



PRESS NOTICE

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FOR IMMEDIATE RELEASE

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**UPSTATE FINANCIAL PLANNER IMPRISONED AND FINED
FOR TAX EVASION AND FALSE STATEMENTS
IN A BANKRUPTCY PETITION**

Columbia, South Carolina---- Acting United States Attorney Kevin F. McDonald stated today that Charles E. Atwell, age 57, of Easley, South Carolina, was sentenced today in federal court for four counts of tax evasion and one count of making false statements in a bankruptcy petition. United States District Judge Henry M. Herlong, Jr. of Greenville sentenced Atwell to 51 months imprisonment and a \$50,000.00 fine. During a period of three years of supervised release after completing his prison term, Atwell will be required to cooperate with the Internal Revenue Service in the assessment, filing, and paying of back taxes. He will also have to pay not less than \$2000.00 per month toward the satisfaction of his fine. Atwell was taken into custody.

Atwell was found guilty by a jury last February in a trial presided over by United States District Judge G. Ross Anderson, Jr. Evidence presented at that trial revealed that during the years 2000, 2001, 2002, and 2003, Atwell, who is a financial planner, made more than \$2,000,000.00 in commissions for selling financial products such as insurance policies, annuities, and mutual funds. The evidence also revealed that Atwell did not file tax returns or pay any income taxes during any of the years in question. In fact, evidence produced at the trial revealed that Atwell had not filed personal tax returns since 1995; however, he had used bogus tax returns for years in which he had not filed in making other financial arrangements such as attached to loan applications and other financial dealings. The evidence also showed that Atwell had used the bank accounts of several entities that he controlled, such as Professional Planning Inc. of Greenville, T and E Associates, and the Atwell Family Trust, to divert income attributable to him personally.

Evidence was also introduced which revealed that in March of 2003, Atwell signed and filed a bankruptcy petition claiming that his income in 2001 was only approximately \$17,000.00 dollars, when in fact, it was approximately \$800,000.00. The petition alleged that Atwell's 2002 income was approximately \$41,000.00, when in fact it was approximately \$400,000.00.

During the sentence hearing, in which Atwell represented himself, Judge Herlong inquired into several of Atwell's objections to a presentence report prepared by the United States Probation Office. For example, in response to

Atwell's claim that he was not an American citizen, and thus, presumably not liable for taxes, the Government produced evidence that in an application for a passport in 1999 and in a South Carolina driver's license change of address application in 2006, Atwell had indicated that he was a citizen of the United States. Judge Herlong dubbed most of Atwell's other arguments as the "ranting and raving" of a tax protestor's dialogue.

The case was investigated by agents of the Internal Revenue Service-Criminal Investigation. Assistant United States Attorney William C. Lucius of the Greenville office handled the case.

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