

NEWS RELEASE



OFFICE OF THE UNITED STATES ATTORNEY SOUTHERN DISTRICT OF CALIFORNIA

San Diego, California

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For Immediate Release

CUSTOMS AND BORDER PROTECTION OFFICER CHARGED FOR ASSISTING FUGITIVE TO AVOID APPREHENSION AT PORT OF ENTRY

NEWS RELEASE SUMMARY - September 10, 2012

United States Attorney Laura E. Duffy announced that Customs and Border Protection Officer Thomas P. Silva was arraigned in federal court in San Diego today before Magistrate Judge William V. Gallo on a complaint charging him with concealing a person from arrest, in violation of Title 18, United States Code, Section 1071, and Wire Fraud, in violation of Title 18, United States Code, Section 1343.

As alleged in the complaint, since 2002, Silva has been employed as a Customs and Border Protection (CBP) officer with the Department of Homeland Security. During this entire time, Silva was stationed at the San Ysidro Port of Entry (POE). Prior to his arrest, Silva's official duties included screening people and vehicles for lawful admittance into the United States.

As detailed in today's court proceedings, Silva is charged with two separate and unrelated criminal incidents. The first charge accuses Silva of assisting fugitive Julio Cesar Landaverde-Valdez (Silva's brother-in-law) to evade arrest at the San Ysidro POE. The complaint alleges that despite knowing that, there was an outstanding warrant for Landaverde-Valdez's arrest, Silva allowed his brother-in-law and

several passengers to pass through his lane at the POE without subjecting them to the required inspection. After verifying that his brother-in-law was still a fugitive, Silva failed to enter his brother-in-law's personal information into the CBP database at the time his brother-in-law presented himself for inspection at the POE. In addition, Silva did not properly input into the CBP computer system the license plate number of his brother-in-law's car in order to further avoid arrest by law enforcement officials.

According to court documents, Landaverde-Valdez had previously been convicted in federal court for transportation of illegal aliens. After failing to appear at his designated custodial commitment location, Landaverde-Valdez was charged in a separate indictment with "Escape," in violation of Title 18, United States Code, Section 751. Landaverde-Valdez remains a fugitive.

In addition to the charge of assisting Landaverde-Valdez to avoid apprehension, Silva is also charged with fraudulently obtaining over \$7,000 from Farmers Insurance. According to the complaint, Silva illegally obtained these funds by falsely reporting to Farmers that his Nissan Titan pickup truck had been stolen while parked in Chula Vista, California. Border crossing records, however, demonstrate that Silva's truck had been driven into Mexico approximately ten days prior to the alleged theft and had not returned to the United States. The complaint also alleges that in making the insurance claim, Silva falsely inflated the vehicle's purchase price.

Silva was arrested this past Friday at the San Ysidro Port-of-Entry (POE) by Border Corruption Task Force (BCTF) agents. The BCTF is a federal task force comprised of law enforcement officials from the Federal Bureau of Investigation, CBP-Internal Affairs, CBP-Field Operations, the Transportation Security Administration, and the Drug Enforcement Administration.

Magistrate Judge Gallo set a detention hearing for September 12, 2012 at 2:30 p.m.

A complaint is not evidence that the defendant committed the crimes charged. The defendant is presumed innocent until the Government meets its burden in court of proving guilt beyond a reasonable doubt.

DEFENDANT

Criminal Case No. 12-MJ-3306

Thomas P. Silva

SUMMARY OF CHARGES

- Count 1: Title 18, United States Code, Section 1343 – Wire Fraud
Maximum Penalties: 20 years in custody; \$250,000; \$100 SA; 3-year term of supervised release.
- Count 2: Title 18, United States Code, Section 1071 – Concealing Person From Arrest
Maximum penalties: 5 years in custody; \$250,000 fine; \$100 S/A; 3-year term of supervised release.

INVESTIGATING AGENCIES

Federal Bureau of Investigation
Customs and Border Protection
Transportation Security Administration
Drug Enforcement Administration