

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA.
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WILLIAM W. BLEVINS
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

INDICTMENT FOR CONSPIRACY TO COMMIT BANK FRAUD,
AGGRAVATED IDENTITY THEFT, AND NOTICE OF FORFEITURE

19-00131

UNITED STATES OF AMERICA

*

CRIMINAL NO.

v.

*

SECTION: **SECT. F MAG. 1**

TERRENCE NEALY

*

VIOLATIONS: 18 U.S.C. § 1028A

MYLES NICHOLAS

*

18 U.S.C. § 1344

*

18 U.S.C. § 1349

*

18 U.S.C. § 2

* * *

The Grand Jury charges that:

COUNT 1

(Conspiracy to Commit Bank Fraud)

A. AT ALL TIMES MATERIAL HEREIN:

1. The defendants, **TERRENCE NEALY** and **MYLES NICHOLAS** were United States citizens and residents of New York State.

2. Citibank, National Association ("Citibank") was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation ("FDIC").

Fee _____
Process _____
 Dktd _____
CtRmDep _____
Doc. No. _____

3. A “means of identification” was any name or number that could be used, alone or in conjunction with any other information, to identify a specific individual, including a name, credit card number, social security number, and date of birth.

B. THE CONSPIRACY

Beginning at a time unknown to the Grand Jury, and continuing until on or about June 21, 2019, in the Eastern District of Louisiana, and elsewhere, the defendants, **TERRENCE NEALY** and **MYLES NICHOLAS**, and others known and unknown to the Grand Jury, did knowingly, intentionally, and unlawfully combine, conspire, confederate, and agree, to execute a scheme to defraud Citibank and to obtain moneys, funds, assets, credits, and securities owned by, and under the custody and control of Citibank, by means of false and fraudulent pretenses, representations, and promises, namely by misrepresenting their identities, in violation of Title 18, United States Code, Section 1344(1).

C. MANNER AND MEANS

Among the manner and means by which the defendants and their co-conspirators carried out the conspiracy were the following:

1. It was part of the conspiracy that co-conspirators unlawfully obtained the means of identification of other actual people, including their names, social security numbers, and dates of birth.

2. It was further part of this conspiracy that co-conspirators traveled from New York to other locations, such as the Eastern District of Louisiana, in order to execute the scheme to defraud.

3. It was further part of this conspiracy that co-conspirators unlawfully used the means of identification of other actual people in order to apply for credit cards that were issued by financial institutions.

D. OVERT ACTS

In furtherance of the conspiracy, and to effect the objects thereof, members of the conspiracy and others known and unknown to the Grand Jury, committed or caused to be committed the overt acts below, among others, within the Eastern District of Louisiana and elsewhere:

1. On or about June 21, 2019, **TERRENCE NEALY** and **MYLES NICHOLAS** traveled from New York's John F. Kennedy International Airport to Louis Armstrong International Airport located in Kenner, Louisiana.

2. On or about June 21, 2019, **TERRENCE NEALY** and **MYLES NICHOLAS** rented a vehicle in Kenner, Louisiana, and drove to two Best Buy stores located in Baton Rouge, Louisiana.

3. On or about June 21, 2019, **TERRENCE NEALY** and **MYLES NICHOLAS** attempted to obtain a Best Buy credit card, which are issued by Citibank, by using the means of identification of another actual person, namely Victim A.

4. On or about June 21, 2019, **TERRENCE NEALY** and **MYLES NICHOLAS** drove back to New Orleans in order to check into a room at the Sheraton Hotel at 500 Canal Street in New Orleans.

All in violation of Title 18, United States Code, Section 1349.

COUNT 2
(Aggravated Identity Theft)

A. AT ALL TIMES MATERIAL HEREIN:

The allegations in Section A of Count 1 are incorporated as though fully set forth herein.

B. THE OFFENSE OF AGGRAVATED IDENTITY THEFT

On or about June 21, 2019, in the Eastern District of Louisiana, and elsewhere, the defendants, **TERRENCE NEALY** and **MYLES NICHOLAS**, did knowingly transfer, possess, and use the means of identification of another person, without lawful authority, during and in relation to a conspiracy to commit bank fraud, in violation of Title 18, United States Code, Sections 1344 and 1349, knowing that the means of identification belonged to an actual person, namely Victim A, in violation of Title 18, United States Code, Sections 1028A and 2.

NOTICE OF BANK FRAUD FORFEITURE

1. The allegations of Count 1 are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States.

2. As a result of the offense alleged in Count 1, the defendants, **TERRENCE NEALY** and **MYLES NICHOLAS**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 982(a)(2)(A), all property, real or personal, constituting or derived from proceeds the defendant obtained directly or indirectly as a result of said offense.

3. If any of the above-described property, as a result of any act or omission of the defendants:

- 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

c. has been commingled with other property which cannot be subdivided
without difficulty;

the United States shall, pursuant to Title 21, United States Code, Section 853(p), seek forfeiture of
any other property of the defendants up to the value of the above-described property.



FOREPERSON

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New Orleans, Louisiana
June 28, 2019