

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO. 11-_____**
v. : **DATE FILED: April 28, 2011**
DIANE BRYANT-DAVIS : **VIOLATION:**
: **18 U.S.C. § 641 (conversion of government**
: **funds – 1 count)**
: **Notice of Forfeiture**

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to this information:

1. The Social Security Administration (“SSA”), an agency of the United States, administered certain government benefit programs, including Retirement Insurance Benefit (“RIB”) program, pursuant to Title 42, United States Code, Sections 401-433.
2. The RIB program was an earned-right program funded through Social Security wage taxes. When an individual worked, that individual paid taxes on his or her wages into the Social Security trust fund. If that individual paid sufficient Social Security taxes to earn sufficient “credits,” as that term was defined for purposes of the Social Security Act, he or she was eligible to receive retirement insurance benefits upon reaching a certain age.
3. RIB payments continued until the individual died.
4. The mother of defendant DIANE BRYANT-DAVIS, identified in this information as “F.B.,” received RIB benefits during her lifetime. The SSA directly deposited F.B.’s benefits checks into her account at PNC BANK.
5. F.B. died on December 13, 2003.

6. SSA was not timely notified of F.B.'s death and continued to deposit her benefits checks into her account. From January 2004 through August 2007, defendant DIANE BRYANT-DAVIS fraudulently obtained and converted F.B.'s RIB funds.

7. During each month after the death of F.B. until August 2007, defendant DIANE BRYANT DAVIS continued to access the account and convert the RIB funds deposited into F.B.'s account, and never notified SSA that F.B. had died.

8. In or about August 2007, almost four years after F.B.'s death, SSA learned that F.B. had died, and terminated her RIB payments.

9. Defendant DIANE BRYANT-DAVIS improperly received and converted to her own use approximately \$52,868 in RIB payments that were intended for F.B, who was deceased, which defendant DIANE BRYANT-DAVIS knew she was not entitled to receive.

10. Beginning in or about January 2004 and continuing through in or about August 2007, in the Eastern District of Pennsylvania and elsewhere, defendant

DIANE BRYANT-DAVIS

knowingly converted to her own use money of the United States in excess of \$1,000, that is, approximately \$52,868 in RIB payments that were intended for F.B., who was deceased.

In violation of Title 18, United States Code, Section 641.

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY CHARGES THAT:

1. As a result of the violation of Title 18, United States Code, Section 641, set forth in this information, defendant

DIANE BRYANT-DAVIS

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offense, including, but not limited to the sum of approximately \$52,868.00.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18,
United States Code, Section 981(a)(1)(C).

ZANE DAVID MEMEGER
UNITED STATES ATTORNEY