



Department of Justice

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Northern District of California

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SAN JOSE MAN CHARGED WITH FILING FALSE TAX RETURN

SAN JOSE, Calif. – A San Jose man was arrested this morning and charged with three counts of filing a false tax return and three counts of failure to file a tax return, United States Attorney Melinda Haag and Special Agent in Charge, IRS Criminal Investigation, Scott O'Briant announced. Steven Frank Boitano, 56, made his initial appearance in federal court this afternoon.

According to the indictment, for the 2001, 2002 and 2003 tax years, Boitano willfully subscribed to a joint U.S. Individual Income Tax Return that reported false estimated tax payments of \$26,000, \$38,000 and \$57,000, respectively, when he knew the estimated tax payments for each year was zero. For the tax years 2005, 2006 and 2007, Boitano received gross income in excess of the income filing requirements but willfully failed to make an income tax return for those years.

Boitano is next scheduled to appear before Federal Magistrate Judge Howard Lloyd tomorrow at 1:30 p.m.

The maximum statutory penalty for each count of filing a false tax return, in violation of Title 26, U.S.C § 7206(1) is three years in prison and a fine of \$250,000. The maximum statutory penalty for each count of failure to file a tax return, in violation of Title 26, U.S.C § 7203 is one year in prison and a fine of \$150,000. However, any sentence following conviction would be imposed by the

court after consideration of the U.S. Sentencing Guidelines and the federal statute governing the imposition of a sentence, 18 U.S.C. § 3553.

Tom Moore is the Assistant U.S. Attorneys who is prosecuting this case with the assistance of Kathy Tat. The prosecution is the result of an investigation by the Internal Revenue Service, Criminal Investigation.

Please note, an indictment contains only allegations against an individual and, as with all defendants, Boitano must be presumed innocent unless and until proven guilty.

Further Information:

Case #: CR 11-0585 EJD

A copy of this press release may be found on the U.S. Attorney's Office's website at www.usdoj.gov/usao/can.

Electronic court filings and further procedural and docket information are available at <https://ecf.cand.uscourts.gov/cgi-bin/login.pl>.

Judges' calendars with schedules for upcoming court hearings can be viewed on the court's website at www.cand.uscourts.gov.

All press inquiries to the U.S. Attorney's Office should be directed to Jack Gillund at (415) 436-6599 or by e-mail at Jack.Gillund@usdoj.gov.

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