

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	DOCKET NO. 10-134
v.	*	SECTION: "N"
RENO JEAN DARET IV	*	

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**FACTUAL BASIS**

Should this matter have gone to trial, the Government would have proven beyond a reasonable doubt, through testimony and tangible exhibits, including the testimony of Special Agents from the U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE), the following to support the allegations charged by the Government in the one count Bill of Information now pending against the defendant, **RENO JEAN DARET IV (DARET)**.

On October 26, 2009, ICE agents received information that a company called "Console Solutions" was advertising the modification of XBOX 360 video game consoles and the sale of "back up" copies of video games on high quality DVDs on the internet advertisement site Craigslist. The term "back up" is commonly used by internet gamers to refer to pirated software. Furthermore, the terms "modification," "mod," or "modding" are commonly used by internet gamers to refer to the illegal circumvention of copyright security features on video game consoles to allow pirated

software to play. Console Solutions advertised website was [www.consolesolutions.net](http://www.consolesolutions.net) with email address [consolesolutions360@gmail.com](mailto:consolesolutions360@gmail.com). The listed phone number was 504-417-2496 and the address was 145 Alice Drive #7 Thibodaux, LA 70301.

Console Solutions' Craigslist posting contained the following text: "I am now fully set up with a professional "reflow station" this allows me to reflow the motherboard chips of your xbox 360 to put them back into brand new from the factory condition. The repairs that I have done with this station work flawlessly! The only problem is you must bring your xbox to me OR SHIP IT to have this reflow done. The charge is still the normal 30.00 and I suggest that all customers make the drive OR SHIP to benefit from this great service!:" "I also offer a service to allow XBOX 360s flashed to play backups \$30.00 This "flash" of your xbox 360 drive allows you to play backup "copied" games." "I also sell games burnt on high quality dvds for \$10.00 each. I have all the newest games or any one really. Any game you want only \$10.00!"

On October 29, 2009, Special Agents (SA) initiated surveillance at 145 Alice Drive, Apartment #7, Thibodaux, Louisiana at approximately 3:00 p.m. A white four door 1997 Chevrolet Prizm with Louisiana license plate SYR 382 was parked near the residence. A National Crime Information Center check showed that the vehicle was registered to **RENO DARET IV** of 145 Alice Drive, Apartment #7, Thibodaux, LA. There were signs on the front driver side and passenger side doors advertising CONSOLE SOLUTIONS, XBOX 360 Sales, Repairs, Mods and the phone number 504-417-2496.

On November 10, 2009, at 2:50 PM, an ICE SA, acting in an undercover capacity, sent an email to Console Solutions with the following text: "i just got an xbox and want to get the mod. can

i schedule an apt for next week to get it done. also do you have a back up copy of mw2 4 sale?”  
“MW2” refers to the newly released XBOX 360 game Modern Warfare 2.

On November 10, 2009, at 3:44 PM, a reply was received to the aforementioned undercover email inquiry from [consolesolutions360@gmail.com](mailto:consolesolutions360@gmail.com). The text of the reply was: “I could do it this weekend. or Thursday or Friday of next week. And I have a copy, 10 dollars.” On November 13, 2009, an undercover SA placed a phone call to **DARET** to schedule a modification of an XBOX 360 console and purchase a pirated game.

On November 19, 2009, an undercover SA went to 145 Alice Drive, Apartment #7, Thibodaux, Louisiana to meet **DARET**. **DARET** accompanied the SA to the agent’s vehicle and retrieved a new XBOX 360 game console for modification. **DARET** told the SA it would take about an hour to complete and he would call when it was complete.

At approximately 3:27 PM, the SA returned to 145 Alice Drive, Apartment #7 to pick up the XBOX. While in **DARET’S** residence the SA counted approximately 49 XBOX consoles. The SA then purchased the illegally modified XBOX console for \$30.00 and a pirated game for \$10.00.

On November 23, 2009, the XBOX 360 game console and the suspected pirated video game were shipped to Zach Toczynski, Manager, Anti-Piracy Training and Retail Investigations of Entertainment Software Association to determine if an illegal modification was made to the XBOX 360 console and if the video game was in fact a pirated copy. On December 2, 2009, verification was received that the XBOX 360 console had been illegally modified and the video game was a pirated version.

On December 14, 2009, a search warrant was executed on the residence of **DARET**. During the search, numerous XBOX 360 consoles were seized along with various computer related items used for modifying XBOX consoles and pirating video games. Some of the XBOX consoles seized were tested, and five were found to have been modified to play pirated video games.

During the execution of the search warrant, **DARET** consented to being interviewed, and confessed to modifying XBOX consoles to play pirated video games for private financial gain.

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G. DALL KAMMER  
Assistant United States Attorney

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Date

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RICK KELLY  
Counsel for Defendant

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Date

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RENO JEAN DARET IV  
Defendant

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Date