

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

**UNITED STATES OF AMERICA** \* **CRIMINAL NO. 19-131**  
\*  
**v.** \* **SECTION: "F"**  
\*  
**MYLES NICHOLAS** \*  
\* \* \*

**FACTUAL BASIS**

Defendant **MYLES NICHOLAS** ("NICHOLAS"), has agreed to plead guilty. Should this matter proceed to trial, the United States would prove beyond a reasonable doubt, through credible testimony and reliable evidence, the following facts. Unless stated otherwise, the following acts occurred within the jurisdiction of the Eastern District of Louisiana.

On or about June 21, 2019, special agents with the U.S. Secret Service, along with detectives with the Jefferson Parish Sheriff's Office (JPSO) and New Orleans Police Department (NOPD), and other members of the Louisiana Financial Crimes Task Force, learned that two subjects (**NICHOLAS** and Terrence Nealy) would be arriving in New Orleans on June 21, 2019, on a flight from New York. On that day, officers performed surveillance at New Orleans International Airport and observed Nealy and **NICHOLAS** disembark a flight that arrived from New York at approximately 9:00 a.m. Officers saw Nealy and **NICHOLAS** then go to the Hertz rental car office at the airport where they rented a vehicle in **NICHOLAS**'s name. According to driver's license records, **NICHOLAS** has a Florida license although his listed address is in Jamaica, New York.

Officers then observed Nealy and **NICHOLAS** drive to the Baton Rouge area. They parked at a Best Buy store located on Bluebonnet Blvd. Officers observed Nealy enter the store

AUSA MP  
Defendant M.N.  
Defense Counsel RPE

while **NICHOLAS** waited in the driver's seat of the vehicle. Once inside the store, Nealy approached a store clerk and inquired about a line of credit with Best Buy. The store associate expressed some concern about approving the line of credit, at which time Nealy left the store. Nealy got back into the rental vehicle with **NICHOLAS**, and **NICHOLAS** drove away.

Officers and agents observed **NICHOLAS** and Nealy then travel to a Best Buy on 1977 Millerville Road in Baton Rouge. Again, Nealy exited the car while **NICHOLAS** waited in the driver's seat. Agents observed Terrence Nealy enter the store and go to the checkout counter of the Best Buy. Nealy spoke with Best Buy associates and entered information on the pin pad associated with the register. Nealy walked away from the counter and returned with an Apple MacBook Pro. Nealy attempted to purchase the item but was declined. Nealy then departed the store.

U.S. Secret Service agents immediately thereafter approached the store manager regarding the transaction that had just taken place. The manager reported that Nealy had been approved for a \$4,000.00 line of credit using the name and identification of another individual, Victim A. Best Buy credit cards are underwritten by Citibank, National Association ("Citibank"), a bank insured by the Federal Deposit Insurance Corporation. After the line of credit was approved in the name of Victim A, Nealy attempted to use the line of credit to purchase an Apple MacBook Pro. Citibank, however, then declined to permit the transaction to occur due to potential fraud. Nealy then departed the store without making a purchase. The manager noted that Nealy presented a Kentucky identification card in the name of Victim A, and that a store associate took a picture of the fraudulent identification card. The manager provided agents with documents showing the initial application and approval for a line of credit under the name of Victim A by Citibank.

Federal and state law enforcement agents observed **NICHOLAS** and Nealy arrive back downtown in New Orleans. The two subjects went to the Sheraton Hotel located at 500 Canal Street, New Orleans, LA. The subjects had reserved a room at the Sheraton Hotel, however, the room was not yet available. The room was reserved in the name of **NICHOLAS**, but he used an address located in Tampa, Florida instead of Jamaica, New York.

Agents also obtained the subjects' return flight information. Flight records showed that **NICHOLAS** and Nealy would be heading back to New York the following morning, June 22, 2019. Agents applied for a federal arrest warrant, which was signed by U.S. Magistrate Judge Karen Wells Roby. Agents arrested **NICHOLAS** and Nealy in the evening of June 21, 2019, in New Orleans.

Agents also obtained a search warrant for the subjects' rental car. Inside the vehicle, agents found Nealy's JetBlue boarding pass and New York ID card. During a search incident to arrest of Nealy, agents found a cell phone, cash, charger, cigarettes, and a lighter. During a search incident to arrest of **NICHOLAS**, agents seized a cell phone, charger, **NICHOLAS**'s Florida state driver's license, and a wallet containing a Hertz gold card and a credit card.

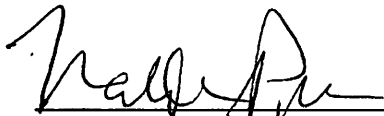
Agents subsequently obtained surveillance videos from the Best Buy stores for June 21, 2019. Both Nealy and **NICHOLAS** are depicted both inside and outside the store. The surveillance video also captured the license plate of their rental vehicle parked in the store parking lot. The video shows Nealy attempting to purchase the Apple MacBook Pro.

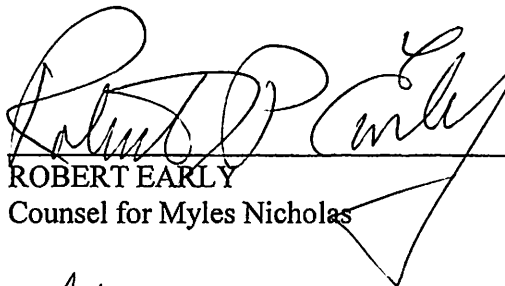
Agents contacted Victim A. Victim A provided a signed statement that he did not know Nealy or **NICHOLAS**. Victim A stated that never gave Nealy or **NICHOLAS** permission to use his identity.

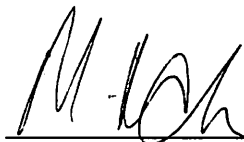
The parties agree and stipulate that, for the purposes of sentencing only, that **NICHOLAS** is responsible for an intended loss of \$4,000.00, based upon his own conduct and the reasonably foreseeable conduct of his co-conspirators.

Limited Nature of Factual Basis

This proffer of evidence is not intended to constitute a complete statement of all facts known by **NICHOLAS**, and it is not a complete statement of all facts described by **NICHOLAS** to the government. Rather, it is a minimum statement of facts intended to prove the necessary factual predicate for his guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for **NICHOLAS's** plea of guilty to the charged offense.

  
\_\_\_\_\_ 11/20/2019  
MATTHEW R. PAYNE Date  
Assistant United States Attorney

  
\_\_\_\_\_ 11/20/19  
ROBERT EARLY Date  
Counsel for Myles Nicholas

  
\_\_\_\_\_ 11/20/19  
MYLES NICHOLAS Date  
Defendant