



***United States Attorney
Southern District of New York***

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**MAN SENTENCED TO MORE THAN 7 YEARS IN PRISON
FOR MASSIVE IDENTITY THEFT SCHEME**

MICHAEL J. GARCIA, United States Attorney for the Southern District of New York, announced that ANDREI POTUPA was sentenced to 90 months in prison today for using stolen account information to fraudulently withdraw hundreds of thousands of dollars from ATMs located in New York City, New Jersey, and Philadelphia. POTUPA, presently a fugitive, was sentenced *in absentia* after pleading guilty on May 25, 2006 to one count of conspiracy and one count of access device fraud.

POTUPA absconded shortly before he was originally scheduled to be sentenced on December 6, 2006. In sentencing POTUPA, District Court Judge JED S. RAKOFF found that POTUPA had obstructed justice by failing to appear as required. Judge RAKOFF upwardly departed from the applicable sentencing Guidelines range of 63 to 78 months, citing the nature of POTUPA's crime and the need to promote respect for the law. According to statements made and papers filed in Manhattan federal court:

POTUPA bought account information and corresponding personal identification numbers from an associate over the Internet, then electronically encoded this information onto blank ATM-type cards. He then used these cards to fraudulently withdraw cash from ATM machines at bank branches, delis, convenience stores and other locations. Through his criminal scheme, POTUPA stole, or attempted to steal, at least \$960,000 between 2004 and February 16, 2006.

On February 16, 2006, alert officers of the New York City Police Department arrested POTUPA after they watched him insert several cards into an ATM located in a Manhattan deli and withdraw cash. A search of POTUPA's person at the time of his arrest revealed that he was carrying approximately 50 plain, grey-colored

ATM cards and approximately \$7,500 in crisp twenty dollar bills. Searches of POTUPA's Brooklyn apartment and the 2006 Porsche Cayenne he was driving at the time of his arrest turned up scores of additional blank ATM cards, as well as *bona fide* debit or credit cards issued to POTUPA or his girlfriend, all of which had been encoded with other people's account information. In addition, law enforcement officers seized lists of ATM street addresses, approximately \$70,000 in cash, and a money counting machine, among other things, from POTUPA's apartment.

During the investigation, law enforcement obtained ATM surveillance video showing POTUPA withdrawing cash from over 100 different accounts at ATMs in New York City. The video, consistent with what the NYPD officers observed, showed POTUPA using multiple cards to withdraw money from ATM machines. Accompanying transaction records showed POTUPA withdrawing, or attempting to withdraw, the daily maximum allowed for each account. Following his arrest, POTUPA identified himself in a still photo taken from one of the ATM surveillance videos.

As part of his sentence, POTUPA was ordered to forfeit the proceeds of his criminal scheme, and will be ordered to pay restitution to the victims of the scheme. The amount of restitution and the amount to be forfeited will be set at a later date.

Mr. GARCIA praised the investigative efforts of the United States Secret Service.

ANDREI POTUPA, 30, a native of Belarus (formerly, a Republic of the USSR) had previously been granted political asylum in the United States, where he lived in Brooklyn, New York, until he absconded.

Assistant United States Attorney THOMAS G. A. BROWN is in charge of the prosecution.

Anyone with knowledge of POTUPA's whereabouts is encouraged to call the United States Marshal Service (800-336-0102) or the United States Secret Service (718-840-1440).

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