

In the immediate aftermath of Hurricane Katrina, NOFFCU suffered a computer malfunction which allowed unfettered access to cash via ATM withdrawals. Realizing this, the defendant used her NOFFCU ATM card to overdraw funds from her account. The defendant used the ATM card even though she had a negative account balance on the day the hurricane struck New Orleans.

The defendant deposited her monthly social security check into her NOFFCU account, which was approximately \$623.00. The defendant admitted to federal agents that she never had an account balance of more than \$620.00 and was unemployed at all material times.

The defendant admitted to federal agents that she had possession of her NOFFCU ATM card at all times, and was the only authorized user on the account. The defendant also admitted that she knew that she was overdrawing her account. In the end, the defendant overdrew her NOFFCU account by approximately \$3,125.75.

Evidence would be introduced that during her displacement, the defendant received approximately \$9,000.00 in FEMA assistance. Even though the defendant used her NOFFCU account for her only source of income - social security, none of the FEMA checks received by the defendant were deposited into her NOFFCU account. Indeed, rather than have the checks deposited into her overdrawn NOFFCU account, the defendant opened up a new account at Wachovia Bank and had the FEMA checks direct deposited into this new account.

Finally, evidence would be introduced to show that the deposits of New Orleans Firemen's Federal Credit Union were insured by the National Credit Union Association at all material times.

G. DALL KAMMER
Assistant United States Attorney

Date

CYNTHIA CIMINO
Counsel for Defendant

Date

EDMONIA HALEY
Defendant

Date