

STEPHANIE M. HINDS (CABN 154284)
United States Attorney

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DHIRENDRA PRASAD,

Defendant.

CASE NO. **CR 22-00123-BLF (SVK)**

VIOLATIONS:

-) 18 U.S.C. § 1349 – Conspiracy to Commit Wire Fraud and Mail Fraud
-) 18 U.S.C. § 1956(h) – Conspiracy to Commit Money Laundering
-) 18 U.S.C. § 371 – Conspiracy to Defraud the United States
-) 26 U.S.C. § 7201 – Tax Evasion
-) 18 U.S.C. §§ 982(a)(1) and (b)(1) – Forfeiture Allegation
-) 18 U.S.C. §§ 982(a)(1) and (a)(1) – Forfeiture Allegation
-) San Jose Venue

I N F O R M A T I O N

The United States Attorney charges:

COUNT ONE: (18 U.S.C. § 1349 – Conspiracy to Commit Wire Fraud and Mail Fraud)

1. Beginning on an unknown date but no later than in or about April 2013, and continuing through in or about January 2019, in the Northern District of California and elsewhere, the defendant,

DHIRENDRA PRASAD

and DON M. BAKER, did knowingly conspire to devise and intend to devise a scheme and artifice to defraud as to a material matter, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and by omissions and concealment of material facts

1 and, for the purpose of executing such scheme or artifice and attempting to do so, did: a) transmit, and
2 cause to be transmitted, by means of wire communication in interstate and foreign commerce, certain
3 writings, signs, signals, pictures, and sounds, in violation of Title 18, United States Code, Section 1343;
4 and b) cause matter to be delivered by the United States Postal Service and private and commercial
5 interstate carriers, in violation of Title 18, United States Code, Section 1341.

6 All in violation of Title 18, United States Code, Section 1349.

7 COUNT TWO: (18 U.S.C. § 1956(h) – Conspiracy to Commit Money Laundering)

8 2. Beginning on an unknown date but no later than in or about April 2013, and continuing
9 through in or about January 2019, in the Northern District of California and elsewhere, the defendant,
10
11 **DHIRENDRA PRASAD,**
12 and DON M. BAKER, did knowingly combine, conspire, and agree to conduct financial transactions
13 affecting interstate commerce and foreign commerce, which transactions involved the proceeds of
14 specified unlawful activity, that is, wire fraud and mail fraud, knowing that the transactions were
15 designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control
16 of the proceeds of the specified unlawful activity, and that while conducting and attempting to conduct
17 such financial transactions, knew that the property involved in the financial transactions represented the
18 proceeds of the specified unlawful activity, in violation of Title 18, United States Code, Section
19 1956(a)(1)(B)(i).

19 All in violation of Title 18, United States Code, Section 1956(h).

20 COUNT THREE: (18 U.S.C. § 1956(h) – Conspiracy to Commit Money Laundering)

21 3. Beginning on an unknown date but no later than in or about January 2013, and continuing
22 through in or about March 2019, in the Northern District of California and elsewhere, the defendant,
23
24 **DHIRENDRA PRASAD,**
25 and ROBERT GARY HANSEN, did knowingly combine, conspire, and agree to knowingly conduct and
26 attempt to conduct financial transactions affecting interstate commerce and foreign commerce, which
27 transactions involved the proceeds of specified unlawful activity, that is, wire fraud and mail fraud,
28 knowing that the transactions were designed in whole or in part to conceal and disguise the nature,
location, source, ownership, and control of the proceeds of specified unlawful activity, and that while

1 conducting and attempting to conduct such financial transactions, knew that the property involved in the
2 financial transactions represented the proceeds of some form of unlawful activity, in violation of Title
3 18, United States Code, Section 1956(a)(1)(B)(i).

4 All in violation of Title 18, United States Code, Section 1956(h).

5 COUNT FOUR: (18 U.S.C. § 371 – Conspiracy to Defraud the United States)

6 4. Beginning on or about January 1, 2015, and continuing through on or about November 5,
7 2018, in the Northern District of California and elsewhere, the defendant,

8 DHIRENDRA PRASAD,

9 and DON M. BAKER, did unlawfully, voluntarily, and willfully conspire to defraud the United States
10 government through dishonest and deceitful means, to wit: the Department of the Treasury, Internal
11 Revenue Service, in the ascertainment, assessment, computation, and collection of revenue, particularly
12 individual federal income taxes due and owing by DON M. BAKER for the tax years 2015 through and
13 including 2017.

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

15 COUNT FIVE: (26 U.S.C. § 7201 – Tax Evasion – 2017)

16 5. On or about August 29, 2018, in the Northern District of California, and elsewhere, the
17 defendant,

18 DHIRENDRA PRASAD,

19 a resident of Mountain House, California, did willfully and knowingly attempt to evade and defeat a
20 substantial part of the income tax due and owing by him to the United States of America for the calendar
21 year 2017, by preparing and causing to be prepared, signing and causing to be signed, and filing and
22 causing to be filed with the Internal Revenue Service a false and fraudulent United States Individual
23 Income Tax Return, Form 1040, in the name of the defendant, for tax year 2017, which was submitted to
24 the Internal Revenue Service. On that tax return, defendant reported and caused to be reported that his
25 income for the calendar year 2017 was \$1,215,000, and claimed a tax refund of \$38,959. In fact, as
26 defendant knew and believed, defendant had taxable income for 2017 that was greater than the amount
27 reported on the tax return, and as a result of such additional taxable income, there was substantial
28 additional tax due and owing to the United States of America.

