

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**UNITED STATES OF AMERICA**

v.

**DONALD H. ROBERTS,**

**Defendant.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Cr. No. 07-\_\_ (\_\_)**

**18 U.S.C. § 371 – Conspiracy**

**26 U.S.C. § 7206(2) – Aiding and  
Assisting in the Preparation of False  
Individual Income Tax Returns**

**COUNT ONE  
(Conspiracy)**

The Grand Jury for the District of Columbia charges that:

**Background to the Conspiracy**

At all times relevant to this Indictment:

1. Defendant DONALD H. ROBERTS owned and operated a tax return preparation business, X-Press Refund Tax Service (“X-Press”), which was located at 2642 12th Street NE, Washington, D.C.
2. Unindicted co-conspirator LB was employed at X-Press where, among other things, she prepared and assisted in the preparation of client tax returns.
3. X-Press prepared client tax returns for a fee, which was typically subtracted from the refund amount obtained for clients. X-Press provided clients with the option of filing paper or electronic returns with the Internal Revenue Service (the “IRS”).

### **The Conspiracy**

4. From in or about January 2001 continuing through at least April 15, 2005, in the District of Columbia and elsewhere, defendant DONALD H. ROBERTS, unindicted co-conspirator LB, and others known and unknown to the grand jury, did unlawfully, willfully, and knowingly combine, conspire, confederate, and agree together, and with one another, to defraud the United States and an agency thereof, to wit, the IRS, and to commit offenses against the United States, to wit, violations of Title 26, United States Code, Section 7206(2).

### **Objects of the Conspiracy**

5. It was an object of the conspiracy that the defendant, unindicted co-conspirator LB, and others known and unknown to the grand jury would and did conspire to defraud the United States of America and the IRS by impeding, impairing, defeating, and obstructing by deceitful and dishonest means the lawful governmental functions of the IRS in the ascertainment, evaluation, assessment, and collection of income taxes.

6. It was further an object of the conspiracy that the defendant, unindicted co-conspirator LB, and others known and unknown to the grand jury did unlawfully, willfully, and knowingly aid and assist in, and procure, counsel, and advise the preparation and presentation under the internal revenue laws, of certain U.S. Individual Income Tax Returns for the tax years 2000 through 2004, which were fraudulent and false as to material matters, in violation of Title 26, United States Code, Section 7206(2).

### **Means and Methods of the Conspiracy**

7. It was a means and method of the conspiracy that the defendant, unindicted co-conspirator LB, and others known and unknown to the grand jury would and did regularly prepare and cause to be filed for their clients U.S. Individual Income Tax Returns that

were false and fraudulent. For example, the defendant, unindicted co-conspirator LB, and others known and unknown to the grand jury prepared and caused to be filed with the IRS returns with the following false and fraudulent items: (a) false and fraudulent deductions appearing on Schedules A; (b) false and fraudulent Form 2106 expenses; (c) false and fraudulent expenses appearing on Schedules C; (d) false and fraudulent moving expenses; (e) false and fraudulent education credits appearing on Forms 8863; and (f) falsely claimed filing status. The false and fraudulent deductions, credits, and filing status on client tax returns had the effect of reducing clients' taxable income, which substantially reduced client tax liabilities and caused the IRS to issue refunds in amounts that were substantially greater than the clients were lawfully entitled to receive.

#### **Overt Acts**

8. In furtherance of the conspiracy and to effect its illegal objects, defendant DONALD H. ROBERTS, unindicted co-conspirator LB, and their co-conspirators known and unknown to the grand jury committed the following overt acts, among others, in the District of Columbia and elsewhere.

9. On or about April 2, 2001, the defendant and co-conspirators prepared a 2000 U.S. Individual Income Tax Return (Form 1040) for JJ, which return contained false and fraudulent Schedule A and Schedule C deductions.

10. On or about March 4, 2002, the defendant and co-conspirators prepared a 2001 U.S. Individual Income Tax Return (Form 1040) for RN, which return contained false and fraudulent Schedule A deductions and education credit.

