

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN JOSE

FILED  
2011 AUG 25 P 4:58  
RICHARD W. WIKING  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

## CR 11 0585

SEALED  
BY COURT ORDER

STEVEN FRANK BOITANO,

EJD HRL

DEFENDANT(S).

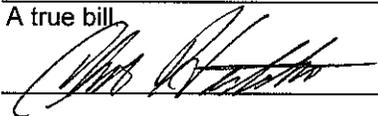
### INDICTMENT

26 U.S.C. § 7206(1) - Filing False Tax Return

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

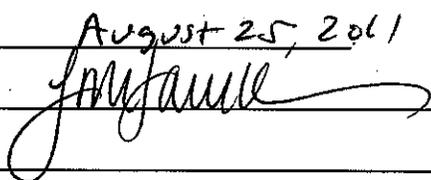
C  
AUG 28

A true bill



Foreman

Filed in open court this 25 day of

August 25, 2011  


Clerk

DOCUMENT NO  
CSA's INITIALS  
DISTRICT COURT  
CRIMINAL CASE PROCESSING

Bail, \$ no bail arrest warrant



Nathanael Cousins  
United States Magistrate Judge

MELINDA HAAG (CABN 132612)  
United States Attorney

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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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BY COURT ORDER**

**CR 11 0585**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

**EJD**

HRL

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEVEN FRANK BOITANO,

Defendant.

No. CR-

VIOLATIONS: 26 U.S.C. § 7206(1)  
Filing False Tax Returns; 26 U.S.C.  
§ 7203 Failure to File Tax Return

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (26 U.S.C. § 7206(1))

On or about September 4, 2009, in the Northern District of California, the defendant  
**STEVEN FRANK BOITANO,**  
a resident of San Jose, California, did willfully make and subscribe a joint U.S. Individual  
Income Tax Return for the calendar year 2001, which was verified by a written declaration that it  
was made under the penalties of perjury and which he did not believe to be true and correct as to  
every material matter. That income tax return, which was signed and filed with the Internal  
Revenue Service, reported false 2001 estimated tax payments and amount applied from 2000  
return of \$26,000, whereas, as he then and there knew and believed, that such amount was zero.

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

1 COUNT TWO: (26 U.S.C. § 7206(1))

2 On or about September 4, 2009, in the Northern District of California, the defendant  
3 STEVEN FRANK BOITANO,  
4 a resident of San Jose, California, did willfully make and subscribe a joint U.S. Individual  
5 Income Tax Return for the calendar year 2002, which was verified by a written declaration that it  
6 was made under the penalties of perjury and which he did not believe to be true and correct as to  
7 every material matter. That income tax return, which was filed with the Internal Revenue  
8 Service, reported false 2002 estimated tax payments and amount applied from 2001 return of  
9 \$38,000, whereas, as he then and there knew and believed, that such amount was zero.

10 All in violation of Title 26, United States Code, Section 7206(1).

11 COUNT THREE: (26 U.S.C. § 7206(1))

12 On or about September 4, 2009, in the Northern District of California, the defendant  
13 STEVEN FRANK BOITANO,  
14 a resident of San Jose, California, did willfully make and subscribe a joint U.S. Individual  
15 Income Tax Return for the calendar year 2003, which was verified by a written declaration that it  
16 was made under the penalties of perjury and which he did not believe to be true and correct as to  
17 every material matter. That income tax return, which was filed with the Internal Revenue  
18 Service, reported false 2003 estimated tax payments and amount applied from 2002 return of  
19 \$57,000, whereas, as he then and there knew and believed, that such amount was zero.

