

(A)

United States Courts  
Southern District of Texas  
FILED

MAY 12 2005

Michael N. Milby, Clerk of Court

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

UNITED STATES OF AMERICA

v.

ANDRE DAVID LEFFEBRE,  
a/k/a Charlie Kerr,  
Defendant

\$  
\$  
\$  
\$  
\$  
\$  
\$  
\$

CRIMINAL NUMBER: G-05-

09

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE  
(Felon in Possession of a Weapon)

On or about September 24, 2004, in the Galveston Division of the Southern District of Texas, the defendant,

ANDRE DAVID LEFFEBRE,  
a/k/a Charlie Kerr,

having been convicted in a court of three violent felonies, all of which are crimes punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce a firearm, namely a Springfield Armory, model XD-40, .40 caliber pistol, which had been shipped and transported in interstate and foreign commerce.

In violation of Title 18, United States Code, Section 922(g)(1) and Section 924(e)(1).

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1 of 2  
Indictment

(A)

Notice of Criminal Forfeiture

Pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), the United States of America hereby gives notice that all firearms and ammunition involved in, or used in the commission of the offense in violation of Title 18, United States Code, Section 922(g)(1) charged in Count One, are subject to forfeiture, including, but not limited to, the following:

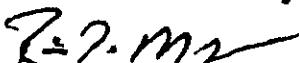
Springfield Armory, model XD-40, .40 caliber pistol, serial number US468362.

A TRUE BILL:

  
FOREMAN OF THE GRAND JURY

MICHAEL T. SHELBY  
United States Attorney

BY:

  
Richard J. Magness  
Assistant United States Attorney  
(713) 567-9582

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2012

Indictment

IN THE  
UNITED STATES DISTRICT COURT  
OF THE (A)  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States  
Southern District of Texas  
FILED

UNITED STATES OF  
AMERICA  
(PLAINTIFF)

FEB 09 2018

David J. Bradley, Clerk of Court

Indictment No.  
G-05-09  
Case No. 3:05-  
CR-00009

ANDRE D. LEFEBVRE  
(AKA CHARLES KERR)  
(DEFENDANT)

"NOTICE OF APPEAL"  
of Denial Review Grand Jury  
minutes/ EVIDENCE

(1) On The 5<sup>th</sup> day of December  
2017, The Defendant in Indict-  
ment NO G-05-09, filed a  
"motion/ Petition for The Review  
of Grand Jury minutes/ evidence"  
Due to facts involving said  
Indictment NOT in compliance with  
Fed. R. Crim. P. Rule 6, in Title  
18 USC 922(g)(1) See 924(e)(1).  
1 of 5

(A)

which was "denied", (see, enclosed Document, entered Dec 15. 2017.) Docket No. unknown.

(2) This is the basis of said notice of Appeal in said Denial, of GRAND JURY minutes, when there is not grounds for secrecy (Fed. Rul. Crim. P.) But demands the fact, that said Indictment procedure is in a plain error, (faulty in the jurisdiction)

at no time has the defendant admitted "Guilt", to said 922(g)

(1) Title 18 USC, thereby does not need a 28 USC 1915, in Formal Paper's, Due, to fact case is never closed in a person's rights, to challenge his "Guilty Verdict", at trial, or the Indictment. The defendant, who has stood his ground in every manner of innocence, demands his "Constitutional and common law Rights, that are secured, are

(A)

a jurisdiction), this U.S. Dist. Court can not deny, since it forced a illegal, forced conviction, on a private individual, with a firearm, picked up and found in the grass of I-10, at midnight, by a tow truck driver, in which the law enforcement agency / agents failed to obtain DNA / forensic evidence when it was demanded before all present, it raises a main question as to "why", in which the defendant was always stated, it was a "plant". That his attorney "Thomas Beeg" failed to address at trial, thereby demonstrating a blatant violation and act of ineffectiveness, thereby, it raises a full issue of the evidence in indictment, C-05-09. The testimony, and the Grand Jury to remain's signature, of the Galveston Division.

(A)

United States District Court of  
The Southern District of TEXAS.

The Defendant must be allowed  
to review the Grand Jury  
Minutes, Testimony and Evidence  
in which the Government used  
to obtain said indictment, in  
which has no rule of "secrecy",  
or "seal" indictment on it,  
unless the court and Government  
are attempting to hide  
its acts of fraud in said  
indictment and trial.

Document declared under the  
penalty of perjury, in that  
correct, complete form and copy  
on January 27, 2018 and  
I original and (2) Two copies, so  
placed in the U.S. mail at the  
13th day of January 2018, by  
U.S. Couriers (or any other) First-Door  
Team address to the U.S. Ct. of  
C. of TX, Office of the Clerk, P.O.  
Box 61010, Houston TX 1/27/18

~~Under seal effective~~  
ANDREW D. LEFFERSON

(4 of 5)

AKA Chandler Kerr,  
Second Nature man  
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**ENTERED**

October 13, 2016  
David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

UNITED STATES OF AMERICA §  
§ CRIMINAL ACTION No. G-05-009  
v. §  
§ CIVIL ACTION No. G-16-200  
ANDRE DAVID LEFFEBRE. §

**ORDER**

Defendant's motions for free copies of trial transcripts (Docket Entries No. 139, 141)  
are **DENIED** for the reasons set forth in the Court's order of May 24, 2011.

Signed at Houston, Texas, on this 12 <sup>th</sup> day of October, 2016.

  
KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE

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**ENTERED**

December 15, 2017

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

UNITED STATES OF AMERICA

§  
§  
§  
§  
§

v.

CRIMINAL ACTION No. G-05-009

ANDRE DAVID LEFFEBRE.

**ORDER**

Defendant's *pro se* motion to review the 2005 grand jury minutes in this closed criminal case (Docket Entry No. 179) is **DENIED**.

Signed at Houston, Texas, on this 14<sup>th</sup> day of December, 2017.

  
KEITH P. ELLISON

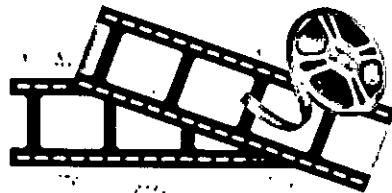
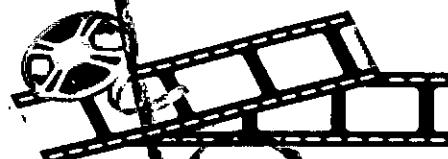
UNITED STATES DISTRICT JUDGE

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# RECREATION DEPARTMENT MOVIE SCHEDULE

JAN 11, 2018 – MARCH 03, 2018

SUNDAY – WEDNESDAY/THURSDAY - SATURDAY



DATES	MOVIE
Jan 11 - Jan 13	Flatliners
Jan 14 - Jan 17	Marshall
Jan 18 - Jan 20	So. B It
Jan 21 - Jan 24	Overdrive
Jan 25 - 27	Valerian & the City of a Thousand Planets
Jan 28 - Jan 31	Mystery, Alaska
Feb 1 - Feb 3	Breathe
Feb 4 - Feb 7	Tyler Perry's Boo 2: A Madea Halloween
Feb 8 - Feb 10	Happy Death Day
Feb 11 - 14	Rememory
Feb 15 - Feb 17	Entourage
Feb 18 - Feb 21	Only the Brave
Feb 22 - Feb 24	Pirates of the Caribbean: Dead Men Tell No Tales
Feb 25 - Feb 28	Billy Lynn's Long Halftime Walk
Mar 01 - Mar 03	Geostorm

ALL MOVIES ARE SUBJECT TO CHANGE WITHOUT NOTICE DUE TO THE

AVAILABILITY OF MOVIES FROM SWANK MOTION PICTURES\*\*\*\*

*T. Santiago*

**FEDERAL PUBLIC DEFENDER**

***Southern District of Texas***

Lyric Office Centre  
440 Louisiana Street, Suite 1350  
Houston, Texas 77002-1669

**FEDERAL PUBLIC DEFENDER:**  
MARJORIE A. MEYERS

Telephone:  
713.718.4600

September 24, 2018

First Assistant:  
H. MICHAEL SOKOLOW

Fax:  
713.718.4610

Andre D. Leffebre  
Reg. No. 02897-078  
Atlanta USP  
PO Box 150160  
Atlanta, GA 30315

Re: United States v. Andre D. Leffebre, Cr. No. 3:05-cr-009.

