

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

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 13-70
v.	*	SECTION: "H"
KALEB DEAKLE	*	VIOLATION: 18 U.S.C. § 1343
	* * *	

FACTUAL BASIS

If this case had gone to trial, the Government would have proven the following beyond a reasonable doubt through competent evidence and tangible exhibits:

Representatives from National Rice Mills Lofts, LLC (NRML) located at 522 Montegut Street, New Orleans, Louisiana 70117, which provides residential housing for sale and lease to prospective tenants, would testify that **KALEB DEAKLE** was a former tenant from August 2011 to December 2012. They would also testify that **KALEB DEAKLE** gained access to NRML bank accounts without authorization.

Representatives from Hancock Bank (Hancock) would testify that NRML has Hancock bank accounts and is used by NRML to deposit rent payments, etc. from tenants.

Witnesses and records from Land Rover of New Orleans (LRNO) would testify that the luxury car dealership is located in Metairie, Louisiana and that **KALEB DEAKLE** paid for a 2012 Range Rover Sport with a fraudulent check. **KALEB DEAKLE** led one of their salesmen to believe that he had the authority to use the \$72,148.50 fraudulent check that he presented for full payment of the 2012 Range Rover Sport. A witness would also testify that the transaction was negotiated via a series of emails from **KALEB DEAKLE**. Those emails led the salesman to fraudulently believe that **KALEB DEAKLE** was employed by Apple, Inc. and therefore did not question the fact that the purchase was made for the full amount. Other emails were received by the salesman wherein **KALEB DEAKLE** explained that he had previously owned a 2012 Porsche Cayenne that was recently stolen and therefore the salesman assumed that he could have also had insurance proceeds to pay for the new vehicle. The witness would testify that **KALEB DEAKLE** walked into the LRNO dealership on January 12, 2012 to finalize the sale and to take possession of the 2012 Range Rover Sport and paid the full purchase price of \$72,148.50 by knowingly providing LRNO with a fraudulent check purportedly belonging to a NRML account that was drawn against Hancock Bank.

Another witness would testify that LRNO utilizes an email service provider called rackspace.com, that is located in San Antonio, Texas and before a LRNO salesman could read or send an email to the destination email, the email would have to first be sent to the server in San Antonio, Texas.

A witness from Apple Inc. (Apple), formerly Apple Computer, Inc., would testify that **KALEB DEAKLE** was not employed by Apple in January 2012. Another witness would testify that **KALEB DEAKLE** used Apple's email service which has email servers located in

Cupertino, California. This witness would testify that any email sent would have to be routed from New Orleans to California before it could be sent to the destination email server.

A witness would testify that when **KALEB DEAKLE** communicated with LRNO on January 12, 2012, his emails were sent from New Orleans, Louisiana, to Apple's server located in Cupertino, California. After the emails left California, they were then routed to LRNO's server located in San Antonio, Texas, and ultimately to the salesman's email inbox located at LRNO in Metairie, Louisiana.

The above information comes from an investigation conducted by Special Agents of the Federal Bureau of Investigation, the review of numerous records, and interviews conducted during the investigation.

KALEB DEAKLE
Defendant

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Attorney for Defendant Kaleb Deakle

New Orleans, Louisiana
May 9, 2013