20 All in violation of Title 26, United States Code, Section 7206(1).

21 COUNT FOUR: (26 U.S.C. § 7203)

22 During the calendar year 2005, in the Northern District of California and elsewhere, the  
23 defendant,  
24 STEVEN FRANK BOITANO,  
25 a resident of San Jose, had and received gross income in excess of \$3,200. By reason of such  
26 gross income, he was required by law, following the close of the calendar year 2005 and on or  
27 before October 17, 2006, to make an income tax return to the Internal Revenue Service Center, at  
28 Fresno, California, to a person assigned to receive returns at the local office of the Internal

1 Revenue Service at San Jose, California, or to another Internal Revenue Service office permitted  
2 by the Commissioner of Internal Revenue, stating specifically the items of his gross income and  
3 any deductions and credits to which he was entitled. Well knowing and believing all of the  
4 foregoing, he did willfully fail, on or about October 17, 2006, to make an income tax return.

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

6 COUNT FIVE: (26 U.S.C. § 7203)

7 During the calendar year 2006, in the Northern District of California and elsewhere, the  
8 defendant,

9 STEVEN FRANK BOITANO,

10 a resident of San Jose, had and received gross income in excess of \$3,300. By reason of such  
11 gross income, he was required by law, following the close of the calendar year 2006 and on or  
12 before October 16, 2007, to make an income tax return to the Internal Revenue Service Center, at  
13 Fresno, California, to a person assigned to receive returns at the local office of the Internal  
14 Revenue Service at San Jose, California, or to another Internal Revenue Service office permitted  
15 by the Commissioner of Internal Revenue, stating specifically the items of his gross income and  
16 any deductions and credits to which he was entitled. Well knowing and believing all of the  
17 foregoing, he did willfully fail, on or about October 16, 2007, to make an income tax return.

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

19 COUNT SIX: (26 U.S.C. § 7203)

20 During the calendar year 2007, in the Northern District of California and elsewhere, the  
21 defendant,

22 STEVEN FRANK BOITANO,

23 a resident of San Jose, had and received gross income in excess of \$3,400. By reason of such  
24 gross income, he was required by law, following the close of the calendar year 2007 and on or  
25 before October 15, 2008, to make an income tax return to the Internal Revenue Service Center, at  
26 Fresno, California, to a person assigned to receive returns at the local office of the Internal  
27 Revenue Service at San Jose, California, or to another Internal Revenue Service office permitted  
28 by the Commissioner of Internal Revenue, stating specifically the items of his gross income and

any deductions and credits to which he was entitled. Well knowing and believing all of the foregoing, he did willfully fail, on or about October 15, 2008, to make an income tax return.

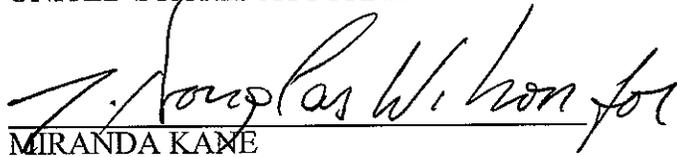
All in violation of Title 26, United States Code, Section 7203.

A True Bill

Dated: August 25, 2011

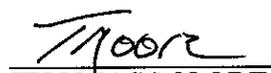
  
\_\_\_\_\_  
FOREPERSON

MELINDA HAAG  
UNITED STATES ATTORNEY



MIRANDA KAME  
Chief, Criminal Division

Approved as to Form



THOMAS MOORE  
Assistant United States Attorney  
Chief, Tax Division

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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. § 7206(1) - Filing False Tax Return  Petty  Minor  
26 U.S.C. § 7203 - Failure to File Tax Return  Misdemeanor  Felony

**PENALTY:**

**SEALED BY COURT ORDER**

26 U.S.C. § 7206(1) - 3 yrs prison, \$250,000 fine, 1 yr supervised release, \$100 assessment; 26 U.S.C. § 7203 - 1 yr prison, \$100,000 fine, 1 yr 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 reprosecution 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  
MELINDA HAAG

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

Name of Asst. U.S. Att'y (if assigned) THOMAS MOORE, AUSA, TAX DIV.

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

DEFENDANT - U.S.

STEVEN FRANK BOITANO,

DISTRICT COURT NUMBER

CR 11 0585

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

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

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

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:

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2011 AUG 25 PM 4:58  
RICHARD W. WILEX JR.  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA