

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

**FILED**  
2012 SE. -6 P 3 04  
RICHARD W. WICKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

## CR 12 662

MARY NOLAN

**PJH**

DEFENDANT(S).

### INDICTMENT

Title 26 U.S.C. § 7201 - Tax Evasion; Title 18 U.S.C. § 371 - Conspiracy;  
Title 18 U.S.C. § 2511 - Unlawful Interception of Communications

A true bill

*[Signature]*

Foreman

Filed in open court this 6<sup>th</sup> day of

September, 2012

*[Signature]*

*[Signature]* Clerk

Bail, \$ No bail warrant

*[Signature]*

*CR 12-662 PJH*

1 MELINDA HAAG (CABN 132612)  
United States Attorney

FILED  
2012 SE. -6 P 3 04  
RICHARD W. WIEKING  
CLERK - U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION

PJH

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

16 MARY NOLAN,

17 Defendant.

CR 12 662  
NO. CR.

VIOLATIONS: 26 U.S.C. § 7201 - Tax  
Evasion; 18 U.S.C. § 371 - Conspiracy;  
18 U.S.C. § 2511 - Unlawful Interception of  
Communications

OAKLAND VENUE

19 INDICTMENT

20 The Grand Jury Charges:

21 INTRODUCTORY ALLEGATIONS

22 At all times relevant to this Indictment:

23 1. Defendant MARY NOLAN was an attorney licensed in California and  
24 specializing in the practice of family and divorce law.

25 2. NOLAN was also the owner and operator of The Law Offices of Mary Nolan,  
26 located in San Ramon, California.

27 ///

28 ///

INDICTMENT

1 COUNT ONE: (26 U.S.C. § 7201 – Tax Evasion)

2 3. On or about October 16, 2006, in the Northern District of California, the  
3 defendant,

4 MARY NOLAN,

5 then a resident of Castro Valley, California, did willfully attempt to evade and defeat a large part  
6 of the income tax due and owing by her to the United States of America for the calendar year  
7 2005, by preparing and causing to be prepared, and by signing and causing to be signed, a false  
8 and fraudulent U.S. Individual Income Tax Return, Form 1040, which was filed with the Internal  
9 Revenue Service. In that false income tax return, she stated that her taxable income for the  
10 calendar year was -\$21,395, and that the amount of tax due and owing thereon was \$9,310. In  
11 fact, as she then knew, her taxable income for the calendar year was approximately \$306,543,  
12 and the amount of tax owing to the United States of America was approximately \$98,658.

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

14  
15 COUNT TWO: (26 U.S.C. § 7201 – Tax Evasion)

16 4. On or about October 4, 2007, in the Northern District of California, the defendant,

17 MARY NOLAN,

18 then a resident of Castro Valley, California, did willfully attempt to evade and defeat a large part  
19 of the income tax due and owing by her to the United States of America for the calendar year  
20 2006, by preparing and causing to be prepared, and by signing and causing to be signed, a false  
21 and fraudulent U.S. Individual Income Tax Return, Form 1040, which was filed with the Internal  
22 Revenue Service. In that false income tax return, she stated that her taxable income for the  
23 calendar year was -\$12,472, and that the amount of tax due and owing thereon was \$10,882. In  
24 fact, as she then knew, her taxable income for the calendar year was approximately \$410,581,  
25 and the amount of income tax owing to the United States of America was approximately  
26 \$144,126.

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

28 ///

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

2 5. On or about October 13, 2008, in the Northern District of California, the  
3 defendant,

4 MARY NOLAN,

5 then a resident of Castro Valley, California, did willfully attempt to evade and defeat a large part  
6 of the income tax due and owing by her to the United States of America for the calendar year  
7 2007, by preparing and causing to be prepared, and by signing and causing to be signed, a false  
8 and fraudulent U.S. Individual Income Tax Return, Form 1040, which was filed with the Internal  
9 Revenue Service. In that false income tax return, she stated that her taxable income for the  
10 calendar year was -\$53,934, and that the amount of tax due and owing thereon was \$4,583. In  
11 fact, as she then knew, her taxable income for the calendar year was approximately \$574,769,  
12 and the amount of income tax owing to the United States of America was approximately  
13 \$190,039.

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

15  
16 COUNT FOUR: (26 U.S.C. § 7201 – Tax Evasion)

17 6. On or about October 12, 2009, in the Northern District of California, the  
18 defendant,

19 MARY NOLAN,

20 then a resident of Oakland, California, did willfully attempt to evade and defeat a large part of  
21 the income tax due and owing by her to the United States of America for the calendar year 2008,  
22 by preparing and causing to be prepared, and by signing and causing to be signed, a false and  
23 fraudulent U.S. Individual Income Tax Return, Form 1040, which was filed with the Internal  
24 Revenue Service. In that false income tax return, she stated that her taxable income for the  
25 calendar year was -\$48,146, and that the amount of tax due and owing thereon was \$6,032. In  
26 fact, as she then knew, her taxable income for the calendar year was approximately \$414,319,  
27 and the amount of income tax owing to the United States of America was approximately  
28 \$131,900.

