

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

UNITED STATES OF AMERICA

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CRIMINAL NO. 13-79

v.

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SECTION: S

RICHARD MCNEAL

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FACTUAL BASIS

Should this matter have gone to trial, the government would have proved through the introduction of competent testimony and admissible tangible exhibits, including documentary evidence, the following to support the allegations charged by the government in the one count bill of information now pending against the defendant, **RICHARD MCNEAL**.

On January 9, 2012, the Allstate BCS National Championship was played in New Orleans, Louisiana. The defendant travelled to New Orleans on or about January 8, 2012 in order to sell counterfeit tickets to the game. Because there were no available hotel rooms in New Orleans, the defendant travelled to Picayune, Mississippi and stayed at a Days Inn motel. While staying at the Days Inn, the defendant sold four counterfeit tickets, for a total of \$3,000.00, to victims who wanted to attend the BCS National Championship Game. When the victims tried to enter the Louisiana Super Dome to attend the game, the tickets were rejected for being counterfeit. The victims then returned to Picayune, Mississippi and reported the crime to local police.

On February 3, 2013, the Super Bowl was played in New Orleans, Louisiana. On or about February 2, 2013, the defendant travelled to New Orleans to sell counterfeit tickets to the game. During the events leading up to the Super Bowl, Homeland Security Investigations (HSI) and the National Football League (NFL) set up the NFL Ticket Reconciliation Office (TRO), located at 1515 Poydras Street, as part of an effort to investigate counterfeit Super Bowl ticket sales. On February 3, 2013, at approximately 11:45 a.m., HSI Special Agents were contacted by a victim who sought to verify the authenticity of two tickets she had purchased from the defendant for a total of \$1650.00. After it was determined that the tickets were counterfeit, the victim provided the defendant's contact information to HSI Special Agents.

On February 3, 2013, at approximately 12:10 p.m., HSI Special Agents, acting in an undercover capacity, arranged to meet the defendant at a local coffee shop in order to purchase Super Bowl tickets. At the coffee shop, the defendant offered to sell two Super Bowl tickets, for a total of \$2,600.00, to an undercover HSI Special Agent. Officers of the New Orleans Police Department, who were working with the HSI Special Agents, then arrested the defendant after it was determined that the tickets were counterfeit.

On February 3, 2013, at approximately 2:40 p.m., a second victim entered the TRO and was in possession of two counterfeit tickets he had purchased from the defendant for a total of \$1000.00. The victim had the defendant's telephone number, and positively identified a photo of the defendant as the person who had sold him the counterfeit tickets.

The government would introduce testimony from representatives of the Allstate BCS National Championship and the NFL to verify that the tickets sold by **MCNEAL** were counterfeit. The government would also introduce documentary evidence showing that the marks used by the Allstate BCS National Championship and the NFL were in use and registered on the principal register of the United States Patent and Trademark Office.

RICHARD MCNEAL
Defendant

CYNTHIA CIMINO
Counsel for Defendant

G. DALL KAMMER
Assistant United States Attorney