

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

**UNITED STATES OF AMERICA** \* **CRIMINAL DOCKET NO. 11-021**  
**v.** \* **SECTION: "K"**  
**GREGORY HERNANDEZ** \*

\* \* \*

**FACTUAL BASIS**

Should this matter have gone to trial, the Government would have proved beyond a reasonable doubt, through the introduction of admissible tangible exhibits and competent testimony, including the testimony of U.S. Postal Service Inspectors, and others, the following facts to support the allegations charged in Counts 1 through 5 of the Bill of Information against the defendant Gregory Hernandez (hereinafter referred to as "Hernandez"):

Beginning in approximately December 2007, Hernandez began taking and altering personal and business checks from mail that he had stolen from residential and business mailboxes located in New Orleans. Hernandez would "wash" out the ink where the names of payees and dollar amounts had been inscribed on the stolen checks, then forge the names of his accomplices, who would then cash the checks at area banks, including Omni Bank, Capital One Bank, First Premier Bank, Regions Bank, Whitney National Bank, and Parish National Bank, all

of whose deposits the government would prove were insured by the Federal Deposit Insurance Corporation (FDIC). Hernandez would then split the cash with his respective accomplice. The government's evidence would prove that between December 2007 and July 2010 Hernandez stole, forged and cashed (with over a half-dozen accomplices) approximately 100 checks amounting to at least \$60,000.00 in losses to area banks.

An Officer of the New Orleans Police Department would testify that on January 31, 2009, Hernandez was arrested by NOPD for possession of stolen property, i.e., a letter which he had previously stolen from a mailbox on Carrollton Avenue. A witness would testify that on January 31, 2009, he observed Hernandez enter an apartment complex at 7 Fontainebleau Drive in New Orleans, at which time he saw Hernandez attempting to steal mail from mailboxes located in the foyer. The witness, a resident of the apartment building, chased Hernandez from the building and tackled him nearby until the police arrived. An NOPD Officer would testify that when he arrested Hernandez, the defendant was in possession of a letter addressed to B.S., at an apartment on Carrollton Avenue in New Orleans, Louisiana. B.S. would testify that he resides at the apartment, which is within walking distance of 7 Fontainebleau Drive, and that the letter in Hernandez's possession had been stolen from B.S.'s residential mailbox that same day.

The government would call another witness who would testify that June 9, 2009, he observed Hernandez rummaging through mail at 5420 Magazine Street in New Orleans. The witness called police, who arrested Hernandez and seized mail that the witness had observed Hernandez throw away in a trash can. An NOPD officer would testify that Hernandez admitted to rummaging through the mail and stealing mail from 4846 Magazine Street and 5221 Magazine Street. A check dated June 9, 2009 in the amount of \$265.00 (issued by E.T.L.P.) was seized

from Hernandez, who had stolen the check from the mail box at 5221 Magazine Street. This check had been made payable by the E.T.P. to S.D./X company, and had been removed by Hernandez from a letter (that he stole) addressed to S.D./X., 5221 Magazine Street, New Orleans, Louisiana. Officers also recovered a letter from the trash can (placed there by Hernandez) addressed to K.C. at 4846 Magazine Street, which Hernandez had also stolen.

The government would further prove that on June 25 and July 12, 2010, the defendant worked with an accomplice Allan Epperson to illegally cash two checks (that Hernandez had stolen and altered) at the Capitol One Branch in Luling, Louisiana. On both occasions, while Hernandez waited for Epperson outside in a car, Epperson cashed the checks inside the bank. Hernandez had previously stolen the two checks from New Orleans' residents and removed and replaced the legitimate payees' names on the checks with the name of his accomplice, Epperson. In one case, i.e., the June 25 event, Hernandez had changed the face value of the check from \$1,000.00 to \$1,560.00. The other check (relative to the July 12 event) had been issued in the amount of \$2,830.00, which Hernandez did not alter. The first check (negotiated by Epperson on June 25, 2010) had been stolen by Hernandez out of a mail box belonging to A.N. on Jefferson Avenue in New Orleans. The second check (negotiated July 12, 2010) had originally been written by J.R. and issued to a payee other than Allan Epperson.

Employees of Capital One would further testify that on July 23, 2010, Epperson attempted to cash a third fraudulent check at the Capitol One Branch in Luling, Louisiana, but that they (the employees) stalled him while notifying St. Charles Parish deputies, who quickly arrived and arrested Epperson. The check that Epperson had attempted to negotiate had also been stolen by Hernandez from a residential mail box in New Orleans, Louisiana. The check had been

originally issued to R.W., which Hernandez erased and replaced with Eppersson's name.

Hernandez had also altered the face value of this check to read \$1,560.00.

Deputies of the St. Charles Parish Sheriff's Office would testify that after arresting Hernandez, he admitted to stealing the checks that his accomplice Epperson had cashed and attempted to cash at the bank. Hernandez admitted to abstracting these checks from U.S. mail items that he had stolen. Hernandez also admitted to altering the checks to make them appear to have been issued to Allan Epperson.

A U.S. Postal Inspector would testify that after receiving numerous complaints in 2009 of stolen and forged checks in the New Orleans area, the Postal Service commenced an investigation and quickly determined that Hernandez was responsible for the thefts and subsequent forgeries which had defrauded many local banks and account holders. Postal Inspectors would testify that in 2009 and 2010 they interviewed Hernandez on two occasions while he was being held in local prisons on related charges. Hernandez, after being advised of his *Miranda* rights, confessed to stealing checks from letters he had stolen from mailboxes in New Orleans and surrounding parishes. Hernandez admitted to stealing at least 100 checks from private mail boxes in New Orleans, and to altering these checks and forging the names of approximately a half-dozen co-conspirators, who cashed the checks at area banks before splitting the profits with Hernandez. Hernandez stated that he worked with other homeless people and always forged their real names on the checks so they could cash the checks at area banks.

Postal Inspectors showed Hernandez a long list of fraudulent checks which had been cashed at area banks and Hernandez reviewed this list and initialed by the checks he remembered as having stolen and forged. Included in the checks stolen and forged by Hernandez were two (2)

checks payable to J.B. on Prytania Street in New Orleans. These checks had been issued to J.B. from a business, G.C.A.H., and were in the amounts, respectively, of \$6,460.00 and \$4,165.00.

READ AND APPROVED:

\_\_\_\_\_  
ROMA A. KENT (LA \_\_\_\_\_) Date  
Counsel for Gregory Hernandez

\_\_\_\_\_  
EMILY K. GREENFIELD (LA 28587) Date  
Assistant U.S. Attorney

\_\_\_\_\_  
GREGORY HERNANDEZ Date  
Defendant