

UNITED STATES DISTRICT COURT

for the

DISTRICT OF RHODE ISLAND

United States of America
v.

Stephen J. Swallow, DOB 1964, Buckley MI

Defendant

Case No.

1:12-MJ-09M

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay*(name of person to be arrested)* Stephen J. Swallow, DOB 1964, Buckley MI

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment
 ☐ Superseding Indictment
 ☐ Information
 ☐ Superseding Information
☒ Complaint
☐ Probation Violation Petition
☐ Supervised Release Violation Petition
☐ Violation Notice
☐ Order of the Court

This offense is briefly described as follows:

In violation of 18 U.S.C. § 228 (a)(3), willfully failing to pay child support obligation for a period of longer than two years or in an amount greater than \$10,000.

Date: 1-12-12

David L Martin

Issuing officer's signature

City and state: Providence, RI

DAVID L. MARTIN, U.S. MAGISTRATE JUDGE

Printed name and title

Return

This warrant was received on *(date)* _____, and the person was arrested on *(date)* _____
 at *(city and state)* _____.

Date: _____

*Arresting officer's signature**Printed name and title*

UNITED STATES DISTRICT COURT

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DISTRICT OF RHODE ISLAND

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v.)

Stephen J. Swallow)

DOB 1964)

Buckley, MI)

Defendant

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CRIMINAL COMPLAINT

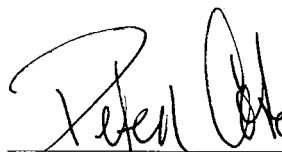
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 01/12/2012 in the county of _____ in the _____ District of
Rhode Island, the defendant violated 18 U. S. C. § 228(a)(3), an offense described as follows:

Willfully failing to pay child support obligation for a period of longer than two years or in an amount greater than \$10,000.

This criminal complaint is based on these facts:

See attached Affidavit of Special Agent Peter Cote, Department of Health and Human Services, Office of Inspector General - Office of Investigations.

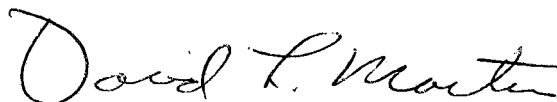
☒ Continued on the attached sheet.*Complainant's signature*

Peter Cote, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

1-12-12*Judge's signature*

City and state:

Providence, RI

DAVID L. MARTIN, U.S. MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT

I, Peter Cote, having been duly sworn, hereby depose and state as follows:

1. I am a Special Agent of the Office of Inspector General, United States Department of Health and Human Services ("HHS") and have been so employed since April 2007. Prior to that time, I worked as a Special Agent for the United State Secret Service for four years. As part of my official duties, I am assigned to investigate persons who have failed to pay legal child support obligations.
2. The information set forth in this affidavit is based on my own investigation and information provided to me by other employees of HHS and other law enforcement agencies. This affidavit does not contain all the information obtained in connection with this investigation.
3. I make this affidavit in support of a criminal complaint and arrest warrant for Stephen J. Swallow d.o.b. **/**/1964, SS# ***-**-7847 / ***-**-4728, a.k.a. Stephen Joseph Swallow ("Swallow"), further described as a forty-seven year old white male, approximately five feet, nine inches tall, for the failure to pay legal child support obligation, in violation of 18 U.S.C. § 228(a)(3).
4. On March 11, 1999, a consent order in a domestic case was adjudicated in Rhode Island Family Court, Washington County ordering Swallow to pay child support in the amount of \$316.00 per week, for his four children, [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. The physical possession of the children was awarded to their mother, Ann M. Aldridge ("Aldridge") residing in Cranston, Rhode Island. Due to Aldridge receiving public assistance of \$485.00 per month, Swallow was ordered to pay Aldridge child support in the sum of \$203.00 per week and to set aside the sum of \$113.00 per week to be reimbursed to the Rhode Island Bureau of Child Support.
5. On June 3, 1999, Swallow's court ordered child support obligation was modified to \$330.00 per week through garnishment of wage earnings payable to Anne Aldridge.
6. On October 21, 1999, Rhode Island Family Court found Swallow in willful contempt in failing to pay a court ordered child support obligation. At the time, Swallow's failure to pay his legal child support obligation set an arrearage owed to the State of Rhode Island in the amount of \$914.18; arrears owed to Aldridge were set in the amount of \$2,716.00

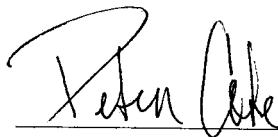
as of October 18, 1999. The State of Rhode Island filed a reciprocating court docket in lieu of the domestic docket filed between Swallow and Aldridge. It was alleged at the time that Swallow relocated to the State of Michigan.

