

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

2015 JUN 25 PM 1:41

WILLIAM W. BLEVINS
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

INDICTMENT FOR MAIL FRAUD

UNITED STATES OF AMERICA

* CRIMINAL NO.

15-165

v.

* SECTION:

SECT. 11 MAG. 4

DERRICK JOSEPH DURAN

* VIOLATION: 18 U.S.C. § 1341

* * *

The Grand Jury charges that:

COUNT 1

A. AT ALL TIMES MATERIAL HEREIN:

1. The defendant, **DERRICK JOSEPH DURAN**, was a resident of Des Allemands in the Eastern District of Louisiana.

2. British Petroleum (BP) was a company whose activities included oil exploration and production in the United States and elsewhere and whose subsidiaries included BP Exploration and Production, Inc. (BP Exploration).

3. On or about April 20, 2010, an explosion and fire occurred on the Deepwater Horizon, an oil rig in the Gulf of Mexico that had been drilling an exploration well. The resulting oil spill, with which BP was associated, caused oil pollution across the Gulf of Mexico.

4. From in or about May 2010 through on or about August 23, 2010, BP operated a process for submission directly to BP and resolution by BP of claims of individuals and businesses

[Handwritten signatures and initials]

for costs, damages, and other losses incurred as a result of the oil discharged due to the Deepwater Horizon incident.

5. In or about June 2010, BP established the Gulf Coast Claims Facility (GCCF) for the purpose of administering, mediating, and settling certain claims of individuals and businesses for costs, damages, and other losses incurred as a result of the Deepwater Horizon incident. The GCCF was administered by Kenneth R. Feinberg, a fund administrator responsible for decisions relating to the administration and processing of claims by the GCCF. On or about August 23, 2010, the GCCF began receiving and processing such claims, and BP ceased receiving and processing claims of individuals and businesses for costs, damages, and other losses incurred as a result of the oil discharges due to the Deepwater Horizon incident.

6. On August 6, 2010, BP Exploration established the Deepwater Horizon Oil Spill Trust, an irrevocable common law trust formed under Delaware law, to receive and to distribute funds that BP Exploration promised to provide for the payment of certain types of claims, costs, and expenses, including, but not limited to, those resolved by the GCCF.

7. To seek payment from the GCCF for damages incurred as a result of the oil spill, an individual or business is required to complete a GCCF Claim Form. The individual or business may submit the form through the internet, by visiting the GCCF website, in person at a GCCF Claim Site Office, by fax, or by mail through the United States Postal Service addressed to the GCCF Claims Facility in Dublin, Ohio. As part of the claim application, the individual or business seeking payment for damages must elect to receive payment by wire transfer directly into the claimant's bank account (or account of their counsel) or by check.

B. THE SCHEME TO DEFRAUD:

8. From at a time unknown but prior to in or about August 2010 and continuing until in or about April 2011, in the Eastern District of Louisiana and elsewhere, the defendant, **DERRICK JOSEPH DURAN**, knowingly and willfully devised and intended to devise a scheme and artifice to defraud the GCCF and to obtain money by means of false and fraudulent promises, pretenses, and representations.

9. It was part of the part of the artifice to defraud that on or about August 25, 2010, the defendant, **DERRICK JOSEPH DURAN**, did submit and cause to be submitted, a false Claim Form to the GCCF seeking compensation for lost earnings or profits resulting from the Deepwater Horizon oil spill by falsely and fraudulently stating that he was a deckhand on a fishing vessel that operated during the year 2010, when in fact, as the defendant well knew, he never worked as a deckhand on said fishing vessel.

10. It was further part of the scheme and artifice to defraud that the defendant submitted and caused to be submitted false and fraudulent documentation to establish that he was employed as a deck hand on a commercial fishing vessel to establish his false and fraudulent loss earnings.

C. THE MAILING:

11. On or about September 2, 2010, in the Eastern District of Louisiana, the defendant, **DERRICK JOSEPH DURAN**, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud and obtain money and property by means for false and fraudulent pretenses, representations, and promises, did knowingly and willfully cause to be delivered by FedEx Express, a commercial interstate carrier, according to the directions thereon,

an envelope containing Gulf Coast Claims Facility Check Number 3940, made payable to **DERRICK JOSEPH DURAN**, in the amount of \$14,700, and addressed and mailed from 105 Maxess Road, Melville, New York, to the defendant in Des Allemands, Louisiana.

