UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- x

UNITED STATES OF AMERICA	:	INFORMATION
-v.-	:	14 Cr.
GABRIELA ROSA,	:	
Defendant.	:	

- x

COUNT ONE

The United States Attorney charges:

Background

1. At all relevant times, Article III, Section 7 of the New York State Constitution, concerning qualifications of members of the New York State Legislature, has provided, among other things, that "[n]o person shall serve as a member of the legislature unless he or she is a citizen of the United States."

2. In or about November 2012, GABRIELA ROSA, the defendant, was elected to the New York State Legislature as an Assemblywoman for Assembly District 72 in Manhattan. In or about January 2013 ROSA was sworn into office and began serving a two-year term in the New York State Assembly, expiring on December 31, 2014.

3. GABRIELA ROSA, the defendant, is a citizen of the Dominican Republic and had no citizenship status in the United States until 2005. On or about December 8, 2005, ROSA was naturalized as a United States citizen as a result of a scheme to obtain legal residency and ultimately citizenship through a sham marriage, as described below.

The Marriage and Naturalization Fraud Scheme

4. In or about 1996, GABRIELA ROSA, the defendant, entered into a sham marriage to a United States citizen ("Spouse-1") for the purpose of obtaining lawful permanent residency status, and later citizenship status, in the United States. ROSA paid approximately $8,000 to Spouse-1 in exchange for entering into that sham marriage. In or about 1999, ROSA terminated the marriage with Spouse-1.

5. While participating in the sham marriage with Spouse-1, GABRIELA ROSA, the defendant, continued her preexisting relationship with another individual, who later became her husband ("Spouse-2"). During the course of her sham marriage with Spouse-1, ROSA and Spouse-2 discussed their relationship in submissions made in connection with a proceeding in the United States District Court for the Southern District of New York in which Spouse-2 was a party.

6. In numerous submissions and statements to immigration authorities made under penalty of perjury between in or about 1996 and in or about 2005, GABRIELA ROSA, the defendant, falsely represented to immigration authorities that she had entered into a *bona fide* marriage with Spouse-1, and that she had never given false or misleading information to a U.S. immigration official while applying for immigration benefits. These false submissions include, but are not limited to:

a. ROSA's sworn representation, on or about August 25, 1999, in an application seeking adjustment of her status, that she "entered into the marriage [with Spouse-1] in good faith"; and

b. ROSA's sworn representation, on or about April 21, 2005, in an application seeking naturalization, that she had never "given false or misleading information to any U.S. government official while applying for any immigration benefit."

Statutory Allegation

7. From at least in or about 1996, up to and including in or about December 2005, GABRIELA ROSA, the defendant, in the Southern District of New York and elsewhere, willfully and knowingly falsified, concealed, and covered up by trick, scheme, and device a material fact, and made and used false writings and

documents knowing the same to contain materially false, fictitious, and fraudulent statements and entries in a matter within the jurisdiction of the executive branch of the Government of the United States, to wit, ROSA submitted documents and made statements containing numerous falsehoods to the Department of Homeland Security, Citizenship and Immigration Services, and its predecessor, the United States Department of Justice, Immigration and Naturalization Services, including false representations that she was in a *bona fide* marital relationship with Spouse-1, and that she had never given false or misleading information to a U.S. immigration official while applying for immigration benefits.

(Title 18, United States Code, Section 1001.)

COUNT TWO

The United States Attorney further charges:

Background

8. The allegations contained in paragraph 5 of this Information are repeated and realleged as if fully set forth herein.

9. On or about September 25, 2009, GABRIELA ROSA, the defendant, filed a voluntary petition for bankruptcy, under Chapter 7 of the United States Bankruptcy Code, in the United States Bankruptcy Court for the Southern District of New York (the

"Petition"). Through the Petition, ROSA sought to liquidate over $30,000 in debt that she had accumulated on, among other things, credit card charges and personal loans. In the Petition, which ROSA signed under penalty of perjury, and in subsequent documents submitted in support of the Petition, which were also signed under penalty of perjury, ROSA knowingly and willfully made several false declarations and statements. Among other things:

a. ROSA fraudulently omitted her ownership of a cooperative apartment in Manhattan (the "Apartment") from the Petition, which required her to list all real or personal property in which she had any ownership interest. ROSA knew that this omission was fraudulent, having acquired the Apartment months before filing the Petition using tens of thousands of dollars in cash that she deposited into her bank account from sources other than her salary and Spouse-2's salary.

b. The Petition required ROSA to list all sources of income for the two years prior to the filing of the Petition. ROSA only disclosed her salary from her work as a legislative assistant in the New York State Legislature in response to this requirement. This representation was false in that ROSA did not disclose thousands of dollars in political

consulting fees she had earned during the months before filing the Petition.

c. A document called "Statement of Monthly Income and Means Test Calculation" submitted in connection with the Petition required ROSA to list "any amounts paid by another person or entity, on a regular basis, for the household expenses of the debtor or the debtor's dependents." ROSA certified under penalty of perjury in that document on or about October 2, 2009, that there were no other sources of payments for household expenses, other than her own salary. This representation was false in that Spouse-2 also earned a salary and contributed tens of thousands of dollars in income to the household, as ROSA certified under oath in submissions made in connection with her ownership of the Apartment. Moreover, ROSA omitted the tens of thousands of dollars in cash she deposited into her bank account and used to cover the cost of the Apartment, as set forth above, from her listing of assets and sources of support.

10. On or about January 16, 2010, the United States Bankruptcy Court issued a discharge order on the basis of the Petition and supporting documents liquidating thousands of dollars of debt owed by GABRIELA ROSA, the defendant.

Statutory Allegation

11. From at least in or about September 25, 2009, up to and including in or about October 2009, in the Southern District of New York and elsewhere, GABRIELA ROSA, the defendant, willfully, knowingly, and fraudulently made a false declaration, certificate, verification, and statement under penalty of perjury in and in relation to a case under Title 11 of the United States Code, to wit, ROSA fraudulently made false declarations in a petition for bankruptcy under Chapter 7 of Title 11 of the United States Code, and supporting documentation, concerning her ownership of a cooperative apartment, her outside income, and her sources of household support.

(Title 18, United States Code, Section 152(3).)

FORFEITURE ALLEGATION: COUNT TWO

12. As a result of committing the offense alleged in Count Two of the Information, GABRIELA ROSA, the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the said offense.

Substitute Asset Provision

13. If any of the above described forfeitable property, as a result of any act or omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981 and 982, and Title 28, United States Code, Section 2461.)

Preet Bharara

PREET BHARARA
United States Attorney

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(18 U.S.C. §§ 152 & 1001).

PREET BHARARA
United States Attorney.