

IN THE UNITED STATES DISTRICT COURT

JAN 28 2010

FOR THE DISTRICT OF NEW MEXICO

**MATTHEW J. DYKMAN**  
CLERK

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
vs. )  
**ANDREW J. BARKA,** )  
Defendant. )

CRIMINAL NO. 10-252  
Count 1: 18 U.S.C. § 1028(a)(3): Fraud and  
Related Activity in Connection with  
Authentication Features;  
Count 2: 18 U.S.C. § 1028A(a)(1) and (c)(4):  
Aggravated Identity Theft;  
Counts 3 - 5: 18 U.S.C. § 1709: Theft of Mail  
Matter by Officer or Employee.

INDICTMENT

The Grand Jury charges:

Count 1

From on or about June 10, 2006, through on or about October 22, 2007, those dates being inclusive, in Bernalillo County in the District of New Mexico, the defendant, **ANDREW J. BARKA**, did knowingly possess with the intent to use unlawfully five (5) or more authentication features issued by the entities and to the parties made known to the grand jury specified below, not issued lawfully for the use of the defendant, to wit:

MasterCard	553749200024 0903	Rio Grande Credit Union	S.L.Y.
Visa Card	444437354087 2931	CardEx	V.D.
Visa Card	431793090430 3342	U.S. New Mexico Federal Credit Union	F.T.R.

Visa Card	486831402543 4000	Wells Fargo Bank	<b>B.S.F.</b>
Visa Card	435686452543 5757	Bank of America	<b>E.J.J.</b>
Visa Card	474486000225 2740	Bank of America	<b>D.J.R.</b>
Visa Card	455911000189 5501	Honeywell Aerospace Federal Credit Union	<b>P.A.S.</b>

Said possession of the authentication features noted above and their use was in or affected interstate and foreign commerce.

In violation of 18 U.S.C. § 1028(a)(3), (d)(1) and (7).

Count 2

From on or about June 10, 2006, through on or about October 22, 2007, those dates being inclusive, in Bernalillo County, in the District of New Mexico, the defendant, **ANDREW J. BARKA**, did knowingly possess and use, without lawful authority, a means of identification, specifically, a MasterCard issued in the name of **S.L.Y.**, and Visa Cards issued in the names of and which the defendant knew at the time belonged to **V.D.**, **F.T.R.**, **B.S.F.**, **E.J.J.**, **D.J.R.**, and **P.A.S.**, individuals known to the grand jury, during and in relation to a violation(s) of 18 U.S.C. § 1028(a)(3), Fraud and Related Activity with Authentication Features by knowingly utilizing said authentication features in the course of commercial and cash transactions.

In violation of 18 U.S.C. § 1028A(a)(1) and (c)(4).

Counts 3 - 5

From on or about June 10, 2006, through on or about October 22, 2007, those dates being inclusive, in Bernalillo County, in the District of New Mexico, the defendant, **ANDREW J. BARKA**, who was then an United States Postal Service employee and who had been entrusted with mail matter as set forth below, mail matter which was intended to be forwarded through and delivered from any post office and station thereof and intended to be conveyed by the United States mail from and to the parties specified below and made known to the grand jury, did unlawfully and knowingly embezzle and steal, abstract and remove from said mail matter items as set forth below:

Count	Item	From	To
3	Gift card to Jinja Bistro	J.G.	D.L.
4	Gift card to Victoria's Secret	A.S.	B.T.
5	NM Motor Vehicle Registration	State of New Mexico	S.K.

In violation of 18 U.S.C. § 1709.

A TRUE BILL:

/s/  
FOREPERSON OF THE GRAND JURY

\_\_\_\_\_  
Assistant U.S. Attorney

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