11. On or about March 4, 2002, the defendant and co-conspirators prepared a 2001 U.S. Individual Income Tax Return (Form 1040) for GS, which return contained false and

fraudulent Schedule A deductions and filing status.

12. On or about March 18, 2002, the defendant and co-conspirators prepared a 2001 U.S. Individual Income Tax Return (Form 1040) for RC, which return contained false and fraudulent Schedule A deductions and filing status.

13. On or about March 18, 2002, the defendant and co-conspirators prepared a 2001 U.S. Individual Income Tax Return (Form 1040) for VC, which return contained false and fraudulent Schedule A deductions and filing status.

14. On or about April 15, 2002, the defendant and co-conspirators prepared a 2001 U.S. Individual Income Tax Return (Forms 1040) for JJ, which return contained false and fraudulent Schedule A and Schedule C deductions and filing status.

15. On or about April 15, 2002, the defendant and co-conspirators prepared a 2001 U.S. Individual Income Tax Return (Form 1040) for CJ, which return contained false and fraudulent filing status.

16. On or about March 24, 2003, the defendant and co-conspirators prepared a 2002 U.S. Individual Income Tax Return (Form 1040) for CJ, which return contained false and fraudulent Schedule A deductions and filing status.

17. On or about March 31, 2003, the defendant and co-conspirators prepared a 2002 U.S. Individual Income Tax Return (Form 1040) for RC, which return contained false and fraudulent Schedule A deductions, moving expenses, and filing status.

18. On or about March 31, 2003, the defendant and co-conspirators prepared a 2002 U.S. Individual Income Tax Return (Form 1040) for VC, which return contained false and fraudulent Schedule A deductions and filing status.

19. On or about March 31, 2003, the defendant and co-conspirators prepared a 2002 U.S. Individual Income Tax Return (Form 1040) for JJ, which return contained false and fraudulent Schedule A and Schedule C deductions and filing status.

20. On or about March 31, 2003, the defendant and co-conspirators prepared a 2002 U.S. Individual Income Tax Return (Form 1040) for GS, which return contained false and fraudulent Schedule A deductions and filing status.

21. On or about April 15, 2003, the defendant and co-conspirators prepared a 2002 U.S. Individual Income Tax Return (Form 1040) for RN, which return contained false and fraudulent Schedule A deductions and filing status.

22. On or about March 8, 2004, the defendant and co-conspirators prepared a 2003 U.S. Individual Income Tax Return (Form 1040) for AMR, which return contained false and fraudulent Schedule A and Schedule C deductions, filing status, and education credit.

23. On or about March 10, 2004, unindicted co-conspirator LB prepared a 2003 U.S. Individual Income Tax Returns (Form 1040) for an undercover agent of the IRS (RG), which return contained false and fraudulent Schedule A deductions and filing status.

24. On or about March 22, 2004, the defendant and co-conspirators prepared a 2002 U.S. Individual Income Tax Return (Form 1040) for PM, which return contained false and fraudulent Schedule A deductions and education credit.

25. On or about April 12, 2004, the defendant and co-conspirators prepared a 2003 U.S. Individual Income Tax Return (Form 1040) for RC, which return contained false and fraudulent Schedule A deductions and filing status.

26. On or about April 12, 2004, the defendant and co-conspirators prepared a 2003 U.S. Individual Income Tax Return (Form 1040) for VC, which return contained false and

fraudulent Schedule A deductions, filing status, and education credit.

27. On or about April 12, 2004, the defendant and co-conspirators prepared a 2003 U.S. Individual Income Tax Return (Form 1040) for RN and CN, which return contained false and fraudulent Schedule A deductions.

28. On or about April 15, 2004, the defendant and co-conspirators prepared a 2003 U.S. Individual Income Tax Return (Form 1040) for PM, which return contained false and fraudulent Schedule A deductions and education credit.

29. On or about March 7, 2005, the defendant and co-conspirators prepared a 2004 U.S. Individual Income Tax Return (Form 1040) for RC, which return contained false and fraudulent filing status.

