

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon.
	:	
v.	:	Crim. No. 23-
	:	
BABA DIAKITE	:	18 U.S.C. § 1349
	:	18 U.S.C. § 371
	:	18 U.S.C. § 1704
	:	18 U.S.C. § 1028A

**INDICTMENT**

The Grand Jury in and for the District of New Jersey, sitting at Newark, charges as follows:

**COUNT 1**  
(Conspiracy to Commit Bank Fraud)

**Background**

1. At all times relevant to this Indictment:
  - a. Defendant Baba Diakite was a resident of East Orange, New Jersey.
  - b. Nasir Johnson, who is named as a co-conspirator but not as a defendant here, was a resident of Hillside, New Jersey.
  - c. Co-Conspirator 1 was a resident of Irvington, New Jersey.
  - d. Runner 1 was an individual without a known residence.
  - e. Victim Accountholder 1 was a resident of Livingston, New Jersey.
  - f. The United States Postal Service (“USPS”) operated a post office located at 2101 State Route 27, Edison, New Jersey (the “Edison Main Post Office”).

g. The victim financial institutions, including Bank-1 through Bank-29: (1) were “financial institutions” as that term is defined in Title 18, United States Code, Section 20, offering, among other things, checking and savings accounts to customers; (2) had deposits insured by the Federal Deposit Insurance Corporation (FDIC) and/or accounts insured by the National Credit Union Insurance Fund (NCUIF), and (3) had branches in New Jersey.

### **The Conspiracy**

2. From at least in or about January 2020 to in or about March 2022, in Essex, Hudson, Middlesex, Passaic, Somerset, and Union Counties, in the District of New Jersey and elsewhere, defendant

### **BABA DIAKITE**

did knowingly and intentionally conspire and agree with Nasir Johnson and others to execute and attempt to execute a scheme and artifice to defraud financial institutions whose deposits were insured by the Federal Deposit Insurance Corporation, and whose accounts were insured by the National Credit Union Insurance Fund, and to obtain moneys, funds, assets, and other property owned by and under the custody and control of such financial institutions, by means of materially false and fraudulent pretenses, representations, and promises, contrary to Title 18, United States Code, Section 1344.

### **Goal of the Conspiracy**

3. It was the goal of the conspiracy for BABA DIAKITE, Nasir Johnson, and their co-conspirators to enrich themselves by fraudulently obtaining money from the victim financial institutions.

### **Manner and Means of the Conspiracy**

4. It was part of the conspiracy that:

a. BABA DIAKITE, Nasir Johnson, and their co-conspirators purchased USPS arrow keys in order to steal mail containing checks (the “Stolen Checks”) from USPS mail collection boxes and receptacles located throughout New Jersey. For instance, BABA DIAKITE obtained a USPS arrow key assigned to the Edison Main Post Office that could be used to access any of the collection boxes assigned to the Edison Main Post Office.

b. BABA DIAKITE sent pictures of the Stolen Checks to co-conspirators, stole mail from USPS collection boxes, shared information regarding the location of USPS collection boxes with co-conspirators, and distributed to co-conspirators the personal identifiers of individuals from whose accounts the Stolen Checks were written (the “Victim Accountholders”).

c. BABA DIAKITE and Nasir Johnson sold some of the Stolen Checks to co-conspirators. Upon receiving confirmation from such co-conspirators of mobile payments made to BABA DIAKITE or Nasir Johnson via the mobile Cash App, BABA DIAKITE and Nasir Johnson provided confirmation of the sale by sending images of the Stolen Checks. BABA DIAKITE and Nasir Johnson then

provided the physical Stolen Checks to the co-conspirators, who then deposited the Stolen Checks in original or altered form.

d. For instance, on or about December 1, 2020, a co-conspirator sent BABA DIAKITE a screenshot via an encrypted messaging application depicting a mobile Cash App payment of \$100 to BABA DIAKITE. BABA DIAKITE responded by sending a photograph of a Stolen Check in the amount of \$1,088.44 (“Stolen Check 1”). Stolen Check 1 had been placed into the mail at a USPS collection box located in or around Watchung, New Jersey on or about November 27, 2020, and the actual payee of Stolen Check 1 never received it.

e. BABA DIAKITE and Nasir Johnson worked with co-conspirators to solicit accountholders at various financial institutions (the “Complicit Accountholders”) to provide their banking information. BABA DIAKITE, Nasir Johnson, and their co-conspirators then altered some of the Stolen Checks to write in higher payment amounts or duplicated the Stolen Checks. They then deposited and attempted to deposit the stolen, altered, and duplicated checks into the accounts of the Complicit Accountholders (the “Fraud Accounts”).

f. After making these deposits, BABA DIAKITE, Nasir Johnson, and their co-conspirators withdrew money from the Fraud Accounts, primarily via automated teller machines (“ATMs”), before the victim financial institutions identified the Stolen Checks as fraudulent and blocked further withdrawals from the Fraud Accounts.

g. For instance, on or about February 6, 2020, a co-conspirator deposited a Stolen Check in the amount of approximately \$2,000 into a Fraud Account at an ATM located in or around West Orange, and BABA DIAKITE withdrew approximately \$1,500 in cash from that same Fraud Account at an ATM located in or around Maplewood.