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

2 FORFEITURE ALLEGATION: (18 U.S.C. §§ 981(a)(1)(C), 982(b)(1) & 28 U.S.C. § 2461(c))

3 6. Upon conviction of the offense alleged in Count One of this Information, the defendant,
4 **DHIRENDRA PRASAD,**
5 shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) all
6 property, real or personal, constituting, or derived from, proceeds the defendant obtained directly and
7 indirectly, as the result of those violations, including, but not limited to, the following:

- 8 a. The real property located at 577 S. Tradition Street, Mountain House, CA; APN
9 254-160-340;
- 10 b. The real property located at 135 E Kavanagh Avenue, Tracy, CA; APN 214-400-
11 370;
- 12 c. The real property located at 332 R Street, Merced, CA; 032-261-018; APN: 032-
13 261-018;
- 14 d. Approximately \$510,195 representing the proceeds of the sale of the real property
15 located at 4452 Cotton Court, Apartments 1-12, Stockton, CA; APN:104-260-060
16 on or about December 9, 2021;
- 17 e. The real property located at 1185 Palomar Drive, Tracy, CA; APN 238-110-080;
- 18 f. Approximately \$36,399.68 seized from LPL Financial account 1916-6482 held in
19 the name of “The PRASAD-Smith Living Trust DTD 10/22/2010” on or about
20 September 22, 2021;
- 21 g. Approximately \$322,834.53 seized from LPL Financial account 1191-9368 held
22 in the name of “The PRASAD-Smith Living Trust DTD 10/22/2010” on or about
23 September 22, 2021;
- 24 h. Approximately \$631,041.59 seized from LPL Financial account 3452-2348 held
25 in the name of “Dhirendra PRASAD 401K Plan & Trust DTD 11/10/16” on or
26 about September 22, 2021;
- 27 i. Approximately \$195,662.79 seized from LPL Financial account 4658-1251 held
28 in the name of “The PRASAD-Smith Living Trust DTD 10/22/2010” on or about

1 September 22, 2021;

2 j. Approximately \$1,268,508.34 seized from LPL Financial account 8018-0595 held
3 in the name of “Dhirendra PRASAD Pension Plan” on or about September 22,
4 2021;

5 k. Approximately \$604,551.78 seized from LPL Financial account 7911-3030 held
6 in the name of “Dhirendra PRASAD Defined Benefit Pension Plan” on or about
7 September 22, 2021;

8 l. Approximately \$149,103.01 seized from LPL Financial account 7912-2543 held
9 in the name of “Dhirendra PRASAD 401K Plan & Trust DTD 11-10-16 FBO
10 Sherry L. Smith” on or about September 22, 2021;

11 m. Approximately \$209,852.69 seized from Jackson National Life Insurance
12 Company in annuity number 1022081175 held in the name of “Dhirendra
13 PRASAD Pension Plan” on or about September 22, 2021;

14 n. Approximately \$118,908.21 seized from Jackson National Life Insurance
15 Company in annuity account number 1020906533 held in the name of “The
16 PRASAD-Smith Living Trust DTD 10/22/2010” on or about September 22, 2021;

17 o. Approximately \$106,936.39 seized from American Funds College America VA
18 529 account number 04000677405 held in the name of “Dhirendra PRASAD” for
19 the benefit of “Rachel S. Prasad” on or about September 22, 2021;

20 p. Approximately \$107,507.48 seized from American Funds College America VA
21 529 account number 04000676880 held in the name of “Dhirendra PRASAD” for
22 the benefit of “Aidan C. Prasad” on or about September 22, 2021; and

23 q. Approximately \$30,217.72 seized from Voya Retirement Insurance and Annuity
24 Company IRA account number R079657-ZS held in the name of “Dhirendra
25 PRASAD” for the benefit of Sherry Smith, Rachel Prasad, and Aidan Prasad on
26 or about September 22, 2021; and

27 r. Money Judgment: a sum of money equal to the total gross proceeds obtained by
28 defendant as a result of the offenses.

1 If any of the property described above, as a result of any act or omission of the defendants:

- 2 a. cannot be located upon the exercise of due diligence;
- 3 b. has been transferred, or sold to, or deposited with, a third party;
- 4 c. has been placed beyond the jurisdiction of the court;
- 5 d. has been substantially diminished in value; or
- 6 e. has been commingled with other property that cannot be divided without
7 difficulty,

8 any and all interest the defendants have in other property shall be vested in the United States and
9 forfeited to the United States pursuant to Title 21, United States Code, Section 853(p), as incorporated
10 by Title 18, United States Code, Section 982(b)(1).