30. On or about March 7, 2005, the defendant and co-conspirators prepared a 2004 U.S. Individual Income Tax Return (Form 1040) for VC, which return contained false and fraudulent Schedule A deductions and filing status.

31. On or about April 4, 2005, the defendant and co-conspirators prepared a 2004 U.S. Individual Income Tax Return (Form 1040) for RN and CN, which return contained false and fraudulent Schedule A deductions.

In violation of Title 18, United States Code section 371.

**COUNTS TWO THROUGH TWENTY-THREE**  
**(Aiding and Assisting in the Preparation of False Individual Income Tax Returns)**

32. The allegations contained in paragraphs 1 through 31 are repeated, realleged, and incorporated by reference as though fully set forth herein.

33. On or about the dates set forth below, in the District of the District of Columbia and elsewhere, the defendant,

DONALD H. ROBERTS,

did willfully aid and assist in, and procure, counsel, and advise, the preparation and presentation under, and in connection with matters arising under, the internal revenue laws of the United States, the following Individual Income Tax Returns, Forms 1040, and accompanying schedules and forms for the taxpayers and tax years listed below, which were false and fraudulent as to material matters, in that the Forms 1040 and accompanying schedules and forms contained materially false information, as set forth below, giving rise to deductions and credits to which the taxpayers were not entitled:

Count	Approximate Filing Date	Tax Year	Taxpayer's Initials	False Material Items
2	March 18, 2002	2001	RC	1) Form 1040 (filing status) 2) Schedule A (gifts to charity) 3) Schedule A (job expenses and most other miscellaneous deductions)
3	March 31, 2003	2002	RC	1) Form 1040 (filing status) 2) Schedule A (interest paid) 3) Schedule A (gifts to charity) 4) Schedule A (job expenses and most other miscellaneous deductions) 5) Form 3903 (moving expenses)
4	April 12, 2004	2003	RC	1) Form 1040 (filing status) 2) Schedule A (gifts to charity) 3) Schedule A (job expenses and most other miscellaneous deductions)
5	March 7, 2005	2004	RC	1) Form 1040 (filing status)
6	March 18, 2002	2001	VC	1) Form 1040 (filing status) 2) Schedule A (taxes paid) 3) Schedule A (interest paid) 4) Schedule A (gifts to charity) 5) Schedule A (job expenses and most other miscellaneous deductions)
7	March 31, 2003	2002	VC	1) Form 1040 (filing status) 2) Schedule A (gifts to charity) 3) Schedule A (job expenses and most other miscellaneous deductions)

