

AO 257 (Rev. 6/78)

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

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 641 - Theft of Government Property
 26 U.S.C. § 7201 - Tax Evasion
 18 U.S.C. § 981(a)(1)(C) - Forfeiture

Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

18 U.S.C. § 641-10 yrs prison, \$250,000 fine, 3 yrs superv. rel., \$100 assessment; 26 U.S.C. § 7201- 5 yrs prison, \$250,000 fine, 3 yrs superv. rel., \$100 assessment; 18 U.S.C. § 981(a)(1)(C) & 28 U.S.C. § 2461(c)

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 } SHOW DOCKET NO.
 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 } 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) CHARLES PARKER, SAUSA, Tax Division

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

DEFENDANT - U.S.

FILED

HUGH LESLIE BARAS

AUG 30 2012

DISTRICT COURT NUMBER

CR-11-00523-SBA

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

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 } Fed'l State
- 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:

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

CR 11-523-SBA

UNITED STATES OF AMERICA,

v.

FILED

AUG 30 2012

HUGH LESLIE BARAS

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

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 641 - Theft of Government Property

26 U.S.C. § 7201 - Tax Evasion

18 U.S.C. § 981(a)(1)(C) - Forfeiture

A true bill.

Ana J. Smith

Foreman

Filed in open court this 30th day of

August 2012
Stulicini

Clerk

Kandis Wilson Bail \$ no process

1 MELINDA HAAG (CABN 132612)
United States Attorney

FILED

AUG 30 2012

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

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11	UNITED STATES OF AMERICA,)	No. CR 11-00523-SBA
)	
12	Plaintiff,)	<u>VIOLATIONS:</u>
	v.)	18 U.S.C. § 641—Theft of Government Property;
13)	26 U.S.C. § 7201—Tax Evasion;
14	HUGH LESLIE BARAS,)	18 U.S.C. § 981(a)(1)(C)—Forfeiture
)	
15	Defendant.)	OAKLAND VENUE

16 SUPERSEDING INDICTMENT

17 The Grand Jury Charges:

18 COUNT ONE: (18 U.S.C. § 641 – Theft of Government Property)

19 Beginning in or about January 2006 and continuing until in or about November 2009, in the
20 Northern District of California and elsewhere, the defendant,

21 HUGH LESLIE BARAS,

22 did knowingly and willfully (1) embezzle, steal, purloin, and convert to his own use things of value of
23 the United States and a department and agency thereof, namely approximately \$80,615.80 in Social
24 Security Administration benefit payments to which he was not entitled, and did (2) receive, conceal,
25 and retain the same with the intent to convert it to his use and gain, knowing it to have been
26 embezzled, stolen, purloined, and converted.

SUPERSEDING INDICTMENT
No. CR-11-00523-SBA

1 All in violation of Title 18, United States Code, Section 641.

2 COUNT TWO: (26 U.S.C. § 7201 - Tax Evasion)

3 On or about April 17, 2006, in the Northern District of California, the defendant,

4 HUGH LESLIE BARAS,

5 then a resident of Berkeley, California, did willfully attempt to evade and defeat a part of the income
6 tax due and owing by him to the United States of America for the calendar year 2005, by preparing
7 and causing to be prepared, and by signing and causing to be signed, a false and fraudulent U.S.
8 Individual Income Tax Return, Form 1040, which was filed with the Internal Revenue Service. In that
9 false income tax return, he stated that his taxable income for the calendar year was \$30,394, and that
10 the amount of tax due and owing thereon was \$4,019. In fact, as he then and there knew, his taxable
11 income for the calendar year was \$182,410, and the amount of tax owing to the United States
12 of America was \$62,425.

13 All in violation of Title 26, United States Code, Section 7201.

14 COUNT THREE: (26 U.S.C. § 7201 - Tax Evasion)

15 On or about April 17, 2007, in the Northern District of California, the defendant,

16 HUGH LESLIE BARAS,

17 then a resident of Berkeley, California, did willfully attempt to evade and defeat a part of the income
18 tax due and owing by him to the United States of America for the calendar year 2006, by preparing
19 and causing to be prepared, and by signing and causing to be signed, a false and fraudulent U.S.
20 Individual Income Tax Return, Form 1040, which was filed with the Internal Revenue Service. In that
21 false income tax return, he stated that his taxable income for the calendar year was \$34,046, and that
22 the amount of tax due and owing thereon was \$4,873. In fact, as he then and there knew, his taxable
23 income for the calendar year was \$208,068, and the amount of income tax owing to the United States
24 of America was \$73,009.

