

State of Wisconsin

Circuit Court

Waukesha County

STATE OF WISCONSIN

Plaintiff,

DA Case No.: 2016WK004674
Assigned DA/ADA: Pablo Galaviz Jr.
Agency Case No.:

-VS-

David L Swanson
17432 W Cleveland Ave
New Berlin, WI 53146
DOB: 03/17/1976

Court Case No.:

AMENDED SUMMONS

Defendant,

THE STATE OF WISCONSIN/COUNTY OF WAUKESHA TO SAID DEFENDANT:

A Complaint, a copy of which is attached, having been made before me accusing the defendant of committing the offense(s) of:

THE OFFENSE(S) OF:

Fraud/Rendering Income Tax Return
Fraud/Rendering Income Tax Return or Obtain Refund
with Fraudulent Intent
Fraud/Rendering Income Tax Return or Obtain Refund
with Fraudulent Intent

CONTRARY TO WIS. STATUTE(S)

71.83(2)(b)1
71.83(2)(b)1
71.83(2)(b)1

2016 AUG 30 AM 11:20
CLERK OF COURT
WISCONSIN
TRAFFIC DIV

The original of such complaint has been filed in the office of the Clerk of Courts for Waukesha County.

You, David L Swanson, are therefore summoned to appear before the Honorable Martin Binn for Waukesha County Circuit Court, at the Waukesha County Courthouse, 515 W. Moreland Boulevard, Waukesha, Wisconsin, in Branch 1, Room C187 to answer the attached Complaint on:

DATE/TIME: September 19, 2016 at 8:15 AM

Posting of bail does not release the requirement of your appearance in Court. Failure to appear in Court may result in the issuance of a Warrant for your arrest.



SUSAN L. OPPER
District Attorney
State Bar No. 1017918

Dated: August 30, 2016

EXT=CODE 1

STATE OF WISCONSIN

Plaintiff,

DA Case No.: 2016WK004674

Assigned DA/ADA: Pablo Galaviz Jr.

Agency Case No.:

-vs-

Court Case No.:

ATN:

David L Swanson
17432 W Cleveland Ave
New Berlin, WI 53146
DOB: 03/17/1976
Sex/Race: M/W
Eye Color: Blue
Hair Color: Brown
Height: 6 ft 4 in
Weight: 295 lbs
Alias:

Judge: Binn

Amended Criminal Complaint

Defendant,

Assistant District Attorney Pablo Galaviz, of the Waukesha County District Attorney's Office, being first duly sworn on oath, upon information and belief, states that:

Count 1: FRAUD/RENDERING INCOME TAX RETURN

The above-named defendant for the tax year 2013, David L Swanson intentionally submitted a false State of Wisconsin Tax Return, at 2075 S Moorland Road, in the City of New Berlin, Waukesha County, Wisconsin, did render a false or fraudulent income tax return with intent to defeat or evade any assessment required by Chapter 71 of the Wisconsin Statutes, or to obtain a refund or credit with fraudulent intent, Class H felony and may be assessed the cost of prosecution., contrary to sec. 71.83(2)(b)1, 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

Count 2: FRAUD/RENDERING INCOME TAX RETURN OR OBTAIN REFUND WITH FRAUDULENT INTENT

The above-named defendant or the tax year 2014, David L Swanson intentionally submitted a false State of Wisconsin Tax Return, at 2075 S Moorland Road, in the City of New Berlin, Waukesha County, Wisconsin, did render a false or fraudulent income tax return with intent to defeat or evade any assessment required by Chapter 71 of the Wisconsin Statutes, or to obtain a refund or credit with fraudulent intent, Class H felony and may be assessed the cost of prosecution., contrary to sec. 71.83(2)(b)1, 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

Count 3: FRAUD/RENDERING INCOME TAX RETURN OR OBTAIN REFUND WITH FRAUDULENT INTENT

The above-named defendant or the tax year 2015, David L Swanson intentionally submitted a false State of Wisconsin Tax Return, at 2075 S Moorland Road, in the City of New Berlin, Waukesha

County, Wisconsin, did render a false or fraudulent income tax return with intent to defeat or evade any assessment required by Chapter 71 of the Wisconsin Statutes, or to obtain a refund or credit with fraudulent intent, Class H felony and may be assessed the cost of prosecution., contrary to sec. 71.83(2)(b)1, 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

PROBABLE CAUSE:

And prays that the defendant be dealt with according to law; that the basis for complainant's charge of such offense is: Based upon your complainant's personal investigation of this matter which your complainant believes to be truthful and reliable.

Your complainant advises the Court that I am a Special Agent assigned to the Criminal Investigation Section of the State of Wisconsin Department of Revenue. Your complainant was assigned to investigate all state income tax documents filed by David L. Swanson, dob 03/17/1976, hereinafter referred to as the defendant, for the period of 2008 through the present.

Your complainant learned that between January 1, 2008, and December 31, 2015, the defendant worked at Rundle-Spence MFG Company, located at 2075 South Moorland Road, in the City of New Berlin, Waukesha County, Wisconsin. For purposes of receiving paychecks, and tax deductions, the defendant requested that his employer not take any State of Wisconsin income tax out of his paycheck.

In 2008, zero state income tax was taken from the defendant's paycheck, however, in filing his 2008 income tax returns, the defendant claimed \$2,089.00 was taken. In 2009, zero state income tax was taken from the defendant's paycheck, however, in filing his 2009 state income tax return, the defendant claimed \$2,650.00 was taken. In 2010, zero state income tax was taken from the defendant's paycheck, however in filing his 2010 state income tax return, the defendant claimed \$2,775.00 was taken. In 2011, zero state income tax was taken from the defendant's paycheck, however in filing his 2011 state income tax return, the defendant claimed \$3,145.00 was taken. In 2012, zero state income tax was taken from the defendant's paycheck, however in filing his 2012 state income tax return, the defendant claimed \$3,105.00 was taken. In 2013, zero state income tax was taken from the defendant's paycheck, however in filing his 2013 state income tax return, the defendant claimed \$3,105.00. In 2014, zero state income tax was taken from the defendant's paycheck, however in filing his 2014 state income tax return, the defendant claimed \$2,785.00. In 2015, zero state income tax was taken from the defendant's paycheck, however in filing his 2015, state income tax return the defendant claimed \$2,745.00 was taken.

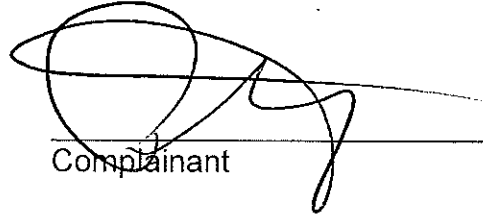
Your complainant advises the Court that each year from 2008 through 2014, the defendant received state income tax refunds totaling \$6,008.00. In 2015, the \$802.00 refund was not paid to the defendant.

Your complainant further advises the Court that on April 7, 2016, the complainant made contact with the defendant at his place of employment, Rundle-Spence MFG Company located in the City of New Berlin. The defendant admitted that he did falsify his Wisconsin State Income Tax Returns for the years of 2008 through 2015. The defendant indicated that he did so because he could not afford to

STATE OF WISCONSIN - VS - David L Swanson


have any more money taken out of his paycheck, and he wanted a small refund at the end of every year.

Based on the foregoing, the complainant believes this complaint to be true and correct.


Complainant

Subscribed and sworn to before me,
and approved for filing on:

this 30th day of August, 2016


Assistant District Attorney
State Bar # 1092722
PG:bjt

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