

United States Department of Justice

For Immediate Release

**May 28, 2010 United States Attorney's Office
Eastern District of California**

Jury Convicts Vacaville Businessman of Bankruptcy Fraud

SACRAMENTO, CA—United States Attorney Benjamin B. Wagner announced today that James D. Burke, 59, of Vacaville, was convicted today of three counts of bankruptcy fraud: making a false or fraudulent misrepresentation in relation to a Chapter 11 bankruptcy, knowing and fraudulent concealment of bankruptcy estate assets, and making a false oath in a bankruptcy proceeding. The jury returned verdicts of not guilty for two additional counts of bankruptcy fraud, as well as for the money laundering counts alleged against Burke. The verdict was returned by a federal court jury in Sacramento after a 16-day trial before United States District Judge Frank C. Damrell.

This case is the product of an extensive investigation by the Internal Revenue Service Criminal Investigation, and the Federal Bureau of Investigation. Assistant United States Attorneys Robin Taylor and Kyle Reardon prosecuted the case.

The evidence introduced at trial showed that Burke was the owner of Truck-A-Way, a trucking company that hauled fruits and vegetables from farms to processors in the Central Valley. On February 14, 2002, Burke placed Truck-A-Way in Chapter 11 bankruptcy. As part of that proceeding, Burke was required to file truthful and complete bankruptcy schedules detailing the assets of Truck-A-Way. According to trial testimony and exhibits, Burke failed to disclose items it owned. The evidence also showed that Burke testified falsely at a creditors meeting.

Burke is scheduled to be sentenced by Judge Damrell on August 16, 2010, at 9:00 a.m. The maximum statutory penalty for each count is five years in prison, a fine of \$250,000, and two years of supervised release. The actual sentence, however, will be determined at the discretion of the court after consideration of any applicable statutory factors and the Federal Sentencing Guidelines, which take into account a number of variables.