8	April 12, 2004	2003	VC	<ol style="list-style-type: none"> <li>1) Form 1040 (filing status)</li> <li>2) Schedule A (gifts to charity)</li> <li>3) Schedule A (job expenses and most other miscellaneous deductions)</li> <li>4) Form 2106 (employee business expenses)</li> <li>5) Form 8863 (education credit)</li> </ol>
9	March 7, 2005	2004	VC	<ol style="list-style-type: none"> <li>1) Form 1040 (filing status)</li> <li>2) Schedule A (gifts to charity)</li> <li>3) Schedule A (job expenses and most other miscellaneous deductions)</li> <li>4) Form 2106 (employee business expenses)</li> </ol>
10	April 2, 2001	2000	JJ	<ol style="list-style-type: none"> <li>1) Schedule A (gifts to charity)</li> <li>2) Schedule A (job expenses and most other miscellaneous deductions)</li> <li>3) Form 2106 (employee business expenses)</li> <li>4) Schedule C (profit and loss from business)</li> </ol>
11	April 15, 2002	2001	JJ	<ol style="list-style-type: none"> <li>1) Form 1040 (filing status)</li> <li>2) Schedule A (gifts to charity)</li> <li>3) Schedule A (job expenses and most other miscellaneous deductions)</li> <li>4) Form 2106 (employee business expenses)</li> <li>5) Schedule C (profit and loss from business)</li> </ol>
12	March 31, 2003	2002	JJ	<ol style="list-style-type: none"> <li>1) Form 1040 (filing status)</li> <li>2) Schedule A (job expenses and most other miscellaneous deductions)</li> <li>3) Form 2106 (employee business expenses)</li> <li>4) Schedule C (profit and loss from business)</li> </ol>
13	April 15, 2002	2001	CJ	<ol style="list-style-type: none"> <li>1) Form 1040 (filing status)</li> </ol>
14	March 24, 2003	2002	CJ	<ol style="list-style-type: none"> <li>1) Form 1040 (filing status)</li> <li>2) Schedule A (job expenses and most other miscellaneous deductions)</li> </ol>
15	March 4, 2002	2001	RN	<ol style="list-style-type: none"> <li>1) Schedule A (job expenses and most other miscellaneous deductions)</li> <li>2) Form 2106 (employee business expenses)</li> <li>3) Form 8863 (education credit)</li> </ol>
16	April 15, 2003	2002	RN	<ol style="list-style-type: none"> <li>1) Form 1040 (filing status)</li> <li>2) Schedule A (job expenses and most other miscellaneous deductions)</li> <li>3) Form 2106 (employee business expenses)</li> </ol>
17	April 12, 2004	2003	RN & CN	<ol style="list-style-type: none"> <li>1) Schedule A (job expenses and most other miscellaneous deductions)</li> <li>2) Form 2106 (employee business expenses)</li> </ol>
18	April 4, 2005	2004	RN & CN	<ol style="list-style-type: none"> <li>1) Schedule A (job expenses and most other miscellaneous deductions)</li> <li>2) Form 2106 (employee business expenses)</li> </ol>

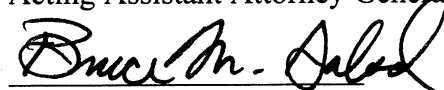


19	March 8, 2004	2003	AMR	<ul style="list-style-type: none"> <li>1) Form 1040 (filing status)</li> <li>2) Schedule A (medical and dental expenses)</li> <li>3) Schedule A (gifts to charity)</li> <li>4) Schedule A (job expenses and most other miscellaneous deductions)</li> <li>5) Form 2106 (employee business expenses)</li> <li>6) Schedule C (profit and loss from business)</li> <li>7) Form 8863 (education credit)</li> </ul>
20	March 22, 2004	2002	PM	<ul style="list-style-type: none"> <li>1) Schedule A (gifts charity)</li> <li>2) Schedule A (job expenses and most other miscellaneous deductions)</li> <li>3) Form 2106 (employee business expenses)</li> <li>4) Form 8863 (education credit)</li> </ul>
21	April 15, 2004	2003	PM	<ul style="list-style-type: none"> <li>1) Schedule A (gifts charity)</li> <li>2) Schedule A (job expenses and most other miscellaneous deductions)</li> <li>3) Form 2106 (employee business expenses)</li> <li>4) Form 8863 (education credit)</li> </ul>
22	March 4, 2002	2001	GS	<ul style="list-style-type: none"> <li>1) Form 1040 (filing status)</li> <li>2) Schedule A (interest you paid)</li> <li>3) Schedule A (gifts to charity)</li> <li>4) Schedule A (job expenses and most other miscellaneous deductions)</li> </ul>
23	March 31, 2003	2002	GS	<ul style="list-style-type: none"> <li>1) Form 1040 (filing status)</li> <li>2) Schedule A (gifts to charity)</li> <li>3) Schedule A (job expenses and most other miscellaneous deductions)</li> </ul>

In violation of Title 26, United States Code section 7206(2).

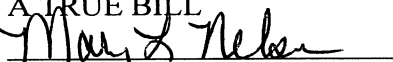
RICHARD T. MORRISON  
Acting Assistant Attorney General

BY:



Bruce M. Salad  
Acting Deputy Assistant Attorney General for  
Criminal Matters

A TRUE BILL

*Deputy*  
  
 Foreperson

Date: July 18, 2007