


FILED  
2010 FEB 26 PM 12:38  
CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY  DEPUTY

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

February 2009 Grand Jury

UNITED STATES OF AMERICA,	)	Case No. <b>'10 CR 0653</b>	<b>WQH</b>
	)		
Plaintiff,	)	<u>I N D I C T M E N T</u>	
	)		
v.	)	Title 18, U.S.C.,	
	)	Sec. 1029(a)(2) - Credit Card	
KHRIS ST. IVES DULAY LU,	)	Fraud; Title 18, U.S.C.,	
	)	Sec. 1028A(a)(1) - Aggravated	
Defendant.	)	Identity Theft; Title 18, U.S.C.,	
	)	Sec. 1542 - Passport Fraud;	
	)	Title 18, U.S.C., Sec. 1542 - Use	
	)	of Passport Obtained by Fraud	

The grand jury charges:

Count 1

[18 U.S.C. § 1029(a)(2)]

1. Defendant KHRIS ST. IVES DULAY LU was a temporary employee of Metabasis Therapeutics, Inc. ("MTI"), in La Jolla, California, from on or about February 19, 2008, until on or about March 28, 2008, assigned to computer help desk support.

2. Beginning on or about June 13, 2008, and continuing up to and including on or about November 21, 2008, within the Southern District of California, and elsewhere, defendant KHRIS ST. IVES DULAY LU knowingly and with intent to defraud used one or more unauthorized access devices, specifically, credit cards obtained without authority

MDD:nmc:San Diego  
2/26/10



1 and with intent to defraud, in the names of MTI employees and in the  
2 names of family members of MTI employees, to purchase from  
3 Travelocity.com air, hotel and show ticket packages in Las Vegas,  
4 Nevada, in order to resell the show tickets to the public, and by such  
5 conduct obtained anything of value aggregating \$1,000 or more during  
6 that period; to wit, approximately \$249,327.00 in Las Vegas travel and  
7 show packages, and causing loss to Travelocity.com of approximately  
8 \$200,120.00, and loss to Barclay's Bank of approximately \$50,489.45,  
9 in and affecting interstate and foreign commerce; in violation of  
10 Title 18, United States Code, Section 1029(a)(2).

11 Count 2

12 [18 U.S.C. § 1028A(a)(1)]

13 On or about July 3, 2008, within the Southern District of  
14 California, and elsewhere, defendant KHRIS ST. IVES DULAY LU, during  
15 and in relation to a felony violation of Title 18, United States Code,  
16 Section 1029(a)(2), as charged at Count 1 herein, knowingly used,  
17 without lawful authority, a means of identification of another person,  
18 to wit, the name and social security number of victim M.C.(1), of  
19 San Diego, California, to obtain a Barclay's Bank Travelocity credit  
20 card in the victim's name; in violation of Title 18, United States  
21 Code, Section 1028A(a)(1).

22 Count 3

23 [18 U.S.C. § 1028A(a)(1)]

24 On or about July 11, 2008, within the Southern District of  
25 California, and elsewhere, defendant KHRIS ST. IVES DULAY LU, during  
26 and in relation to a felony violation of Title 18, United States Code,  
27 Section 1029(a)(2), as charged at Count 1 herein, knowingly used,  
28 without lawful authority, a means of identification of another person,

1 to wit, the name and social security number of victim L.H., of  
2 San Diego, California, to obtain a Barclay's Bank Travelocity credit  
3 card in the victim's name; in violation of Title 18, United States  
4 Code, Section 1028A(a)(1).

5 Count 4

6 [18 U.S.C. § 1028A(a)(1)]

7 On or about June 13, 2008, within the Southern District of  
8 California, and elsewhere, defendant KHRIS ST. IVES DULAY LU, during  
9 and in relation to a felony violation of Title 18, United States Code,  
10 Section 1029(a)(2), as charged at Count 1 herein, knowingly used,  
11 without lawful authority, a means of identification of another person,  
12 to wit, the name and social security number of victim J.H., of  
13 San Diego, California, to obtain a Barclay's Bank Travelocity credit  
14 card in the victim's name; in violation of Title 18, United States  
15 Code, Section 1028A(a)(1).

