

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

2010 FEB -3 PM 2:58

LORETTA G. WHYTE
CLERK

FELONY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

BILL OF INFORMATION FOR CONSPIRING TO OBSTRUCT JUSTICE

UNITED STATES OF AMERICA

v.

MICHAEL LOHMAN

* CRIMINAL DOCKET NO.

* SECTION: **10-032**

* VIOLATIONS: 18 U.S.C. § 371

*

*

*

SEALED

SECT. 3 MAG. 5

The United States Attorney charges that:

COUNT 1

A. AT ALL TIMES MATERIAL HEREIN:

1. Defendant MICHAEL LOHMAN was a Lieutenant with the New Orleans Police Department (NOPD).

2. On September 4, 2005, in the wake of Hurricane Katrina, defendant LOHMAN and other officers assigned to NOPD's Seventh District reported to work at a temporary station at the Crystal Palace on Chef Menteur Highway.

3. On September 4, 2005, in response to a call for assistance, several NOPD officers, including at least five officers and two sergeants, drove from the Crystal Palace to the Danziger

Fee _____
Process _____
x Dktd _____
ClRmDep _____
Doc. No. _____

Bridge in a large Budget rental truck. On the east side of the Danziger Bridge, the officers and sergeants encountered six civilians (five members of the B. Family, and J.B., a friend of the B. Family), who were walking across the bridge to get food and supplies from a supermarket. The officers fired at the group of civilians, killing J.B. and seriously injuring four members of the B. Family. Officers then traveled to the west side of the bridge, where they encountered Lance and Ronald Madison, who did not know the B. Family, had not been traveling with the B. Family, and were crossing the bridge on their way to the dentistry office of one of their other brothers. On the west side of the bridge, an officer shot and killed Ronald Madison, a 40-year-old severely disabled man.

4. Officers then falsely arrested Lance Madison on eight counts of Attempted Murder of a Police Officer. After being held in custody for weeks, Lance Madison was eventually released without any formal charges being lodged.

5. Defendant **LOHMAN** responded to the Danziger Bridge shortly after the shooting occurred. When he arrived at the bridge, **LOHMAN** saw numerous civilians who had been shot by the police and who were either dead or seriously wounded, and he saw that the civilians who had been shot did not have any weapons. Defendant **LOHMAN** concluded that the police shooting had been legally unjustified.

6. While still on the Danziger Bridge on September 4, 2005, defendant **LOHMAN** assigned a sergeant (the Investigator) to investigate the case. Defendant **LOHMAN** also talked to some of the officers and sergeants involved in the shooting and learned that they planned to provide false stories about what had precipitated the shooting. Defendant **LOHMAN** tacitly encouraged them to do so.

B. THE OFFENSE:

From on or about September 4, 2005, through at least May 27, 2009, in New Orleans, in the Eastern District of Louisiana, defendant **MICHAEL LOHMAN** wilfully combined, conspired, and agreed with other known NOPD officers and supervisors 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 or proper administration of a matter within federal jurisdiction, or in relation to and in contemplation of such a matter, in violation of Title 18, United States Code, Section 1519;

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 or 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); and

c. to knowingly and willfully make materially false statements and representations in a matter within the jurisdiction of the FBI, an agency of the executive branch of the United States, in violation of Title 18, United States Code, Section 1001.

Plan and Purpose of the Conspiracy

It was the plan and purpose of the conspiracy that the defendant and his co-conspirators would provide false and misleading information about the September 4, 2005, shootings on the Danziger Bridge and would cover up other information in order to ensure

that the shootings would appear to be legally justified and that the involved officers would therefore be shielded from prosecution and liability. It was further the plan and purpose of the conspiracy that the officers and sergeants involved in the shooting would provide false and misleading statements about the shooting and would provide false and misleading information when questioned; that the Investigator would write a false and misleading report and would provide false and misleading information when questioned; and that all of the co-conspirators would refrain from conducting a true investigation of the incident. It was also part of the plan and purpose of the conspiracy that defendant LOHMAN would assist his co-conspirators, including the Investigator and the sergeants involved in the shooting, in developing and articulating false stories that would make it appear as if the civilians who were shot on the bridge had fired first at officers, and that the officers had been justified in shooting the civilians.

Overt Acts

In furtherance of the conspiracy, and to effect the objects thereof, defendant LOHMAN and his co-conspirators committed the following overt acts, among others, in the Eastern District of Louisiana:

The Crime Scene

1. On or about September 4, 2005, defendant LOHMAN, after realizing that other officers had shot unarmed civilians, encouraged the involved sergeants to come up with a story justifying the shooting.

