

SEALED

FILED IN OPEN COURT
ON 8-1-18 BG
Peter A. Moore, Jr., Clerk
US District Court
Eastern District of NC

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:18-CR-299-1FL(4)

UNITED STATES OF AMERICA)
)
 v.)
)
 DIANA PATRICIA FRANCO-RODRIGUEZ)

INDICTMENT

The Grand Jury charges that:

General Allegations

At all times relevant to this Indictment:

1. The Immigration and Nationality Act (INA) governs the immigration laws of the United States.
2. The term "alien" means any person not a citizen or national of the United States.
3. Pursuant to the INA, aliens are not permitted to permanently reside in the United States unless they are lawful permanent residents.
4. The defendant, DIANA PATRICIA FRANCO-RODRIGUEZ, was an alien born in Chihuahua, Mexico.
5. On September 3, 2009, the defendant, DIANA PATRICIA FRANCO-RODRIGUEZ, was granted lawful permanent resident status in the United States pursuant to the INA.

6. Since September 3, 2009, the defendant, DIANA PATRICIA FRANCO-RODRIGUEZ, has not met the criteria for derivation of United States citizenship.

7. On or about August 29, 2012, the defendant, DIANA PATRICIA FRANCO-RODRIGUEZ, registered to vote in North Carolina and attested under the penalty of perjury that she was a citizen of the United States.

8. On or about June 29, 2016, the defendant, DIANA PATRICIA FRANCO-RODRIGUEZ, applied for United States citizenship and attested under the penalty of perjury that she had never claimed to be a United States citizen.

9. The defendant, DIANA PATRICIA FRANCO-RODRIGUEZ, was assigned a polling place located in Wake County, North Carolina.

10. The defendant, DIANA PATRICIA FRANCO-RODRIGUEZ, voted in the General Election of 2016 in Wake County, North Carolina, while her application for naturalization was pending. On June 29, 2017, her application for naturalization was denied.

11. Wake County is located in the Eastern District of North Carolina.

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COUNT ONE

On or about June 29, 2016, in the Eastern District of North Carolina and elsewhere, the defendant, DIANA PATRICIA FRANCO-RODRIGUEZ, did knowingly make under oath, and did knowingly subscribe as true under penalty of perjury under Title 28, United States Code, Section 1746, a false statement with respect to a material fact in an application required by the immigration laws and regulations prescribed thereunder, that is, DIANA PATRICIA FRANCO-RODRIGUEZ, stated falsely in an Application for Naturalization (Form N-400) that she had never claimed to be an United States citizen, when in fact, as she then knew, she had claimed to be a United States citizen in a North Carolina Voter Registration Application on or about August 29, 2012.

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

COUNT TWO

On or about November 8, 2016, in the Eastern District of North Carolina, the defendant, DIANA PATRICIA FRANCO-RODRIGUEZ, an alien, knowing she was not a United States citizen, did knowingly vote in an election held in part for the purpose of electing a candidate for the office of President, Vice President, and Member

of the House of Representatives, in violation of Title 18, United States Code, Section 611(a).

A TRUE BILL

REDACTED VERSION

Pursuant to the E-Government Act and the federal rules, the unredacted version of this document has been filed under seal.

FOREPERSON

7-31-18

DATE

ROBERT J. HIGDON, JR.
United States Attorney

TSEVERO (S.)
BY: SEBASTIAN KIELMANOVICH
Assistant United States Attorney