

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

UNITED STATES OF AMERICA

v.

LIONEL BREAU

*** CRIMINAL DOCKET NO.: 09-356**

*** SECTION: "S"**

*** * ***

FACTUAL BASIS

The above-named defendant **LIONEL BREAU** has agreed to plead guilty as charged to the two-count Superseding Bill of Information in this case. Should this matter have proceeded to trial, the United States of America would have proven beyond a reasonable doubt, through the introduction of relevant, competent, and admissible testimonial, physical and demonstrative evidence, the following facts to support the allegations against the defendant, **LIONEL BREAU** (**"BREAU"**):

On October 19, 2009 at 2:08 p.m., the defendant robbed the federally insured Capital One Bank located at 7033 Canal Boulevard, New Orleans, Louisiana, which is in the Eastern District of Louisiana. **BREAU**, wearing a gold/brown pullover with a hood, gray gloves and black sunglasses, approached a bank teller and handed her an empty UPS envelope with a small demand

note on top which read something to the effect of, “Don’t make a sound, I have a weapon, put the money in the bag. . .” The bank teller read the note, then retrieved money from the top teller drawer and placed it in the UPS envelope, along with a security dye pack. The defendant then took the envelope, turned to walk out of the bank but returned and gestured for the demand note. The defendant took the note and calmly walked out of the bank. **BREAUX** escaped with \$2483.00 in U.S. currency from the Capital One Bank. The red dye pack went off as **BREAUX** was making his escape.

After receiving information that **BREAUX** was the person in the surveillance photographs, **BREAUX** was interviewed on October 20, 2009, by agents of the New Orleans Violent Crime Task Force. **BREAUX** was provided with a FD-395 “Advice of Rights” form, which he read aloud, stated he understood and signed. **BREAUX** admitted that he robbed the Fidelity Bank, located at 1201 South Carrollton Avenue on September 25, 2009, and the Capital One Bank, located at 7033 Canal Boulevard on October 19, 2009.

Relative to the robbery of Fidelity Bank, **BREAUX** stated that on September 25, 2009, he walked up to a teller and handed her a FedEx envelope with a demand note on top stating, “Don’t make a sound, I have a weapon, put the money in the bag.” The teller complied with **BREAUX’S** demands and handed him the envelope filled with money. **BREAUX** left the premises and fled the scene in his gold Lexus. **BREAUX** stated that he spent the money stolen from Fidelity Bank to pay off debts and to buy clothes and toys for his children. He stated that he did not have any money left. An audit revealed that **BREAUX** received \$9142.00 from Fidelity Bank.

Surveillance photographs from the Fidelity Bank robbery and the Capital One Bank robbery

were displayed to the defendant. **BREAUX** then indicated that he was the individual in the surveillance photographs which he signed and dated. Both banks had their deposits insured by the Federal Deposit Insurance Corporation at the time.

At the time of **BREAUX'S** arrest, he was in possession of a cell phone, wallet and key chain, all of which contained red dye stains.

On October 21, 2009, a search was conducted of 3846 Clematis Avenue, New Orleans, Louisiana, which was the residence of **BREAUX's** girlfriend's father. A gold hooded sweatshirt stained with red dye worn by **BREAUX** during the bank robbery of the Capital One Bank, and a pair of black Adidas shoes with white stripes worn by **BREAUX** during the bank robbery of the Fidelity Bank, were recovered at the residence. After obtaining a search warrant from the U.S. District Court, Eastern District of Louisiana, FBI Special Agents searched a gold Lexus, bearing Louisiana license plate number SBB875, which was registered to **BREAUX**. Several items were seized from the

passenger compartment of the Lexus, including a red stained brown seat cover, a red stained carpet, two red stained floor mats and a long sleeve black t-shirt believed to be worn by **BREAUX** during the Fidelity Bank robbery.

ELIZABETH PRIVITERA (DATE)
Assistant United States Attorney

VALERIE JUSSELIN (DATE)
Assistant Federal Public Defender
Attorney for Defendant

LIONEL BREAUX (DATE)
Defendant