

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

UNITED STATES OF AMERICA	*	CRIMINAL NO.: 12-268
v.	*	SECTION: "B"
JOHN PHILIP MORRILL, JR.	*	
a/k/a John Phillips		
a/k/a John Phillip	*	

* * *

FACTUAL BASIS

Should this matter have gone to trial, the government would have proved, through the introduction of competent testimony and admissible tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the Superseding Bill of Information now pending against the defendant, **John Philip Morrill, Jr., ("Morrill")**. The defendant has agreed to plead guilty as charged in the Superseding Bill of Information to Count 1, charging him with assaulting, resisting or impeding a federal officer, in violation of 18 U.S.C. § 111(a); Count 2, charging him with access device fraud, in violation of 18 U.S.C. § 1029(a)(3); Counts 3, charging him with access device fraud, in violation of 18 U.S.C. §1029(a)(2) and Count 4, charging him with bank fraud, in violation of 18 U.S.C. §1344.

COUNT 1: ASSAULTING, RESISTING OR IMPEDING A FEDERAL OFFICER

United States Secret Service Special Agent Shan Kirk would testify that on or about September 19, 2012, the defendant, **John P. Morrill, Jr.**, rented the Huey P. Long Governors Suite and another hotel room at the Roosevelt Hotel in New Orleans on September 19, 2012 using the alias “John Phillip”. **Morrill** paid for the rooms with an American Express Card, in the name of John Phillip with a preferred “Double Diamond” rating, which allowed for a \$10,000.00 credit limit. On September 21, 2012, U.S. Secret Service Agent B.R. met with M.C., Director of Security for the Roosevelt, as well as the Louisiana State Police (“LSP”) to discuss possible fraudulent credit card activity at the hotel.

On September 21, 2012, Special Agent B.R. went to meet M.C. at the Roosevelt Hotel to investigate the possible access device fraud. While viewing surveillance footage, Special Agent B.R. and M.C. learned that **Morrill** was leaving the hotel. Agent B.R. and M.C. located **Morrill** as he was attempting to enter a silver 4-door automobile on University Place outside the hotel entrance. Agent B.R. approached **Morrill** and identified himself, knocked on the rolled up driver’s side window, and then asked the defendant to exit the vehicle. Agent B.R. opened the door and attempted to remove **Morrill** from the vehicle as defendant continued to resist directions from the Agent to exit the vehicle. The defendant then began to drive off in the car to evade arrest while Agent B.R. grasped the defendant in an attempt to subdue him and prevent him from driving away from the scene. Agent B.R. continually ordered the defendant to stop the car, but the defendant refused to do so, closed and locked the door. Thereafter, **Morrill** was forced to stop the car due to traffic in the roadway. Agent B.R. then drew his weapon on the defendant and instructed the defendant with verbal commands to stop and exit the vehicle. The defendant did not comply with the commands, but instead backed his vehicle down the street in the wrong direction on University Place, against oncoming traffic, and fled the scene.

If called to testify, a Roosevelt Hotel parking valet would state that he witnessed the defendant driving forward with Agent B.R. holding onto the car and yelling to the defendant to stop. The parking valet would testify that he believed that the defendant was trying to run Agent B.R. into a truck in front of the defendant's car to get the Agent off of his car. Before the vehicle got close to the truck, however, the Agent let go of the car and drew his weapon telling the defendant to get out of the car. The valet would testify that the defendant put the car into reverse and started backing down the street trying to get away from the Agent. M.C., the director of security at the Roosevelt Hotel would testify that he also witnessed the above facts.

Agent B.R. would testify that he suffered minor injuries and was treated by a physician 3 days after the assault. A certified copy of his medical records would be offered as evidence at trial.

COUNT 2: ACCESS DEVICE FRAUD: 18 U.S.C. § 1029(a)(3)

United States Secret Service Special Agent Matthew Pedersen would testify that on October 18, 2012, **Morrill** was arrested pursuant to a federal arrest warrant. He was advised of his Miranda rights, which he indicated he understood and waived. **Morrill** also voluntarily consented to a search of his vehicle. During the ensuing search of **Morrill's** vehicle, agents discovered a black zippered bag which contained 70 \$100 bills and numerous documents, which included seven pages of approximately 70 credit card numbers. Also contained in **Morrill's** bag were the following: copies of various individual driver's licenses; what appeared to be pay stubs; a loan application from ASI Federal Credit Union; credit card authorization to the Westin St. Francis in the name of "John Phillip", but charged to A.B., and various other documents, all of which would be introduced into evidence at trial.

