IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA	*	
	*	
v.	*	**CRIMINAL NO. DLB-22-308**
	*	
SHERRIE LYNNE BRYANT,	*	
	*	
Defendant	*	
	*	
	*******	

UNITED STATES' MOTION FOR PRELIMINARY ORDER OF FORFEITURE

The United States of America, by its undersigned attorneys, respectfully moves this Court for the issuance of a Preliminary Order of Forfeiture in the above-captioned case pursuant to 18 U.S.C. § 981(a)(1)(C), 21 U.S.C. § 853(p), 28 U.S.C. § 2461(c), and Rule 32.2(b) of the Federal Rules of Criminal Procedure. A proposed Preliminary Order of Forfeiture is submitted herewith. In support thereof, the United States sets forth the following:

1. On August 30, 2022, the United States of America filed an Information, charging Sherrie Lynne Bryant (the "Defendant") with wire fraud, in violation of 18 U.S.C. § 1343 (Count One). ECF No. 29.

2. The Information also included a forfeiture allegation which provided notice that the United States intended to seek forfeiture, pursuant to 18 U.S.C. § 981(a)(1)(C), 21 U.S.C. § 853(p), and 28 U.S.C. § 2461(c), upon conviction of the Defendant of the offense alleged in Count One of the Information.

3. On October 27, 2022, the Defendant pled guilty to the offense alleged in Count One of the Information. ECF. No. 34. As part of her guilty plea, the Defendant agreed to entry of an order of forfeiture to include a forfeiture money judgment in the amount of at least $419,100 in U.S. currency equal to the total fraudulent loan proceeds obtained by the Defendant

as a result of the scheme to defraud. *Id.* ¶ 17. In support of her guilty plea, the Defendant executed a Stipulation of Facts in which she admitted that from March 2020 to July 2021 she obtained at least $419,100.00 in fraudulent EIDL and PPP loans as a result of her scheme to defraud and misappropriated a portion of the proceeds for person use. ECF 34-1.

4. The Defendant further agreed that due to her acts or omissions, the full amount of the proceeds she obtained as a result of the conspiracy are not currently available to the Government, and therefore one or more of the conditions of 21 U.S.C. § 853(p) have been met and the Government is entitled to the forfeiture of substitute assets. ECF No. 34, ¶ 17

5. In partial satisfaction of the forfeiture money judgment, the Defendant agreed to forfeit up all funds remaining as of March 25, 2022 in two Capital One bank accounts as proceeds derived from or obtained by the Defendant as result of the scheme to defraud or as substitute assets:

a. approximately $1,945.84 in Capital One Bank account ending in 8072 held in the name of NOW LLC; and

b. approximately $51,441.81 in Capital One bank account ending in 2613 held in the name of NOW LLC

(collectively, the "Subject Property"). *Id.*

6. Pursuant to 18 U.S.C. § 981(a)(1)(C), 21 U.S.C. § 853(p), 28 U.S.C. § 2461(c), and Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure, the United States is now entitled to a forfeiture money judgment in the amount of $419,100.00 in U.S. currency against the Defendant and the forfeiture of the Defendant's right, title and interest in the Subject Property.

7. Upon the issuance of a Preliminary Order of Forfeiture and pursuant to 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6)(C) of the Federal Rules of Criminal Procedure, the United States shall publish, for thirty (30) consecutive calendar days on the government forfeiture website www.forfeiture.gov, notice of the Preliminary Order of Forfeiture, notice of the United States'

intent to dispose of the Subject Property, and notice that any person, other than the Defendant, having or claiming a legal interest in the Subject Property must file a petition with the Court within sixty (60) days after the first day of publication on the government forfeiture website or within thirty (30) days after receipt of actual notice, whichever is earlier.

8. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Subject Property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited Subject Property and any additional facts supporting the petitioner's claim and the relief sought.

9. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the Subject Property that is the subject of the Preliminary Order of Forfeiture as a substitute for published notice as to those persons so notified.

10. Further, the United States may move at any time, pursuant to Rule 32.2(e)(1)(B) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(p), to forfeit any property of the Defendant up to the value of the forfeiture money judgment included in the Preliminary Order of Forfeiture. Upon issuance of any order forfeiting specific property, the United States will publish notice in accordance with 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure.

11. The United States also seeks authority to conduct any discovery that might be necessary to identify, locate, or dispose of forfeited property, pursuant to Rule 32.2(b)(3) and (c)(1)(B) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(m).

WHEREFORE, the United States requests that this Court:

(a) enter the Preliminary Order of Forfeiture in the form submitted herewith;

(b) include the forfeiture, as set forth in the Preliminary Order of Forfeiture, in the oral pronouncement of the Defendant's sentence;

(c) retain jurisdiction for the purpose of enforcing the forfeiture; and

(d) incorporate the Preliminary Order of Forfeiture in the criminal judgment entered against the Defendant, pursuant to Federal Rule of Criminal Procedure 32.2(b)(4).

Respectfully submitted,

Erek L. