

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Crim. No. 11-
 :
 v. : 26 U.S.C. § 7201
 :
 RICHARD ALLEN WHITTEN : I N F O R M A T I O N

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

COUNTS 1 TO 4

1. At all times relevant to Counts 1 to 4 of this Information, defendant RICHARD ALLEN WHITTEN was a resident of New Jersey.

2. From in or about July 2006 to August 2008, defendant RICHARD ALLEN WHITTEN was employed by the City of Newark as an aide and Chief of Staff to a member of the Municipal Council.

3. From in or about August 2008 to December 2009, defendant RICHARD ALLEN WHITTEN was employed by the City of Newark as a Senior Management Assistant within the Office of the Business Administrator.

Affirmative Acts of Evasion

4. On or about October 2, 2006, defendant RICHARD ALLEN WHITTEN filed with his employer, the City of Newark, an Internal Revenue Service ("IRS") Form W-4 ("Form W-4") falsely claiming 99 exemptions from withholding, thereby causing no federal income

tax to be withheld from the salary of defendant RICHARD ALLEN WHITTEN. Defendant RICHARD ALLEN WHITTEN maintained this fraudulent Form W-4 during calendar year 2007 and through on or about April 2, 2008.

5. On or about May 22, 2008, defendant RICHARD ALLEN WHITTEN filed with the City of Newark a Form W-4 falsely claiming 99 exemptions from withholding, thereby causing no federal income tax to be withheld from the salary of defendant RICHARD ALLEN WHITTEN. This fraudulent Form W-4 was maintained by defendant RICHARD ALLEN WHITTEN for the remainder of the calendar year 2008 and through in or about February 2009.

6. In or about April 2009, based on notification from the IRS, the City of Newark began withholding federal income tax from defendant RICHARD ALLEN WHITTEN.

7. On or about the dates set forth below, in Essex County, in the District of New Jersey, and elsewhere, defendant

RICHARD ALLEN WHITTEN

did knowingly and willfully attempt to evade and defeat a substantial tax due and owing by him to the IRS for the calendar years 2006, 2007, 2008 and 2009 by failing to file a U.S. individual income tax return with the IRS on or before the dates set forth below, as required by law, and by filing and maintaining fraudulent Forms W-4 with the City of Newark:

COUNT	CALENDAR YEAR	TAXABLE INCOME	SUBSTANTIAL TAX DUE AND OWING	DATE OF OFFENSE
1	2006	\$41,698	\$5,987	4/16/07
2	2007	\$55,991	\$10,418	4/15/08
3	2008	\$56,137	\$9,153	4/15/09
4	2009	\$54,735	\$1,172	4/15/10

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



PAUL J. FISHMAN
United States Attorney

CASE NUMBER: 2011R01176

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INFORMATION FOR

26 U.S.C. § 7201

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