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**MAN SENTENCED TO 41 MONTHS' IMPRISONMENT FOR REFUSING
TO PAY CHILD SUPPORT FOR TWIN 17-YEAR-OLD GIRLS**

MICHAEL J. GARCIA, the United States Attorney for the Southern District of New York, announced that CLIFFORD KERLEY, a 46-year-old resident of Westfield, Indiana, was sentenced today to 41 months' imprisonment following his conviction after trial for failure to pay child support for two girls born in the Bronx in 1989. Under the Deadbeat Parents Punishment Act, it is a federal crime to willfully fail to pay court-ordered child support for children living in another state in an amount that is greater than \$10,000 or more than two years past due. According to the Complaint, other documents filed in Manhattan federal court, and the proof at trial:

When KERLEY's support obligations were first being determined in 1990 by the New York State Family Court, KERLEY, who was married to another woman, denied paternity and requested blood tests. However, KERLEY failed to appear for the blood tests or to return to Family Court, and thereafter moved with his family to Indiana, where he worked as a hematologist and dialysis technician. KERLEY was ultimately arrested on Deadbeat Parent charges in July 2002, as of that time having never made a voluntary payment of child support for the girls, and owing their mother over \$100,000.

After his arrest, KERLEY challenged the validity of the underlying 1990 support order of the New York State Family Court. In 2004, United States District Judge BARBARA S. JONES dismissed the Deadbeat Parent charges in an opinion that called into question longstanding practices of the New York State Family Court in issuing child support orders, potentially invalidating thousands of other support orders. The Government appealed, with *amicus curiae* support from the State of New York and the City of New York, and on July 28, 2005, the United States Court of Appeals for the Second Circuit vacated the lower court's decision and reinstated the criminal charges.

KERLEY thereafter was convicted on both counts of the Indictment at trial. The proof at trial showed that KERLEY was aware of the child support order, but that as a result of his failure to pay support, the twin girls spent a substantial part of their childhood in New York supported by federal aid. Meanwhile, the assets of KERLEY's family in Indiana -- all in his wife's name -- included a multi-story home, a Lexus, and a BMW convertible. At the time of his sentencing, KERLEY owed approximately \$140,000 in past-due child support for the twin girls, who are now 17.

KERLEY was sentenced by the Honorable LORETTA A. PRESKA, who stated that KERLEY had shown "complete contempt" for the support order of the New York State Family Court, and that to this day, he offers "nothing but excuses." Finding the defendant had perjured himself in trial testimony, Judge PRESKA also observed that the defendant's victims were especially vulnerable, and that KERLEY evaded his support obligations knowing that the twins and their mother would be left "destitute and unable to pursue" KERLEY to Indiana.

Mr. GARCIA praised the investigative efforts of the Office of the Inspector General of the U.S. Department of Health and Human Services.

Assistant United States Attorney HARRY A. CHERNOFF is in charge of the prosecution.

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