All in violation of Title 18, United States Code, Section 1341.

COUNT 2

The allegations contained in Parts A and B of Count 1 are hereby re-alleged and incorporated by reference.

D. THE MAILING:

12. On or about October 2, 2010, in the Eastern District of Louisiana, the defendant, **DERRICK JOSEPH DURAN**, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud and obtain money and property by means for false and fraudulent pretenses, representations, and promises, did knowingly and willfully cause to be delivered by FedEx Express, a commercial interstate carrier, according to the directions thereon, an envelope containing Gulf Coast Claims Facility Check Number 52476, made payable to **DERRICK JOSEPH DURAN**, in the amount of \$8,300, and addressed and mailed from 105 Maxess Road, Melville, New York, to the defendant in Des Allemands, Louisiana.

All in violation of Title 18, United States Code, Section 1341.

COUNT 3

The allegations contained in Parts A and B of Count 1 are hereby re-alleged and incorporated by reference.

E. THE MAILING:

13. On or about March 16, 2011, in the Eastern District of Louisiana, the defendant,

DERRICK JOSEPH DURAN, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud and obtain money and property by means for false and fraudulent pretenses, representations, and promises, did knowingly and willfully cause to be delivered by FedEx Express, a commercial interstate carrier, according to the directions thereon, an envelope containing Gulf Coast Claims Facility Check Number 257008, made payable to **DERRICK JOSEPH DURAN**, in the amount of \$5,000, and addressed and mailed from 105 Maxess Road, Melville, New York, to the defendant in Des Allemands, Louisiana.

All in violation of Title 18, United States Code, Section 1341.

NOTICE OF FORFEITURE

1. The allegations of Counts 1, 2 and 3 of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Section, 1341 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).

2. As a result of the offenses alleged in Counts 1, 2, and 3 the defendant, **DERRICK JOSEPH DURAN**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c), any and all property, real or personal, which constitutes or is derived from proceeds traceable to a violation of Title 18, United States Code, Section 1341, including but not limited to:

- a. \$28,000.00 in United States Currency and all interest and proceeds traceable thereto.
- b. The government specifically provides notice of its intent to seek a personal money judgment against the defendant in the amount of the fraudulently-obtained proceeds.

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

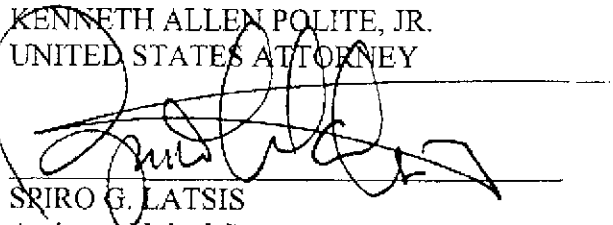
it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Section, 1341 and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).

A TRUE BILL:

FOREPERSON'S SIGNATURE
HAS BEEN REDACTED

KENNETH ALLEN POLITE, JR.
UNITED STATES ATTORNEY


SRIRO G. LATSIS
Assistant United States Attorney
Louisiana Bar Roll No. 24517

New Orleans, Louisiana
June 25, 2015

No. _____

UNITED STATES DISTRICT COURT

Eastern District of Louisiana

Criminal Division

THE UNITED STATES OF AMERICA

vs.

DERRICK JOSEPH DURAN

INDICTMENT

**FOR
MAIL FRAUD**

VIOLATIONS: 18 USC § 1341

A true bill.

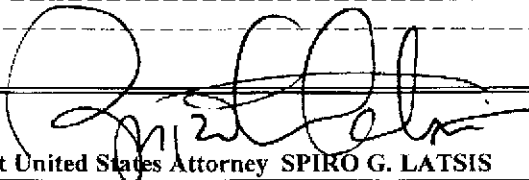
FOREPERSON'S SIGNATURE

HAS BEEN REDACTED

Filed in open court this ✓ / day of
A.D. 2015.

Clerk

Bail, \$


Assistant United States Attorney SPIRO G. LATSIS