

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN JOSE

UNITED STATES OF AMERICA,

v.

**FILED**

JAN 06 2015

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

VIVIAN CHIKE OBICHERE

SEALED  
BY COURT ORDER

**CR 15 009**

DEFENDANT(S).

**EJD**

## INDICTMENT

- 18 U.S.C. § 1542— False Statement in Application and Use of Passport (Count One and Two) ;
- 18 U.S.C. § 1425(b) - Procurement of Citizenship or Naturalization Unlawfully ( Count Three);
- 18 U.S.C. § 1621— Perjury (Count Four and Five)

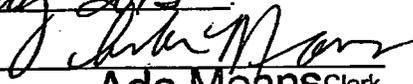
A true bill.



Foreman

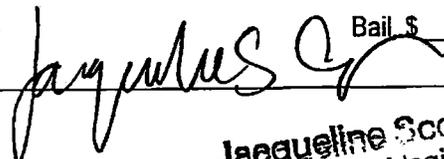
Filed in open court this 6th day of

January 2015

  
Ada Means Clerk

Bail \$

**NO BAIL WARRANT**

  
Jacqueline Scott Corley  
United States Magistrate Judge

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

**OFFENSE CHARGED**

Counts One and Two: 18 U.S.C. § 1542 – False Statement in Application and Use of Passport  Petty  
 Count Three: 18 U.S.C. § 1425(b) – Procurement of Citizenship or Naturalization Unlawfully  Minor  
 Counts Four and Five: 18 U.S.C. § 1621 – Perjury  Misdemeanor  
 Felony

PENALTY: See Attachment A.

**SEALED BY COURT ORDER**

Name of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DEFENDANT - U.S. **VIVIAN CHIKE OBICHER**  
DISTRICT COURT NUMBER  
**CR 15 009**

**FILED**  
JAN 06 2015  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)  
Department of Homeland Security

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:  
 U.S. ATTORNEY  DEFENSE } SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant } MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under }

**DEFENDANT**

**IS NOT IN CUSTODY**  
Has not been arrested, pending outcome this proceeding

1)  If not detained give date any prior summons was served on above charges

2)  Is a Fugitive

3)  Is on Bail or Release from (show District)

**IS IN CUSTODY**

4)  On this charge

5)  On another conviction }  Federal  State

6)  Awaiting trial on other charges  
If answer to (6) is "Yes", show name of institution

Has detainer been filed?  Yes  No } If "Yes" give date filed

DATE OF ARREST: \_\_\_\_\_ Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY: \_\_\_\_\_ Month/Day/Year

Name and Office of Person Furnishing Information on this form Melinda Haag  
 U.S. Attorney  Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) Rita F. Lin

This report amends AO 257 previously submitted

**ADDITIONAL INFORMATION OR COMMENTS**

**PROCESS:**  
 SUMMONS  NO PROCESS\*  WARRANT  
 If Summons, complete following:  
 Arraignment  Initial Appearance  
 Defendant Address: \_\_\_\_\_  
 Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Bail Amount: No bail

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Comments: \_\_\_\_\_

**Attachment A**  
**Indictment**  
**United States v. Vivian Chike Obichere**

Counts One and Two      18 U.S.C. § 1542 – False Statement in Application and Use of Passport

Count Three            18 U.S.C. § 1425(b) – Procurement of Citizenship or Naturalization  
Unlawfully

Counts Four and Five      18 U.S.C. § 1621 – Perjury

Counts One and Two: Maximum 10 Years Imprisonment; Maximum Fine of \$250,000;  
Maximum Supervised Release of 3 Years; Mandatory \$100 Special Assessment; Deportation

Count Three: Maximum 10 Years Imprisonment; Maximum Fine of \$250,000; Maximum  
Supervised Release of 3 Years; Mandatory \$100 Special Assessment; Deportation

Counts Four and Five: Maximum 5 Years Imprisonment; Maximum Fine of \$250,000;  
Maximum Supervised Release of 3 Years; Mandatory \$100 Special Assessment; Deportation

