UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

CASE NO. 23-60019-CR-SINGHAL

UNITED STATES OF AMERICA

vs.

TERRI SHANA DAVIS,

Defendant.
_____/

FACTUAL PROFFER

The United States of America (the "United States") and Defendant Terri Shana Davis ("Defendant") agree that, were this case to proceed to trial, the United States would prove beyond a reasonable doubt the following facts, among others, which occurred in the Southern District of Florida and elsewhere:

1. At all times material to the Indictment, Defendant was employed by a finance company headquartered in Atlanta, Georgia ("Company 1"). During and through her employment at Company 1, Defendant had access to personally identifiable information ("PII") of other persons, including access to a credit reporting agency subscription database that contained PII of other persons (the "Database").

2. On or about October 29, 2019, during and in relation to a felony violation of Title 18, United States Code, Section 1349, that is, conspiracy to commit bank fraud and wire fraud, as charged in Count 1 of the Indictment, Defendant knowingly transferred, possessed, and used, without lawful authority the means of identification of another person, that is, the social security number, date of birth, and Florida driver license number of a person whose initials were "J.H."

3. Specifically, on or about October 29, 2019, Defendant accessed the Database at Company 1 using Defendant's Database login name "terri.davis" and, without lawful authority, ran a query in the Database that resulted in the display on Defendant's computer monitor of J.H.'s full name, date of birth, social security number, and Florida driver's license number, among other information. With this PII for J.H. displayed on her computer screen, Defendant took a digital photograph of her computer screen that captured J.H.'s PII, and then sent this image via text message to Co-Conspirator 1. Upon receipt from Defendant of the image of Defendant's computer screen displaying J.H.'s PII, Co-Conspirator 1 sent the image to co-Defendant Kervens Saint-Hilaire ("Kervens"). In exchange for supplying such PII, Davis received payment from co-defendant Kervens in Defendant's CashApp account.

4. J.H. did not authorize Defendant to transfer, possess, or use J.H.s means of identification of another person, nor did J.H. know that Defendant had done so.

5. The PII of J.H. supplied by Defendant was possessed and used by Kervens and his co-conspirators, including co-defendant Patrick Ductant, to conspire to commit bank fraud and wire fraud as charged in Count 1 of the Indictment. Specifically, Kervens and Ductant used J.H.'s PII supplied by Defendant to, among other things, fraudulently apply for and obtain a personal loan and a credit card in J.H.'s name from USAA Federal Savings Bank ("USAA Bank"), a financial institution whose accounts were insured by the Federal Deposit Insurance Corporation. The unlawful use of J.H.'s PII in this manner caused a loss to USAA Bank of $47,923.77.

6. The United States and Defendant agree that these facts, which do not include all facts known to the United States and Defendant, are sufficient to prove beyond a reasonable doubt the elements of aggravated identity theft, in violation of Title 18, United States Code, Section

1028A(a)(1), that Defendant is in fact guilty of that offense as charged in Count 16 of the Indictment.

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

Date: 01/12/2024 By: _____
DAVID A. SNIDER
ASSISTANT UNITED STATES ATTORNEY

Date: 1 2 Jc, 2024 _____
MICHAEL R. BAND
ATTORNEY FOR DEFENDANT

Date: 1-12-24 _____
TERRI SHANA DAVIS
DEFENDANT