Submit by Email

AO 257 (Rev. 6/78)

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

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 641 - Theft of Government Property
26 U.S.C. § 7201 - Tax Evasion
18 U.S.C. § 981(a)(1)(C) - Forfeiture

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

18 U.S.C. § 641-10 yrs prison, $250,000 fine, 3 yrs superv. rel., $100 assessment; 26 U.S.C. § 7201- 5 yrs prison, $250,000 fine, 3 yrs superv. rel., $100 assessment; 18 U.S.C. § 981(a)(1)(C) & 28 U.S.C. § 2461(c)

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DEFENDANT - U.S.

HUGH LESLIE BARAS

DISTRICT COURT NUMBER

CR-11-00523-SBA

FILED
AUG 30 2012
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

PROCEEDING

Name of Complaintant 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 reprosecution of charges previously dismissed which were dismissed on motion of:
☐ U.S. Att'y ☐ Defense

SHOW DOCKET NO.

☐ 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: MELINDA HAAG

☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned): CHARLES PARKER, SAUSA, Tax Division

DEFENDANT

IS *NOT* IN CUSTODY

1) ☒ Has not been arrested, pending outcome 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)

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

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

Defendant Address:

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

Date/Time:

Before Judge:

Comments:

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

CR 11-523-SBA

UNITED STATES OF AMERICA,

V.

FILED
AUG 30 2012
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

HUGH LESLIE BARAS

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 641 - Theft of Government Property

26 U.S.C. § 7201 - Tax Evasion

18 U.S.C. § 981(a)(1)(C) - Forfeiture

A true bill.

Foreman

Filed in open court this 30TH day of

August 2012.

Clerk

Bail, $ no process

MELINDA HAAG (CABN 132612)
United States Attorney

FILED
AUG 30 2012
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR 11-00523-SBA
	)	
Plaintiff,	)	VIOLATIONS:
v.	)	18 U.S.C. § 641–Theft of Government Property;
	)	26 U.S.C. § 7201–Tax Evasion;
HUGH LESLIE BARAS,	)	18 U.S.C. § 981(a)(1)(C)–Forfeiture
	)	
Defendant.	)	OAKLAND VENUE
	)	

SUPERSEDING INDICTMENT

The Grand Jury Charges:

COUNT ONE: (18 U.S.C. § 641 – Theft of Government Property)

Beginning in or about January 2006 and continuing until in or about November 2009, in the Northern District of California and elsewhere, the defendant,

HUGH LESLIE BARAS,

did knowingly and willfully (1) embezzle, steal, purloin, and convert to his own use things of value of the United States and a department and agency thereof, namely approximately $80,615.80 in Social Security Administration benefit payments to which he was not entitled, and did (2) receive, conceal, and retain the same with the intent to convert it to his use and gain, knowing it to have been embezzled, stolen, purloined, and converted.

All in violation of Title 18, United States Code, Section 641.

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

On or about April 17, 2006, in the Northern District of California, the defendant,

HUGH LESLIE BARAS,

then a resident of Berkeley, California, did willfully attempt to evade and defeat a part of the income tax due and owing by him to the United States of America for the calendar year 2005, by preparing and causing to be prepared, and by signing and causing to be signed, a false and fraudulent U.S. Individual Income Tax Return, Form 1040, which was filed with the Internal Revenue Service. In that false income tax return, he stated that his taxable income for the calendar year was $30,394, and that the amount of tax due and owing thereon was $4,019. In fact, as he then and there knew, his taxable income for the calendar year was $182,410, and the amount of tax owing to the United States of America was $62,425.

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

COUNT THREE: (26 U.S.C. § 7201 - Tax Evasion)

On or about April 17, 2007, in the Northern District of California, the defendant,

HUGH LESLIE BARAS,

then a resident of Berkeley, California, did willfully attempt to evade and defeat a part of the income tax due and owing by him to the United States of America for the calendar year 2006, by preparing and causing to be prepared, and by signing and causing to be signed, a false and fraudulent U.S. Individual Income Tax Return, Form 1040, which was filed with the Internal Revenue Service. In that false income tax return, he stated that his taxable income for the calendar year was $34,046, and that the amount of tax due and owing thereon was $4,873. In fact, as he then and there knew, his taxable income for the calendar year was $208,068, and the amount of income tax owing to the United States of America was $73,009.

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

COUNT FOUR: (26 U.S.C. § 7201 - Tax Evasion)

On or about April 15, 2008, in the Northern District of California, the defendant,

HUGH LESLIE BARAS,

then a resident of Berkeley, California, did willfully attempt to evade and defeat a part of the income tax due and owing by him to the United States of America for the calendar year 2007, by preparing and causing to be prepared, and by signing and causing to be signed, a false and fraudulent U.S. Individual Income Tax Return, Form 1040, which was filed with the Internal Revenue Service. In that false income tax return, he stated that his taxable income for the calendar year was $36,888, and that the amount of tax due and owing thereon was $5,378. In fact, as he then and there knew, his taxable income for the calendar year was $237,729, and the amount of income tax owing to the United States of America was $81,407.

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

COUNT FIVE: (26 U.S.C. § 7201 - Tax Evasion)

On or about April 15, 2009, in the Northern District of California, the defendant,

HUGH LESLIE BARAS,

then a resident of Berkeley, California, did willfully attempt to evade and defeat a part of the income tax due and owing by him to the United States of America for the calendar year 2008, by preparing and causing to be prepared, and by signing and causing to be signed, a false and fraudulent U.S. Individual Income Tax Return, Form 1040, which was filed with the Internal Revenue Service. In that false income tax return, he stated that his taxable income for the calendar year was $34,741, and that the amount of tax due and owing thereon was $4,754. In fact, as he then and there knew, his taxable income for the calendar year was $246,886, and the amount of income tax owing to the United States of America was $85,049.

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

COUNT SIX: (26 U.S.C. § 7201 - Tax Evasion)

On or about April 15, 2010, in the Northern District of California, the defendant,

HUGH LESLIE BARAS,

then a resident of Berkeley, California, did willfully attempt to evade and defeat a part of the income tax due and owing by him to the United States of America for the calendar year 2009, by preparing and causing to be prepared, and by signing and causing to be signed, a false and fraudulent U.S. Individual Income Tax Return, Form 1040, which was filed with the Internal Revenue Service. In that false income tax return, he stated that his taxable income for the calendar year was $57,316, and that the amount of tax due and owing thereon was $10,510. In fact, as he then and there knew, his taxable income for the calendar year was $301,722, and the amount of income tax owing to the United States of America was $104,557.

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

FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c))

1. The allegations contained in Count One of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offense alleged in Count One of this Indictment, the defendant,

HUGE LESLIE BARAS,

shall forfeit to the United States of America pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense alleged in Count One of this Indictment.

3. If any of the property described above, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;

The United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

A True Bill.

Dated: Aug 30 2012

FOREPERSON

MELINDA HAAG
United States Attorney

J. Douglas Wilson for

MIRANDA KANE
Assistant United States Attorney
Chief, Criminal Division

Approved as to Form

CHARLES W. PARKER
Special Assistant United States Attorney
Tax Division