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U.S. DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

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# FELONY

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

BILL OF INFORMATION FOR CONSPIRACY  
TO COMMIT HONEST SERVICES MAIL FRAUD

**13-108**

UNITED STATES OF AMERICA

\*

CRIMINAL NO.

v.

\*

SECTION: **SECT. A MAG. 4**

LEAR ENCLARDE

\*

VIOLATION: 18 U.S.C. §371

\* \* \*

The United States Attorney charges that:

COUNT 1

A. AT ALL TIMES MATERIAL HEREIN:

1. The State of Louisiana–Department of Insurance had the power and authority to issue and revoke licenses that enabled qualified individuals to function as bail bondsmen in the State of Louisiana.
2. At no time relevant to this Bill of Information was Bail Bondsman A licensed by the State of Louisiana–Department of Insurance.
3. From in and around 1973 through in and around December 10, 2010, the defendant, **LEAR ENCLARDE**, was an employee of the Orleans Parish Criminal Clerk’s Office (“Clerk’s Office”). Beginning in and around 1981, and as part of her duties within the Clerk’s Office, **LEAR**

**ENCLARDE** was a bond clerk, tasked with preparing bonds for criminal defendants who had been ordered to be held on bail, in the custody of the Orleans Parish Criminal Sheriff. From in and around 2005 through the end of her tenure at the Clerk's Office, **LEAR ENCLARDE** was a Deputy Supervisor for bond clerks.

4. Part of a bond clerk's official duties required him or her to personally witness and attest that the signatures on all bond documents were, in fact, signed by the individuals whose signatures appeared on the documents and that those signatures were made in the bond clerk's presence. These requirements were designed to prevent fraud by ensuring that only properly authorized and licensed individuals were acting as bondsmen in accordance with the laws of the State of Louisiana and that only authentic signatures, actually made by the individuals they purported to represent, were affixed to official bond documents.

5. It was a further official duty of a bond clerk to collect and receive a signed power of attorney document from the bondsmen seeking to bail out a criminal defendant. The Clerk's Office kept a copy of this power of attorney in its bond files. The bondsman was then required to mail the executed and accepted powers of attorney to the underwriting insurance company.

**B. THE CONSPIRACY:**

1. From a time prior to December 2005, through in and around May 2011, in the Eastern District of Louisiana and elsewhere, the defendant, **LEAR ENCLARDE**, along with Bail Bondsman A and Bail Bondsman B, and others known and unknown to the United States Attorney, did knowingly and willfully conspire, confederate and agree with each other and with other persons known and unknown to the United States Attorney to:

a. use the United States Postal service and other common carriers, in furtherance of a scheme and artifice to defraud and to obtain money and property and to

deprive the Citizens of the City of New Orleans, Louisiana of their right to the honest services of the defendant, **LEAR ENCLARDE**, in violation of Title 18, United States Code, Section 1341 and 1346.

**C. OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY:**

On or about the dates below, in furtherance of the conspiracy and to effect the unlawful objects thereof, the defendant, **LEAR ENCLARDE**, along with Bail Bondsman A and others known and unknown to the United States Attorney, committed and caused to be committed the following Overt Acts, among others, in the Eastern District of Louisiana and elsewhere:

1. Between on or about May 5, 2003, through on or about July 7, 2008, the defendant, **LEAR ENCLARDE**, in association with others known and unknown to the United States Attorney, accepted from Bail Bondsman A cash and other things of value in exchange for her willing and knowing ignorance and violation of her official duties as an Orleans Parish Bond Clerk.
2. In accepting cash and other things of value from Bail Bondsman A with a criminal intent, the defendant, **LEAR ENCLARDE**, conspired with and permitted Bail Bondsman A to perpetuate and execute a scheme to defraud the people of Orleans Parish of their right to the defendant's honest services.
3. On or about July 7, 2008, the defendant, **LEAR ENCLARDE**, knowingly and willingly ignored and violated her official duties as an Orleans Parish bond clerk by permitting Bail Bondsman A, whom she knew to be an unlicensed bondsman, to forge and use the name and signature of another on official bond documents accepted by the Orleans Parish Criminal Clerk's Office in order to secure the release of a criminal defendant from the custody of the Orleans Parish Criminal Sheriff's Office.
4. On or about June 2, 2008, the defendant, **LEAR ENCLARDE**, knowingly and willingly ignored and violated her official duties as an Orleans Parish bond clerk by permitting Bail Bondsman A, whom she knew to be an unlicensed bondsman, to forge and use the name and signature of another on official bond documents accepted by the Orleans Parish Criminal Clerk's Office in order to secure the release of a criminal defendant from the custody of the Orleans Parish Criminal Sheriff's Office.
5. On or about April 8, 2008, the defendant, **LEAR ENCLARDE**, knowingly and willingly ignored and violated her official duties as an Orleans Parish bond clerk by permitting Bail Bondsman A, whom she knew to be an unlicensed bondsman, to forge and use the name and signature of another on official bond documents accepted by the

Orleans Parish Criminal Clerk's Office in order to secure the release of a criminal defendant from the custody of the Orleans Parish Criminal Sheriff's Office.

6. On or about September 22, 2006, the defendant, **LEAR ENCLARDE**, knowingly and willingly ignored and violated her official duties as an Orleans Parish bond clerk by permitting Bail Bondsman A, whom she knew to be an unlicensed bondsman, to forge and use the name and signature of another on official bond documents accepted by the Orleans Parish Criminal Clerk's Office in order to secure the release of a criminal defendant from the custody of the Orleans Parish Criminal Sheriff's Office.
7. On or about August 25, 2006, the defendant, **LEAR ENCLARDE**, knowingly and willingly ignored and violated her official duties as an Orleans Parish bond clerk by permitting Bail Bondsman A, whom she knew to be an unlicensed bondsman, to forge and use the name and signature of another on official bond documents accepted by the Orleans Parish Criminal Clerk's Office in order to secure the release of a criminal defendant from the custody of the Orleans Parish Criminal Sheriff's Office.
8. On or about May 19, 2006, the defendant, **LEAR ENCLARDE**, knowingly and willingly ignored and violated her official duties as an Orleans Parish bond clerk by permitting Bail Bondsman A, whom she knew to be an unlicensed bondsman, to forge and use the name and signature of another on official bond documents accepted by the Orleans Parish Criminal Clerk's Office in order to secure the release of a criminal defendant from the custody of the Orleans Parish Criminal Sheriff's Office.
9. On or about May 12, 2006, the defendant, **LEAR ENCLARDE**, knowingly and willingly ignored and violated her official duties as an Orleans Parish bond clerk by permitting Bail Bondsman A, whom she knew to be an unlicensed bondsman, to forge and use the name and signature of another on official bond documents accepted by the Orleans Parish Criminal Clerk's Office in order to secure the release of a criminal defendant from the custody of the Orleans Parish Criminal Sheriff's Office.
10. On or about April 27, 2006, the defendant, **LEAR ENCLARDE**, knowingly and willingly ignored and violated her official duties as an Orleans Parish bond clerk by permitting Bail Bondsman A, whom she knew to be an unlicensed bondsman, to forge and use the name and signature of another on official bond documents accepted by the Orleans Parish Criminal Clerk's Office in order to secure the release of a criminal defendant from the custody of the Orleans Parish Criminal Sheriff's Office.
11. On or about April 25, 2006, the defendant, **LEAR ENCLARDE**, knowingly and willingly ignored and violated her official duties as an Orleans Parish bond clerk by permitting Bail Bondsman A, whom she knew to be an unlicensed bondsman, to forge and use the name and signature of another on official bond documents accepted by the Orleans Parish Criminal Clerk's Office in order to secure the release of a criminal defendant from the custody of the Orleans Parish Criminal Sheriff's Office.

