DJG:2010R00373

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Criminal No.
v.	:	26 U.S.C. §§ 7201 and 7203
FRANCIS S. CUTRUZZULA	:	INFORMATION

COUNT ONE

(Tax Evasion)

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

1. At all times relevant to this Information, defendant FRANCIS S. CUTRUZZULA, a resident of River Vale, New Jersey,

(a) was a 1988 graduate of Seton Hall Law School, an attorney at law admitted to practice in the State of New Jersey and the sole proprietor of the law practice of Francis S. Cutruzzula, P.A. with an office located in Jersey City, New Jersey. Although the income from this law practice should have been reported on defendant CUTRUZZULA's personal income tax return, Form 1040, defendant CUTRUZZULA has not filed a personal income tax return, Form 1040, since calendar year 2000.

(b) was the sole owner of FSC Imports, Inc. (hereinafter "FSC"), a domestic corporation purportedly in the business of importing water from Italy. FSC has not filed a corporate income tax return since it was incorporated in 2002.

(c) maintained a checking account in the name of Francis S. Cutruzzula, P.A., XXXX-XXXX-7170, (hereinafter the "Operating Account") at a Bank of America branch in Jersey City, New Jersey.

(d) maintained a checking account in the name of Francis S. Cutruzzula, Attorney-Trust account, XXXX-XXXX-1891, (hereinafter the "Attorney-Client Trust Account") at a Bank of America branch in Jersey City, New Jersey.

(e) maintained a checking account in the name of Francis S. Cutruzzula, XXXX-XXXX-5792, (hereinafter the "Personal Account") at a Bank of America branch in Jersey City, New Jersey.

(f) maintained a checking account in the name of FSC Imports, Inc., XXXX-XXXX-8242, (hereinafter the "FSC Account") at a Bank of America branch in Jersey City, New Jersey.

2. Defendant FRANCIS S. CUTRUZZULA received checks and cash payments from clients of Francis S. Cutruzzula, P.A. which were deposited into the Operating Account, the Attorney-Trust Account and the Personal Account.

3. During calendar year 2005, defendant FRANCIS S. CUTRUZZULA deposited taxable gross receipts in the total amount of approximately $364,649 into the Operating Account, the FSC Account and the Personal Account.

4. Specifically, of the total taxable gross receipts in 2005, defendant FRANCIS S. CUTRUZZULA deposited approximately $273,614 into the Operating Account. Defendant CUTRUZZULA then wrote checks and made other withdrawals totaling approximately $210,145 for personal expenses, which included custom-made men's suits, payments to a Disney Vacation Club, cash payments to himself and payments to various personal credit card accounts utilized by defendant CUTRUZZULA.

5. In addition, from the total taxable gross receipts in 2005, defendant FRANCIS S. CUTRUZZULA deposited approximately $75,000 into the FSC Account in the form of three (3) checks drawn on the Attorney-Trust Account. Defendant CUTRUZZULA then wrote checks from the FSC Account for personal expenses, which included mortgage payments for his personal residence, payments to a Disney Vacation Club, cash payments to himself and payments

to various personal credit card accounts utilized by defendant CUTRUZZULA.

6. During calendar year 2005, defendant FRANCIS S. CUTRUZZULA's total net taxable income was approximately $181,080, representing income he received from his law practice, and other sources. Based on the total amount of taxable income received by defendant CUTRUZZULA, an income tax of approximately $68,336 was due and owing to the United States.

7. Having received this income, defendant FRANCIS S. CUTRUZZULA was required by law, following the close of the calendar year 2005, and on or before April 15, 2006, to make an income tax return to the Internal Revenue Service stating specifically the items of his gross income and any deductions and credits to which he was entitled.

8. Defendant FRANCIS S. CUTRUZZULA has yet to file a 2005 individual income tax return or make any payments on the actual taxes owed.

