

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

<b>UNITED STATES OF AMERICA</b>	*	<b>CRIMINAL NO: 12-322</b>
<b>v.</b>	*	<b>SECTION: "K"</b>
<b>LAM NGUYEN</b>	*	
*	*	*

**FACTUAL BASIS**

Should this matter have gone to trial, the government would have proven beyond a reasonable doubt, through the introduction of competent testimony and admissible tangible exhibits, the following to support the allegations charged by the government in the one-count Bill of Information now pending against the defendant, LAM NGUYEN.

Special Agents from the Social Security Administration-Office of Inspector General would testify that P.T.P. was receiving Supplemental Security Income ("SSI") benefits from the Social Security Administration since August 1993. The Social Security Administration ("SSA") is a department and agency of the United States. A Certificate of Death from the Socialist Republic of Vietnam would show that P.T.P. died on or about December 19, 2002 in Ho Chi Minh City, Vietnam. Under the Social Security Act, P.T.P.'s SSI benefits would have ceased or terminated

upon her death. However, SSA continued to mail P.T.P.'s SSI benefits, which were in the form of United States Treasury checks, to her address located on Vespacian Blvd., New Orleans, Louisiana until March 2011. The SSI benefit checks would reveal that LAM NGUYEN ("NGUYEN") endorsed the checks and deposited them into his Capital One (formerly Hibernia National Bank) bank account.

SSA-OIG special agents would further testify that on or about March 16, 2011, they interviewed NGUYEN. SSA-OIG SA Alan Huynh advised NGUYEN of his Miranda rights, which NGUYEN waived both verbally and in writing. NGUYEN informed the agents that P.T.P. was his mother and that she had died in Vietnam on December 19, 2002. After his mother's death, NGUYEN stated that the SSI benefit checks continued to be sent to the Vespacian Blvd. address, which was where he resided. His family was in dire need of basic everyday items and he was unemployed at the time, so he used his mother's SSI benefits to support his family. NGUYEN admitted that he deposited his deceased mother's SSI checks into his Capital One Bank account and then withdrew the funds to support his family. NGUYEN also admitted that he knew that he was not entitled to his deceased mother's SSI benefit checks, but he still converted the funds to his own use. NGUYEN provided and signed a sworn statement admitting to the above facts.

The government would prove that the amount of restitution for the purposes of this offense is approximately \$47,808.

**APPROVED AND ACCEPTED:**

\_\_\_\_\_  
LAM NGUYEN  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
GEORGE CHANEY, JR. (22215)  
Attorney for Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
LOAN "MIMI" NGUYEN (23612)  
Assistant United States Attorney

\_\_\_\_\_  
Date