

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

UNITED STATES OF AMERICA	*	CRIMINAL NO: 13-028
v.	*	SECTION: "J"
PIERRE L. WILBOURN	*	
	* * *	

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, including the testimony of Special Agents of the Federal Bureau of Investigation and employees of the Gulf Coast Claims Facility (GCCF) and others, the following facts, to support the allegations charged in the bill of information now pending against the defendant, **PIERRE L. WILBOURN**.

On April 20, 2010, an explosion and fire occurred on the Deepwater Horizon, an oil rig in the Gulf of Mexico where British Petroleum (BP) had been drilling a well. An employee of the GCCF would testify that between May 1, 2010 and August 23, 2010, BP administered and settled claims on its own as a result of the Deepwater Horizon oil spill. Commencing on and after August 23, 2010, BP established the GCCF for the purposes of administering, mediating, and settling certain claims of individuals and businesses for losses incurred as a result of the Deepwater Horizon

incident. Specifically, the GCCF began receiving and processing any and all claims as a result of the Deepwater Horizon oil spill on and after August 23, 2010, and BP ceased receiving and processing said claims. The GCCF required any individual filing a claim on behalf of themselves, a business, or other individuals for a temporary or permanent loss or reduction in profits due to the oil spill, to submit truthful and honest claim forms with truthful and honest documentation to prove that they or their business lost profits as a result of the oil spill. Emergency Advance Payments for damages resulting from the oil spill were available from August 23, 2010 through November 23, 2010.

A representative of the GCCF would introduce a claim form in the name of **PIERRE WILBORN** submitted electronically to the GCCF on October 4, 2010. In the claim form, the defendant stated that he worked as a commercial fisherman in Venice, Louisiana. Defendant requested emergency advance payment for six months of loss earnings or profits, as a result of the Deep Water Horizon oil spill on April 20, 2010.

GCCF records would demonstrate the GCCF received, on **WILBOURN'S** behalf, a fraudulent 2009 Schedule C, Form 1040 federal tax return, purportedly filed by defendant, showing that he operated a commercial fishing business in 2009 which was profitable. Additionally, the defendant submitted or caused to be submitted other documentation indicating the defendant operated a commercial fishing business in Venice, Louisiana before the Deep Water Horizon oil spill. However, in truth and in fact, defendant was employed doing concrete work before and after the oil spill.

As a result of the defendant's submission of an Emergency Payment Claim form and receipt of the documentation, the GCCF authorized an emergency payment to **PIERRE WILBOURN**.

This money was sent in the form of a GCCF check bearing number 69964, dated October 9, 2010, and was mailed to **PIERRE WILBOURN**, 228 Baylor Place, Kenner, Louisiana 70062. An employee of the GCCF would testify this check was mailed from the GCCF facility in Dublin, Ohio to the defendant in Kenner, Louisiana by overnight delivery service using Federal Express, a commercial interstate carrier. Additionally, the Government would submit documentation from Whitney National Bank of New Orleans, Louisiana, demonstrating that GCCF check number 69964 was cashed by **PIERRE WILBOURN** on October 13, 2010.

A Special Agent of the United States Postal Inspection Service would testify that on or about April 1, 2011, he interviewed **PIERRE WILBOURN** about submitting a false claim to the GCCF as a result of the Deepwater Horizon oil spill. The defendant stated that his claim had been filed by C.E. who was employed by the GCCF. C.E. told **WILBOURN** that "I can handle the claim cheaper than other people and I can get someone to do your paperwork." **WILBOURN** provided C.E. with his social security number and a photocopy of his identification which included his address. C.E. told **PIERRE WILBOURN** that he would have to give C.E. 60 to 66% of the oil spill money **PIERRE WILBOURN** received as a result of C.E. having a fraudulent claim filed on defendant's behalf. **PIERRE WILBOURN** would testify that he understood that C.E. or others prepared the fraudulent claim form and supporting documentation on his behalf and submitted them to the GCCF. However, **WILBOURN** would testify that he never saw the GCCF claim form documents which were prepared by C.E. and others on his behalf.

PIERRE WILBOURN confirmed that the check from GCCF was delivered by Federal Express to his home in Kenner and that he called C.E. when he received the check. C.E. instructed **PIERRE WILBOURN** to cash the check at Whitney Bank. **WILBOURN** stated he was instructed

