

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL DOCKET NO. 10-78
 * SECTION: "F"
 *
WAYNE READ *
 * * *

FACTUAL BASIS

If this matter would have gone to trial, the Government would introduce the following through relevant and competent evidence and testimony beyond a reasonable doubt:

That the defendant, **WAYNE READ**, a resident of Illinois represented himself as the President/Manager of Louisiana Film Studios, LLC., at all pertinent periods related to the information contained in the Bill of Information.

That **WAYNE READ**, d/b/a Louisiana Film Studios, LLC. leased business space from a third party in Jefferson Parish in 2008 and 2009.

The defendant made representations that Louisiana Film Studios, LLC. was engaged in film productions and was going to

invest into motion picture infrastructure within the State of Louisiana.

Officials with the State of Louisiana, more particularly Louisiana Office of Film and Television, would testify that under Louisiana Law, the State of Louisiana could offer certified film tax credits to individuals and companies that engage in film productions and invest in film infrastructure programs. Thus, the State of Louisiana established a program of tax incentives to promote the motion picture industry in Louisiana and as part of the incentive program, film production companies could receive a tax credit calculated to the amount of funds actually certified as invested and expended in a production.

Further, officials would further testify that no tax credits were ever issued to **WAYNE READ**, or **WAYNE READ**, d/b/a Louisiana Film Studios, LLC. in either 2008 or 2009. Officials would testify that **WAYNE READ**, d/b/a Louisiana Film Studios, LLC. never actually invested monies necessary to warrant the genuine issuance of any Louisiana Film Tax Credits.

The Government would present further evidence that current and former members, coaches and staff of the New Orleans Saints Football Organization, (hereinafter referred to as Saints victims), would testify that they purchased approximately 1.9 million dollars of tax credits for the 2008 Louisiana Income Tax year from **WAYNE READ**, d/b/a Louisiana Film Studios, LLC.

The Government would introduce the following evidence relating to the Saints victims and amounts:

Mitch Berger	\$ 250,000
Drew Brees	100,000
Mark Campbell	40,000
Mike Carney	19,200
Jeff Charleston	10,000
Pattie Dowie	5,000
Troy Evans	26,250
Randal Gay	120,000
Gary Gibbs	20,800
Charles Grant	425,000
Joey Harrington	13,600
Garrett Hartley	5,000
Kevin Houser	125,000
Kevin Kaesviharn	32,000
Aaron Kromer	8,500
Antwaan Lake	37,600
Terry Malone	8,000
Archie Manning	80,000
Greg McMahon	10,000
Lance Moore	16,000
Jamar Nesbit	50,000
Glenn Pakulak	4,000
David Patten	136,470
Sean Payton	144,000
Chris Reis	16,000
Scott Shandle	93,750
Jeremy Shockey	80,000

Accordingly, each Saints victim would testify that they purchased Louisiana Film Tax Credits from **WAYNE READ**, d/b/a Louisiana Film Studios, LLC. for the purposes of reducing their 2008 Louisiana income tax liability. Further each Saints victim would testify that this was a purchase of Louisiana Tax Credit and not an investment in any of the defendant's ventures.

WIRE FRAUD

The Government would have introduced the following through relevant and competent evidence and testimony beyond a reasonable doubt:

Prior to selling the Saints victims the fraudulent tax credits, the defendant opened bank accounts in Louisiana controlled only by him in order to receive the Saints victims money from the sale of the fraudulent tax credits.

The Government would introduce by competent and documentary evidence that some members of the Saints victims would transmit their funds to purchase the fraudulent tax credits by bank wire transfers from other states, including the State of North Carolina, to the defendant's Louisiana bank account.

INTERSTATE TRANSPORTATION OF STOLEN FUNDS

The Government would introduce by relevant and competent evidence and testimony that the defendant, **READ**, set up Louisiana bank accounts controlled only by **READ** which received the money **READ** collected from the fraudulent sale of Louisiana Tax Credits from the Saints victims.

The Government would further introduce testimony and documentary evidence that the defendant READ illegally transferred these stolen funds in interstate commerce that were in excess of \$5,000 belonging to the Saints victims' bank accounts controlled only by the defendant.

The Government would introduce evidence that the defendant would further transfer the Saints victims money to other third parties for the defendant's personal benefit which included repayment of personal debts and business expenses for Wayne Read d/b/a Louisiana Film Studios, LLC.

Finally, the Government would introduce evidence that READ never purchased tax credits on behalf of the Saints victims.

Wayne H. Read 5-13-10
WAYNE READ (Date)
Defendant

Gary Schwabe 5-13-2010
GARY SCHWABE (Date)
Assistant Federal Public Defender
Attorney for Defendant

James R. Mann 5-13-2010
JAMES R. MANN (Date)
Assistant United States Attorney

Salvador Perricone 5-13-2010
SALVADOR PERRICONE (Date)
Assistant United States Attorney

Brian M. Klebba 5-13-2010
BRIAN M. KLEBBA (Date)
Assistant United States Attorney