

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

UNITED STATES OF AMERICA : **CRIMINAL NO. 14-127**
v. : **DATE FILED: March 14, 2014**
DONALD SHEPPARD : **VIOLATION:**
: **18 U.S.C. § 641 (conversion of government**
: **funds – 1 count)**
: **Notice of Forfeiture**

INFORMATION

COUNT ONE

(Conversion of Government Funds)

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 the Retirement and Survivor’s Insurance (“RSI”) benefit program, pursuant to Title 42, United States Code, Sections 401-433, and the Supplemental Security Income (“SSI”) program, pursuant to Title 42, United States Code, Sections 1381-1383f.

2. The RSI 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 the purposes of the Social Security Act, he or she was eligible to receive retirement benefits upon reaching a certain age. These retirement benefits continued until the beneficiary died, unless he or she had a spouse, a divorced spouse, or a

qualifying dependent. For spouses, the spouse was entitled to receive RSI survivor benefits as a widow or widower of the beneficiary until the spouse's death.

3. The SSI program, which was funded through general tax revenues of the United States, provided monthly cash benefits to individuals who were age sixty-five or over, or who were "disabled" and who demonstrated financial need, as determined by his or her "income" and "resources," as those terms were defined for purposes of the Social Security Act. Under the Social Security Act, the resource limitations for an individual receiving SSI were limited to \$2,000.

4. Defendant DONALD SHEPPARD's mother died in or about December 2001. Despite knowing this fact, defendant SHEPPARD improperly received and converted to his own use the RSI survivor benefit payments that were intended for his deceased mother from early 2002 until these survivor benefits were suspended in or about March 2005.

5. Defendant DONALD SHEPPARD also improperly received and converted to his own use the SSI benefits for individual J.B. from in or about May 2003 through in or about August 2012.

6. In addition, defendant DONALD SHEPPARD improperly received and converted to his own use the SSI benefits for individual A.M., a/k/a A.G., from in or about December 2005 through in or about August 2012. A.M., however, died in December 2005, and defendant SHEPPARD reported his death to authorities.

7. From in or about December 2005 through in or about March 2010, defendant DONALD SHEPPARD received the SSI benefits for A.M. and J.B. via check at his residence. In or about March 2010, defendant SHEPPARD opened SSI benefit debit cards in the

names of A.M. and J.B. through Comerica Bank and caused the SSA to deposit their SSI benefits directly to these debit cards.

9. From in or about April 2010 through in or about August 2012, the SSI benefits for A.M. and J.B. were deposited to these debit cards. Shortly after the amounts were deposited, defendant DONALD SHEPPARD withdrew the funds in cash.

10. Defendant DONALD SHEPPARD received and improperly converted to his own use approximately \$24,460.25 in RSI survivor benefits for his mother, \$79,909.60 in SSI benefits for J.B., and \$57,784 in SSI benefits for A.M.

11. Beginning in or about 2002 and continuing through in or about September 2012 in the Eastern District of Pennsylvania and elsewhere, defendant

DONALD SHEPPARD

knowingly converted to his own use money of the United States in excess of \$1,000, that is, approximately \$162,153.85 in benefits from the Social Security Administration, of which approximately \$24,460.25 was RSI survivor benefit payments that were intended for his mother, approximately \$79,909.60 was SSI benefit payments that were intended for J.B., and approximately \$57,784 was SSI benefit payments that were intended for A.M., that defendant SHEPPARD was not entitled to receive.

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 in the amount of \$162,153.85, defendant

DONALD SHEPPARD

shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained directly or indirectly from the commission of such offense.

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 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