

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL NUMBER: 17-223
v.	*	SECTION: "G"
HILLIARD FAZANDE, III	*	VIOLATION: 18 U.S.C. § 2113(b)

* * *

FACTUAL BASIS

Should this matter proceed to trial, both the Government and the defendant, **HILLIARD FAZANDE, III** ("**FAZANDE**"), do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crime to which the defendant is pleading guilty and that the government would prove the following beyond a reasonable doubt at trial:

The Government would establish that the case against **FAZANDE** began as a result complaint from a corporate security officer with Hancock/Whitney National Bank ("Whitney") after **FAZANDE** deposited a counterfeit check into his newly opened bank account. A subsequent FBI investigation revealed that on October 26, 2015, **FAZANDE** went to the Whitney branch located at 3001 Holiday Drive, in New Orleans and opened a new checking account. **FAZANDE** met with bank employee M.H. to open the account and made an initial

AUSA	<u>BR</u>
Defendant	<u>HT</u>
Defense Counsel	<u>GA</u>

deposit of \$100.00. **FAZANDE** told M.H. that the account was for personal use. **FAZANDE** did not have an active or current account with Whitney.

Four days later, on Friday, October 30, 2015, **FAZANDE** returned to the Holiday Drive Branch and deposited a \$387,000 check with bank teller A.C. The \$387,000 check presented by the defendant purported to be a TD Bank cashier's check number 81792261-8, dated October 20, 2015, payable to "Attorney Hilliard C. Fazande III."

The following day, on Saturday, October 31, 2015, **FAZANDE** went to the Whitney Belle Chasse Branch located at 8300 Louisiana Highway 23 and interacted with bank teller A.F. According to A.F., **FAZANDE** asked her for a counter or temporary check and said he had just made a deposit and the "money should be there." **FAZANDE** completed the counter check in the amount of \$5,000 made payable to "Cash" and signed the check. A.F. wrote **FAZANDE**'s D.O.B., driver's license number, issue date, and expiration date on the back of the check under **FAZANDE**'s signature. A.F. had to obtain a manager's permission to give **FAZANDE** the money since there was a \$1,000 limit and because the \$387,000 check had yet to clear. The funds were given to **FAZANDE** because A.F.'s computer did not indicate a hold on the deposit. According to A.F., there was no way to contact the Holiday Drive Branch since that particular branch was closed on Saturdays.

According to the Payment Processing Manager for Whitney, an image of the \$387,000.00 check was transmitted electronically from the Whitney bank in the Eastern District of Louisiana to the Federal Reserve Bank in Atlanta, Georgia ("FED Atlanta") in order to determine if the check was genuine or counterfeit. On November 4, 2015, the FED Atlanta returned the \$387,000 check to Whitney as "altered fictitious."

AUSA *BK*
Defendant *SE*
Defense Counsel *AD*

Then, on or about November 4, 2015, Holiday Branch employee L.F. contacted **FAZANDE** by telephone and advised him that the \$387,000 cashier's check was counterfeit. L.F. told **FAZANDE** that he needed to return the \$5,000 he withdrew from the bank. **FAZANDE** told L.F. he didn't realize the check was counterfeit and he said he was representing the drafter of the check who contacted him on-line. **FAZANDE** told L.F. that he would return the money the following day. **FAZANDE** never returned the money. L.F. reports that she made further attempts to contact **FAZANDE**, but he never answered her calls.


TD Bank's Official Checks Department confirmed that the \$387,000 check was not a legitimate TD Bank cashier's check. Further, the construction company in Bossier City confirmed that they did not have a banking relationship with TD Bank, did not issue **FAZANDE** the \$387,000 check, nor did they have a business relationship with **FAZANDE**.

At a later date, Fazande, through his attorney, provided documents to the FBI to support Fazande's contention that he had communicated with an individual purporting to work for a dredging and mining machinery company located in China. The documents appear to discuss the sale of a piece of dredging equipment between a Louisiana construction company and the Chinese Company.

AUSA BR
Defendant LF
Defense Counsel DF

The Government would introduce evidence to establish that **FAZANDE** was an attorney licensed to practice law in the State of Louisiana and that Whitney Bank was a financial institution, whose deposits were insured by the Federal Deposit Insurance Corporation.

Various records and testimonial evidence, including testimony from representatives of the Federal Bureau of Investigation, Whitney Bank, TD Bank, the Louisiana construction company, and other witnesses would also be admitted to prove the facts set forth above.




BRIAN M. KLEBBA
Assistant United States Attorney

3/22/18
Date



HILLIARD FAZANDE, III
Defendant

3/22/18
Date



ERNEST JONES
Counsel for Defendant

3/22/18
Date

AUSA BK
Defendant KCZ
Defense Counsel BJ