

4. As a C-Corporation, 14-16 Inc. was obligated to file a U.S. Corporate Income Tax Return for the 2003 tax year. On or about April 18, 2004, ERNEST D. DAVIS, the defendant, on behalf of 14-16 Inc., caused to be filed with the Internal Revenue Service ("IRS") an IRS Form 7004, "Application for Extension of Time to File Certain Business Income Tax, Information and Other Returns," thereby extending the date by which 14-16 Inc. was obligated to file its Form 1120 until September 15, 2004. DAVIS, however, never filed a U.S. Corporate Income Tax Return, Form 1120, for the 2003 tax year for 14-16 Inc. In addition, DAVIS failed to report the proceeds of the sale of 14-16 Sandford Blvd. on his 2003 U.S. Individual Income Tax Return, Form 1040, which he filed on or about February 1, 2005.

Statutory Allegations

5. The allegations in paragraphs 1 through 4 of this Information are repeated and realleged as though fully set forth herein.

6. On or about September 15, 2004, in the Southern District of New York, ERNEST D. DAVIS, the defendant, willfully and knowingly did fail to make a corporate income tax return for 14-16 Inc., a C-Corporation, for the tax year 2003, to the Internal Revenue Service Center, to a person assigned to receive

returns at the local office of the Internal Revenue Service, or to another Internal Revenue Service office permitted by the Commissioner of the Internal Revenue Service to receive returns, stating specifically the items of gross income and any deductions and credits to which 14-16 Inc. was entitled, whereas, as DAVIS then and there well knew and believed, 14-16 Inc. was required by law following the close of 2003, and on or before September 15, 2004, to make said income tax return to the Internal Revenue Service Center, to a person assigned to receive returns at the local office of the Internal Revenue Service, or to another Internal Revenue Service office permitted by the Commissioner of the Internal Revenue Service to receive returns.

(Title 26, United States Code, Section 7203.)

COUNT TWO

(Failure to File an Individual Income Tax
Return — 2011 Tax Year)

The United States Attorney charges:

Background

7. The allegations set forth in paragraph 1 are repeated and realleged as if set forth fully herein.

8. ERNEST D. DAVIS, the defendant, earned approximately \$106,743 in adjusted gross income during the tax year 2011.

9. On or about April 15, 2012, ERNEST D. DAVIS, the

defendant, filed with the IRS an IRS Form 4868, "Application for Automatic Extension of Time To File U.S. Individual Income Tax Return," thereby extending the date by which DAVIS was obligated to file his Form 1040 by six months until October 15, 2012. Thereafter, however, DAVIS did not timely file his Form 1040 for tax year 2011.

Statutory Allegations

10. The allegations in paragraphs 7 through 9 of this Information are repeated and realleged as though fully set forth herein.

11. On or about October 15, 2012, in the Southern District of New York, ERNEST D. DAVIS, the defendant, willfully and knowingly did fail to make an income tax return for the year 2011, to the Internal Revenue Service Center, to a person assigned to receive returns at the local office of the Internal Revenue Service, or to another Internal Revenue Service office permitted by the Commissioner of the Internal Revenue Service to receive returns, stating specifically the items of his gross income and any deductions and credits to which he was entitled, whereas, as DAVIS then and there well knew and believed, he had gross income requiring the filing of a return for 2011, and, by reason of such income, he was required by law on or before October 15, 2012, to make said income tax return to the Internal

Revenue Service Center, to a person assigned to receive returns at the local office of the Internal Revenue Service, or to another Internal Revenue Service office permitted by the Commissioner of the Internal Revenue Service to receive returns.

(Title 26, United States Code, Section 7203.)

PREET BHARARA
United States Attorney