

**MAR 30, 2007**  
CLARENCE MADDOX  
CLERK U.S. DIST. CT.  
S. D. OF FLA. · MIAMI

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
07-20220-CR-MOORE/GARBER  
CASE NO. \_\_\_\_\_  
26 U.S.C. § 7201**

**UNITED STATES OF AMERICA**

**vs.**

**DAVID TRAINA,  
Defendant.**

\_\_\_\_\_ /

**INFORMATION**

The United States Attorney charges that:

**COUNT 1**  
**Attempt to Evade and Defeat Tax**  
**(26 U.S.C. § 7201)**

That on or about August 12, 2002, in the Southern District of Florida, the defendant,

**DAVID TRAINA,**

a resident of Southern District of Florida, who during the calendar year 2001 was married, did willfully attempt to evade and defeat a large part of the income tax due and owing by him and his spouse to the United States of America for calendar year 2001, by preparing and causing to be prepared, and by signing and causing to be signed, a false and fraudulent joint U.S. Individual Income Tax Return, Form 1040, on behalf of himself and his spouse, which was filed with the Internal Revenue Service, wherein it was stated that their joint taxable income for calendar year 2001 was \$130,019.00, and the amount of the tax due and owing thereon was the sum of \$30,728.00, whereas, as the defendant then and there well knew and believed, that their joint taxable income for calendar year 2001 was substantially in excess of the amount set forth above, and that upon said

additional taxable income, there was owing to the United States of America a substantial additional income tax.

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

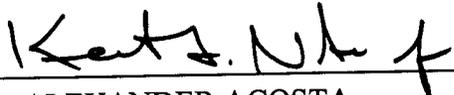
**COUNT 2**  
Attempt to Evade and Defeat Tax  
(26 U.S.C. § 7201)

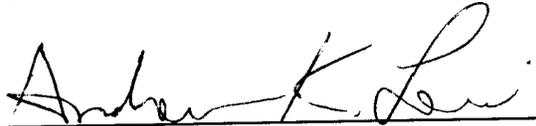
That on or about October 11, 2003, in the Southern District of Florida, the defendant,

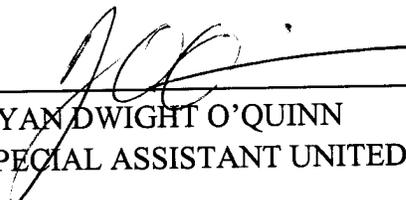
**DAVID TRAINA,**

a resident of Southern District of Florida, who during the calendar year 2002 was married, did willfully attempt to evade and defeat a large part of the income tax due and owing by him and his spouse to the United States of America for calendar year 2002, by preparing and causing to be prepared, and by signing and causing to be signed, a false and fraudulent joint U.S. Individual Income Tax Return, Form 1040, on behalf of himself and his spouse, which was filed with the Internal Revenue Service, wherein it was stated that their joint taxable income for calendar year 2002 was \$222,867.00, and the amount of the tax due and owing thereon was the sum of \$59,816.00, whereas, as the defendant then and there well knew and believed, that their joint taxable income for calendar year 2002 was substantially in excess of the amount set forth above, and that upon said additional taxable income, there was owing to the United States of America a substantial additional income tax.

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

  
\_\_\_\_\_  
R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

  
\_\_\_\_\_  
ANDREW K. LEVI  
ASSISTANT UNITED STATES ATTORNEY

  
\_\_\_\_\_  
RYAN DWIGHT O'QUINN  
SPECIAL ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO. \_\_\_\_\_

vs.

**CERTIFICATE OF TRIAL ATTORNEY\***

DAVID TRAINA,

Defendant.

**Superseding Case Information:**

Court Division: (Select One)

New Defendant(s) Yes \_\_\_\_\_ No \_\_\_\_\_  
Number of New Defendants \_\_\_\_\_  
Total number of counts \_\_\_\_\_

X Miami \_\_\_\_\_ Key West \_\_\_\_\_  
\_\_\_\_\_ FTL \_\_\_\_\_ WPB \_\_\_\_\_ FTP \_\_\_\_\_

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.

2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) No  
List language and/or dialect \_\_\_\_\_

4. This case will take 0 days for the parties to try.

5. Please check appropriate category and type of offense listed below:  
(Check only one) (Check only one)

I	0 to 5 days	<u>X</u>	Petty	_____
II	6 to 10 days	_____	Minor	_____
III	11 to 20 days	_____	Misdem.	_____
IV	21 to 60 days	_____	Felony	<u>X</u>
V	61 days and over	_____		

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:  
Judge: \_\_\_\_\_ Case No. \_\_\_\_\_

(Attach copy of dispositive order)  
Has a complaint been filed in this matter? (Yes or No) No

If yes:  
Magistrate Case No. \_\_\_\_\_  
Related Miscellaneous numbers: \_\_\_\_\_  
Defendant(s) in federal custody as of \_\_\_\_\_  
Defendant(s) in state custody as of \_\_\_\_\_  
Rule 20 from the \_\_\_\_\_ District of \_\_\_\_\_

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the U.S. Attorney's Office prior to April 1, 2003? \_\_\_\_\_ Yes X No

8. Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? \_\_\_\_\_ Yes X No  
If yes, was it pending in the Central Region? \_\_\_\_\_ Yes \_\_\_\_\_ No

9. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? \_\_\_\_\_ Yes X No

10. Does this case originate from a matter pending in the Narcotics Section (Miami) prior to May 18, 2003? \_\_\_\_\_ Yes X No

ANDREW K. LEVI  
ASSISTANT UNITED STATES ATTORNEY  
Court Identification No. A5500806

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

PENALTY SHEET

**Defendant's Name:** DAVID TRAINA

**Case No:** \_\_\_\_\_

Counts #: 1 and 2

ATTEMPT TO EVADE AND DEFEAT TAX

26 U.S.C. § 7201

**\* Max. Penalty:** 5 years' imprisonment

**Count #:**  
\_\_\_\_\_  
\_\_\_\_\_

**\* Max. Penalty:**  
\_\_\_\_\_