

AO 257, (Rev. 6/78)

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

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

26 U.S.C. § 7203 - Failure to File Tax Return

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY:

26 U.S.C. § 7203 - 1 year prison, \$100,000 fine, 1 year supervised release, \$100 assessment

PROCEEDING

Name of Complainant 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 re prosecution of charges previously dismissed which were dismissed on motion of:

U.S. Att'y Defense

this prosecution relates to a pending case involving this same defendant

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM

U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned) THOMAS NEWMAN, AUSA, Tax Division

Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

DEFENDANT - U.S. 2013 MAY 1 P 12:16

JAMES P. KLEIER

DISTRICT COURT NUMBER

CR 13 277

MAG

DEFENDANT

IS NOT IN CUSTODY

LB

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

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

Defendant Address:

1918 Filbert Street, #301
 San Francisco, California 94123

Date/Time: June 3, 2013 / 9:30 a.m.

Before Judge: Magistrate Judge Laurel Beeler

Comments:

[Redacted]

FILED

2013 MAY -1 P 12:16

U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO, CALIFORNIA

1 MELINDA HAAG (CABN 132612)
2 United States Attorney

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

LB MAG

11 UNITED STATES OF AMERICA,)
12 Plaintiff,)
13 v.)
14 JAMES P. KLEIER,)
15 Defendant.)

Case No **CR 13 277**
VIOLATION: 26 U.S.C. § 7203 - Failure to
File Tax Return

16 INFORMATION

17
18 The United States Attorney charges:

19 COUNT ONE: (26 U.S.C. § 7203 - Failure to File Tax Return)

20 During the calendar year 2008, the defendant,

21 JAMES P. KLEIER,

22 who was a resident of San Francisco, California, had and received gross income that included
23 self-employment income in the amount of \$624,923. By reason of such gross income, he was
24 required by law, following the close of calendar year 2008, and on or before April 15, 2009, to
25 make an income tax return to the Internal Revenue Service Center, at Fresno, California, or to
26 another Internal Revenue Service office permitted by the Commissioner of Internal Revenue,
27 stating specifically the items of his gross income and any deductions and credits to which he was
28 entitled. Well knowing and believing all the foregoing, he did willfully fail, on or about April

1 15, 2009, in the Northern District of California and elsewhere, to make an income tax return.

2 All in violation of Title 26, United States Code, Section 7203.

3 COUNT TWO: (26 U.S.C. § 7203 - Failure to File Tax Return)

4 During the calendar year 2009, the defendant,

5 JAMES P. KLEIER,

6 who was a resident of San Francisco, California, had and received gross income that included
7 self-employment income in the amount of \$476,088. By reason of such gross income, he was
8 required by law, following the close of calendar year 2009, and on or before April 15, 2010, to
9 make an income tax return to the Internal Revenue Service Center, at Fresno, California, or to
10 another Internal Revenue Service office permitted by the Commissioner of Internal Revenue,
11 stating specifically the items of his gross income and any deductions and credits to which he was
12 entitled. Well knowing and believing all the foregoing, he did willfully fail, on or about April
13 15, 2010, in the Northern District of California and elsewhere, to make an income tax return.

14 All in violation of Title 26, United States Code, Section 7203.

15 COUNT THREE: (26 U.S.C. § 7203 - Failure to File Tax Return)

16 During the calendar year 2010, the defendant,

17 JAMES P. KLEIER,

18 who was a resident of San Francisco, California, had and received gross income that included
19 self-employment income in the amount of \$200,734. By reason of such gross income, he was
20 required by law, following the close of calendar year 2010, and on or before April 15, 2011, to
21 make an income tax return to the Internal Revenue Service Center, at Fresno, California, to a
22 person assigned to receive returns at the local office of the Internal Revenue Service, or to
23 another Internal Revenue Service office permitted by the Commissioner of Internal Revenue,
24 stating specifically the items of his gross income and any deductions and credits to which he was
25 entitled. Well knowing and believing all the foregoing, he did willfully fail, on or about April
26 15, 2011, in the Northern District of California and elsewhere, to make an income tax return.


27 All in violation of Title 26, United States Code, Section 7203.

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MELINDA HAAG
United States Attorney

Dated: 5/01/13


MIRANDA KANE
Chief, Criminal Division

Approved as to Form:


THOMAS M. NEWMAN
Assistant United States Attorney
Tax Division

United States District Court
Northern District of California

CRIMINAL COVER SHEET

FILED

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CLERK OF COURT

MAG

Instructions: Effective January 3, 2012, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case. Please place this form on top of the Defendant Information Form.

Case Name:

USA v. James P. Kleier

Case Number:

CR 13 277

Total Number of Defendants:

1 2-7 _____ 8 or more _____

Is This Case Under Seal?

Yes _____ No

LB

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 death-penalty-eligible RICO Act gang case?

Yes _____ No

Assigned AUSA (Lead Attorney):

Thomas M. Newman

Comments:

Information

Date Submitted:

May 1, 2013

PRINT