

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL NO.
v.	*	SECTION:
LEAR ENCLARDE	*	VIOLATION: 18 U.S.C. §371
*	*	*

**FACTUAL BASIS**

Should this matter have proceeded to trial, the government would have proved the following facts through the introduction of competent testimony and tangible exhibits to establish beyond a reasonable doubt the guilt of the defendant, **LEAR ENCLARDE**.

**LEAR ENCLARDE** was a long-time employee of the Orleans Parish Criminal Clerk's Office ("Clerk's Office"), having worked there from 1973 to December of 2010. During the course of **ENCLARDE**'s employment, she held a variety of positions, including bond clerk. By 2005, **ENCLARDE** had been promoted to the position of Deputy Supervisor. Her salary during the period of time between 2005 and 2010 was approximately \$35,000 to \$41, 925 per year.

In the Clerk's Office, a bond clerk is authorized to prepare and receive a variety of forms, official documents, and other paperwork necessary to process an Orleans Parish criminal defendant who has been ordered held on bail. Among the documents that a bond clerk was required

to review, receive, and certify were powers of attorney, which authorized a bail bondsman licensed by the State of Louisiana to act on behalf of an underwriting insurance company. Additionally, a bond clerk was required to inspect and receive other official documents associated with the bonding process.

The State of Louisiana–Department of Insurance had the power and authority to issue and revoke licenses that enabled qualified individuals to function as bail bondsmen in the State of Louisiana. Bail Bondsman A was never licensed by the State of Louisiana–Department of Insurance to act as a bail bondsman or in any other official capacity associated with the bail bond industry.

Part of **LEAR ENCLARDE**'s official duties required her to personally witness and attest that the signatures on all bond documents were, in fact, signed by the individuals whose signatures appeared on the documents and that those signatures were made in her presence. This was also the case with any bond clerk who received, reviewed, and attested to the veracity and authenticity of the signatures and information that appeared on the official bond documents. These requirements were designed to prevent fraud by ensuring that only properly authorized and licensed individuals were acting as bondsmen in accordance with the laws of the State of Louisiana and that only authentic signatures, actually made by the individuals they purported to represent, were affixed to official bond documents.

Another of **ENCLARDE**'s official duties was to collect and receive a signed power of attorney document from the bondsmen seeking to bail out a criminal defendant. The Clerk's Office kept a copy of this power of attorney in its bond files. The bondsman was then required to mail the executed and accepted powers of attorney to the underwriting insurance company. Bail

Bondsman A was underwritten by American Bankers Insurance, a company located within the State of Florida.

Despite knowing and fully understanding the requirements of her employment as a bond clerk to receive and attest to authentic, legitimate, and true documents, **LEAR ENCLARDE** purposefully and intentionally ignored her official duties in exchange for cash payments and things of value from Bail Bondsman A and others associated with Bail Bondsman A. In accepting these illicit payments, **ENCLARDE** understood that she was breaching her duties and abusing her authority as a bond clerk. Further, **ENCLARDE** was a willing and knowing participant in this scheme and understood the nature of her illegal actions.

Bail Bondsman A, who was never licensed by the State of Louisiana as a bail bondsman and whom **ENCLARDE** knew to be unlicensed, forged the signatures of other, licensed bail bondsmen in his employ, falsified documents, and used the names and licenses of others to conduct an illegal and unlicensed bail bonding company. Bail Bondsman A, with the assistance and participation of others who worked for him, corruptly paid cash and provided things of value to **LEAR ENCLARDE** in exchange for her acceptance of the forged signatures, falsified bond documents, including the powers of attorney that he later mailed to American Bankers Insurance, and his use of the licenses of others.

Between May 5, 2003 through July 7, 2008, and on the specific dates below, **LEAR ENCLARDE**, Bail Bondsman A, and others submitted and received false, fraudulent, and forged bond documents, including powers of attorney: May 5, 2003, August 17, 2004, November 23, 2004, June 1, 2005, March 21, 2006, April 25, 2006, April 27, 2006, May 12, 2006, May 19, 2006, August 25, 2006, September 22, 2006, April 8, 2008, June 2, 2008, and July 7, 2008. On each of

these dates, and others not listed and described herein, **ENCLARDE** accepted false and fraudulent documents in exchange for Bail Bondsman A's continuing financial support and provision of things of value. Also, at a time shortly after **ENCLARDE** accepted these false and fraudulent bond documents and attested to their authenticity and veracity, Bail Bondsman A and others in his employ, mailed executed and false powers of attorney to American Bankers Insurance. On each of the occasions described above, and other occasions not listed and described herein, an inmate in the custody of the Orleans Parish Criminal Sheriff was released from custody.

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LEAR ENCLARDE

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New Orleans, Louisiana  
May \_\_\_\_, 2013