

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

UNITED STATES OF AMERICA * **CRIMINAL NO.:** 10-86
v. * **SECTION:** R
MICHAEL HUNTER * **VIOLATIONS:** 18 U.S.C. § 371
* * * 18 U.S.C. § 4

FACTUAL BASIS

If this matter were to go to trial, the Government would prove beyond a reasonable doubt, through the introduction of competent testimony and admissible tangible exhibits, the following facts to support the allegations in the two-count Bill of Information now pending against defendant **MICHAEL HUNTER**, charging the defendant with one count of conspiring to obstruct justice in the investigation of the Danziger Bridge shooting that occurred on September 4, 2005, and with one count of misprision of a felony. Specifically, Count One charges that defendant **HUNTER** conspired with other New Orleans Police Department (NOPD) Officers, in violation of 18 U.S.C. § 371, to commit the following offenses against the United States:

a. to knowingly falsify and make a false entry in a document with intent to impede, obstruct, and influence the investigation and proper administration of a matter within federal jurisdiction, and in relation to and in contemplation of such a matter, in violation of Title 18, United States Code, Section 1519; and

b. to knowingly engage in misleading conduct toward another person with intent to hinder, delay, and prevent the communication of truthful information to a federal law enforcement officer and judge of information relating to the commission and possible commission of a federal offense, in violation of Title 18, United States Code, Section 1512(b)(3); All in violation of 18 U.S.C. § 371.

Count Two charges defendant **HUNTER** with misprision of a felony, in violation of Title 18, United States Code, Section 4, for concealing crimes he witnessed on the Danziger Bridge. From September 4, 2005, until March 2010, the defendant knew that officers with NOPD had engaged in deprivations of rights under color of law, in violation of Title 18, United States Code, Section 242, and that these deprivations of rights had resulted in bodily injury and death to civilians on the Danziger Bridge in New Orleans on September 4, 2005. The defendant concealed these crimes and provided false statements to investigators; All in violation of 18 U.S.C. § 4.

The Shootings and the Start of the Conspiracy

In 2005, defendant **HUNTER** was an officer assigned to NOPD's Seventh District. On September 4, 2005, in the wake of Hurricane Katrina, the defendant and his fellow

Seventh District officers were working out of a temporary station at the Crystal Palace on Chef Menteur Highway. In response to a radio call that officers on the I-10 high-rise bridge had taken fire, defendant **HUNTER** and other NOPD officers loaded into a large Budget rental truck, which **HUNTER** then drove from the Crystal Palace to the Danziger Bridge.

En route to the Danziger Bridge, Sergeant A asked to borrow an assault rifle defendant **HUNTER** had placed in the cab of the Budget truck. **HUNTER** hesitated initially, but then relented and agreed to let Sergeant A use the assault rifle.

When defendant **HUNTER** first observed the Danziger Bridge on September 4, 2005, he saw in the distance a handful of people casually walking on the roadway on the bridge. **HUNTER** realized that the people on the bridge would not know that the Budget truck held police officers who were responding to a call for assistance, so he used his left hand to fire warning shots, with his NOPD-issued handgun, out the window of the truck.

As defendant **HUNTER** fired these warning shots, the people on the bridge scattered and ran toward a concrete barrier separating the roadway from a pedestrian walkway. The civilians, who did not appear to have any weapons, began to climb or jump over the barrier.

Defendant **HUNTER** stopped the Budget truck a short distance from where he had seen people climb over the concrete barrier. As the truck rolled to a stop, Sergeant A fired an assault rifle down toward the civilians on the walkway. At one point before **HUNTER** got out of the truck, he saw an older black male raise his head above the barrier, and he saw

Sergeant A fire at the black male. The black male did not appear to have a weapon and did not threaten the officers.

In addition to the people who jumped over the concrete barrier, defendant **HUNTER** saw civilians running westward, toward the top of the bridge. **HUNTER** got out on the driver's side, ran to the front of the truck, and fired his handgun in the direction of the people running away up the bridge. Sergeant B, who had also run to the front of the truck, stood nearby, firing an M4-type assault rifle at the same civilians. **HUNTER** did not see any weapons on these civilians, and did not see them stop or turn around. They did not appear to be a threat to the officers as they ran up the bridge. **HUNTER** fired his handgun numerous times in the direction of these fleeing civilians, but did not believe that he struck them.

Defendant **HUNTER** then walked to the passenger side of the truck, where Sergeant A and other officers were lined up in a position to fire at or behind the concrete barrier. **HUNTER** saw Sergeant A and one or more other officers firing at or behind the barrier. Seeing that there was no threat to the officers, defendant **HUNTER** shouted, "Cease fire!"

When the officers stopped firing, defendant **HUNTER** walked toward the back of the truck on the passenger side. While defendant **HUNTER** was still on the passenger side of the truck, near the walkway, he saw several civilians, who appeared to be unarmed, injured, and subdued. Sergeant A suddenly leaned over the concrete barrier, held out his assault rifle, and, in a sweeping motion, fired repeatedly at the civilians lying wounded on the ground.

The civilians were not trying to escape and were not doing anything that could be perceived as a threat.