1 MELINDA HAAG (CABN 132612)  
United States Attorney

2 J. DOUGLAS WILSON (DCBN 412811)  
3 Chief, Criminal Division

4 RITA F. LIN (CABN 236220)  
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055  
6 San Francisco, California 94102-3495  
7 Telephone: (415) 436-6511  
8 FAX: (415) 436-7234  
Rita.lin@usdoj.gov

9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

**FILED**  
JAN 06 2015  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**EJD**

**SEALED  
BY COURT ORDER**

12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 VIVIAN CHIKE OBICHERE,

17 Defendant.

Case No. **CR 15 009**

**VIOLATIONS: 18 U.S.C. § 1542 – False Statement  
in Application and Use of Passport (Counts One and  
Two); 18 U.S.C. § 1425(b) – Procurement of  
Citizenship or Naturalization Unlawfully (Count  
Three); 18 U.S.C. § 1621 – Perjury (Counts Four and  
Five)**

**SAN JOSE VENUE**

18  
19 **INDICTMENT**

20 The Grand Jury charges:

21 **COUNT ONE:** (18 U.S.C. § 1542 – False Statement in Application and Use of Passport)

22 1. On or about April 2, 2012, in the Northern District of California, the defendant,

23 **VIVIAN CHIKE OBICHERE,**

24 made false statements in an application for renewal of a passport with intent to induce and secure for her  
25 own use the issuance of a passport under the authority of the United States, contrary to the laws  
26 regulating the issuance of such passports and the rules prescribed pursuant to such laws, in that in such  
27 application:

28 a. The defendant falsely stated that her name was C.C.O., a person now deceased (with

1 a maiden name of C.C.B.);

2 b. The defendant falsely stated that she was born on July 13, 1952;

3 c. The defendant falsely stated that she was born in Oakland, California; and

4 d. The defendant falsely listed her social security number as that of C.C.O.,

5 which statements she knew to be false, each in violation of Title 18, United States Code, Section 1542.

6  
7 **COUNT TWO:** (18 U.S.C. § 1542 – False Statement in Application and Use of Passport)

8 2. The allegations contained in Paragraph 1 are re-alleged and incorporated herein.

9 3. On or about June 20, 2013, in the Northern District of California, the defendant,

10 VIVIAN CHIKE OBICHERE,

11 made a false statement in an application for a passport with intent to induce and secure for her own use  
12 the issuance of a passport under the authority of the United States, contrary to the laws regulating the  
13 issuance of such passports and the rules prescribed pursuant to such laws, in that in such application, the  
14 defendant falsely stated that the only other name she had ever used was Vivian C. Obicher, and that she  
15 had never previously applied for or been issued a passport, when in fact the defendant had previously  
16 sought a passport by falsely using the name C.C.O., which statement she knew to be false, in violation  
17 of Title 18, United States Code, Section 1542.

18  
19 **COUNT THREE:** (18 U.S.C. § 1425(b) – Procurement of Citizenship or Naturalization Unlawfully)

20 4. The allegations contained in Paragraphs 1 through 3 are re-alleged and incorporated herein.

21 5. On or about July 6, 2012, in the Northern District of California, the defendant,

22 VIVIAN CHIKE OBICHERE,

23 for herself, a person not entitled to naturalization, knowingly applied for and obtained naturalization, by  
24 making the following false statements on a signed written Form N-400 Application for Naturalization to  
25 the Department of Homeland Security, which was received by the Department of Homeland Security on  
26 or about July 16, 2012:

27 a. Form N-400, Application for Naturalization, Question 1.C states: “If you have ever  
28 used other names, provide them below.” The defendant falsely omitted to list the

1 name "C.C.O.," even though she had previously used that name to falsely apply for a  
2 passport.

