

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Criminal Case No. 12-cr-00346-PAB

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. JOHN DOE,

a/k/a Habteab Berhe Temanu,

a/k/a Habteab B Temanu

a/k/a "TUFA",

a/k/a Kefelegn Alemu,

a/k/a Kefelegn Alemu Worku,

Defendant.

INDICTMENT

Unlawful Procurement of Citizenship or Naturalization

(18 U.S.C. §1425 (a) and (b))

Aggravated Identity Theft

(18 U.S.C. § 1028 A (a) (1))

The Grand Jury charges that:

COUNT 1

(18 U.S.C. §1425(a) and (b))

Unlawful Procurement of Citizenship or Naturalization

Between on or about November 22, 2009, and on or about March 2, 2010, in the State and District of Colorado and elsewhere, **JOHN DOE, a/k/a Habteab Berhe Temanu, a/k/a Habteab B Temanu, a/k/a "TUFA," a/k/a Kefelegn Alemu, a/k/a Kefelegn Alemu Worku,** Defendant herein, did knowingly procure and attempt to procure, contrary to law, and without being entitled thereto, the naturalization of any person, and documentary and other evidence of naturalization and of citizenship. Specifically, the Defendant knowingly made false statements in connection with his N-400 Application for Naturalization which was submitted on or about November 22, 2009, and which statements the Defendant re-affirmed under penalty of perjury on or about March 2, 2010 including, but not limited to,

the following:

a. In his Application for Naturalization (N-400), at Part 1A, under the heading “Your current legal name,” Part 11, under the heading “Your Signature,” Part 13, under the heading “Signature at Interview,” and Part 14, under the heading “Oath of Allegiance,” the Defendant knowingly and falsely identified himself to be Habteab Berhe Temanu.

b. At Part 9 of his N-400, under the heading “Information About Your Children,” the Defendant knowingly and falsely represented that he was the father of the following five children:

- (1) Samuel Habteab Berhe
- (2) Yishak Habteab Berhe
- (3) Amanuel Habteab Berhe
- (4) Meraf Habteab Berhe
- (5) Tinsae Habteab Berhe

c. At Part 10 of his Application for Naturalization, under the heading “Additional Questions,” the Defendant responded “No” to the following questions, knowing that each such response was false:

- (1) **Question 11:** “Have you **ever** persecuted (*either directly or indirectly*) any person because of race, religion, national origin, membership in a particular social group, or political opinion?”
- (2) **Question 23:** “Have you **ever** given false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal?”
- (3) **Question 24:** “Have you **ever** lied to any U.S. Government official to gain entry or admission into the United States?”

All in violation of Title 18, United States Code, Section 1425 (a) and (b).

COUNT 2
(18 U.S.C. §1028A (1) (a))
Aggravated Identity Theft

Between on or about November 22, 2009, and on or about March 2, 2010, in the State and District of Colorado and elsewhere, **JOHN DOE, a/k/a/ Habteab Berhe Temanu, a/k/a Habteab B Temanu, a/k/a "TUFA", a/k/a/ Kefelegn Alemu, a/k/a Kefelegn Alemu Worku**, Defendant herein, during and in relation to a felony violation of Title 18, U.S.C. Section 1425(a) and (b), did knowingly possess and use and attempt to possess and use, without lawful authority, a means of identification of another person, Habteab Berhe Temanu, and knowing that other person to be a real person.

All in violation of Title 18, United States Code, Section 1028A (1) (a).

A TRUE BILL:

Ink signature on file in the Clerk's Office _____
FOREPERSON

JOHN F. WALSH
United States Attorney

by: s/ Brenda Taylor
BRENDA TAYLOR
Assistant United States Attorney
LILLIAN ALVES
Special Assistant United States Attorney
1225 17th Street, Suite 700
Denver, Colorado 80202
Telephone: (303) 454-0100
FAX: (303) 454-0406
E-mail: Brenda.Taylor2@usdoj.gov
E-mail: Lillian.Alves@usdoj.gov
Attorneys for the Government

DEFENDANT: JOHN DOE, a/k/a Habteab Berhe Temanu, a/k/a Habteab B Temanu, a/k/a "TUFA," a/k/a Kefelegn Alemu, a/k/a Kefelegn Alemu Worku

YOB: Unknown

ADDRESS: Denver, Colorado

COMPLAINT FILED? _____ Yes No

OFFENSE(S): **Count One:** 18 U.S.C. §1425 (a) and (b), Unlawful Procurement of Citizenship or Naturalization;

Count Two: 18 U.S.C. § 1028 A (a) (1), Aggravated Identity Theft

LOCATION OF OFFENSE: Denver County, Colorado

PENALTY: **Count One:** NMT 10 years imprisonment, NMT \$250,000 fine or both per count, NMT 3 years supervised release, \$100 Special Assessment Fee.

Count Two: Additional mandatory consecutive 2 years imprisonment over and above the sentence for the underlying felony; NMT \$250,000 fine, or both; NMT 1 year supervised release; \$100 special assessment fee

AGENT: Jeffrey Lembke
Special Agent, HSI/ICE

AUTHORIZED BY: Brenda Taylor
Assistant U.S. Attorney
Lillian Alves
Special Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:
 five days or less

THE GOVERNMENT
 will seek detention in this case

The statutory presumption of detention IS NOT applicable to this defendant.

OCDETF CASE: ___ Yes No