

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	DOCKET NO. 09-372
v.	*	SECTION: S
ELVIRA MITCHELL	*	
	*	
	*	

**FACTUAL BASIS**

Should this matter have gone to trial, the Government would have proved beyond a reasonable doubt, through the introduction of competent testimony and admissible tangible exhibits, including the testimony of Special Agents from the Federal Bureau of Investigation (“FBI”) and representatives of New Orleans Firemen’s Federal Credit Union (NOFFCU) the following to support the allegations charged by the Government in the one count Bill of Information now pending against the defendant, **ELVIRA MITCHELL (MITCHELL)**.

In the days before Hurricane Katrina, the defendant evacuated to Houston, Texas. At all material times, the defendant was an account holder at NOFFCU.

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. Although she was employed by Tulane Hospital, the defendant did not have her paychecks or any other sources of income deposited into the NOFFCU account.

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 \$3,375.86.

Evidence would be introduced that during her displacement, the defendant received approximately \$8,900.00 in FEMA assistance. None of the FEMA checks received by the defendant were deposited into her NOFFCU account. Furthermore, the defendant was employed by a temporary agency while in Texas. None of her paychecks from this source were directed to her NOFFCU 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.

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G. DALL KAMMER  
Assistant United States Attorney

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Date

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ROMA KENT  
Counsel for Defendant

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Date

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ELVIRA MITCHELL  
Defendant

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Date