Sergeant B and other officers started running up the bridge, as defendant **HUNTER** moved up the bridge to where two female civilians were lying on the walkway, behind the concrete barrier. The two females were lying on the ground, hugging each other and crying in apparent pain. **HUNTER** saw that at least one of the females had suffered serious gunshot wounds, and that both appeared terrified. One of the females had a gaping wound on her leg, and had a large chunk of flesh missing from her calf. The other civilians were also seriously wounded, including one man who was lying face-down, not moving.

Defendant **HUNTER** did not see any weapons on or near any of the civilians when they were in the roadway, and he did not see any weapons on or near the civilians as they lay dead or wounded on the walkway. No officers on the east side of the bridge said that they had seen guns on or near the civilians after the shooting, and nobody asked the civilians where the guns were. At no time did any of the civilians make any statements about having fired at anyone.

Defendant **HUNTER** returned to the Budget truck, where he observed the assault rifle that Sergeant A had borrowed from him. The magazine that had started off fully-loaded was now empty, and the rifle was hot to the touch.

Defendant **HUNTER** and Sergeant A entered the cab of the Budget truck and **HUNTER** drove to the crest of the bridge. On or near the crest of the bridge, they met

Sergeant B, who said that civilians running toward the bottom of the west side of the bridge had fired at him. **HUNTER** saw three black males running down the bridge, but they did not appear to have weapons or to be a threat to the officers. Sergeant B may have fired an assault rifle at the fleeing civilians.

An unmarked car driven by an officer with the Louisiana State Police (LSP) approached from the east side and stopped near the crest of the bridge. Defendant **HUNTER**, Sergeant B, and Officer A entered the car. Sergeant B sat in the back seat, on the driver's side. Officer A sat in the front passenger seat. **HUNTER** sat behind Officer A.

As the car moved down the bridge, defendant **HUNTER** saw three black males running away, near the bottom of the bridge. None of the civilians appeared to be armed or to be a threat to the officers. Two men, later identified as Lance and Ronald Madison, ran down the right side of the road, while a third, older man ran down the left side. As the LSP car drove down the bridge, defendant **HUNTER** focused on Lance Madison, who was wearing black clothing, and Ronald Madison, who was wearing a white t-shirt, with blood on it.

As Lance Madison ran toward the Friendly Inn, a motel at the bottom of the bridge, Ronald Madison trailed approximately 20 to 30 feet behind him. The LSP car moved to cut off Lance Madison and, in so doing, briefly pulled slightly ahead of Ronald Madison, who continued to run after his brother. As Ronald Madison then ran past the slowing LSP car, heading toward the motel, he passed by defendant **HUNTER** and defendant **HUNTER** had

a clear view of him. Defendant **HUNTER** saw blood on Ronald Madison's shirt, and thought he might have been shot. Ronald Madison, who was running with his hands in view, had no weapon and posed no threat. Ronald Madison did not change his direction, turn around, or stop running as he passed the LSP car. Instead, Madison continued to run away, following his brother, who was a short distance ahead of him. At no time as Ronald Madison ran, did defendant **HUNTER** see him turn toward the officers, reach into his waistband, or make any threatening gestures.

As the unmarked LSP car pulled to a stop, Officer A, without warning, fired a shotgun at Ronald Madison's back as Madison ran away in the direction of the motel. Defendant **HUNTER** immediately got out of the car and went to where Ronald Madison was lying on the ground. Ronald Madison was alive, but appeared to be dying. He was lying on his side, with two officers standing nearby. Neither defendant **HUNTER** nor either of the other officers searched Ronald Madison for a weapon.

As Ronald Madison lay dying on the pavement, Sergeant A ran down the bridge toward Ronald and asked an officer if Ronald was "one of them." When the officer replied in the affirmative, Sergeant A began kicking or stomping Ronald Madison repeatedly with his foot. Sergeant A appeared to be striking Madison's torso with as much force as he could muster. Defendant **HUNTER** charged toward Sergeant A, who backed off from Madison. As defendant **HUNTER** walked away, an officer standing nearby appeared shocked that **HUNTER** had confronted Sergeant A.

Shortly thereafter, Sergeant A approached defendant **HUNTER** and apologized for being “out of line.” Sergeant A then asked **HUNTER** if **HUNTER** “[had] a problem” with the shooting on the east side of the Danziger Bridge.

While on the west side of the Danziger Bridge, defendant **HUNTER** heard Lance Madison ask the officers why they had been shooting at him and his brother. Lance Madison never said that he or his brother had possessed a gun or had fired at police, and Lance Madison did not have a gun in his possession.

HUNTER knew without question that the shootings he saw on the bridge were “bad shoots,” meaning that they were legally unjustified. **HUNTER** later heard that the civilian, Ronald Madison, was a 40-year-old severely disabled man.

Later that day, back at the Crystal Palace, defendant **HUNTER** met with the sergeant assigned to investigate the case (the Investigator), along with a lieutenant and other NOPD officers who had been in the Budget truck on the Danziger Bridge. During a roundtable discussion of the shootings on the Danziger Bridge, defendant **HUNTER** admitted that he had fired his weapon many times on the bridge. During this meeting, the lieutenant turned to an officer next to him and said something to the effect of, we don’t want this to look like a massacre.

