

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL NO. 21-112
v. * SECTION: "D"
DEMETRIA MYERS SILVIO *
* * *

FACTUAL BASIS

Should this matter have gone to trial, the government would have proved through the introduction of reliable testimony and admissible tangible exhibits, including documentary evidence, the following to support the allegation charged by the government in Count 1 of the Bill of Information now pending against the defendant, **DEMETRIA MYERS SILVIO** ("**SILVIO**"), which charges her with wire fraud in violation of Title 18, United States Code, Section 1343. Both the Government and the defendant, **SILVIO**, do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crimes to which the defendant is pleading guilty. Unless otherwise specified, the following acts took place within the Eastern District of Louisiana.

Between on or about November 20, 2017 and on or about February 5, 2020, **SILVIO**, a resident of New Orleans, held the positions of head teller, universal banker, and mortgage loan assistant at IberiaBank ("**Iberia**"). Iberia's deposits were insured by the Federal Deposit Insurance Corporation ("**FDIC**"). **SILVIO** worked at the following Iberia locations: the Pan Am Branch, located at 601 Poydras Street, New Orleans, Louisiana; the Mid-City Canal Street Branch, located at 4011 Canal Street, New Orleans, Louisiana; and the Ridgelake Branch, located at 2900 Ridgelake Drive, Metairie, Louisiana.

AUSA *CME*
Defendant *SD*
Defense Counsel *TJM*

One of **SILVIO**'s responsibilities at Iberia was to encode counter checks. A counter check was a check that could only be obtained from the bank branch and was used to complete a banking transaction. F.G., J.A., O.R., T.D., and E.T. were customers of Iberia that **SILVIO** serviced. F.G., J.A., O.R., and T.D. resided in New Orleans, Louisiana, and maintained Iberia accounts [REDACTED], [REDACTED], and [REDACTED], respectively. E.T. resided in River Ridge, Louisiana and maintained Iberia account [REDACTED]. From time to time, F.G., J.A., O.R., T.D., and E.T. utilized legitimate Iberia counter checks.

SILVIO used her position with Iberia to embezzle funds from the Iberia accounts of F.G., J.A., O.R., T.D., and E.T. The government would establish that from on or about December 3, 2018 to on or about December 6, 2019, **SILVIO** forged approximately 66 counter checks, without permission or authorization, which resulted in approximately \$63,059.82 being debited from the Iberia accounts of F.G., J.A., O.R., T.D., and E.T. The government would present witness testimony that F.G., J.A., O.R., T.D., and E.T. did not authorize these transactions. **SILVIO** forged the signatures of F.G., J.A., O.R., T.D., and E.T. on the counter checks in an effort to conceal her scheme. The signatures on these checks do not match the signatures on the victims' legitimate checks. For example, **SILVIO** often misspelled F.G.'s name on the counter checks. On one instance, **SILVIO** signed J.A.'s name on a counter check belonging to O.R.'s account. **SILVIO** also deposited some counter checks more than once, after altering them.

SILVIO used her position with the bank to access information from legitimate banking transactions to create fraudulent counter checks drawn on the Iberia accounts of F.G., J.A., O.R., T.D., and E.T. To obtain this information, **SILVIO** viewed the customer accounts for F.G., J.A., O.R., T.D., and E.T. on many instances without a legitimate banking purpose. Chase bank records

obtained pursuant to a federal grand jury subpoena show that **SILVIO** deposited approximately 64 fraudulent counter checks into **SILVIO**'s joint JP Morgan Chase "Chase" checking account [REDACTED] using a mobile banking application.

For example, at trial, the government would establish that on or about March 27, 2019, in New Orleans, Louisiana, **SILVIO** forged J.A.'s signature on a counter check from Iberia account [REDACTED] in the amount of \$1,058.00 and deposited the fraudulent check into her Chase bank account [REDACTED] using a Chase mobile banking application. Depositing this check caused a wire communication to travel from within the Eastern District of Louisiana to the Federal Reserve in New York, New York.

Capital One bank records obtained pursuant to a federal grand jury subpoena further show that, on or about October 25, 2019, **SILVIO** deposited one fraudulent counter check for approximately \$1,000 drawn on F.G.'s Iberia account [REDACTED] into **SILVIO**'s Capital One checking account [REDACTED] using a mobile banking application.

Additionally, surveillance footage from Iberia demonstrates that, on or about November 15, 2019, **SILVIO** cashed one fraudulent counter check dated November 16, 2019, for \$1,000 drawn on F.G.'s Iberia account [REDACTED] while F.G. was not present.

On or about October 25, 2019, **SILVIO** also attempted to set up a recurring payment of approximately \$1,500 from F.G.'s Iberia account [REDACTED] to pay the debit card connected to **SILVIO**'s Capital One [REDACTED] but F.G. flagged this transaction as fraudulent.


In sum, the Government would present evidence that, through the above-described scheme, **SILVIO** embezzled approximately \$63,059.82 from the Iberia accounts of F.G., J.A., O.R., T.D., and E.T. between on or about December 3, 2018 and on or about December 6, 2019.

Limited Nature of Factual Basis and Conclusion

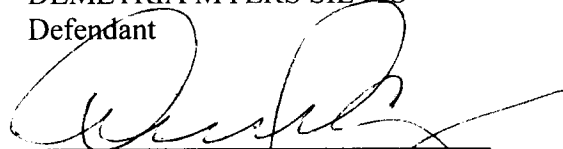
This proffer of evidence is not intended to constitute a complete statement of all facts known by **SILVIO**, and/or the government. Rather, it is a minimum statement of facts intended to prove the necessary factual predicate for her guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for the plea of guilty to the charged offense by **SILVIO**.

The above facts come from an investigation conducted by, and would be proven at trial by credible testimony from, *inter alia*, Special Agents from the Federal Bureau of Investigation and admissible tangible exhibits in the custody of the FBI.

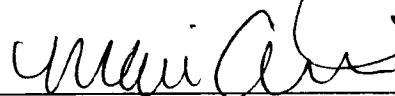
READ AND APPROVED:



DEMETRIA MYERS SILVIO
Defendant



TOWNSEND MYERS
Counsel for Defendant



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Assistant United States Attorney