16 Count 5

17 [18 U.S.C. § 1028A(a)(1)]

18 On or about July 13-14, 2008, within the Southern District of  
19 California, and elsewhere, defendant KHRIS ST. IVES DULAY LU, during  
20 and in relation to a felony violation of Title 18, United States Code,  
21 Section 1029(a)(2), as charged at Count 1 herein, knowingly used,  
22 without lawful authority, a means of identification of another person,  
23 to wit, the name and social security number of victim J.F., of  
24 San Diego, California, to obtain a Barclay's Bank Travelocity credit  
25 card in the victim's name; in violation of Title 18, United States  
26 Code, Section 1028A(a)(1).

27 //

28 //

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Count 6

[18 U.S.C. § 1028A(a)(1)]

On or about July 17, 2008, within the Southern District of California, and elsewhere, defendant KHRIS ST. IVES DULAY LU, during and in relation to a felony violation of Title 18, United States Code, Section 1029(a)(2), as charged at Count 1 herein, knowingly used, without lawful authority, a means of identification of another person, to wit, the name and social security number of victim M.G., of San Diego, California, to obtain a Barclay's Bank Travelocity credit card in the victim's name; in violation of Title 18, United States Code, Section 1028A(a)(1).

Count 7

[18 U.S.C. § 1028A(a)(1)]

On or about July 28-30, 2008, within the Southern District of California, and elsewhere, defendant KHRIS ST. IVES DULAY LU, during and in relation to a felony violation of Title 18, United States Code, Section 1029(a)(2), as charged at Count 1 herein, knowingly used, without lawful authority, a means of identification of another person, to wit, the name and social security number of victim M.C.(2), of San Diego, California, to obtain a Barclay's Bank Travelocity credit card in the victim's name; in violation of Title 18, United States Code, Section 1028A(a)(1).

Count 8

[18 U.S.C. § 1542]

On or about November 25, 2003, within the Southern District of California, defendant KHRIS ST. IVES DULAY LU, knowingly and willfully made false statements in an application for a passport with intent to induce and secure the issuance of a passport under the authority

1 of the United States, either for his own use or for the use of  
2 another, contrary to the laws regulating the issuance of passports or  
3 the rules prescribed pursuant to such laws, in that defendant stated  
4 that he and his parents were born in Japan and stated that he had  
5 never been issued a United States passport, which statements defendant  
6 then and there knew to be false; in violation of Title 18, United  
7 States Code, Section 1542.


8 Count 9

9 [18 U.S.C. § 1542]

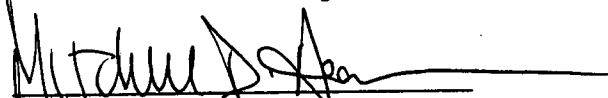
10 On or about September 22, 2008, at the United States Consulate,  
11 Guangzhou, Peoples Republic of China, within the special maritime and  
12 territorial jurisdiction of the United States, defendant KHRIS ST.  
13 IVES DULAY LU, knowingly and willfully used a United States passport,  
14 number \*\*\*\*\*704, the issue of which was secured in any way by reason  
15 of any false statement, to wit: in the application for this passport,  
16 on or about November 23, 2003, within the Southern District of  
17 California, defendant stated that he and his parents were born in  
18 Japan and stated that he had never been issued a United States  
19 passport, which statements defendant then and there knew to be false;  
20 in violation of Title 18, United States Code, Section 1542.

21 DATED: February 26, 2010.

22 A TRUE BILL:

23   
24 Foreperson

25 KAREN P. HEWITT  
26 United States Attorney

27 By:   
28 MITCHELL D. DEMBIN  
Assistant U. S. Attorney