7. On July 14, 2009, the divorce between Ann Aldridge and Stephen Swallow was finalized in the State of Rhode Island Family Court, Washington County. The final divorce decree stated that Swallow must pay \$330.00 per week in child support.
8. Sometime commencing in October 2000, Swallow resided in the States of Florida and Michigan. Based upon review of electronic database and an application Medicaid benefits as described at paragraph 13 below, it appears that Swallow's current address is 124 Chippewa Trail, Buckley, MI 49620.
9. Swallow has held several jobs since the start of his court ordered child support obligation. HHS has received, through cooperation with the Rhode Island Department of Human Services, Child Support Enforcement Office, quarterly wage income information from several of Swallow's former employers. The following displays Swallow's quarterly wage earnings with the respective employers:
 - 1999 (4th qtr) - \$1,913.00 (Koch Masonry, Inc [Michigan])
 - 1999 (4th qtr) - \$378.00 (Papa Johns [Michigan])
 - 1999 (4th qtr) - \$776.00 (Grayrose, Inc [Michigan])
 - 2000 (1st qtr) - \$582.00 (Papa Johns [Michigan])
 - 2000 (1st, 2nd qtrs) - \$528.00 (Meijer Stores Limited [Michigan])
 - 2000 (2nd qtr) - \$788.00 (All Season Gutters, Inc [Michigan])
 - 2002 (1st, 2nd qtrs) – Employment obtained, no wages reported (Labor Plus Port Charlotte [Florida])
 - 2008 (2nd, 3rd, 4th qtrs) - \$16,548.00 (National Coatings, Inc [Michigan])
 - 2009 (1st, 2nd, 3rd, 4th qtrs) - \$4,264.00 (Michigan Unemployment Insurance [Michigan])
 - 2009 (2nd, 3rd, 4th qtrs) - \$15,912.00 (National Coatings, Inc [Michigan])
 - 2010 (1st, 2nd qtrs) - \$4,849.00 (Michigan Unemployment Insurance [Michigan])
10. Swallow made two (2) payments in 1999 through employee wage garnishments; one (1) tax return garnishment in 2001; and did not make another child support obligation payment until approximately June 2, 2008 through July 19, 2010 by means of

garnishment of his wages from National Coatings, Inc and Michigan Unemployment Insurance. The total recovered from these efforts was \$21,915.71.

11. R.I. Gen. Laws §§ 15-20-4 and 15-20-2 require obligor parents to notify the R.I. Department of Human Services when the obligor changes residence and employment. However, the R.I. Department of Human Services has no record of Swallow providing notice of any change of address or employment. Instead, the documentary evidence shows a continued pattern of changes of residence and employers without a corresponding notification to the State of Rhode Island or any attempt to comply with or meet the child support obligations. Swallow has been made aware of his obligations through court decrees and attempts to garnish his wages, as described above. However, he continues to affirmatively avoid his obligations.
12. Swallow's continued failure to pay his court ordered child support has caused Aldridge to enroll in the Rhode Island Independence Program for public assistance sporadically over the years in order to support their four children. When a court ordered child support obligation is not met causing a custodial parent to enroll in the Rhode Island Independence Program, the non-custodial parent must make payments to the Program during the custodial parent's enrollment to make up for the difference. The records of Rhode Island Child Support Enforcement indicate that as of October 31, 2011, Swallow owes Aldridge \$217,051.99 and the Rhode Island Independence Program \$80,908.96. The total arrearage owed by Swallow plus interest totals \$299,610.95.
13. On December 1, 2011, the State of Michigan Department of Attorney General, Health Care Fraud Division reported that on August 24, 2011, Stephen J. Swallow and someone identified as his fiancé, Lori Hendra, applied for Michigan Medical Assistance and Food Stamps which went effective September 1, 2011. Additionally, the application listed their son, [REDACTED] for receipt of Food Stamps as well.

14. Based upon the preceding information, I believe that probable cause exists to support a Criminal Complaint and Arrest Warrant charging Stephen J. Swallow, last known to reside in Michigan, with willfully failing to pay child support obligation with respect to his four children who reside in Rhode Island, for a period of longer than two years, or in an amount greater than \$10,000, in violation of 18 U.S.C. § 228(a)(3).



PETER COTE

Special Agent

Department of Health and Human Services

Office of Inspector General

Office of Investigations

Subscribed and sworn to before me, this 12th of
January, 2012, in the District of Rhode Island



DAVID L. MARTIN

United States Magistrate Judge