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2 United States Attorney

3 Attorney for Plaintiff

ORIGINAL
FILED

03 MAR 13 PM 2:30

WILLIAM W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 IN THE UNITED STATES DISTRICT COURT FOR THE
9 NORTHERN DISTRICT OF CALIFORNIA

10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 RALPH JOSEPH SMALL,

15 Defendant.

CRIMINAL NO. 058SBA

VIOLATIONS: 26 U.S.C. § 7206(1) -
MAKING AND SUBSCRIBING FALSE
RETURNS; 26 U.S.C. § 7201 - INCOME
TAX EVASION

OAKLAND VENUE

16 INDICTMENT

17 The Grand Jury charges:

18 COUNT ONE: (26 U.S.C. § 7206(1))

19 On or about April 15, 1997, in the Northern District of California, the defendant

20 RALPH JOSEPH SMALL

21 then a resident of Lafayette, California, did willfully make and subscribe an U.S. Individual Income
22 Tax Return, Form 1040, for the calendar year 1996, which was filed with the Internal Revenue Service
23 and verified by the defendant in a written declaration that it was made under the penalties of perjury,
24 which he knew to be materially false in that said return reported gross income in the amount of a
25 negative \$223,071, whereas, as he then and there well knew and believed, he received gross income for
26 the calendar year 1996 in excess of a negative \$223,071.

27 In violation of Title 26, United States Code, Section 7206(1).
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1 COUNT TWO: (26 U.S.C. § 7201)

2 On or about April 15, 1998, in the Northern District of California, the defendant

3 RALPH JOSEPH SMALL

4 then a resident of Lafayette, California, did willfully attempt to evade and defeat a large part of the
5 income tax due and owing by him to the United States of America for the calendar year 1997, by
6 preparing and causing to be prepared, and by signing and causing to be signed, a false and fraudulent
7 U.S. Individual Income Tax Return, Form 1040, which was filed with the Internal Revenue Service,
8 wherein he stated that his taxable income for said calendar year was the sum of \$182,358, and that the
9 amount of tax due and owing thereon was the sum of \$69,865, whereas, as he then and there well knew
10 and believed, his taxable income for said calendar year was the sum of \$538,100, upon which said
11 taxable income there was owing to the United States of America an income tax of \$207,545.

12 In violation of Title 26, United States Code, Section 7201.

13 COUNT THREE: (26 U.S.C. § 7201)

14 On or about October 12, 1999, in the Northern District of California, the defendant

15 RALPH JOSEPH SMALL

16 then a resident of Lafayette, California, did willfully attempt to evade and defeat a large part of the
17 income tax due and owing by him to the United States of America for the calendar year 1998, by
18 preparing and causing to be prepared, and by signing and causing to be signed, a false and fraudulent
19 U.S. Individual Income Tax Return, Form 1040, which was filed with the Internal Revenue Service,
20 wherein he stated that his taxable income for said calendar year was the sum of \$179,650, and that the
21 amount of tax due and owing thereon was the sum of \$61,734, whereas, as he then and there well knew
22 and believed, his taxable income for said calendar year was the sum of \$673,626, upon which said
23 taxable income there was owing to the United States of America an income tax of \$253,791.

24 In violation of Title 26, United States Code, Section 7201.

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1 COUNT FOUR: (26 U.S.C. § 7206(1))

2 On or about April 15, 1997, in the Northern District of California, the defendant

3 RALPH JOSEPH SMALL

4 then a resident of Lafayette, California, did willfully make and subscribe an U.S. Corporation Income
5 Tax Return, Form 1120, on behalf of Neuro Diagnostics Associates, Inc., for the calendar year 1996,
6 which was filed with the Internal Revenue Service and verified by the defendant, as President of Neuro
7 Diagnostics Associates, Inc., in a written declaration that it was made under the penalties of perjury,
8 which was false and fraudulent as to material matters, in that it represented that Neuro Diagnostics
9 Associates, Inc. was entitled under the provisions of the Internal Revenue laws to claim deductions for
10 personal expenses of its 100 percent shareholder, the defendant, in the amount of \$110,453.14, whereas
11 the defendant then and there well knew and believed, Neuro Diagnostics Associates, Inc. was not
12 entitled to claim said deductions.

13 In violation of Title 26, United States Code, Section 7206(1).

14 COUNT FIVE: (26 U.S.C. § 7206(1))

15 On or about April 15, 1998, in the Northern District of California, the defendant

16 RALPH JOSEPH SMALL

17 then a resident of Lafayette, California, did willfully make and subscribe an U.S. Corporation Income
18 Tax Return, Form 1120, on behalf of Neuro Diagnostics Associates, Inc., for the calendar year 1997,
19 which was filed with the Internal Revenue Service and verified by the defendant, as President of Neuro
20 Diagnostics Associates, in a written declaration that it was made under the penalties of perjury, which
21 was false and fraudulent as to material matters, in that it represented that Neuro Diagnostics Associates,
22 Inc. was entitled under the provisions of the Internal Revenue laws to claim deductions for personal
23 expenses of its 100 percent shareholder, the defendant, in the amount of \$194,221.75, whereas the
24 defendant then and there well knew and believed, Neuro Diagnostics Associates, Inc. was not entitled to
25 claim said deductions.

26 In violation of Title 26, United States Code, Section 7206(1).

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1 COUNT SIX: (26 U.S.C. § 7206(1))

2 On or about September 22, 1999, in the Northern District of California, the defendant

3 RALPH JOSEPH SMALL

4 then a resident of Lafayette, California, did willfully make and subscribe an U.S. Corporation Income
5 Tax Return, Form 1120, on behalf of Neuro Diagnostics Associates, Inc., for the calendar year 1998,
6 which was filed with the Internal Revenue Service and verified by the defendant, as President of Neuro
7 Diagnostics Associates, in a written declaration that it was made under the penalties of perjury, which
8 was false and fraudulent as to material matters, in that it represented that Neuro Diagnostics Associates,
9 Inc. was entitled under the provisions of the Internal Revenue laws to claim deductions for personal
10 expenses of its 100 percent shareholder, the defendant, in the amount of \$184,279.67, whereas the
11 defendant then and there well knew and believed, Neuro Diagnostics Associates, Inc. was not entitled to
12 claim said deductions.

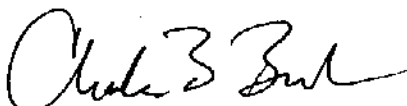
13 In violation of Title 26, United States Code, Section 7206(1).

14 A TRUE BILL

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16
17 DATED: _____

FOREPERSON _____

18 KEVIN V. RYAN
19 United States Attorney

20 
21 CHARLES BEN BURCH
22 Chief, Criminal Division

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24 AUSA: 
25 DAVID L. DENIER
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