2. At the crime scene, defendant LOHMAN and the Investigator whom LOHMAN assigned to investigate the shooting knowingly failed to take steps that would have allowed

for a true investigation of the incident. Among other things, they failed to conduct or direct evidence-collection at the scene; they failed to diagram the scene or conduct a neighborhood canvass, or ensure that someone else would do so; and they left the scene without any evidence having been picked up, even though there were numerous officers at the scene – and several homicide investigators under their command – who were available and able to work the scene.

The False Stories

3. On or about September 4, 2005, back at the Crystal Palace, the Investigator met with the officers and sergeants who had been involved in the shooting (collectively, the shooters) and discussed the statements they should give about the incident on the bridge.

4. During that discussion, after one of the shooters admitted having fired his weapon many times on the bridge, defendant LOHMAN called aside the Investigator and the two sergeants involved in the shooting (Sergeant A and Sergeant B) and suggested to them that they go back to the bridge to get rid of some of the shell casings left behind by the shooters.

Officers' False and Changing Stories

5. From on or about September 4, 2005, through in or about October 2005, the shooters and the Investigator repeatedly discussed and continually modified the stories that the shooters would tell about what happened on the bridge.

6. In or about September and October 2005, defendant LOHMAN repeatedly discussed with Sergeant A, Sergeant B, and the Investigator the false statement that Sergeant A would give to justify the shootings on the Danziger Bridge.

7. In or about September and October 2005, Sergeant A, with direction from defendant LOHMAN and the Investigator, repeatedly changed his version of events, in order to further the objects of the conspiracy. For example, Sergeant A initially stated that he kicked guns off the Danziger Bridge, into a grassy area to which he had just seen a potential suspect flee, and that he then ran below the bridge to look for the suspect who had fled. However, because Sergeant A had not collected any guns from below the bridge, defendant LOHMAN and other co-conspirators determined that this story was not believable, and Sergeant A therefore changed his story to say that he did not run under the bridge after the shooting.

8. In or about September 2005, one of the shooters told defendant LOHMAN that he had not fired his gun on the bridge, and that he had chased a juvenile, whom defendant LOHMAN knew to be L.B. IV (the son of two of the civilians injured on the bridge), down and under the bridge. That same officer later changed his story and gave a formal, audiotaped interview in which he admitted that he fired his gun two times at a fleeing black male subject, but in which he falsely and misleadingly claimed, among other things, that the black male had turned toward the officer and reached for a shiny object in his waistband as he ran down the bridge.

The Planted Gun

9. Following the shooting at the Danziger Bridge in September 2005, the Investigator told defendant LOHMAN that he “[had] a gun,” and that he planned “to put [the gun] under the bridge.”

10. Understanding that the Investigator was going to plant a weapon to be used as evidence to justify the police shooting, defendant **LOHMAN** asked whether the investigator knew that the gun was "clean," meaning that it could not be traced back to another crime.

11. The investigator assured defendant **LOHMAN** that the gun was "clean," and defendant **LOHMAN** went along with the plan to plant the gun.

12. Despite knowing that the gun had been planted by the Investigator, defendant **LOHMAN**, in or about October 2005, signed off on a report stating that the Investigator had found the gun under the Danziger Bridge on September 5, 2005.

The False Reports

13. In or about September and October 2005, the Investigator, assisted by Sergeant A, Sergeant B, and defendant **LOHMAN**, drafted different versions of an incident report that included summaries of statements from each of the shooters. In the various versions of the report, the Investigator changed the shooters' accounts and the narrative based on those accounts.

14. In the false reports, the Investigator falsely claimed, among other things, that S.B. (one of the civilians shot on the bridge) had, on September 8, 2005, admitted to the Investigator and another officer that she had seen her nephew and some of his friends shoot guns on the bridge. S.B. had not, in fact, made any such statement.

15. In the false reports, the Investigator also falsely claimed that L.B. (another one of the civilians shot on the bridge) had, on September 8, 2005, admitted to the Investigator and the other officer that he had seen his nephew shoot a gun on the bridge. L.B. had not, in fact, made any such statement.

16. In the false reports, the Investigator also falsely claimed that Sergeant A had seen Lance Madison shoot a gun and then throw it off the bridge and into the Industrial Canal; that Ronald Madison had had a gun on the bridge and had fired at police before being shot; and that J.B. and J.H. (two of the civilians shot on the bridge) had fired guns at officers, prompting three officers known to the United States to shoot them in self-defense, killing J.B. and severely wounding J.H.

17. On several occasions in or about October 2005, defendant **LOHMAN** reviewed drafts of the false report written by the Investigator and counseled the Investigator on ways to make the false story in the report sound more plausible.