3 b. Form N-400, Application for Naturalization, Question 7.B states: "How many trips of  
4 24 hours or more have you taken outside of the United States during the past five  
5 years?" The defendant falsely responded "0," even though she had in fact traveled  
6 outside the United States for more than 24 hours numerous times in the past five  
7 years using a passport obtained in the name of C.C.O.;

8 c. Form N-400, Application for Naturalization, Question 7.C states: "List below all trips  
9 of 24 hours or more that you have taken outside of the United States since becoming a  
10 lawful permanent resident." The defendant falsely listed no trips, even though she  
11 had in fact traveled outside the United States for more than 24 hours numerous times  
12 since becoming a permanent resident, using a passport obtained in the name of  
13 C.C.O.;

14 d. Form N-400, Application for Naturalization, Question 10.D.23 states: "Have you  
15 ever given false or misleading information to any U.S. Government official while  
16 applying for any immigration benefit or to prevent deportation, exclusion, or  
17 removal?" (Emphasis in original.) The defendant falsely responded in the negative,  
18 even though she had given false information to the State Department in her  
19 application for a passport in the name of C.C.O.;

20 each in violation of Title 18, United States Code, Section 1425(b).

21  
22 **COUNT FOUR:** (18 U.S.C. § 1621 – Perjury)

23 6. The allegations contained in Paragraphs 1 through 5 are re-alleged and incorporated herein.

24 7. On or about October 2, 2012, in the Northern District of California, the defendant,

25 VIVIAN CHIKE OBICHERE,

26 having duly taken an oath to provide truthful testimony before Rey Patague, a competent officer of the  
27 Department of Homeland Security, Citizenship and Immigration Services, during an interview duly  
28 authorized by the Department of Homeland Security concerning the defendant's N-400, Application for

1 Naturalization, and in which a law of the United States authorizes an oath to be administered, did  
2 willfully and knowingly and contrary to said oath state material matter that the defendant did not believe  
3 to be true, that is to say:

4 a. The defendant falsely represented that she had disclosed all names that she had used,  
5 all trips that she had made greater than 24 hours outside the United States since the  
6 requested dates, and all instances in which she gave false or misleading information  
7 when applying for an immigration benefit in response to Questions 1.C, 7.B, 7.C, and  
8 10.D.23, when in fact she had failed to do so, as described above in Paragraph 5,  
9 all in violation of Title 18, United States Code, Section 1621.

10  
11 **COUNT FIVE:** (18 U.S.C. § 1621 – Perjury)

12 8. The allegations contained in Paragraphs 1 through 7 are re-alleged and incorporated herein.

13 9. On or about February 25, 2013, the Northern District of California, the defendant,

14 VIVIAN CHIKE OBICHERE,

15 having duly taken an oath to provide truthful testimony before Rey Patague, a competent officer of the  
16 Department of Homeland Security, Citizenship and Immigration Services, during an interview duly  
17 authorized by the Department of Homeland Security concerning the defendant's N-400, Application for  
18 Naturalization, did willfully and knowingly and contrary to said oath state material matter that the  
19 defendant did not believe to be true, that is to say:

20 a. Officer Patague asked: "Have you ever used the name C.C.O. at any time for any  
21 reason?" The defendant falsely answered: "Not that I remember.";

22 b. Officer Patague asked: "Have you ever departed the U.S. since 1988?" The  
23 defendant falsely answered: "No.";

24 each in violation of Title 18, United States Code, Section 1621.

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28 //

1 DATED: 1/6/15

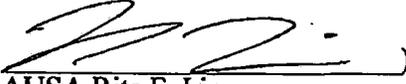
A TRUE BILL.

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FOREPERSON

MELINDA HAAG  
United States Attorney

  
DANIEL KALEBA  
Deputy Chief, General Crimes Section

(Approved as to form: )  
AUSA Rita F. Lin

United States District Court  
Northern District of California

**FILED**

**CRIMINAL COVER SHEET** JAN 06 2015

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**EJD**

**Instructions:** Effective January 3, 2012, this Criminal Cover Sheet must be completed along with the Defendant Information Form, for each new criminal case.

**SEALED  
BY COURT ORDER**

Case Name:

USA v. VIVIAN CHIKE OBICHERE

Case Number:

**CR 15 009**

Total Number of Defendants:

1  2-7  8 or more

Is This Case Under Seal?

Yes  No

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes  No

Venue (Per Crim. L.R. 18-1):

SF  OAK  SJ  EUR  MON

Is any defendant charged with a death-penalty-eligible crime?

Yes  No

Assigned AUSA (Lead Attorney):

Rita F. Lin

Is this a RICO Act gang case?

Yes  No

Date Submitted:

1/6/2015

Comments:

Save

Print

Clear Form