12. On or about March 21, 2006, the defendant, **LEAR ENCLARDE**, knowingly and willingly ignored and violated her official duties as an Orleans Parish bond clerk by permitting Bail Bondsman A, whom she knew to be an unlicensed bondsman, to forge and use the name and signature of another on official bond documents accepted by the Orleans Parish Criminal Clerk's Office in order to secure the release of a criminal defendant from the custody of the Orleans Parish Criminal Sheriff's Office.
13. On or about June 1, 2005, the defendant, **LEAR ENCLARDE**, knowingly and willingly ignored and violated her official duties as an Orleans Parish bond clerk by permitting Bail Bondsman A, whom she knew to be an unlicensed bondsman, to forge and use the name and signature of another on official bond documents accepted by the Orleans Parish Criminal Clerk's Office in order to secure the release of a criminal defendant from the custody of the Orleans Parish Criminal Sheriff's Office.
14. On or about November 23, 2004, the defendant, **LEAR ENCLARDE**, knowingly and willingly ignored and violated her official duties as an Orleans Parish bond clerk by permitting Bail Bondsman A, whom she knew to be an unlicensed bondsman, to forge and use the name and signature of another on official bond documents accepted by the Orleans Parish Criminal Clerk's Office in order to secure the release of a criminal defendant from the custody of the Orleans Parish Criminal Sheriff's Office.
15. On or about August 17, 2004, the defendant, **LEAR ENCLARDE**, knowingly and willingly ignored and violated her official duties as an Orleans Parish bond clerk by permitting Bail Bondsman A, whom she knew to be an unlicensed bondsman, to forge and use the name and signature of another on official bond documents accepted by the Orleans Parish Criminal Clerk's Office in order to secure the release of a criminal defendant from the custody of the Orleans Parish Criminal Sheriff's Office.
16. On or about May 5, 2003, the defendant, **LEAR ENCLARDE**, knowingly and willingly ignored and violated her official duties as an Orleans Parish bond clerk by permitting Bail Bondsman A, whom she knew to be an unlicensed bondsman, to forge and use the name and signature of another on official bond documents accepted by the Orleans Parish Criminal Clerk's Office in order to secure the release of a criminal defendant from the custody of the Orleans Parish Criminal Sheriff's Office.
17. The allegations described in Overt Acts 1 through 16 are incorporated herein. On each of the above-described occasions in which Bail Bondsman A forged and used and used the name and signature of another on official bond documents, Bail Bondsman A also executed a fraudulent Power of Attorney on behalf of an under-writing insurance company located outside of the State of Louisiana. In executing these fraudulent Powers of Attorney, Bail Bondsman A, by conspiring with the defendant, **LEAR ENCLARDE**, and others known and unknown to the United States Attorney, caused to be mailed said Powers of Attorney to the under-writing insurance company.

All in violation of Title 18, United States Code, Section 371.

**NOTICE OF FRAUD FORFEITURE**

1. The allegations of Count 1 of this Bill of Information 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, Sections 371, 1341, and 981(a)(1)(C), made applicable through Title 28, United States Code, Section 2461(c).

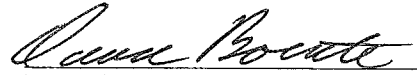
2. As a result of the offense alleged in Count 1, defendant, **LEAR ENCLARDE**, shall forfeit to the United States pursuant to Title 18, United States Code, Sections 371, 1341, and 981(a)(1)(C) made applicable through Title 28, United States Code, Section 2461(c), any and all property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Sections 371 and 1341.

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

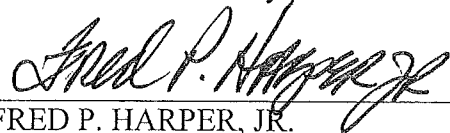
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot 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.

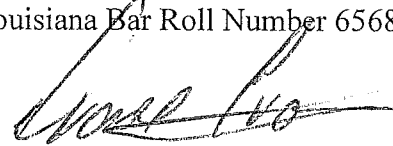
All in violation of Title 18, United States Code, Section 981(a)(1)(c), made applicable through Title 28, United States Code, Section 2461(c).



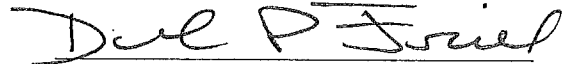
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New Orleans, Louisiana  
May 16, 2013

