denied bail on the firearms charge at his initial appearance. In denying bail, United States Magistrate Judge James Kirk found that ELLERMAN was a flight risk and danger to the public.

The firearms charge arose from a 2002 traffic stop, during which a Rapides Parish Sheriff's Office deputy stopped ELLERMAN, who was driving a pickup truck on the Pineville highway, for swerving across the center line twice. At one point after he was stopped, ELLERMAN tried to run from the deputy, brandishing a .45 caliber semi-automatic handgun, which he fired, narrowly missing the deputy's face. The deputy quickly managed to gain control of the weapon, and arrested ELLERMAN at the scene of the traffic stop.

Judge Little sentenced ELLERMAN on the firearms charge using the Armed Career Criminal Act, after finding that ELLERMAN's criminal history included three prior felony drug trafficking convictions in the state of Kansas. ELLERMAN was sentenced on the drug trafficking charges in Kansas in 1999 and 2000, and served approximately 36 months in prison.

ELLERMAN filed a motion for a psychiatric exam in July of 2003, which placed at issue whether he had capacity to stand trial. Judge Little subsequently ordered an evaluation of ELLERMAN which was done at the Federal Medical Center in Butner, North Carolina. Judge little denied ELLERMAN's motion and ruled that ELLERMAN had the capacity to stand trial after a hearing conducted before ELLERMAN's guilty plea on the escape charge.

This case is being prosecuted by the United States Attorney's Office as part of Project Safe Neighborhoods. Project Safe Neighborhoods is a nationwide program begun in 2001, and designed to reduce violence in our communities by aggressively using existing federal firearms laws. United States Attorneys, District Attorneys, Sheriffs, Police Chiefs, and state officials have created partnerships to address crimes involving firearms. Generally, any arrest involving a firearm is reviewed immediately by local, state and federal authorities to decide whether the case is best suited for prosecution under state or federal law, or a combination of both. Project Safe Neighborhoods is expected to lead to longer prison terms for violent criminals, and a significant reduction in violent crime. To date, federal prosecutions under Project Safe Neighborhoods in the Western District of Louisiana have led to the incarceration of criminals responsible for violent crimes such as homicides, aggravated assaults, robbery, car jacking, burglary, and drug trafficking.

Sentencing in federal court is governed by the United States Sentencing Guidelines established by the United States Congress and the United States Sentencing Commission. Parole has been abolished in the federal system.

This investigation was conducted by the Rapides Parish Sheriff's Office, The Bureau of Alcohol Tobacco, Firearms and Explosives, and the United States Marshal Service. The case was prosecuted by **Assistant United States Attorney Joseph T. Mickel**.

For further information, please contact United States Attorney Donald W. Washington at 337-262-6618 or First Assistant U.S. Attorney Bill Flanagan at 318-676-3600.

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August 4, 2004

(FOR IMMEDIATE RELEASE)

### **LAFAYETTE MAN PLEADS GUILTY TO PORNOGRAPHY CHARGE**

Lafayette, Louisiana . . . A man arrested in early May of this year on pornography charges has pled guilty to the charge. **JAMES R. BOURGE**, age 53, from Abbeville, Louisiana pled guilty before United States District Judge Richard T. Haik to a Bill of Information, admitting to producing child pornography, announced United States Attorney Donald W. Washington. BOURGE also agreed to forfeit the equipment used in producing the pornography. BOURGE was arrested on May 4, 2004, following an investigation by local and federal agents.

According to factual stipulations filed into the court records, BOURGE produced a videotape of three minor children sometime in 2003. The videotape depicts the children removing their clothing at BOURGE's request and engaging in sexually explicit poses. All of the children were under 12 years of age.

BOURGE recorded the videotape at his residence/business located in Abbeville, Louisiana.

This investigation was conducted by the Abbeville Police Department and the Federal Bureau of Investigation. The case is being prosecuted by **Assistant United States Attorney John Luke Walker**.

BOURGE faces a minimum penalty of 10 years and a maximum penalty of 20 years in prison. Sentencing in federal court is governed by the United States Sentencing Guidelines established by the United States Congress and the United States Sentencing Commission. Parole has been abolished in the federal system.

For further information, please contact United States Attorney Donald W. Washington at 337-262-6618 or First Assistant U.S. Attorney Bill Flanagan at 318-676-3600.

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August 3, 2004

(FOR IMMEDIATE RELEASE)

### LAFAYETTE MAN SENTENCED ON GUN CHARGES

Lafayette, Louisiana . . . **OLIVER JONATHAN MARTIN**, age 20, from Lafayette, Louisiana, was sentenced today to 33 months imprisonment to be followed by 3 years supervised release by United States District Judge Rebecca Doherty for possession of a firearm by a convicted felon, announced United States Attorney Donald W. Washington. MARTIN was indicted in January 2004, and pled guilty to the federal charge in March 2004.

MARTIN was convicted in 2002, in the 15th Judicial District Court for Louisiana for possession of cocaine and was sentenced to 18 months active, supervised probation. On March 8, 2003, officers with the Lafayette Police Department stopped MARTIN for a traffic violation. During their investigation of the traffic violation, the officers discovered MARTIN to be in possession of a Davis, Model P380 caliber semi-automatic pistol. It is a violation of law for a convicted felon to have possession of a firearm and/or ammunition.

MARTIN also has Louisiana state charges pending in the 15th Judicial District Court for drugs found in MARTIN's vehicle at the time of the March 2003, traffic stop.

This case is being prosecuted by the United States Attorney's Office as part of Project Safe Neighborhoods. Project Safe Neighborhoods is a nationwide program begun in 2001, and designed to reduce violence in our communities by aggressively using existing federal firearms laws. United States Attorneys, District Attorneys, Sheriffs, Police Chiefs, and state officials have created partnerships to address crimes involving firearms. Generally, any arrest involving a firearm is reviewed immediately by local, state and federal authorities to decide whether the case is best suited for prosecution under state or federal law, or a combination of both. Project Safe Neighborhoods is expected to lead to longer prison terms for violent criminals, and a significant reduction in violent crime. To date, federal prosecutions under Project Safe Neighborhoods in the Western District of Louisiana have led to the incarceration of criminals responsible for violent crimes such as homicides, aggravated assaults, robbery, car jacking, burglary, and drug trafficking.

Sentencing in federal court is governed by the United States Sentencing Guidelines established by the United States Congress and the United States Sentencing Commission. Parole has been abolished in the federal system.

This investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the Lafayette Police Department. The case was prosecuted by **Assistant United States Attorney Joseph T. Mickel**.

For further information, please contact United States Attorney Donald W. Washington at 337-262-6618 or First Assistant U.S. Attorney Bill Flanagan at 318-676-3600.

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