Post Miranda warning, **Morrill** advised that he became involved with stolen credit cards after

meeting an inmate whom he would purchase account numbers from for a fee of \$1,000 per American Express card account number and \$500 per regular account number if it included the card holder's name, address, phone number, as well as the expiration date and CVV number. **Morrill** stated that he would pay \$100 for a single account number but he admitted that he purchased a entire page of credit card numbers for only \$700.00. After **Morrill** purchased the credit card numbers, he would call an American Express "800" phone number to determine if the credit cards were still active. **Morrill** advised that with Visa or MasterCard, there was no way to determine if the credit card was still active. **Morrill** admitted to agents that he knew what he was doing with the credit cards was illegal.

Agent Pedersen would further testify that of the approximately 70 unauthorized credit card numbers seized from **Morrill's** bag, more than 15 of these unauthorized credit card numbers were capable of being used to fraudulently obtain money, goods, services and other things of value. Agent Pedersen would further testify that he contacted credit card companies and banks linked to the seized unauthorized credit card numbers and determined that approximately \$4,551.52 in fraudulent charges had been made using seven (7) of the 70 unauthorized credit card numbers which were seized. The banks and credit card companies were not domiciled in Louisiana, thereby affecting interstate commerce. Additionally, banking channels were used for gaining authorization approval for the fraudulent purchases, also affecting interstate commerce.

COUNT 3: ACCESS DEVICE FRAUD: 18 U.S.C. § 1029(a)(2)

Agent Pedersen would also testify that on or before June 17, 2012 to June 24, 2012, **Morrill** knowingly obtained without lawful authority American Express credit card # *****1009, which belonged to D.C. and not to the defendant. During that time period, **Morrill** knowingly and with intent

to defraud used one or more unauthorized access devices, as defined by 18 U.S.C. § 1029(e)(1) and (3), specifically the American Express card # *****1009 belonging to D.C., to purchase hotel suites and other goods and services at the Hilton New Orleans Riverside under the alias “John Phillip”. Fraudulent charges in the amount of \$7,088.68 were made by **Morrill** using American Express credit card # *****1009, which were not authorized by D.C. The defendant’s use of the American Express card affected interstate commerce.

Agent Pedersen would also testify that on or before August 7, 2012 to August 10, 2012, **Morrill** knowingly obtained without lawful authority American Express credit card #*****1003 which belonged to L.R. and not to the defendant. During that time period, **Morrill** knowingly and with intent to defraud, used one or more unauthorized access devices, as defined by 18 U.S.C. § 1029(e)(1) and (3), specifically the American Express card # *****1003 belonging to L.R., to purchase hotel suites and other goods and services at the Roosevelt Hotel under the alias “John Phillip”. Fraudulent charges in the amount of \$4,812.12 were made by **Morrill** using American Express credit card # *****1003, which were not authorized by L.R. The defendant’s use of the American Express card affected interstate commerce. Agent Pedersen would also testify that on or before September 20, 2012 to September 21, 2012, **Morrill** knowingly obtained without lawful authority American Express credit card #*****1001, which belonged to G.Z. and not to the defendant. During that time period, **Morrill** knowingly and with intent to defraud, used one or more unauthorized access devices, as defined by 18 U.S.C. § 1029(e)(1) and (3), specifically the American Express card # *****1001 belonging to G.Z., to purchase hotel suites and other goods and services at the Roosevelt Hotel under the alias “John Phillip”. **Morrill** attempted to pay the hotel balance of \$3,111.30 with G.Z.’s American Express credit card ending in #1001, but the transaction would not go through,

so the hotel was forced to take a loss for the full amount. G.Z. was interviewed by law enforcement and advised he did not authorize anyone to use his American Express card at the Roosevelt Hotel.

On or about June 20, 2012, **Morrill** created a Paypal account with his real name, date of birth and social security number name with an email address of jpm422680@gmail.com. **Morrill** informed Paypal that he had a travel service business called “Cajun City LLC” located at 4919 Canal Street New Orleans, La. 70119, and that he would be making \$4,000 to \$5,000 every two weeks. When **Morrill** created the paypal account, he listed a bank account at Woodforest National Bank with an account number ending in #4064. During a post arrest interview, **Morrill** admitted that “Cajun City” was a business he made up which did not actually exist. Additionally, Special Agent Pedersen would testify that “Cajun City” was not licenced or registered to do business in the state of Louisiana, and there is no record of such a business operated by **Morrill** in the Louisiana Secretary of State website.