During the days and weeks that followed, the Investigator, Sergeant A, and Sergeant B met repeatedly with other officers to discuss the shootings. The Investigator was writing the NOPD report about the incident and defendant **HUNTER** understood that he would “take

care of” the shooters, meaning that he would make the shootings appear justified. During the same time frame, defendant **HUNTER** understood through his own observations and his conversations with others that the supervisors were meeting with Officer A, who had shot and killed Ronald Madison, to work with him on his statement.

At some point after the shooting, defendant **HUNTER** heard that the Investigator was claiming to have found a gun at the scene on September 5, 2005, the day after the shooting. Defendant **HUNTER** concluded that the story about the gun was false, as he had not seen any of the civilians with guns and had not seen any guns at the scene on the day of the incident.

The Meeting and the Taped Statements

On or about January 25, 2006, prior to giving a formal, audiotaped statement, defendant **HUNTER** attended a meeting called by the Investigator. The meeting, attended by defendant **HUNTER** and the other shooters (except for the one who had resigned from NOPD), was held in the abandoned and gutted-out Seventh District station. At the meeting, the Investigator instructed the shooters to make sure they had their stories straight before they gave their formal statements on tape. Sergeant A then took the lead in explaining the false story that he would tell to justify the shooting, and the other officers discussed what they would say in order to remain consistent with that story.

Immediately after the meeting, defendant **HUNTER** met with homicide detectives and provided a false account of the shootings that was consistent with the false stories the shooters had just discussed.

In his audiotaped statement, defendant **HUNTER** told numerous lies, and concealed the fact that he knew of and participated in a cover-up of the Danziger Bridge shootings. Specifically, **HUNTER** lied when he said that he saw civilians with firearms on the bridge; he lied when he said that Sergeant A or any other officer yelled “police” before shooting; he lied when he said that officers were “taking fire” on the Danziger Bridge; he lied when he said that Lance and Ronald Madison were armed and that one or both fired at police; and he lied when he said that he continued on foot to the west side of the bridge. **HUNTER** also intentionally misled investigators when he omitted any reference to the fact that he and other officers had ridden down the bridge with an LSP trooper; when he omitted that he and the LSP trooper were present during the shooting of Ronald Madison; when he omitted that he had seen officers shoot unarmed civilians; and when he omitted that Sergeant A had repeatedly and violently kicked or stomped a wounded and dying man.

False Statements to the State Grand Jury

On or about October 25, 2006, defendant **HUNTER** testified before a state grand jury investigating the Danziger Bridge incident. Under oath, **HUNTER** again lied about what happened on the bridge, and again concealed the fact that he knew of and participated in a cover-up of legally unjustified police shootings.

On the day defendant **HUNTER** was indicted by the state grand jury, a female officer from the Budget truck called defendant **HUNTER**'s home and stated that she had been on the bridge on the day of the shooting, and that things would be okay because she saw the civilians' guns on the bridge and saw someone kick them off. Defendant **HUNTER** knew that the statement from the officer was a lie.

Miscellaneous Matters

At no point during the investigation of the Danziger Bridge incident did defendant **HUNTER** make any compelled statement to an NOPD investigator. At no point did defendant **HUNTER** learn of any administrative interviews done in the Danziger Bridge investigation.


Defendant **HUNTER**, like every sworn officer with NOPD, had been trained about the proper use of physical force, including deadly force, and about the consequences for a use of excessive force. The defendant, along with every other sworn NOPD officer, was taught that one of the consequences of an excessive use of force was that the FBI could investigate the incident as a criminal matter. The defendant and every other sworn NOPD officer also learned that an incident of excessive force could result in a federal civil suit and/or criminal prosecution in federal court.

Defendant **HUNTER** never heard anyone mention a suspect who had gotten away during the incident on the Danziger Bridge, and never heard anyone mention a civilian on the bridge with an assault rifle. And at no point did anyone ever mention Lance Madison

having admitted that either he or his brother had possessed or fired a gun on the bridge that day.

Both the Government and the defendant, **MICHAEL HUNTER**, do hereby stipulate and agree that the above facts are true, and that they set forth a sufficient factual basis for the crimes to which the defendant is pleading guilty. Both the government and the defendant also agree that this factual basis does not contain all of the relevant information known to the defendant. This is a sufficient factual basis, but it is not an exhaustive statement by the defendant.


READ AND APPROVED this 7th day of April 2010.



MICHAEL HUNTER
Defendant

4/7/2010


DATE



TOWNSEND MYERS
Counsel for Defendant

4/7/10

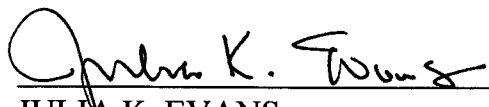
DATE



BARBARA "BOBBI" BERNSTEIN
Deputy Chief, Civil Rights Division
U.S. Department of Justice

4/7/10

DATE



JULIA K. EVANS
Assistant United States Attorney

4-7-10

DATE