18. Over the course of several weeks in or about October 2005, while the Investigator was working on the various versions of his report, defendant **LOHMAN** talked to Sergeant A, Sergeant B, and some of the other shooters to help them modify their false accounts to be more believable.

19. In or about October 2005, defendant **LOHMAN**, frustrated that the cover-up story in the Investigator's report was not logical, personally drafted a 17-page false report and provided that report to the Investigator to submit as the official incident report. In that report, defendant **LOHMAN** included numerous false facts that would help justify the police shooting.

20. In the 17-page report, defendant **LOHMAN** changed the story about Sergeant A seeing Lance Madison throw a gun into the Canal, and instead wrote that Sergeant B and three other shooters had been chasing the Madisons over the bridge when Lance Madison

threw his gun into the Canal. Defendant LOHMAN made this change because he thought the cover-up story would be stronger and more logical if four officers said they saw Madison throw the gun as they chased behind him, rather than one officer saying he saw it from the bottom of the east side of the bridge.

21. In the 17-page report, defendant LOHMAN amended the story about Ronald Madison having a gun and shooting at police, by adding that Ronald Madison ran "sharply to his right toward the north side of the bridge," where "the officers lost sight of him momentarily." Defendant LOHMAN made this change because it offered an excuse for how Ronald Madison could have thrown a gun off the bridge, and therefore offered an excuse for why Ronald Madison did not have a gun on or near him when he was shot to death.

22. In the 17-page report, defendant LOHMAN further falsified the story about civilian victims S.B. and L.B. admitting that their nephew had shot on the bridge. At the direction of the Investigator, defendant LOHMAN in the 17-page version added that S.B. claimed that Lance and Ronald Madison were also walking with her family on the Danziger Bridge at the time of the shooting, and that, as police drove onto the bridge, three members of her group – including Ronald Madison – fired at the police. Furthermore, defendant LOHMAN added to the story the claim that L.B. said that his family and others (including Ronald Madison) were on their way to "loot" a supermarket when the incident occurred.

23. After drafting the 17-page false report, defendant LOHMAN directed the Investigator to speak with each of the shooters to make sure that they were "okay with" the 17-page false report, and were willing to give statements consistent with that report.

24. In or about October 2005, the Investigator got approval for the false report from each of the shooters and assured defendant LOHMAN that everyone was "okay" with the report.

25. The Investigator then signed and submitted the 17-page false report, which defendant LOHMAN also signed, knowing that it was false.

26. Between in or about October 2005 and sometime in 2006, the Investigator switched out the 17-page false report and substituted a 7-page false report. The Investigator removed from the 17-page report the signed cover-page containing the Investigator's and defendant LOHMAN's signatures, and attached it to the top of the new false report, which defendant LOHMAN had never seen.

27. In or about 2006, the Investigator explained to defendant LOHMAN that he had switched out the report because he had written another report to match the shooters' audiotaped statements.

False Statements to the Federal Bureau of Investigation (FBI)

28. On January 22, 2009, the Investigator gave a voluntary statement to the FBI, in which he continued to cover up what had happened on the Danziger Bridge on or about September 4, 2005.


29. Shortly after January 22, 2009, the Investigator told defendant LOHMAN that he had talked to the FBI, and he assured defendant LOHMAN that everything was "cool."

30. On or about May 27, 2009, when defendant LOHMAN was initially approached


by the FBI to talk about the Danziger Bridge incident, defendant LOHMAN gave a voluntary interview in which he concealed that he and his co-conspirators were involved in a cover-up of the Danziger Bridge shooting; All in violation of Title 18, United States Code, Section 371.



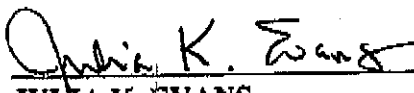
JIM LETTEN
United States Attorney
Louisiana Bar Roll No. 8517



JAN MASELLI MANN
First Assistant United States Attorney
Louisiana Bar Roll No. 9020



BARBARA (BOBBI) BERNSTEIN
Deputy Chief, Civil Rights Division
FORREST CHRISTIAN
Trial Attorney, Civil Rights Division
United States Department of Justice



JULIA K. EVANS
Assistant United States Attorney

New Orleans, Louisiana
February 3, 2010

No. _____

United States District Court

FOR THE

EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

vs.

MICHAEL LOHMAN

**BILL OF INFORMATION FOR
CONSPIRING TO OBSTRUCT JUSTICE**

Violation(s): 18 U.S.C. 371

Filed _____, 20 10

_____, Clerk

By _____, Deputy

Julia K. Evans
Julia K. Evans

Assistant United States Attorney