

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL ACTION
versus * No. 08-045
RAY J. DUPEPE, SR. * SECTION: "A"

* * *

FACTUAL BASIS

Should this matter have gone to trial, the following facts would have been proven beyond a reasonable doubt through the introduction of competent evidence:

Stella C. Dupepe (hereinafter "Stella"), who resided in the Eastern District of Louisiana prior to her death, received Old-Age, Survivors and Disability Insurance Benefits (OASDI) from the Social Security Administration (SSA), a department or agency of the United States, which were directly deposited into her bank account at Bank One. Stella also received Dependency and Indemnity Compensation (DIC) from the Department of Veterans Affairs (VA), also a department or agency of the United States, to which she was entitled as the widow of a disabled veteran, her husband, Ray S.

Dupepe, who had died in 1982. The DIC benefits she received from the VA were directly deposited into her bank account at Bank One.

Stella C. Dupepe was the mother of the defendant, **RAY J. DUPEPE, SR.** (hereinafter "**Dupepe**"). **DUPEPE** was a joint account holder with his mother, Stella, at Bank One into which Stella's SSA and VA benefits were directly deposited each month.

On October 30, 1994, Stella died in Kenner, Louisiana. Pursuant to applicable federal laws, rules, and regulations, Stella's entitlement to SSA and VA benefits ended at her death.

From on or about November 1, 1994, continuing without interruption until on or about April 1, 2005, the SSA and VA benefits which were drawn from the United States Treasury and payable to Stella continued to be paid by direct deposit into the joint bank account she held with her son, **DUPEPE**, payments to which the defendant knew he was not entitled. During this time period, \$96,228.00 in SSA benefits and \$135,004.00 in VA benefits in Stella's name were deposited into the joint account. **DUPEPE** resided in the Eastern District of Louisiana from 1994 until 2005 and the funds which were directly deposited in **DUPEPE's** and Stella's joint bank account were available for him to withdraw within the Eastern District of Louisiana. **DUPEPE** did withdraw

funds from the joint account for his own use on several occasions and on dates which were subsequent to February 28, 2003.

Defendant **DUPEPE** did not notify the SSA or the VA of his mother's death at any time prior to 2005. On February 14, 2005, **DUPEPE** sent a letter to the SSA office at 6600 Plaza Drive, Suite 102, New Orleans, Louisiana, stating that after Stella died, SSA funds had been direct deposited into the bank account, and he transmitted a check in the amount of \$49,267.29 as partial reimbursement to the SSA of benefits that had been paid after her death. On February 14, 2005, **DUPEPE** sent a letter to the VA office at 701 Loyola Avenue, New Orleans, Louisiana, stating that after Stella died, VA funds had been direct deposited into the bank account, and he transmitted a check in the amount of \$26,627.67 as partial reimbursement to the VA of benefits that had been paid after her death.

From on or about November 1, 1994, until on or about February 14, 2005, **DUPEPE** embezzled, stole, purloined, and converted to his own use SSA benefits and VA benefits paid to his deceased mother, Stella C. Dupepe, to which he knew he was not entitled, having an aggregate value of over \$1,000. The aggregate value of the SSA benefits of \$96,228.00 and VA benefits of \$135,004.00 which **DUPEPE**

stole was \$231,232.00. **DUPEPE** returned \$52,387.29 of the SA benefits and \$29,039.67 which were paid to his mother and which he had no right to receive. Still outstanding and owed by **DUPEPE** to the United States is \$43,840.71 in stolen SSA benefits and \$105,964.33 in stolen VA benefits, which said amounts total \$149,805.04.

On November 2, 2006, **DUPEPE** admitted to a Special Agent of the Office of Inspector General, Department of Veterans Affairs, that he used his mother's SSA and VA benefits, funds which were deposited into his and his mother's joint bank account and from which he made withdrawals, to take care of himself after his mother's death. **DUPEPE** also acknowledged that he was obligated to repay the funds to the United States.

_____ RAY J. DUPEPE, SR.	_____
Defendant	Date

_____ BERNARD J. BAGERT, JR.	_____
Counsel for the Defendant	Date

_____ CAROL L. MICHEL	_____
Assistant United States Attorney	Date