9. On or about April 15, 2006, in Bergen County, in the District of New Jersey, and elsewhere, defendant

FRANCIS S. CUTRUZZULA

knowingly and wilfully did attempt to evade and defeat the income tax due and owing to the United States for calendar year 2005 by failing to make an income tax return to any proper officer of the Internal Revenue Service and by failing to pay to the Internal

Revenue Service the income taxes owed, as a result of his concealing and attempting to conceal his true and correct income through depositing income in the accounts described in Paragraph 1(c) through (f) above.

In violation of Title 26, United States Code, Section 7201.

COUNT TWO

(Tax Evasion)

1. Paragraphs 1 and 2 of Count One are realleged and incorporated herein.

2. During calendar year 2006, defendant FRANCIS S. CUTRUZZULA deposited taxable gross receipts in the total amount of approximately $481,547 into the Operating Account, the FSC Account and the Personal Account.

3. Specifically, of the total taxable gross receipts in 2006, defendant FRANCIS S. CUTRUZZULA deposited approximately $323,125 into the Operating Account. Defendant CUTRUZZULA then wrote checks and made other withdrawals totaling approximately $259,538 for personal expenses, which included a men's Tourneau watch, payments to luxury resorts, payments to defendant CUTRUZZULA's Franklin Templeton retirement account, mortgage payments for his personal residence and payments to various personal credit card accounts utilized by defendant CUTRUZZULA.

4. In addition, from the taxable gross receipts in 2006, defendant FRANCIS S. CUTRUZZULA deposited approximately $86,500 into the FSC Account consisting of three (3) checks drawn on the Attorney-Trust Account. Defendant CUTRUZZULA then wrote checks for personal expenses, which included mortgage payments for his personal residence, cash payments to himself and payments to various credit card accounts utilized by defendant CUTRUZZULA.

5. During calendar year 2006, defendant FRANCIS S. CUTRUZZULA's net taxable income was approximately $315,660, representing income he received from his law practice, and other sources. Based on the total amount of taxable income received by defendant CUTRUZZULA, an income tax of approximately $119,117 was due and owing to the United States.

6. Defendant FRANCIS S. CUTRUZZULA has yet to file a 2006 individual income tax return or make any payments on the actual taxes owed.

7. On or about April 15, 2007, in Bergen County, in the District of New Jersey, and elsewhere, defendant

FRANCIS S. CUTRUZZULA

knowingly and wilfully did attempt to evade and defeat the income tax due and owing to the United States for calendar year 2006 by failing to make an income tax return to any proper officer of the Internal Revenue Service and by failing to pay to the Internal Revenue Service the income taxes owed as a result of his concealing and attempting to conceal his true and correct income through depositing income in the accounts described in Paragraph 1 (c) through (f) of Count One.

In violation of Title 26, United States Code, Section 7201.

COUNT THREE

(Failure to Make A Tax Return)

1. The allegations set forth in paragraphs 1 and 2 of Count One are realleged as if set forth in full herein.

2. During the calendar year 2007, defendant FRANCIS S. CUTRUZZULA had and received total gross income of approximately $296,676.

3. Having received this income, defendant FRANCIS S. CUTRUZZULA was required by law, following the close of the calendar year 2007, and on or before April 15, 2008, to make an income tax return to the Internal Revenue Service stating specifically the items of his gross income and any deductions and credits to which he was entitled.

4. On or about April 15, 2008, in Bergen County, in the District of New Jersey, and elsewhere, defendant

FRANCIS S. CUTRUZZULA,

knowing and believing the foregoing facts, did knowingly and willfully fail to make an income tax return to the Internal Revenue Service.

In violation of Title 26, United States Code, Section 7203 and Title 18, United States Code, Section 2.

PAUL J. FISHMAN
United States Attorney

CASE NUMBER: _____

United States District Court
District of New Jersey

UNITED STATES OF AMERICA

v.

FRANCES S. CUTRUZZULA

INFORMATION FOR

26 U.S.C. §§ 7201 and 7203

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