Through this Paypal account, **Morrill** processed the following transactions via a mobile payment device:

Date	Time	Credit Card Type & last four digits	Gross
8/25/2012	00:13:25	MasterCard Credit Card # 3898	\$425.00
8/25/2012	00:10:47	MasterCard Credit Card # 3898	\$1,025.55
8/25/2012	00:09:33	Visa Credit Card # 2409	\$1,025.55
8/17/2012	18:33:16	Visa Credit Card # 2409	\$332.00
8/17/2012	18:30:16	Visa Credit Card #2409	\$1,211.00
8/17/2012	18:28:53	MasterCard Credit Card # 3898	\$956.33
8/10/2012	06:35:13	Visa Credit Card #2409	\$404.93
8/10/2012	06:32:36	MasterCard Credit Card #3898	\$693.32

Date	Time	Credit Card Type & last four digits	Gross
8/10/2012	06:29:39	Visa Credit Card #2409	\$745.22
8/10/2012	06:21:11	MasterCard Credit Card #3898	\$695.23
8/2/2012	09:20:59	MasterCard Credit Card #3898	\$650.82
8/2/2012	09:17:01	MasterCard Credit Card #9016	\$652.23
8/2/2012	09:14:41	Visa Credit Card #2409	\$885.22
8/2/2012	08:56:38	Visa Credit card #2409	\$369.63
7/26/2012	16:40:34	Visa Credit Card #2409	\$152.36
7/26/2012	09:08:51	MasterCard Credit Card # 4560	\$586.66
7/26/2012	05:21:22	Visa Credit Card # 8001	\$325.22
7/26/2012	05:20:09	Visa Debit Card # 0807	\$251.41
7/26/2012	05:10:07	MasterCard Credit Card #4560	\$521.05
7/26/2012	05:08:35	Visa Credit Card #9103	\$632.33
TOTAL:			\$12,541.06

The above charges were regularly received into **Morrill's** Paypal account and from there, **Morrill** requested that five check withdrawals from his Paypal account to be sent to Cajun City LLC located at 4919 Canal Street, New Orleans, La. 70119. **Morrill** requested that one payment for \$1,600 be sent electronically to **Morrill's** Woodforest Bank account on July 26, 2012, as set forth in the chart below:

Date	Time	Description	Amount
8/25/2012	00:14:29	Check Withdrawal from PayPal	-\$2,388.99
8/17/2012	18:35:33	Check Withdrawal from PayPal	-\$2,168.94
8/10/2012	10:33:39	Check Withdrawal from PayPal	-\$2,434.97
8/2/2012	09:27:15	Check Withdrawal from PayPal	-\$2,432.80
7/27/2012	07:40:55	Check Withdrawal from PayPal	-\$781.72
7/26/2012	05:56:24	Withdraw Funds to a Bank Account	-\$1,600.00
TOTAL:			-\$11,807.42

Special Agent Pedersen would testify that the \$781.72 payment made via check issued on July 31, 2012 was sent to Cajun City LLC located at 4919 Canal Street New Orleans, La. 70119, and was endorsed by Morrill and then deposited into his Regions Bank Account ending in #1457. The \$2,432.80 payment made via check issued on August 7, 2012 was endorsed by **Morrill** and deposited into his Regions bank account on or about August 10, 2012. The \$2,434.97 payment made via check issued on August 14, 2012 was deposited by **Morrill** into his Regions bank account. The \$2,168.94 payment issued on August 21, 2012 was cancelled on September 15, 2012, due to being returned by the Postmaster for insufficient address. The \$2,388.99 payment made on August 25, 2012 was also cancelled due to “high risk” selling activity.

COUNT 4: BANK FRAUD

Special Agent Pedersen would testify that on or about October 16, 2012, **Morrill** applied to ASI Federal Credit Union for a personal loan of \$2,300.00. In support of the loan, **Morrill** listed his employer as Cajun City and his earnings as approximately \$1,717.00 per month. **Morrill** also provided ASI Credit Union with two fraudulent pay stubs in support of his application. The first pay stub was from PEO Management Group, in the name of **John P. Morrill** of 4919 Canal Street and reported a

gross earnings of \$393.00. The second pay stub was from The Service Companies and listed a check amount of \$1,270.78. When interviewed, **Morrill** admitted the pay stubs were fictitious. He stated that he created the fake pay stubs using Microsoft Excel in order to show proof of income to ASI Federal Credit Union. A representative of ASI Credit Union would testify that as a result of **Morrill's** application and the fraudulent pay stubs submitted in support of the application, ASI Credit Union provided **Morrill** with a \$2,300.00 loan. The witness would also testify that ASI Federal Credit Union, located in Westwego, Louisiana in Jefferson Parish, is a bank whose deposits were insured by the National Credit Union Administration (NCUA).

Both the government and the defendant, **John Philip Morrill, Jr.**, do hereby stipulate and agree that the above facts set forth a sufficient factual basis for the crimes to which the defendant is pleading guilty and that the government would have proven these facts beyond a reasonable doubt at trial.

READ AND APPROVED:

ROMA A. KENT (Date)
Counsel for John P. Morrill, Jr.

JULIA K. EVANS (Date)
Assistant United States Attorney

JOHN PHILIP MORRILL, JR. (Date)
Defendant