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**CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA**

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
BENJAMIN ^{ZAMORA} ROSARIO,)
)
Defendant.)

CRIMINAL NO. 1:08-CR-008

INDICTMENT

T. 26 U.S.C. § 7203

Indictment amended at arraignment before Magistrate Judge Ross Walters on 3-26-08 to add middle name of "Zamora"

THE GRAND JURY CHARGES:

**COUNT 1
(Failure To File)**

That during the calendar year 2001, the defendant, BENJAMIN ^{ZAMORA} ROSARIO, who was a resident of Council Bluffs, Iowa, within the Southern District of Iowa, had and received gross income in such an amount that defendant was required by law, following the close of the calendar year 2001, and on or before April 15, 2002, to make an income tax return to the person assigned to receive returns at the local office of the Internal Revenue Service at Des Moines, Iowa, in the Southern District of Iowa, or to the Director, Internal Revenue Service Center, at Kansas City, Missouri, or other proper officer of the United States, stating specifically the items of defendant's gross income and any deductions and credits to which defendant was entitled; that well-knowing and believing all of the foregoing, defendant, BENJAMIN ^{Zamora} ROSARIO, did willfully fail to make an income tax return to said person assigned to receive returns at the local office of the Internal Revenue Service, to said Director of the Internal Revenue Service Center, or to any other proper officer of the United States.

This is a violation of Title 26, United States Code, Section 7203.

THE GRAND JURY FURTHER CHARGES:

**COUNT 2
(Failure To File)**

That during the calendar year 2002, the defendant, BENJAMIN ^{Zamora} Z. ROSARIO, who was a resident of Council Bluffs, Iowa, within the Southern District of Iowa, had and received gross income in such an amount that defendant was required by law, following the close of the calendar year 2002, and on or before April 15, 2003, to make an income tax return to the person assigned to receive returns at the local office of the Internal Revenue Service at Des Moines, Iowa, in the Southern District of Iowa, or to the Director, Internal Revenue Service Center, at Kansas City, Missouri, or other proper officer of the United States, stating specifically the items of defendant's gross income and any deductions and credits to which defendant was entitled; that well-knowing and believing all of the foregoing, defendant, BENJAMIN ^{Zamora} Z. ROSARIO, did willfully fail to make an income tax return to said person assigned to receive returns at the local office of the Internal Revenue Service, to said Director of the Internal Revenue Service Center, or to any other proper officer of the United States.

This is a violation of Title 26, United States Code, Section 7203.

THE GRAND JURY FURTHER CHARGES:

**COUNT 3
(Failure To File)**

That during the calendar year 2003, the defendant, BENJAMIN ^{Zamora} Z. ROSARIO, who was a resident of Council Bluffs, Iowa, within the Southern District of Iowa, had and received gross income in such an amount that defendant was required by law, following the close of the

calendar year 2003, and on or before April 15, 2004, to make an income tax return to the person assigned to receive returns at the local office of the Internal Revenue Service at Des Moines, Iowa, in the Southern District of Iowa, or to the Director, Internal Revenue Service Center, at Kansas City, Missouri, or other proper officer of the United States, stating specifically the items of defendant's gross income and any deductions and credits to which defendant was entitled; that well-knowing and believing all of the foregoing, defendant, BENJAMIN ^{Zamora} ROSARIO, did willfully fail to make an income tax return to said person assigned to receive returns at the local office of the Internal Revenue Service, to said Director of the Internal Revenue Service Center, or to any other proper officer of the United States.

This is a violation of Title 26, United States Code, Section 7203.

A TRUE BILL.

/s/
FOREPERSON

Matthew G. Whitaker
United States Attorney

By: /s/Andrew H. Kahl
Andrew H. Kahl
Assistant United States Attorney