Mr. Leffebre:

I received your letter regarding your case and the impact on it of the Supreme Court's recent decision in Johnson. Mr. Berg no longer works for our office, so I am responding instead.

It appears that our office withdrew from your case prior to sentencing, so our file does not have enough information for me to say whether you are likely to win on a § 2255 motion, but if counsel were appointed to your case, they would certainly investigate that issue on your behalf.

From a review of the docket in your case, it appears that on October 19, 2016, the Fifth Circuit granted you authorization to file a successive § 2255 motion. I can also see that you previously asked the Court to appoint you counsel, back in August, and that motion was denied. You might consider once again asking the Court to appoint you counsel now that you have the Fifth Circuit's authorization to file your § 2255 motion.

Sincerely  
**ORIGINAL  
SIGNED BY**

JOSHUA B. LAKE  
Assistant Federal Public Defender  
Southern District of Texas

JL

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**FEDERAL PUBLIC DEFENDER**

**Southern District of Texas**

Lyric Office Centre  
440 Louisiana Street, Suite 1350  
Houston, Texas 77002-1056

(B)

**FEDERAL PUBLIC DEFENDER:**  
**MARJORIE A. MEYERS**

**Telephone:**  
**713.718.4600**

September 26, 2018

**First Assistant:**  
**H. MICHAEL SOKOLOW**

**Fax:**  
**713.718.4610**

Mr. Andre David Leffebre  
Reg. No. 02897-078  
Atlanta USP  
PO Box 150160  
Atlanta, GA 30315

Re: United States v. Andre David Leffebre, Cr. No. 3:05-cr-009  
**Privileged and Confidential Attorney-Client Communication**

Dear Mr. Leffebre:

Our office was withdrawn from continued representation of you on December 16, 2005. You must contact the Court to have an attorney appointed to help you. Per your last request, our office no longer can assist you.

Very truly yours,

  
JOHN PARRAS

Assistant Federal Public Defender  
Southern District of Texas

JP:erm  
Enclosure

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

United States Courts  
Southern District of Texas  
ENTERED

DEC 19 2005

Michael N. Milby, Clerk of Court

**UNITED STATES OF AMERICA** §

V. §

**ANDRE DAVID LEFFEBRE** §

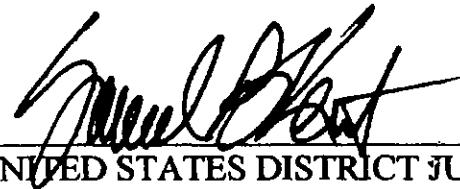
**ORDER**

**CR. NO. G-05-09**

(B)

The ex parte motion of the Federal Public Defender to withdraw as counsel for the defendant, Andre David LeFfебre, based on a breakdown of the attorney-client relationship, is GRANTED. The Magistrate Judge is directed to appoint substitute counsel to secure a copy of the defendant's file from the Federal Public Defender and to assist and prepare the defendant for sentencing.

Done this 16 day of December, 2005.

  
UNITED STATES DISTRICT JUDGE

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

No. 18-40657

(C)

In re: ANDRE DAVID LEFFEBRE, also known as Charlie Kerr,

Movant

Authorization to file a Successive 2255 Petition

CLERK'S OFFICE:

Authorization to file a successive 2255 motion is dismissed for failure to comply with these Court's notices of July 17, 2018, and August 14, 2018.



A True Copy  
Certified order issued Oct 04, 2018

*Lytle W. Cayce*  
Clerk, U.S. Court of Appeals, Fifth Circuit

LYLE W. CAYCE  
Clerk of the United States Court  
of Appeals for the Fifth Circuit

*Dawn Shulin*  
By: \_\_\_\_\_  
Dawn M. Shulin, Deputy Clerk

ENTERED AT THE DIRECTION OF THE COURT

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U.S. Department of Justice  
Federal Bureau of Prisons  
*United States Penitentiary, Atlanta*  
601 McDonough Blvd SE  
Atlanta, Georgia 30315

## Secure Mental Health Step Down Program Psychological Assessment

INMATE NAME:	Andre Leffebre
REGISTRATION NUMBER:	02897-078
DATE OF BIRTH:	February 13, 1962
DATES OF EVALUATION:	January 26, 27, and 28, 2015
	March 4, 11, and 18, 2015
DATE OF REPORT:	April 8, 2015

