

# NEWS

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United States Department of Justice  
U.S. Attorney, District of New Jersey  
401 Market Street, Fourth Floor  
Camden, New Jersey 08101

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***Paul J. Fishman, U.S. Attorney***

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***More Information?*** Contact the Assistant U.S. Attorney or other contact listed below to see if more information is available.

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kell0219.rel  
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Somers Point Landscaper Admits Having Gross Income of over  
\$4.3 Million over Three Years, but Failed to File Income Tax Returns

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(More)

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CAMDEN – The owner/operator of Kelly's All Pro Landscaping, located in Somers Point, pleaded guilty today to federal tax charges, admitting he failed to file federal income tax returns for tax years 2003, 2004 and 2005, even though he had total taxable income of more than \$4.3 million in those three years, U.S. Attorney Paul J. Fishman announced.

Donald Kelly, 42, of Linwood, pleaded guilty before U.S. Magistrate Joel Schneider to count three of a three-count Information that charges him with failure to make an income tax return to the Internal Revenue Service. Judge Schneider release the defendant on a \$50,000 bond pending sentencing which is scheduled for May 25.

At his plea hearing, Kelly stated that he is the owner/operator of Kelly's All Pro Landscaping, a sole proprietorship, which has a clientele consisting of residential and commercial accounts in and around Atlantic County.

Kelly admitted that for calendar years 2003, 2004 and 2005, he received gross income of approximately \$1.2 million, \$1.5 million and \$1.6 million, respectively. Furthermore, Kelley admitted that knowing he received this income, he was required to make an income tax return for each year to the Internal Revenue Service stating specifically the items of gross income and any deductions or credits to which he was entitled.

As part of his guilty plea, Kelley agreed to pay back taxes, penalties and interest.

The charge of failing to make an income tax return to the carries a maximum penalty of one years in prison and a fine of \$25,000.

In determining an actual sentence, Judge Schneider will consult the advisory U.S. Sentencing Guidelines, which provide appropriate sentencing ranges that take into account the severity and characteristics of the offense, the defendant's criminal history, if any, and other factors. The judge, however, is not bound by those guidelines in determining a sentence.

Parole has been abolished in the federal system. Defendants who are given custodial terms must serve nearly all that time.

Fishman credited Special Agents of the IRS Criminal Investigation, under the direction of Special Agent in Charge Robert Glantz, with the investigation leading to the guilty plea.

The government is represented by Assistant U.S. Attorney Jason M. Richardson of the Criminal Division in Camden.

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Defense Attorney: William J. Hughes, Jr., Esq. Atlantic City