

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

2006 APR -6 PM 5:35

CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA)
Plaintiff,)

v.)

CHARLES THOMAS CLAYTON)
Defendant.)

~~CRIMINAL NO. 06-069-SS~~
[Violation of 26 U.S.C. §§ 7206(1)
- willful subscription to false
income tax returns & 7203 -
willful failure to file federal
income tax returns]

H-06-244M

FS 4-6-06

INDICTMENT

The Grand Jury charges that:

Introduction

At all relevant times herein,

1. The defendant, CHARLES THOMAS CLAYTON, was a radiologist, licensed in the State of Texas.
2. From at least on or about February 22, 1995 until on or about October 3, 2001, the defendant, CHARLES THOMAS CLAYTON, resided in Nacogdoches, Texas.
3. From on or about October 3, 2001 until the present, the defendant, CHARLES THOMAS CLAYTON, resided in The Woodlands, Texas.
4. On or about December 7, 2001, the defendant, CHARLES THOMAS CLAYTON, incorporated his radiology business in the State of Texas using the name Tom Clayton, M.D., P.A.
5. On or about May 13, 2004, the defendant, CHARLES THOMAS CLAYTON, incorporated his radiology business in the State of Texas using the name Intellection Diagnostics, P.A.

6. The defendant, **CHARLES THOMAS CLAYTON**, did not file federal income tax returns for calendar years 1999 through 2004.

7. The defendant, **CHARLES THOMAS CLAYTON**, received gross income for calendar years 1999 through 2004 totaling approximately \$1.5 million.

8. The Internal Revenue Service ("IRS") is an agency of the United States Department of Treasury responsible for enforcing and administering the tax laws of the United States, and collecting taxes owed to the United States.

COUNT ONE

9 Paragraphs 1, 2, 6, 7, and 8 of this Indictment are realleged as if set forth in full herein.

10. On or about April 10, 2001, the defendant, **CHARLES THOMAS CLAYTON**, who resided in Nacogdoches, Texas, did willfully make and subscribe an Amended U.S. Individual Income Tax Return, Form 1040X, for the calendar year 1997, which was verified by a written declaration that it was made under penalties of perjury and was filed with the Internal Revenue Service Center in Austin, Texas, which said income tax return he did not believe to be true and correct as to every material matter in that the said return reported adjusted gross income of \$0 on line 1, column C, and claimed a refund of \$82,296 on line 23, whereas, the defendant then and there well knew and believed, he had received substantial income in that calendar year and was not due a refund.

All in violation of Title 26, United States Code, Section 7206(1).

COUNT TWO

11. Paragraphs 1, 3, 6, 7, and 8 of this Indictment are realleged as if set forth in full herein.

12. On or about April 6, 2002, the defendant, **CHARLES THOMAS CLAYTON**, who resided in The Woodlands, Texas, did willfully make and subscribe an Amended U.S. Individual Income Tax Return, Form 1040X, for the calendar year 1998, which was verified by a written declaration that it was made under penalties of perjury and was filed with the Internal Revenue Service Center in Austin, Texas, which said income tax return he did not believe to be true and correct as to every material matter in that the said return reported adjusted gross income of 50 on line 1, column C, and claimed a refund of \$85,300 on line 23, whereas, the defendant then and there well knew and believed, he had received substantial income in that calendar year and was not due a refund.

All in violation of Title 26, United States Code, Section 7206(1).

COUNT THREE

13. Paragraphs 1, 2, 6, 7, and 8 of this Indictment are realleged as if set forth in full herein.

14. During the calendar year 1999, the defendant, **CHARLES THOMAS CLAYTON**, who was a resident of Nacogdoches, Texas, had and received gross income in excess of \$12,700; that by reason of such gross income he was required by law, following the close of the calendar year 1999, and on or before April 17, 2000, to make an income tax return at the Internal Revenue Service Center in Austin, Texas, or with any other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return at the Internal Revenue Service Center in Austin, Texas, or with any other proper officer of the United States.

All in violation of Title 26, United States Code, Section 7203.

COUNT FOUR

15. Paragraphs 1, 2, 6, 7, and 8 of this Indictment are realleged as if set forth in full herein

16. During the calendar year 2000, the defendant, **CHARLES THOMAS CLAYTON**, who was a resident of Nacogdoches, Texas, had and received gross income in excess of \$12,950; that by reason of such gross income he was required by law, following the close of the calendar year 2000, and on or before April 16, 2001, to make an income tax return at the Internal Revenue Service Center in Austin, Texas, or with any other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return at the Internal Revenue Service Center in Austin, Texas, or with any other proper officer of the United States.

All in violation of Title 26, United States Code, Section 7203.

COUNT FIVE

17. Paragraphs 1, 2, 3, 4, 6, 7, and 8 of this Indictment are realleged as if set forth in full herein.

18. During the calendar year 2001, the defendant, **CHARLES THOMAS CLAYTON**, who was a resident of The Woodlands, Texas, had and received gross income in excess of \$13,400; that by reason of such gross income he 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 at the Internal Revenue Service Center in Austin, Texas, or with any other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return at the Internal

Revenue Service Center in Austin, Texas, or with any other proper officer of the United States.

All in violation of Title 26, United States Code, Section 7203.

COUNT SIX

19. Paragraphs 1, 3, 4, 6, 7, and 8 of this Indictment are realleged as if set forth in full herein.

20. During the calendar year 2002, the defendant, **CHARLES THOMAS CLAYTON**, who was a resident of The Woodlands, Texas, had and received gross income in excess of \$13,850; that by reason of such gross income he 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 at the Internal Revenue Service Center in Austin, Texas, or with any other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return at the Internal Revenue Service Center in Austin, Texas, or with any other proper officer of the United States.

All in violation of Title 26, United States Code, Section 7203.

COUNT SEVEN

21. Paragraphs 1, 3, 4, 6, 7, and 8 of this Indictment are realleged as if set forth in full herein.

22. During the calendar year 2003, the defendant, **CHARLES THOMAS CLAYTON**, who was a resident of The Woodlands, Texas, had and received gross income in excess of \$15,600; that by reason of such gross income he 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 at the Internal Revenue Service Center in Austin, Texas, or with any other proper officer of the United States, stating specifically the

items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return at the Internal Revenue Service Center in Austin, Texas, or with any other proper officer of the United States.

All in violation of Title 26, United States Code, Section 7203

COUNT EIGHT

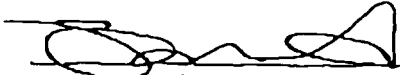
23. Paragraphs 1, 3, 4, 5, 6, 7, and 8 of this Indictment are realleged as if set forth in full herein.

24. During the calendar year 2004, the defendant, **CHARLES THOMAS CLAYTON**, who was a resident of The Woodlands, Texas, had and received gross income in excess of \$15,900; that by reason of such gross income he was required by law, following the close of the calendar year 2004, and on or before April 15, 2005, to make an income tax return at the Internal Revenue Service Center in Austin, Texas, or with any other proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return at the Internal Revenue Service Center in Austin, Texas, or with any other proper officer of the United States.

All in violation of Title 26, United States Code, Section 7203

Do Not Sign

JOHNNY SUTTON
United States Attorney

by: 
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Trial Attorney, U.S. Dept. of Justice, Tax Division