

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



UNITED STATES OF AMERICA :
 :
 v. : 1:23CR 291 -1
 :
 JERRY TODD SWICEGOOD :

The Grand Jury charges:

Introductory Allegations

A. The United States Bankruptcy Code exists to assist debtors with getting a fresh start. The bankruptcy laws provide debtors with the opportunity to either reorganize and pay their debts while keeping their property, such as a residence, or to liquidate their assets through a bankruptcy trustee. A debtor is a person concerning whom a petition has been filed under United States Code, Title 11, the Bankruptcy Code.

B. A bankruptcy case begins when a bankruptcy petition is filed with the bankruptcy court. Documents filed in a bankruptcy case include the petition, the bankruptcy schedules, and the statement of financial affairs. All of these documents are attested to under the penalty of perjury.

C. In the bankruptcy petition, statement of financial affairs, and bankruptcy schedules, the debtor is required to disclose all creditors to the bankruptcy court so that the court can provide notice to the creditors. One

purpose of this requirement is to allow the creditors the opportunity to participate in the bankruptcy proceeding and protect their interests.

D. The filing of a bankruptcy petition automatically stays collection activities by creditors. The filing of the bankruptcy petition causes the Clerk of the Bankruptcy Court to mail notice of the automatic stay to creditors.

E. On or about November 25, 2020, the defendant, JERRY TODD SWICEGOOD, filed a Petition for Chapter 7 Bankruptcy in the United States Bankruptcy Court for the Middle District of North Carolina, Case No. 20-50863, *In re Jerry Todd Swicegood*.

COUNT ONE
(Concealment of Assets)

On or about November 25, 2020, in the Middle District of North Carolina and elsewhere, JERRY TODD SWICEGOOD did knowingly and fraudulently conceal from creditors and the trustee charged with control of the debtor's property, in connection with a case under Title 11, United States Code, the Bankruptcy Code, *In re Jerry Todd Swicegood*, Case No. 20-50863, property belonging to the estate of a debtor, that is: personal and household items that JERRY TODD SWICEGOOD caused to be sold in an online auction for a gross sales amount of approximately \$24,662. Those items included, but are not limited to:

A Duck Commander Mossberg, Model 930, 12 gauge shotgun
Salt Water Reel – salt water fishing reel
Sure-Trac 14x7 dual axle Trailer
Pacer 14x7 dual axle Trailer
DeWalt Table Saw
World War II Captured German Flag
Yamaha 120 Volt Generator

All in violation of Title 18, United States Code, Section 152(1).

COUNT TWO
(False Bankruptcy Declaration)

On or about November 25, 2020, in the Middle District of North Carolina and elsewhere, JERRY TODD SWICEGOOD, knowingly and fraudulently made a material false declaration and statement under the penalty of perjury, as permitted under Section 1746 of Title 28, in and in relation to a case under Title 11, United States Code, the Bankruptcy Code, *In re Jerry Todd Swicegood*, Case No. 20-50863, by filing, and causing to be filed, Schedule E/F: Creditors Who Have Unsecured Claims with the Bankruptcy Court, in which JERRY TODD SWICEGOOD fraudulently failed to disclose creditors, including Estate of Mary Leah Whitfield McFee et al.

All in violation of Title 18, United States Code, Section 152(3).

COUNT THREE
(Obstruction During Bankruptcy Proceedings)

On or about November 25, 2020, in the Middle District of North Carolina and elsewhere, JERRY TODD SWICEGOOD, with the intent to impede, obstruct, and influence the proper administration of a case filed under Title 11,


of the United States Code, the Bankruptcy Code, specifically, the case of *In re Jerry Todd Swicegood*, Case No. 20-50863, a case in the United States Bankruptcy Court for the Middle District of North Carolina, did knowingly and fraudulently conceal, cover up, falsify and make a false entry in a document, as follows:

In response to Question 27 of the Statement of Financial Affairs, which required JERRY TODD SWICEGOOD to answer as to whether, within four years before he filed for bankruptcy, he was an officer, director, or managing executive of a corporation, JERRY TODD SWICEGOOD failed to disclose that he was the Chief Executive Officer of Sunup Insurance Services, Inc., within four years before he filed for bankruptcy.

All in violation of Title 18, United States Code, Section 1519.

DATED: August 28, 2023

SANDRA J. HAIRSTON
United States Attorney


BY: ASHLEY E. WAID
Assistant United States Attorney

A TRUE BILL:

FOREPERSON ✓