

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

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|---------------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA | * | CRIMINAL NO.: 17-199 |
| v. | * | SECTION: "N" |
| LESTER MALAVA | * | |
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FACTUAL BASIS

The defendant, **LESTER MALAVA**, has agreed to plead guilty as charged to Count One of the one-count Bill of Information. Count One charges **MALAVA** with bank robbery, in violation of Title 18, United States Code, Section 2113(b). 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 Bill of Information:

At approximately 12:44 p.m. on August 21, 2017, a black male (hereinafter referred to as "Robber") entered the Capital One Bank located at 3540 Saint Charles Avenue in New Orleans, Louisiana, and robbed the bank. Robber approached counter #6 and handed the victim teller a demand note, demanding money from the teller. The victim teller complied with Robber's demands and handed Robber money from the teller drawer. Robber took the money and fled the bank. Robber was described as an older black male, 55-65 years old, 5'10"- 6'00" tall, medium build, medium complexion, short grey and black hair, with grey facial hair on his chin and above his lip, wearing black framed eye-glasses. He was attired in a lime green short-sleeved shirt with "puRe" written on the front, khaki shorts, and a black bandana over his shoulder. Surveillance

[Handwritten signatures]

video in the bank recorded Robber both prior to and during his encounter with the teller.

After the bank robbery, two photographs of Robber were provided to the New Orleans area media outlets to air, with instructions to contact the FBI with information to help identify Robber. Subsequent to the news story about the bank robbery, numerous anonymous tips were received in regard to the bank robbery and Robber's potential identity. One tip identified Robber as Lester Malafa, with the tipster being unsure of the correct spelling of the subject's name.

The FBI located a **LESTER MALAVA**, black male, date of birth XX/XX/1960, in known databases. The photograph associated with **LESTER MALAVA** in the database greatly resembled the surveillance photographs recovered from the bank. The FBI canvassed neighborhoods surrounding the bank in an attempt to locate **MALAVA**, but without success. The FBI also placed wanted posters in numerous places of business in the surrounding area.

On Sunday August 27, 2017, at approximately 1:40 p.m., the switchboard at the FBI New Orleans Field Office received an unsolicited telephone call from XXX-XXX-6668. The male caller stated he had committed a bank robbery and was seeking to turn himself into the FBI. Shortly thereafter, an agent was able to make telephonic contact with the subject, who identified himself as **LESTER MALAVA**. **MALAVA** stated he had robbed the Capital One Bank and wanted to surrender to authorities. **MALAVA** said that he was currently seated at a bus stop at the intersection of Simon Bolivar and Martin Luther King Junior Boulevards. The agent asked **MALAVA** if he would meet him at the New Orleans Police Department's Sixth District Station, which was near **MALAVA**'s location. **MALAVA** agreed to meet at the Police Station.

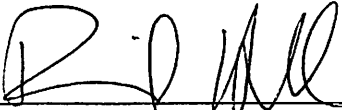
On Sunday August 27, 2017, at 2:40 p.m., two agents conducted an interview with

DEA
JRM
JRW

MALAVA at the Sixth District Police Station. **MALAVA** was advised of his rights per *Miranda*, completed an FBI Waiver of Rights form, and spoke with the agents.

MALAVA admitted robbing the Capital One Bank located at 3540 Saint Charles Avenue New Orleans, Louisiana on Monday August 21, 2017 at approximately 12:44 p.m. **MALAVA** signed the surveillance image that was released to the media identifying himself as the robber. He noted that he had shaved his goatee after viewing the surveillance footage on the news. **MALAVA** indicated he was the sole actor in the commission of this crime. **MALAVA** provided the agents with specific details of the crime, which were not released to the public, including where the note was written, what the note said, and how much money the robber got. **MALAVA** was also wearing the same glasses, bandana, and clothes that the robber wore, with the exception of the lime green shirt, which he said he threw away.

The funds stolen from the Capital One Bank by **MALAVA** were insured through the Federal Deposit Insurance Corporation at the time of the robbery.



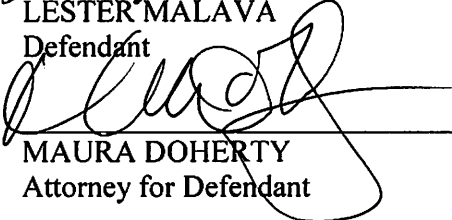
DAVID HALLER
Assistant United States Attorney

1/25/18
Date



LESTER MALAVA
Defendant

1/25/18
Date



MAURA DOHERTY
Attorney for Defendant

1/25/18
Date