11 All pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code,
12 Section 2461(c), and Rule 32.2 of the Federal Rules of Criminal Procedure.

13 FORFEITURE ALLEGATION: (18 U.S.C. §§ 982(a)(1)(A), 982(a)(1) and 28 U.S.C. § 2461(c))

14 7. Upon conviction of the offense alleged in Count Two or Count Three of this Information,
15 the defendant,

16 DHIRENDRA PRASAD,

17 shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 982(a)(1)(A) and
18 982(a)(1) and Title 28, United States Code, Section 2461(c), any property, real or personal, involved in
19 such offense, and any property traceable to such property, including, but not limited to, the following:

- 20 a. The real property located at 577 S. Tradition Street, Mountain House, CA; APN
21 254-160-340;
- 22 b. The real property located at 135 E Kavanagh Avenue, Tracy, CA; APN 214-400-
23 370;
- 24 c. The real property located at 332 R Street, Merced, CA; 032-261-018; APN: 032-
25 261-018;
- 26 d. Approximately \$510,195 representing the proceeds of the sale of the real property
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- 7 September 22, 2021;
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- 10 about September 22, 2021;
- 11 i. Approximately \$195,662.79 seized from LPL Financial account 4658-1251 held
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- 16 2021;
- 17 k. Approximately \$604,551.78 seized from LPL Financial account 7911-3030 held
- 18 in the name of “Dhirendra PRASAD Defined Benefit Pension Plan” on or about
- 19 September 22, 2021;
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- 25 PRASAD Pension Plan” on or about September 22, 2021;
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- 28 PRASAD-Smith Living Trust DTD 10/22/2010” on or about September 22, 2021;

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- 3 the benefit of “Rachel S. Prasad” on or about September 22, 2021;
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- 6 the benefit of “Aidan C. Prasad” on or about September 22, 2021; and
- 7 q. Approximately \$30,217.72 seized from Voya Retirement Insurance and Annuity
- 8 Company IRA account number R079657-ZS held in the name of “Dhirendra
- 9 PRASAD” for the benefit of Sherry Smith, Rachel Prasad, and Aidan Prasad on
- 10 or about September 22, 2021; and
- 11 r. Money Judgment: a sum of money equal to the total value of the property
- 12 involved in the offenses.

13 If any of the property described above, as a result of any act or omission of the defendants:

- 14 a. cannot be located upon the exercise of due diligence;
- 15 b. has been transferred, or sold to, or deposited with, a third party;
- 16 c. has been placed beyond the jurisdiction of the court;
- 17 d. has been substantially diminished in value; or
- 18 e. has been commingled with other property that cannot be divided without
- 19 difficulty,

20 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,
21 United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2461(c).

22 All pursuant to Title 18, United States Code, Sections 981(a)(1)(A) and 982(a)(1), Title 28,
23 United States Code, Section 2461(c), and Federal Rule of Criminal Procedure 32.2.

24
25 DATED: March 17, 2022

STEPHANIE M. HINDS
United States Attorney

26
27 s/ Michael G. Pitman
MICHAEL G. PITMAN
Assistant United States Attorney

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

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

COUNT ONE: 18 U.S.C. § 1349 – Conspiracy to Commit Wire Fraud and Mail Fraud; Petty
COUNTS TWO & THREE: 18 U.S.C. § 1956(h) – Conspiracy to Commit Money Laundering; Minor
COUNT FOUR: 18 U.S.C. § 371 – Conspiracy to Defraud the United States; Misdemeanor
COUNT FIVE: 26 U.S.C. § 7201 – Tax Evasion: Felony
PENALTY: Count 1: 20 years prison, \$250,000 fine, 3 years supervised release, restitution, forfeiture, \$100 per count special assessment
Counts 2 & 3: 20 years prison, \$500,000 fine, 3 years supervised release, restitution, forfeiture, \$100 per count special assessment
Count 4: 5 years prison, \$250,000 fine, 3 years supervised release, restitution, \$100 per count special assessment

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

NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DEFENDANT - U.S.

▶ DHIRENDRA PRASAD

DISTRICT COURT NUMBER

CR 22-00123-BLF (SVK)

PROCEEDING

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

Internal Revenue Service (IRS)

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. 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 STEPHANIE M. HINDS

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) Michael G. Pitman

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)

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

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

Bail Amount:

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

Date/Time: March 24th – 2:00 PM Before Judge: SVK

Comments:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL COVER SHEET

Instructions: Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CASE NAME:

USA v. DHIRENDRA PRASAD

CASE NUMBER:

CR **CR 22-00123-BLF (SVK)**

Is This Case Under Seal? Yes No

Total Number of Defendants: 1 2-7 8 or more

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326? Yes No

Venue (Per Crim. L.R. 18-1): SF OAK SJ

Is this a potential high-cost case? Yes No

Is any defendant charged with a death-penalty-eligible crime? Yes No

Is this a RICO Act gang case? Yes No

Assigned AUSA
(Lead Attorney): Michael G. Pitman

Date Submitted: 3/17/2022

Comments:

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