

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

U.S. DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA  
FILED 7-14-2016  
WILLIAM W. BLEVINS  
CLERK (BAS)

UNITED STATES OF AMERICA \* CRIMINAL NO.: 15-260

v. \* SECTION: "I"

CLIFF DURIO \*

\*

\* \* \*

FACTUAL BASIS

The defendant, **CLIFF DURIO**, has agreed to plead guilty as charged to Count One of the one-count Indictment. Count One charges that on or about August 2, 2013, in the Eastern District of Louisiana, the defendant, **CLIFF DURIO**, knowingly and with intent to defraud, possessed fifteen or more counterfeit and unauthorized access devices, including but not limited to credit cards and gift cards, said possession affecting interstate and foreign commerce; all in violation of Title 18, United States Code, Section 1029(a)(3).

Should this matter have proceeded to trial, the government would have proven, through the introduction of competent testimony and other admissible evidence, the following facts, beyond a reasonable doubt, to support the allegations in the Indictment:

On August 2, 2013, **DURIO** was flying from New Orleans, Louisiana to Houston, Texas, with the flight originating at the Louis Armstrong New Orleans International Airport in Kenner, Louisiana. **DURIO** checked luggage for the flight. When the bag that **DURIO** checked went through the Transportation Security Administration ("TSA") screening machine, the machine alerted TSA officials of an item that warranted further inspection. When the TSA agents opened

the bag to inspect the suspicious item, they found a bundle of approximately 500 credit cards and called the Jefferson Parish Sheriff's Office ("JPSO") for assistance. JPSO officers who were stationed at the airport met with the TSA agents shortly thereafter.

The TSA agents provided the JPSO officers with the passenger's name (**CLIFF DURIO**) and his travel information (*i.e.*, flying to Houston on X flight leaving from Y gate). The JPSO officers went to the gate area for the Houston flight and began asking passengers their names in order to identify **DURIO**. They saw an individual (later identified as **DURIO**) sitting in the gate area and asked him for identification. **DURIO** refused, stood up, and began walking toward the baggage claim area. One of the officers called out to him to stop, but **DURIO** ignored the instruction. The officer called for additional assistance and when uniformed officers closed in on **DURIO**, he fled. The officers caught up to **DURIO** while he was still in the airport and, after a brief struggle, arrested him. During a search incident to arrest, the officers found 46 gift cards, \$2,050 in cash, a laptop computer, an iPad mini, an iPhone, and two other smart phones.

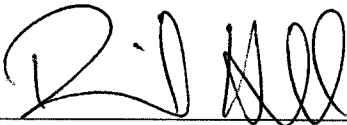
Further investigation revealed that the 46 gift cards had an aggregate value of \$7,000. Separate from the gift cards seized from **DURIO**'s person, Secret Service agents confirmed that there were a total of 738 access device cards in the luggage that **DURIO** had checked for the flight. These access device cards were embossed with names and account numbers. They were grouped in bundles of up to approximately 50 cards, all in a single person's name but with different account numbers. Although the card reader used on the day of the arrest failed to show that they were encoded with account information, further investigation determined that the access device cards were in fact encoded with account information, which matched the account numbers embossed on the front of the cards.

The financial institutions that held the accounts whose numbers were on the cards confirmed that the true account holders were not the individuals whose names appeared on the cards that were seized from **DURIO's** luggage. The financial institutions also confirmed that several of the accounts had had fraud reported. Much of the fraudulent activity had taken place near either Houston or New Orleans, the cities between which **DURIO** was traveling when arrested. Some of the financial institutions reported that they had reimbursed customers for fraudulent activity in the accounts associated with the access devices seized from **DURIO's** luggage. These repayments necessarily involved the transfer of funds across state lines because some of the financial institutions that made the payments were not located in the same states in which their customers were located.

Secret Service agents attempted to ascertain the total fraud loss reported on the access devices seized from **DURIO**, as well as the total credit limit for those devices. They requested information for the accounts related to approximately 549 of the access devices from 12 different financial institutions. The remaining accounts were held at institutions that were out of the country and/or where only a small number of accounts were held. From the information they received, the agents determined that the total fraud loss was at least \$35,096.92 and the total credit limit was at least \$4,331,511.00. These figures do not include the gift cards, the approximately 189 other access devices for which the agents did not seek to obtain account information, and, with respect to the credit limit, any addition for the cards for which the agents requested credit limit information, but did not receive it.

LIMITED NATURE OF FACTUAL BASIS

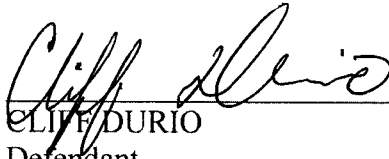
This proffer of evidence is not intended to constitute a complete statement of all facts known to the government, but rather is a minimum statement of facts intended to prove the necessary factual predicate for the guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for **DURIO**'s plea of guilty to the charged offenses.



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DAVID HALLER  
Assistant United States Attorney

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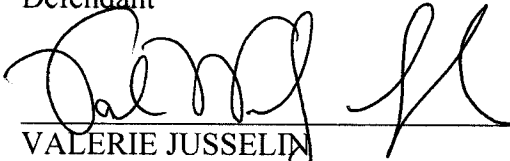
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\_\_\_\_\_  
CLIFF DURIO  
Defendant

7/14/16

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Date



\_\_\_\_\_  
VALERIE JUSSSELIN  
Attorney for Defendant

7-14-16

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Date