

CRIMINAL COMPLAINT

STATE OF WISCONSIN

DA Case No.:2013ML008327

Plaintiff,

vs.

Complaining Witness:

Wright, David Dewayne
8667 W Medford Avenue
Milwaukee, WI 53225
DOB: 02/25/1970

Court Case No.:

Defendant,

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

Count 1: FAIL/FILE INCOME TAX RETURN

The above-named defendant on or about Thursday, April 15, 2010, at 8667 W Medford Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, the defendant, being a person required to file a return of his income for the taxable year ending December 31, 2009, did willfully fail to file such return at the time required by law, on or before April 15, 2010, contrary to sec. 71.83(2)(a)1, Wis. Stats.

Upon conviction for this offense, a Class A Misdemeanor, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

Count 2: FAIL/FILE INCOME TAX RETURN

The above-named defendant on or about Monday, April 18, 2011, at 8667 W Medford Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, contrary to sec. 71.83(2)(a)1, Wis. Stats. the defendant, being a person required to file a return of his income for the taxable year ending December 31, 2010, did willfully fail to file such return at the time required by law, on or before April 18, 2011, contrary to sec. 71.83(2)(a)1, Wis. Stats.

Upon conviction for this offense, a Class A Misdemeanor, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

Count 3: FAIL/FILE INCOME TAX RETURN

The above-named defendant on or about Tuesday, April 17, 2012, at 8667 W Medford Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, contrary to sec. 71.83(2)(a)1, Wis. Stats. the defendant, being a person required to file a return of his income for the taxable year ending December 31, 2011, did willfully fail to file such return at the time required by law, on or before April 17, 2012, contrary to sec. 71.83(2)(a)1, Wis. Stats.

Upon conviction for this offense, a Class A Misdemeanor, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

PROBABLE CAUSE

Complainant is a law enforcement officer employed by the Milwaukee Police Department, and bases this complaint on official reports prepared by Detective Craig Ellis, which are of the kind that complainant has used in the past and found to be accurate and reliable and which complainant knows are prepared in the regular course of that department's business.

Those reports reveal that Department of Revenue Special Agent Vern Barnes became involved in an investigation involving the failure to file Wisconsin income tax returns by the defendant. The Wisconsin Department of Revenue received forms W-2, wage and earning statements for the defendant from the US Post Office on an annual basis and said records reflect that the defendant received \$39,823 in gross income from the US Post Office in 2009, \$64,932 in gross income from the US Post Office in 2010, and \$63,155 in gross income from the US Post Office in 2011.

Those reports also indicate that Kathleen Henry, Custodian of Files, at the Wisconsin Department of Revenue, certified that as of January 24th, 2013, she had made a diligent examination of the records of her office, and no Wisconsin income tax returns for the years 1999 through 2011 were on record for the defendant. The complainant further indicates that Section 71.03(6) Wisconsin Statutes, requires that an individual file and income tax return with the State of Wisconsin on or before April 15, following the close of the previous year, if the person was a full year resident earning gross income of \$10,140 (2009), \$10,000 (2010) and \$10,110 (2011) or more, as a single person. Extensions to file a tax return may be obtained; however, the request for an extension is required to be filed no later than October 15, following the close of the prior year. No requests for extension are on file from the defendant with the Department of Revenue.

During an interview with the defendant, the defendant admitted that he has worked for the US Post Office since 1993 and that he has been a resident of Wisconsin that entire time. The defendant indicated that he has resided at 8667 W Medford Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin for the past three year. When asked why he had not filed a tax return for the last three years, the defendant said he had "no reason." He was also unable to tell the agent when he had filed his last income tax return. The defendant was able to inform Agent Barnes that he was aware that he is required to file tax returns and that he knew that the date to file the taxes was by April 15.

Agent Barnes further indicated that the defendant had been notified by officials from the Wisconsin Department of Revenue of his responsibility to file income tax returns for the years of 2009 through 2011; however, the defendant has continued to fail to file income tax returns for any of those years. In addition, the defendant received 10 separate letters from the Department of Revenue in 2010, requesting him to file income tax returns for the years 2000 through 2009. The defendant did not respond to these requests. It is estimated that based upon his status and income, the defendant owes \$9,386 for the years of 2009 through 2011. In total, the defendant is estimated to owe in Wisconsin taxes just over \$41,000 for the years 2000 through 2011.

****End of Complaint****

Subscribed and sworn to before me and approved for filing this 11th day of April, 2013.

Francesco G. Mineo
Assistant District Attorney
1038329

Complaining Witness