

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY



UNITED STATES OF AMERICA : Hon. Leda D. Wettre
v. : Magistrate No.: 18-8051 (LDW)
KYUNG LIM PARK, : **CRIMINAL COMPLAINT**
a/k/a "Howard Kyung Lim
Park"

I, James R. Haines, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with Homeland Security Investigations, Department of Homeland Security, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached pages and made a part hereof.


James R. Haines
Homeland Security Investigations,
Department of Homeland Security

subscribed in my presence Sworn to before me, and

May 15, 2018
Date

Honorable Leda D. Wettre
United States Magistrate Judge
Name & Title of Judicial Officer

at Newark, New Jersey
City and State


Signature of Judicial Officer

ATTACHMENT A

The Charge

On or about October 13, 2011, in Bergen County, in the District of New Jersey and elsewhere, defendant

KYUNG LIM PARK,
a/k/a "Howard Kyung Lim Park"

knowingly procured his own naturalization, and other evidence of naturalization, namely, a Certificate of Naturalization, contrary to law, by providing false information and concealing material facts in his Application for Naturalization, Form N-400, as described in Attachment B.

In violation of Title 18, United States Code, Section 1425(a).

Notice of Revocation of Naturalization

Upon conviction of the charge set forth in this Criminal Complaint, the naturalization of defendant Kyung Lim Park, a/k/a "Howard Kyung Lim Park," shall, by Court order, be revoked, set aside, and declared void, and the certificate of naturalization of said defendant shall, by the same order, be canceled.

Under Title 8, United States Code, Section 1451(e).

ATTACHMENT B

I, James R. Haines, am a Special Agent of with the Department of Homeland Security Investigations, an agency of the Department of Homeland Security. My experience as a Special Agent has included training related to and participation in investigations concerning cases involving immigration violations and other violations of federal law. I have knowledge of the facts set forth herein through my personal participation in this investigation and through oral and written reports from other federal agents or other law enforcement officers. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged. When I set forth statements of others, I am doing so in substance and in part. Since this Criminal Complaint is being submitted for a limited purpose, I have not set forth every fact that I know or other law enforcement officers know concerning this investigation. I have only set forth those facts that I believe are sufficient to show probable cause exists to believe that the defendant has committed the offenses set forth in Attachment A.

1. At all times relevant to this Criminal Complaint, defendant Kyung Lim Park, a/k/a "Howard Kyung Lim Park" ("Park"), was a resident of Bergen County, New Jersey. Defendant Park lawfully entered the United States from South Korea in or about March 1998.

2. On or about October 13, 2011, defendant Park completed a Form N-400, Application for Naturalization ("Naturalization Application"), and submitted it to the United States Department of Homeland Security, United States Citizenship and Immigration Services ("USCIS"). Defendant Park signed this Naturalization Application under penalty of perjury as follows: "I swear . . . and certify under penalty of perjury under the laws of the United States of America that I know that the contents of this application for naturalization subscribed by me . . . are true and correct to the best of my knowledge and belief." The Naturalization Application was received by USCIS on or about October 13, 2011.

3. On the Naturalization Application, Question 15 required defendant Park to truthfully answer the following question: "Have you **ever** committed a crime or offense for which you were **not** arrested?" (bold in the original).

4. On the Naturalization Application, as to Question 15, defendant Park checked both "Yes" and "No" to this question. Because defendant Park checked "Yes" to Question 15, he was required to provide information concerning his positive response. On the Naturalization Application, defendant Park answered this question, in substance and in part, as follows: "Calling bad word to ex-girlfriend by cellphone" in or about March 2002. Defendant Park, however, provided no additional information concerning crimes or offenses he

had committed for which he had not been arrested before the date of the Naturalization Application.

5. On the Naturalization Application, as to Question 15, defendant Park did not disclose and concealed that between in or about December 15, 2002 and in or about April 30, 2003, he had committed multiple crimes and offenses for which he had not been arrested, namely, having sexual intercourse with a child on multiple occasions in Bergen County, New Jersey.

6. On or about October 13, 2011, defendant Park became a naturalized United States citizen, and he received a Certificate of Naturalization from the United States.

7. On or about March 23, 2016, in the Superior Court of New Jersey, Law Division: Criminal Part, Bergen County, defendant Park pleaded guilty to sexual conduct by a non-caretaker, in violation of the New Jersey Code of Criminal Justice, 2C:24-4A(1), a third degree felony, for criminal conduct he had committed between on or about December 15, 2002 and on or about April 30, 2003. As part of his plea, defendant Park was represented by counsel and, in open court and while under oath, admitted to the following criminal conduct, in substance and in part ["Q" = Questions posed to defendant Park; "A" = Answer provided by defendant Park while under oath through a translator]:

Q: Mr. Park, calling your attention to the period from December 15, 2002 to April 30th, 2003 were you residing in [Bergen County, New Jersey]?

A: Yes.

Q: And at that time how old were you?

A: My age? Forty-seven, forty-seven. . . . forty-eight.

Q: And did you know an individual by the name of [Victim's name]?

A: Yes. . . .

Q: And were you aware that her date of birth was [month and day] 1986?

A: Yes.

Q: Between the period of December 15, 2002 and April 30, 2003 did you commit acts of child endangerment?

A: Yes.

Q: And did those acts of child endangerment during that period consist of having sexual intercourse with [the Victim]?

A: Yes.

Q: And did that sexual intercourse consist of [penile] penetration of [the Victim]?

A: Yes.

Q: And did it happen on at least three occasions?

A: Yes.

Q: And it also occurred . . . It was between October 1, 2001 and April 30, 2003, correct?

A: Yes.

8. On or about October 14, 2016, defendant Park was sentenced to five years' probation. The terms of his probation included, among other things, community service for life and a requirement to register as a sex offender under Megan's Law.

9. If defendant Park had truthfully admitted on his Naturalization Application to improper sexual contact with a child and/or the conducted related to his guilty plea and in court admission, his application for naturalization would not have been approved by the United States government, and he would not have received his Certificate of Naturalization.