25 All in violation of Title 26, United States Code, Section 7201.

1 COUNT FOUR: (26 U.S.C. § 7201 - Tax Evasion)

2 On or about April 15, 2008, in the Northern District of California, the defendant,
3 HUGH LESLIE BARAS,
4 then a resident of Berkeley, California, did willfully attempt to evade and defeat a part of the income
5 tax due and owing by him to the United States of America for the calendar year 2007, by preparing
6 and causing to be prepared, and by signing and causing to be signed, a false and fraudulent U.S.
7 Individual Income Tax Return, Form 1040, which was filed with the Internal Revenue Service. In
8 that false income tax return, he stated that his taxable income for the calendar year was \$36,888, and
9 that the amount of tax due and owing thereon was \$5,378. In fact, as he then and there knew, his
10 taxable income for the calendar year was \$237,729, and the amount of income tax owing to the
11 United States of America was \$81,407.

12 All in violation of Title 26, United States Code, Section 7201.

13 COUNT FIVE: (26 U.S.C. § 7201 - Tax Evasion)

14 On or about April 15, 2009, in the Northern District of California, the defendant,
15 HUGH LESLIE BARAS,
16 then a resident of Berkeley, California, did willfully attempt to evade and defeat a part of the income
17 tax due and owing by him to the United States of America for the calendar year 2008, by preparing
18 and causing to be prepared, and by signing and causing to be signed, a false and fraudulent U.S.
19 Individual Income Tax Return, Form 1040, which was filed with the Internal Revenue Service. In
20 that false income tax return, he stated that his taxable income for the calendar year was \$34,741, and
21 that the amount of tax due and owing thereon was \$4,754. In fact, as he then and there knew, his
22 taxable income for the calendar year was \$246,886, and the amount of income tax owing to the
23 United States of America was \$85,049.

24 All in violation of Title 26, United States Code, Section 7201.
25
26

1 COUNT SIX: (26 U.S.C. § 7201 - Tax Evasion)

2 On or about April 15, 2010, in the Northern District of California, the defendant,
3 HUGH LESLIE BARAS,
4 then a resident of Berkeley, California, did willfully attempt to evade and defeat a part of the income
5 tax due and owing by him to the United States of America for the calendar year 2009, by preparing
6 and causing to be prepared, and by signing and causing to be signed, a false and fraudulent U.S.
7 Individual Income Tax Return, Form 1040, which was filed with the Internal Revenue Service. In
8 that false income tax return, he stated that his taxable income for the calendar year was \$57,316, and
9 that the amount of tax due and owing thereon was \$10,510. In fact, as he then and there knew, his
10 taxable income for the calendar year was \$301,722, and the amount of income tax owing to the
11 United States of America was \$104,557.

12 All in violation of Title 26, United States Code, Section 7201.

13 FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c))

14 1. The allegations contained in Count One of this Indictment are hereby realleged and
15 incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States
16 Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

17 2. Upon conviction of the offense alleged in Count One of this Indictment, the defendant,
18 HUGH LESLIE BARAS,
19 shall forfeit to the United States of America pursuant to Title 18, United States Code, Section
20 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which
21 constitutes or is derived from proceeds traceable to the offense alleged in Count One of this
22 Indictment.

- 23 3. If any of the property described above, as a result of any act or omission of the defendant:
- 24 a. cannot be located upon the exercise of due diligence;
 - 25 b. has been transferred or sold to, or deposited with, a third party;
 - 26 c. has been placed beyond the jurisdiction of the court;

- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

The United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

A True Bill.

Dated: Aug 30, 2012

Alan J. Bille
FOREPERSON

MELINDA HAAG
United States Attorney

J. Douglas W. Hanson for
MIRANDA KANE
Assistant United States Attorney
Chief, Criminal Division

Approved as to Form
Charles W. Parker
CHARLES W. PARKER
Special Assistant United States Attorney
Tax Division