UNITED STATES DISTRICT COURT EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * DOCKET NO. 07-176

v. * SECTION: J

SAMANTHIA MILLER *

* * *

FACTUAL BASIS

Should this matter have gone to trial, the government would have proved beyond a reasonable doubt, through the introduction of competent testimony and admissible tangible exhibits, including the testimony of Special Agents of the Federal Bureau of Investigation ("FBI"), the following to support the allegations charged by the government in Count 1 of the Indictment now pending against the defendant, Samanthia Miller.

Special Agents would testify that they were contacted by the offices of Frank D'Amico regarding the defendant. The defendant was employed at this office as a legal secretary. During her employment at this office, the defendant stole approximately \$61,647.05 from a MBNA credit card held by Frank D'Amico.

Representatives of the offices of Frank D'Amico would testify that the defendant added herself as an authorized user of the account without the permission or knowledge of Frank D'Amico.

The defendant then made numerous cash withdrawals and internet purchases and negotiated checks from the account without the authorization of the account holder. The government would introduce documentary evidence from the MBNA account as well as testimony from MBNA representatives to support these facts.

As part of the scheme, and in furtherance thereof, the defendant also wired money from the MBNA account to her personal account at Hibernia National Bank. The government would introduce records from MBNA and Hibernia National Bank to show that on or about December 23, 2002, the defendant caused money to be transferred by wire from MBNA in Wilmington, Delaware to Hibernia National Bank in New Orleans, Louisiana.

Finally, Special Agents of the FBI would testify that the defendant was interviewed regarding these facts. During the interview, the defendant confessed to the above.

G. DALL KAMMER Assistant United States Attorney	Date	
VALERIE JUSSELIN	Date	
Counsel for Defendant	Date	
SAMANTHIA MILLER Defendant	Date	