

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

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CRIMINAL NO: 10-162

v.

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SECTION: "I"

TAMARA BERNARD

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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 to support the allegations charged by the government in the one-count Bill of Information now pending against the defendant, Tamara Bernard ("BERNARD").

Special Agents from the United States Postal Service - Office of Inspector General ("USPS") would testify that in November 2009, they received information that letters that were mailed from the United Parcel Service ("UPS") store located at 201 St. Charles Avenue, New Orleans, Louisiana, were not being received by the recipient addresses. The USPS agents would further testify that the UPS store has a collection slot for U.S. mail and is an authorized depository for mail matter.

USPS Special Agent Chris Nugent (“SA Nugent”) would testify that on December 21, 2009, he prepared a letter addressed to “Kayla Hensley, 716 Park Ridge Dr., River Ridge, Louisiana 70123,” from “Paw-Paw” (hereafter referred to as “the marked letter”). SA Nugent enclosed \$60 cash in the marked letter, a theft detection powder placed on the cash, which turned the person’s hands purple if the person comes in contact with the powder and is nearly impossible to wash off, and an electronic device that emitted a signal when the letter is opened.

SA Nugent would further testify that on December 22, 2009, the marked letter was placed in the mail collection slot at the UPS store located at 201 St. Charles Ave, New Orleans, Louisiana. USPS agents would testify that they were in the lobby area of the building and were able to receive the signal from the electronic device. At approximately 5:05 pm, the agents observed BERNARD leave the building and realized that the electronic signal was fading, so the agents followed BERNARD and picked up the signal as they got close to her. BERNARD drove off and the electronic signal was lost. The agents were not able to follow BERNARD but did get her license plate number.

The USPS agents would testify that the next day, on December 23, 2009, they returned to the UPS store to interview BERNARD, who was an employee at the UPS store. SA Nugent would testify that he told BERNARD about the marked letter that was placed in the UPS store the day before that did not make it to the destination and that he asked why BERNARD’s hands had purple stains. BERNARD agreed to sign the Miranda Warning and Waiver and consented to give a written statement whereby she admitted that she knowingly stole and took the marked letter from and out of the mail collection slot at the UPS store located at 201 St. Charles Avenue, New Orleans, Louisiana, and she threw it out of her car when the powder came out of it.

The government would prove that the amount of restitution for the purposes of this offense is approximately \$1200.00.

TAMARA BERNARD
Defendant

Date

JOHN W. REED (11126)
Attorney for Defendant

Date

LOAN "MIMI" NGUYEN (23612)
Assistant United States Attorney

Date