

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>09-_____</u>
v.	:	DATE FILED: <u>November 12, 2009</u>
THOMAS SAYE	:	VIOLATIONS:
	:	18 U.S.C. §1621 (perjury- 1 count)
	:	18 U.S.C. §1546(a) (presentation of immigration application containing a false statement - 2 counts)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Defendant THOMAS SAYE, a native and citizen of Liberia, was charged and indicted for murder in Liberia and detained in approximately 2003. Prior to trial, defendant SAYE obtained bail and was released by the Liberian authorities.
2. Defendant THOMAS SAYE was paroled into the United States in October 2008 for the limited purpose of appearing as a defense witness in a federal criminal trial.
3. Defendant THOMAS SAYE absconded soon after his arrival and settled in the Eastern District of Pennsylvania where he applied for permanent residence status based on his claimed marriage to a United States citizen.
4. On or about January 2, 2009, defendant THOMAS SAYE signed a written certification, under penalty of perjury, that his Form I-485, Application to Register Permanent Residence or Adjust Status and its supporting evidence, was true and correct. That application

was filed with the Department of Homeland Security on January 9, 2009. In fact, defendant SAYE provided the following false statement in the Form I-485:

Q. "Have you ever, in or outside the United States: Been arrested, cited, charged, indicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic violations?"

A. "No."

5. On or about July 16, 2009, in Philadelphia, an officer of the Department of Homeland Security interviewed defendant THOMAS SAYE in the course of adjudicating defendant SAYE's Application for Permanent Residence. It was material to this adjudication whether defendant SAYE had ever been arrested or detained. After taking an oath to testify truly in this interview, defendant SAYE declared and testified falsely with respect to the aforesaid material matter as follows:

Q. "Have you ever been arrested or detained?"

A. "No."

6. These certifications, declarations, and testimony of defendant THOMAS SAYE, as he then and there well knew and believed, were false in that defendant SAYE had been arrested, indicted and detained in Liberia on a charge of murder.

7. On or about July 16, 2009, in Philadelphia, in the Eastern District of Pennsylvania, defendant

THOMAS SAYE,

in a declaration, certification, verification, and statement under penalty of perjury as permitted under section 1746 of Title 28, United States Code, willfully subscribed as true material matters which he did not believe to be true, and having duly taken an oath before a competent officer of

the Department of Homeland Security, during an interview concerning defendant SAYE's Form I-485, Application to Register as Permanent Resident or Adjust Status, a proceeding in which Title 8, United States Code, Section 1357(b) authorizes an oath to be administered, that he would testify, declare, and certify truly, willfully and contrary to this oath stated and subscribed to a material matter which he did not believe to be true.

In violation of Title 18, United States Code, Section 1621.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 4 and 6 of Count One are incorporated here.
2. On or about January 2, 2009, in Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendant

THOMAS SAYE

knowingly made under oath a false material statement in an application required by the immigration laws, that is, Form I-485, Application to Register Permanent Residence or Adjust Status, that defendant had never been arrested, indicted or detained for breaking or violating any law, when in fact, as the defendant knew, this statement was false.

In violation of Title 18, United States Code, Section 1546(a).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 4 and 6 of Count One are incorporated here.
2. On or about January 9, 2009, in Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendant

THOMAS SAYE

knowingly presented to the United States Department of Homeland Security an application required by the immigration laws, that is, Form I-485, Application to Register Permanent Residence or Adjust Status, which contained a false statement under oath with respect to a material fact that defendant had never been arrested, indicted or detained for breaking or violating any law, when in fact, as the defendant knew, this statement was false.

In violation of Title 18, United States Code, Section 1546(a).

A TRUE BILL:

GRAND JURY FOREPERSON


MICHAEL L. LEVY
United States Attorney