

United States District Court

FILED
07 NOV 29 PM 3:42
RICHARD W. WILKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FOR THE
NORTHERN DISTRICT OF CALIFORNIA
CRIMINAL DIVISION
VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA

v.

DIANA LU, aka Diana Jing Jing
Hojsak, aka Jing Jing Lu, aka Diana
Hojsak,

CR 07 325 PJH

DEFENDANT.

SUPERSEDING INDICTMENT

INDICT

A TRUE BILL.

[Signature]

FOREMAN

Filed in open court this 29 Day of Nov. 2007

[Signature]

Clerk

Bail, \$

[Signature]

AO 257 (Rev. 6/78)

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

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

26 USC § 7201- 2 counts, Tax Evasion Petty
 26 USC § 7206(1) - 2 counts, False Tax Return Minor
 Misdemeanor
 Felony

PENALTY:

26 USC § 7201 - 5 yrs impris., \$250,000 fine, 3 yr superv. rel., \$100 assessment
 26 USC § 7206(1) - 3 yrs impris., \$250,000 fine, 1 yr superv. rel., \$100 assessment

PROCEEDING

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

INTERNAL REVENUE SERVICE

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 re prosecution of charges previously dismissed which were dismissed on motion of: **SHOW DOCKET NO.**

U.S. Att'y Defense }
 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

Name and Office of Person Furnishing Information on THIS FORM

SCOTT N. SCHOOLS

U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned)

CYNTHIA STIER, AUSA, TAX DIV.

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

DEFENDANT - U.S.

Diana Lu, aka Diana Jing Jing Hojsak aka Jing Jing Lu

DISTRICT COURT NUMBER
 CR-07-0325-PJH

FILED
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 U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT

IS NOT IN CUSTODY

- 1) Has not been arrested, pending outcome of this proceeding. 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)

NORTHERN DISTRICT OF CALIFORNIA

IS IN CUSTODY

- 4) On this charge
 - 5) On another conviction
 - 6) Awaiting trial on other charges } Fed'l State
- 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 Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT Bail Amount: _____

If Summons, complete following:
 Arraignment Initial Appearance

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

Defendant Address:
 111 Chestnut Street, #611
 San Francisco, CA 94111

Date/Time: _____

Before Judge: _____

Comments: Contact IRS Special Agent Andrea Bishop re service of Summons (415) 522-6373

1 SCOTT N. SCHOOLS (SCBN 9990)
2 United States Attorney

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CLERK - U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
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12 UNITED STATES OF AMERICA,)

No. CR-07-0325-PJH

13 Plaintiff,)

VIOLATIONS: 26 U.S.C. §7201 - Tax
Evasion; 26 U.S.C. § 7206(1) -
Making and Subscribing False Tax Returns

14 v.)

15 DIANA LU,
a/k/a Diana Jing Jing Hojsak,
16 a/k/a Jing Jing Lu,
a/k/a Diana Hojsak,
17)

SAN FRANCISCO VENUE

18 Defendant.)

19 SUPERSEDING INDICTMENT

20 The Grand Jury charges:

21 COUNT ONE: (26 U.S.C. § 7201 - Tax Evasion - 2000 Tax Year)

22 On or about July 23, 2001, in the Northern District of California, the defendant

23 DIANA LU,
a/k/a Diana Jing Jing Hojsak,
24 a/k/a Jing Jing Lu,
a/k/a Diana Hojsak,

25 then a resident of San Francisco, California, did willfully and knowingly attempt to evade and
26 defeat a part of the income tax due and owing by defendant to the United States of America for
27 the tax year 2000 by preparing, signing, and mailing or otherwise delivering, and causing to be
28 prepared, signed, and mailed or otherwise delivered, a false and fraudulent individual income tax

1 return, Form 1040, which was filed with the Internal Revenue Service, wherein it was stated that
2 defendant's taxable income for the tax year 2000 was the sum of \$24,915 and the tax due and
3 owing was the sum of 3,739, whereas, as she then and there well believed, her taxable income for
4 the said tax year was in excess of that hereto stated and that upon said additional taxable income
5 some additional tax was due and owing to the United States of America.