#### **IDENTIFYING INFORMATION**

Mr. Leffebre is a 53-year-old (DOB 02/13/1962) white male, currently serving a 399-month federal sentence for Bank Robbery, Brandishing a Firearm During and in Relation to a Crime of Violence, and Felon in Possession of a Firearm. He entered the custody of the Federal Bureau of Prisons (BOP) on January 11, 2005, following the revocation of supervised release. On July 2, 2007, while at the Beaumont County Court House in Beaumont, Texas and awaiting sentencing for his index offense, he allegedly attempted to escape from custody (to date no formal charges have been lodged against Mr. Leffebre). Specifically, Mr. Leffebre used paper, tape, and batteries to construct an object that resembled a loaded firearm. He then utilized this false weapon to take a correctional officer and three inmates hostage in an attempt to escape custody. This resulted in the activation of institution lockdown procedures and the notification of local law enforcement's hostage negotiation team. Negotiation tactics were employed until Mr. Leffebre released his hostages, destroyed the false weapon, and surrendered to authorities (approximately 30 minutes later). He was transferred to the United States Penitentiary Administrative Maximum Facility in Florence, Colorado (ADX) on March 21, 2008 where he was housed there until January 13, 2014, secondary to completion of a 770 transfer form (Medical/ Surgical and Psychiatric Referral Request) and transfer to the United States Medical Center for Federal Prisoners in Springfield, Missouri (USMCFP Springfield). Mr. Leffebre was transferred to the United States Penitentiary in Atlanta, Georgia (USP Atlanta) on October 28, 2014, from USMCFP Springfield for participation in the Secure Mental Health Step Down Program (SMH-SDP).

Sensitive But Unclassified

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**Social Skills**

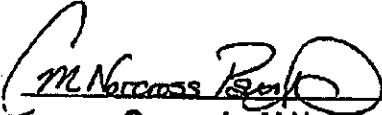
**Strengths:** Mr. Leffebre has demonstrated the ability to greet others as well as initiating and terminating conversations in an appropriate manner. He is able to moderately accept feedback from staff and peers. Mr. Leffebre has also acted as his own advocate in relation to expressing his thoughts regarding perceived social injustices.

**Areas for Growth:** Mr. Leffebre struggles with not interrupting others during conversations as well as continuing conversations when others voice opinions in opposition to his. Mr. Leffebre has also evidenced difficulty with connecting to staff and being seen as overly litigious and verbally confrontational.

**TREATMENT RECOMMENDATIONS**

While in the SMH-SDP, Mr. Leffebre will receive individual and group therapy primarily focused on interpersonal skills development, advancement in emotion regulation skills, and decreasing criminogenic beliefs. Mr. Leffebre would benefit from increased awareness and understanding about mental illnesses and their associated stigma. Further, treatment should help Mr. Leffebre identify ways in which his belief system has interfered with some of his long-term goals for living. Mr. Leffebre would also benefit from treatment targeting illicit substance use and making positive lifestyle changes. The integration of the concept of mindfulness with an arena in which learned skills could be practiced, discussed and refined would also be beneficial. Given that the SMH-SDP operates in the context of a uniquely modified therapeutic community, Mr. Leffebre will also be afforded the opportunity to practice skills and engage other program participants throughout each day. Treatment providers should encourage Mr. Leffebre to be open-minded about the potential benefits of pharmacological treatment

*Clinicians should remain cognizant of the increased likelihood for resistance to treatment secondary to Mr. Leffebre's diagnoses and belief system. Given both his diagnosis of Delusional Disorder and Antisocial Personality Disorder, he will likely need clear evidence that treatment benefits him and his future.*

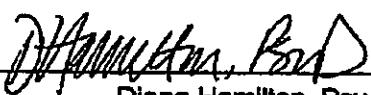
**Written By**

---

Cassandra M. Norcross, Psy.D.

Care 3 Psychologist

Secure Mental Health—Step Down Program

**Reviewed and Edited By**

---

Diana Hamilton, Psy.D.

Coordinator

Secure Mental Health—Step Down Program

Sensitive But Unclassified

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