h. BABA DIAKITE, Nasir Johnson, and their co-conspirators also used the personal identifiers of Victim Accountholders to generate fraudulent forms of identification, including driver's licenses, in the names of Victim Accountholders but depicting a co-conspirator (a "runner"), who would then attempt to make in-person withdrawals from the Victim Accountholders' accounts.

i. For instance, on or about October 14, 2021, a co-conspirator ("Co-Conspirator 1") sent BABA DIAKITE the photograph of a runner ("Runner 1") via an encrypted messaging application, to which BABA DIAKITE replied, "Yes." Also on or about October 14, 2021, Runner 1, wearing the same clothes as in the photograph sent to BABA DIAKITE, attempted to withdraw money from an account belonging to Victim Accountholder 1 using a New Jersey driver's license depicting Runner 1 and a social security card, which were both in Victim Accountholder 1's name.

In violation of Title 18, United States Code, Section 1349.

**COUNT 2**

(Conspiracy to Commit Mail Theft and Possess Stolen Mail)

1. The allegations contained in paragraph 1 of Count 1 are realleged here.

2. From at least in or about January 2020 to in or about March 2022, in Essex, Hudson, Middlesex, Passaic, Somerset, and Union Counties, in the District of New Jersey and elsewhere, defendant

**BABA DIAKITE**

did knowingly and intentionally conspire and agree with Nasir Johnson and others to steal, take, and abstract from and out of any mail, post office, and station thereof, letter box, mail receptacle and any mail route and other authorized depository for mail matter, and from a letter or mail carrier, any letter, postal card, package, bag, and mail, and abstract and remove from any such letter, postal card, package, bag, and mail, any article and thing contained therein, and unlawfully possess the same knowing the said mail matter to have been stolen, taken, embezzled, and abstracted, contrary to Title 18, United States Code, Section 1708.

**Goal of the Conspiracy**

3. The goal of the conspiracy set forth in paragraph 3 of Count 1 is realleged here.

**Manner and Means of the Conspiracy**

4. The manner and means of the conspiracy set forth in paragraph 4 of Count 1 is realleged here.

### Overt Acts

5. In furtherance of this conspiracy and to effect its unlawful goal, the following overt acts were committed in the District of New Jersey and elsewhere:

a. On or about November 18, 2020, BABA DIAKITE sent the following messages to a co-conspirator via an encrypted messaging application: “Certain keys only open certain shit . . . . Its 40 boxes in one of my cities alone[.] When i go out i randomly pick what city to hit[.]”

b. On or about November 30, 2020, BABA DIAKITE sent Nasir Johnson and another co-conspirator a list of USPS collection boxes located in and around Edison, New Jersey via an encrypted messaging application.

c. On or about December 7, 2020, BABA DIAKITE and Nasir Johnson were arrested in connection with a vehicle stop by officers with the Essex County Sherriff’s Department and found to be in possession of more than 40 checks belonging to different accountholders residing in or around Plainfield, Watchung, and Edison.

In violation of Title 18, United States Code, Section 371.

**COUNT 3**

(Theft of a U.S. Postal Service Key)

1. The allegations contained in paragraphs 1 and 4 of Count 1 are realleged here.

2. From at least in or about June 2020 to in or about October 2021, in Essex, Hudson, and Middlesex Counties, in the District of New Jersey, and elsewhere, defendant

**BABA DIAKITE**

did steal, purloin, embezzle, and obtain by false pretense a key suited to any lock adopted by the Postal Service and in use on a lock box, lock drawer, and other authorized receptacle for the deposit and delivery of mail matter.

In violation of Title 18, United States Code, Section 1704 and Section 2.



**COUNT 4**  
(Aggravated Identity Theft)

1. The allegations contained in paragraphs 1 and 4 of Count 1 are realleged here.

2. In or about October 2021, in the District of New Jersey, and elsewhere, defendant

**BABA DIAKITE**

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, namely, Victim Accountholder 1's name, during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), namely, the offense of bank fraud conspiracy charged in Count 1 of the Indictment.

In violation of Title 18, United States Code, Section 1028A(a)(1), (c)(5), and Section 2.

### **FORFEITURE ALLEGATION AS TO COUNT 1**

1. As a result of committing the offenses charged in Count 1 of this Indictment, defendant BABA DIAKITE shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of the offenses charged in Count 1 of this Indictment, including but not limited to all right, title, and interest of the defendant in the specific properties listed in Attachment A to this Indictment.

### **FORFEITURE ALLEGATION AS TO COUNT 2**

2. As a result of committing the offenses charged in Count 2 of this Indictment, defendant BABA DIAKITE shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, constituting or derived from proceeds traceable to the offenses alleged in Count 2 of this Indictment, including but not limited to all right, title, and interest of the defendant in the specific properties listed in Attachment A to this Indictment.

### **SUBSTITUTE ASSETS PROVISION**

3. If by any act or omission of BABA DIAKITE, any of the property subject to forfeiture described herein:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;

- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States will be entitled to forfeiture of substitute property up to the value of the property described above, pursuant to Title 18, United States Code, Section 982(b) and Title 21, United States Code, Section 853(p).

A TRUE BILL

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FOREPERSON



VIKAS KHANNA  
Attorney for the United States,  
Acting Under Authority Conferred by  
28 U.S.C. § 515