

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

UNITED STATES OF AMERICA

*

CRIMINAL NO: 13-261

v.

*

SECTION: "B"

ZHENG B. NI

*

*

*

*

FACTUAL BASIS

The United States, represented by the United States Attorney's Office for the Eastern District of Louisiana, and the defendant, **ZHENG B. NI**, hereby agree that this Factual Basis is a true and accurate statement of the Defendant's criminal conduct, that it provides a sufficient basis for the Defendant's plea of guilty to the charges contained in the Indictment in the above-captioned matter and as set forth in the plea agreement signed this same day, and had this matter proceeded to trial, the following facts would be established beyond a reasonable doubt through competent evidence and testimony:

On or about September 3, 2012, the defendant, **ZHENG B. NI**, went to numerous Wal-marts and other stores in the Eastern District of Louisiana and Middle District of Louisiana in possession of unauthorized access devices which he used primarily to make purchases of gift

cards and other items sold at the various stores. At trial, a representative of Chase Credit Card Services would testify that he discovered that a Chase Bank credit card account number, xxxxxxxxxxxx5348 issued to W.M., had been used to make multiple purchases on September 3, 2012, at Wal-mart store # 0489 in Hammond, Louisiana, and Wal-mart store # 0541 in Covington, Louisiana. The purchases totaled \$29,733.75. One attempted purchase with card number xxxxxxxxxxxx5348 at Saks Fifth Avenue in New Orleans, Louisiana for \$3161.00 was declined. The card number holder, W.M., did not make or authorize any other individual to make the purchases. On the same day, another Chase credit card account number, xxxxxxxxxxxx4016, issued to A.B. was used at the Saks Fifth Avenue in New Orleans, Louisiana to make \$4370.90 worth of purchases. He attempted to charge another \$2136.40 on the card at Saks Fifth Avenue, but the charge was declined. The card number holder, A.B., did not make or authorize any other individual to make the purchases. Another Chase credit card account number xxxxxxxxxxxx3629, issued to P.A., was used at Wal-mart stores in Baton Rouge, Louisiana. A total of \$27,666.59 was charged on account number ending in xxxxxxxxxxxx3629 and another \$817.57 was attempted to be charged before the account number was declined.

The Chase Card Services Investigator would testify that the United States Secret Service was contacted about these purchases. A Special Agent from the Secret Service would testify that he contacted multiple stores involved and received the receipts for the charges in addition to surveillance photos and video. The receipts from the fraudulent purchases showed the name **Zheng Ni** as the credit card holder, when in truth and in fact, the credit card holders for the fraudulently used credit card account numbers were A.B., P.A., and W.M. A.B., P.A., and W.M. would testify that they never gave their credit cards or credit card account numbers to **Zheng Ni**.

Nor did they give anyone else permission to make the fraudulent purchases. The videos and photographs associated with the credit card purchases revealed an Asian male made the purchases.

Further investigation as to the identity of the Asian male revealed that the defendant, **Zheng B. Ni**, a resident of Monterey Park, California, actually made the fraudulent purchases and attempted purchases with the three credit card account numbers. The defendant, **Zheng B. Ni**, admits that he used the unauthorized access devices, i.e. the credit card numbers, knowingly and with the intent to defraud. He further admits that he knew the credit card numbers, which are a means of identification, belonged to real people and they were not his credit card account numbers.

READ AND APPROVED:

ZHENG B. NI
Defendant

C MICHAEL WINTERS
Attorney for Defendant

EMILY K. GREENFIELD 28587
Assistant United States Attorney

Date _____