

**FILED**

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF NEW MEXICO**

OCT 12 2006

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**ELBERT BARBER, Jr.,**

Defendant.

**MATTHEW J. DYKMAN**

CLERK

CRIMINAL NO. 06-2175 MV

18 U.S.C. § 1153: Crime on an  
Indian Reservation;

18 U.S.C. § 2111: Robbery;

18 U.S.C. § 924(c)(1)(A)(ii): Use and  
Brandish a Firearm In Furtherance of  
a Crime of Violence

**INDICTMENT**

The Grand Jury charges:

**COUNT 1**

On or about the 12th day of August 2006, in Indian Country, within the exterior boundaries of the Navajo Reservation, in the State and District of New Mexico, the defendant, **ELBERT BARBER, Jr.**, an Indian, by force and violence, and by intimidation, did unlawfully and knowingly take and attempt to take from Navajo Country Express Gas Station and presence of Deanna Johnson and Jacinta Blackwater, something of value namely, money.

In violation of 18 U.S.C. § 1153; 18 U.S.C. § 2111.

**COUNT 2**

On or about the 18th day of August 2006, in Indian Country, within the exterior boundaries of the Navajo Reservation, in the State and District of New Mexico, the defendant, **ELBERT BARBER, Jr.**, an Indian, by force and violence, and by intimidation, did unlawfully and knowingly take and attempt to take from Citgo Gas

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Station and presence of Kathy Holgate, an Indian, Elsie Barton and Jefferey Nelson, something of value namely, money.

In violation of 18 U.S.C. § 1153; 18 U.S.C. § 2111.

**COUNT 3**

On or about the 12th day of August 2006, in San Juan County, in the State and District of New Mexico, the defendant **ELBERT BARBER, Jr.**, did knowingly possess use and brandish a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely Robbery, as charged in Count 1 of this Indictment.

In violation of 18 U.S.C. § 924(c)(1)(A), and 18 U.S.C. § 924(c)(1)(A)(ii).

**COUNT 4**

On or about the 18th day of August 2006, in San Juan County, in the State and District of New Mexico, the defendant **ELBERT BARBER, Jr.**, did knowingly possess, use and brandish a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely Robbery, as charged in Count 2 of this Indictment.

In violation of 18 U.S.C. § 924(c)(1)(A), and 18 U.S.C. § 924(c)(1)(A)(ii).

A TRUE BILL:

/S/

FOREPERSON OF THE GRAND JURY

DAVID C. IGLESIAS  
United States Attorney

10/12/06 1:05pm

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