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

2  
3 COUNT FIVE: (18 U.S.C. § 371 – Conspiracy to Unlawfully Intercept Communications)

4 7. Beginning on a date unknown but no later than on or about August 9, 2007, and  
5 continuing through at least on or about September 9, 2007, in the Northern District of California  
6 and elsewhere, the defendant,

7 MARY NOLAN,

8 and others did knowingly and willfully conspire to unlawfully intercept wire, oral, and electronic  
9 communications, in violation of Title 18, United States Code, Section 2511(1)(a).

10 MANNER AND MEANS OF THE CONSPIRACY

11 8. NOLAN referred clients to the private investigation firm Butler & Associates in  
12 Concord, California, owned and operated by Christopher Butler, so that Butler could install  
13 concealed listening devices in the clients' spouses' and significant others' cars. NOLAN  
14 intended to use the recorded telephone conversations to assist her clients' legal proceedings.

15 9. To have a listening device installed, NOLAN's client brought Butler the target  
16 vehicle. Butler created a listening device by disabling the ringer and speaker of a cellular phone,  
17 leaving the microphone active, and setting the phone to automatically connect all incoming  
18 phone calls. Butler then concealed the device in the target vehicle.

19 10. After Butler installed the listening devices, he provided the device phone number  
20 to the client and/or NOLAN. The device was activated when NOLAN or another listener called  
21 the phone number. The phone silently connected the call and allowed the listener to hear any  
22 sounds within the vicinity of the phone.

23 11. On numerous occasions, NOLAN and her staff, acting on NOLAN's instructions,  
24 called the phone numbers for the listening devices to eavesdrop on conversations by NOLAN's  
25 clients' spouses and significant others.

26 OVERT ACTS

27 12. In furtherance of the conspiracy and to effect the objects of that conspiracy, in the  
28 Northern District of California and elsewhere, NOLAN and others committed the following overt

1 acts, among others:

2 a. On or about August 8, 2007, S.F. met with Butler to discuss installing a  
3 concealed listening device in the car used by her husband, N.F.

4 b. On or about August 9, 2007, S.F. signed a client services agreement with  
5 Butler's firm, Butler & Associates.

6 c. On or about August 9, 2007, Butler installed a concealed listening device  
7 in the car used by N.F.

8 d. On or about September 9, 2007, Butler renewed service for the listening  
9 device in N.F.'s car.

10 All in violation of Title 18, United States Code, Section 371.

11  
12 COUNT SIX: (18 U.S.C. § 2511(1)(a) and (4)(a) – Unlawful Interception of Communications)

13 13. Beginning on or about August 9, 2007, and continuing through at least on or about  
14 September 9, 2007, in the Northern District of California, the defendant,

15 MARY NOLAN,

16 did knowingly and intentionally intercept, endeavor to intercept, and procure another person to  
17 intercept and endeavor to intercept, a wire, oral, and electronic communication, specifically  
18 communications in N.F.'s car, in violation of Title 18, United States Code, Section 2511(1)(a)  
19 and (4)(a).

20 DATED: September 6, 2012

A TRUE BILL.

21  
22   
23 FOREPERSON

24 MELINDA HAAG  
25 United States Attorney

26   
27 MIRANDA KANE  
28 Chief, Criminal Division

(Approved as to form: )

AUSA WEST

INDICTMENT

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

BY:  COMPLAINT  INFORMATION  INDICTMENT

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

**NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

**OFFENSE CHARGED**  SUPERSEDING

26 U.S.C. § 7201 - Tax Evasion  
18 U.S.C. § 371 - Conspiracy  
18 U.S.C. § 2511(1)(a) & (4)(x) - Unlawful Interception of Communications

- Petty
- Minor
- Misdemeanor
- Felony

**PENALTY:** 26 U.S.C. § 7201 - 5 yrs. imprisonment; \$100,000 fine; 3 yrs. supervised release; \$100 special assessment  
18 U.S.C. §§ 371 & 2511(1)(a) - 5 yrs. imprisonment; \$250,000 fine; 3 yrs. supervised release; \$100 special assessment

**DEFENDANT - U.S.**

**MARY NOLAN**

**DISTRICT COURT NUMBER**

**CR 12 662**  
MAY 11 1978  
RICHARD M. H. COURT  
U.S. DISTRICT COURT  
OAKLAND, CALIF.  
FILED  
PJH

**PROCEEDING**

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

**IRS & FBI**

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

U.S. ATTORNEY  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 Hartley M. K. West, AUSA

U.S. Attorney  Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) Hartley M. K. West

**DEFENDANT IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1)  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

Federal  State

6)  Awaiting trial on other charges

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

**PROCESS:**

SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: No Bail

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: