

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

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|---------------------------------|---|--|
| UNITED STATES OF AMERICA | : | |
| v. | : | CRIMINAL NO. 14-__ |
| ELENA DIMAGGIO | : | DATE FILED: |
| | : | |
| | | 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.
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 purposes of the Social Security Act, he or she,

or eligible dependents, including spouses, were eligible to receive retirement benefits upon reaching a certain age.

3. RSI payments continued until the individual died.

4. The mother of defendant ELENA DIMAGGIO, identified in this information as "M.M.," received RSI benefits during her lifetime. The SSA issued M.M.'s RSI benefits via wire deposit into her bank account.

5. M.M. died on or about January 8, 1998. Upon M.M.'s death, no other individual was entitled to receive M.M.'s benefit payments.

6. After M. M.'s death, SSA continued to make her benefit payments via wire deposit into her bank account, which was held jointly with defendant ELENA DIMAGGIO. Subsequent to M.M.'s death, defendant ELENA DIMAGGIO accessed the SSA benefit payments intended for her deceased mother, through use of a debit/ATM card and via checks written on the bank account.

7. In or about July 2012, when SSA learned of M.M.'s death, her RSI benefit payments were terminated.

8. Between in or about January 1998 and in or about July 2012, defendant ELENA DIMAGGIO improperly received and converted to her own use approximately \$174,366 in SSA benefit payments that were intended for M.M., who was deceased, which defendant ELENA DIMAGGIO knew she was not entitled to receive.

9. Beginning in or about January 1998 and continuing through in or about July 2012, in the Eastern District of Pennsylvania and elsewhere, the defendant

ELENA DIMAGGIO

knowingly converted to her own use money of the United States in excess of \$1,000, that is,

approximately \$174,366 in SSA benefits that were intended for M.M., who was deceased, to which the defendant knew she was not entitled.

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

ELENA DIMAGGIO

shall forfeit to the United States of America:

- (a) 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 \$174,366.
- 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