6 All in violation of Title 26, United States Code, Section 7201.

7 COUNT TWO: (26 U.S.C. § 7201 - Tax Evasion - 2001 Tax Year)

8 On or about October 15, 2002, in the Northern District of California, the defendant

9 DIANA LU,
10 a/k/a Diana Jing Jing Hojsak,
11 a/k/a Jing Jing Lu,
12 a/k/a Diana Hojsak,

13 then a resident of San Francisco, California, did willfully and knowingly attempt to evade and
14 defeat a part of the income tax due and owing by defendant to the United States of America for
15 the tax year 2001 by preparing, signing, and mailing or otherwise delivering, and causing to be
16 prepared, signed, and mailed or otherwise delivered, a false and fraudulent individual income tax
17 return, Form 1040, which was filed with the Internal Revenue Service, wherein it was stated that
18 defendant's taxable income for the tax year 2001 was the sum of \$ 0 and the tax due and owing
19 was the sum of \$ 0, whereas, as she then and there well believed, her taxable income for the said
20 tax year was in excess of that hereto stated and that upon said additional taxable income some
21 additional tax was due and owing to the United States of America.

22 All in violation of Title 26, United States Code, Section 7201.

23 COUNT THREE: (26 U.S.C. § 7206(1) - Making and Subscribing False Tax Return - 2000 Tax
24 Year)

25 On or about September 17, 2001, in the Northern District of California, the defendant

26 DIANA LU,
27 a/k/a Diana Jing Jing Hojsak,
28 a/k/a Jing Jing Lu,
a/k/a Diana Hojsak,

then a resident of San Francisco, California, did willfully make and subscribe a Form 1120 - U.S.
Corporate Income Tax Return for Allied Telecom International, Inc., a C corporation, for the tax

1 year 2000, which was verified by a written declaration that it was made under the penalties of
2 perjury and was filed with the Internal Revenue Service, which said U.S. Corporate Income Tax
3 Return she did not believe to be true and correct as to every material matter in that the said U.S.
4 Corporate Income Tax Return reported gross receipts in the amount of \$481,751 for Allied
5 Telecom International, Inc., whereas as she then and there well knew and believed, the gross
6 receipts for Allied Telecom International, Inc. for the 2000 tax year were greater than the amount
7 reported.

8 All in violation of Title 26, United States Code, Section 7206(1).

9 COUNT FOUR: (26 U.S.C. § 7206(1) - Making and Subscribing False Tax Return - 2001 Tax
10 Year)

11 On or about October 15, 2002, in the Northern District of California, the defendant

12 DIANA LU,
13 a/k/a Diana Jing Jing Hojsak,
a/k/a Jing Jing Lu,
a/k/a Diana Hojsak,

14 then a resident of San Francisco, California, did willfully make and subscribe a Form 1120 - U.S.
15 Corporate Income Tax Return for Allied Telecom International, Inc., a C corporation, for the tax
16 year 2001, which was verified by a written declaration that it was made under the penalties of
17 perjury and was filed with the Internal Revenue Service, which said U.S. Corporate Income Tax
18 Return she did not believe to be true and correct as to every material matter in that the said U.S.
19 Corporate Income Tax Return reported gross receipts in the amount of \$124,793 for Allied

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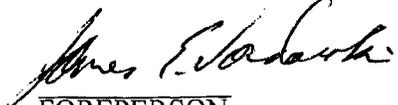
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1 Telecom International, Inc., whereas as she then and there well knew and believed, the gross
2 receipts for Allied Telecom International, Inc. for the 2001 tax year were greater than the amount
3 reported.

4 All in violation of Title 26, United States Code, Section 7206(1).

5 A True Bill

6
7 Dated: 11-29-07 
8 FOREPERSON

9
10 SCOTT N. SCHOOLS
United States Attorney

11 
12 BRIAN STRETCH
13 Chief, Criminal Division

14 (Approved as to form: 
15 AUSA STIER)

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