Sealed
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United States Courts
Southern District of Texas
FILED
SEP 21 2005
Michael N. Milby, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	Criminal No. H-05- 383
	§	
BARNEY SPEARS	§	**UNDER SEAL**
	§	

INDICTMENT

THE GRAND JURY CHARGES THAT:

INTRODUCTION

A. FEMA Hurricane Katrina Disaster Assistance

1. The Federal Emergency Management Agency ("FEMA") is an agency within the Department of Homeland Security. It provides assistance to the victims of disasters. To be eligible for FEMA assistance based on housing needs, the damaged home in the disaster area must be where the applicant usually lives and where the applicant was residing at the time of the disaster.

2. In response to Hurricane Katrina, FEMA has made available to each eligible household $2,000 in expedited disaster assistance. Those eligible can apply for the expedited assistance by phone or online. The $2,000 in expedited disaster assistance is intended to help Katrina evacuees with immediate food, shelter, and clothing needs.

B. The Defendant

3. **BARNEY SPEARS**, Defendant herein, has worked full time in Houston since on or about August 8, 2004. Since on or about October 16, 2004, **SPEARS** has been leasing an apartment in Houston.

4. On September 5, 2005, **SPEARS** filed an online application with FEMA for Hurricane Katrina disaster relief benefits.

5. On September 8, 2005, FEMA disbursed $2,000 to New Orleans Federal Credit Union account "xxxxxxxxx4096" as Spears instructed in his application for FEMA benefits.

COUNT ONE

(False Claim – 18 U.S.C. § 287)

On or about September 5, 2005, in the Houston Division of the Southern District of Texas, the Defendant,

BARNEY SPEARS,

made a material claim against and upon FEMA, an agency of the United States, for Hurricane Katrina disaster assistance benefits, knowing that the claim was false, fictitious, and fraudulent in that his primary residence was not, as the Defendant stated in his claim, 2536 Port Street, New Orleans, Louisiana, and Hurricane Katrina did not, as the Defendant stated in his claim, cause him to have an essential need for food, shelter, and clothing.

In violation of Title 18, United States Code, Section 287.

COUNT TWO

(False Statement – 18 U.S.C. § 1001)

On or about September 5, 2005, in the Houston Division of the Southern District of Texas, in a matter within the jurisdiction of FEMA, an agency of the United States, the Defendant,

BARNEY SPEARS,

did knowingly and willfully make false, fraudulent, and fictitious material statements and representations, in that the Defendant falsely stated that his primary residence was 2536 Port Street, New Orleans, Louisiana, and that Hurricane Katrina caused the Defendant to have an essential need for food, shelter, and clothing.

In violation of Title 18, United States Code, Section 1001.

A TRUE BILL:

[redacted]

FOREPERSON OF THE GRAND JURY

CHUCK ROSENBERG
United States Attorney

BY: Gregg Costa

Gregg Costa
Assistant United States Attorney

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UNITED STATES DISTRICT COURT

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HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
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v.	§	CRIMINAL NO. CR-H-05-383
	§	
BARNEY SPEARS	§	

ORDER

IT IS the Order of this Court that the indictment against the above listed defendant be sealed together with the Government's motion. The indictment will be unsealed automatically upon the defendant's arrest.

DONE at Houston, Texas, on this the 21st day of September, 2005.

UNITED STATES MAGISTRATE JUDGE