

RECEIVED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF LA.

2017 NOV 22 A 10:43

**FELONY**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

**BILL OF INFORMATION FOR BANK THEFT  
AND NOTICE OF FORFEITURE**

UNITED STATES OF AMERICA

v.

HILLIARD C. FAZANDE, III

\* CRIMINAL NO.

\* SECTION:

\* VIOLATION: 18 U.S.C. § 2113(b)

\*

\* \* \*

**17-223  
SECT. G MAG. 3**

The Acting United States Attorney charges that:

**COUNT 1  
BANK THEFT**

**A. AT ALL TIMES MATERIAL HEREIN:**

1. Beginning at an unknown time and continuing to on or about the date of this Bill of Information, defendant, **HILLIARD C. FAZANDE, III** ("FAZANDE"), lived in New Orleans, Louisiana and was an attorney licensed to practice law in the State of Louisiana.
2. Whitney Bank ("Whitney") was a financial institution whose deposits were insured by the Federal Deposit Insurance Corporation ("FDIC").
3. Whitney had branch locations throughout the Eastern District of Louisiana.

4. On or about October 26, 2015, **FAZANDE** opened a bank account at the Whitney branch located at 3001 Holiday Drive in New Orleans, Louisiana.

5. On or about October 30, 2015, **FAZANDE** endorsed and deposited a TD Bank \$387,000 cashier's check made payable to "Attorney Hilliard C. Fazande III" into account no. xxx 3497 at the Whitney branch located at 3001 Holiday Drive in New Orleans, Louisiana.

6. On or about October 31, 2015, **FAZANDE** went to the Whitney branch located at 8300 Louisiana Highway 23 in Belle Chasse, Louisiana and presented a bank teller with a temporary Whitney check in the amount of \$5,000.00 knowing that he did not have sufficient funds to cover the transaction due to a bank hold on the \$387,000.00 check.

7. On or about October 31, 2015, **FAZANDE** while at the Whitney branch located at 8300 Louisiana Highway 23 in Belle Chasse, Louisiana, made a \$5,000.00 cash withdrawal from account no. xxx 3497.

8. On or about November 4, 2015, a Whitney employee contacted **FAZANDE** and advised him that the \$387,000.00 check was counterfeit and that he must return the \$5,000.00 he withdrew from Whitney account no. xxx 3497.

9. On November 4, 2015, **FAZANDE** told the Whitney employee that he would return the \$5,000.00, which he withdrew after depositing the counterfeit check, but failed to do so.

**B. THE OFFENSE:**

Beginning on or about the 26th day of October, 2015, and continuing until the date of this Bill of Information, in the Eastern District of Louisiana and elsewhere, the defendant, **HILLIARD C. FAZANDE, III**, did take and carry away with intent to steal and purloin approximately \$5,000.00, belonging to and in the care, custody, control, management and

possession of the Whitney Bank, a bank whose deposits were then insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Section 2113(b).

### **NOTICE OF BANK THEFT 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 2113(b) and 982(a)(2)(A).

2. As a result of the offense alleged in Count 1, the defendant, **HILLIARD C. FAZANDE, III**, shall forfeit to the United States any property, real or personal, constituting, or derived from, proceeds the defendant obtained directly or indirectly, as a result of Bank Theft, in violation of Title 18, United States Code, Section 2113(b).

3. If any of the property described above as being 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 18, United States Code, Section 982(b)(1) and 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 982.

DUANE A. EVANS  
ACTING UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read 'B m', followed by a long horizontal flourish.

---

BRIAN M. KLEBBA  
Assistant United States Attorney

New Orleans, Louisiana  
November 21, 2017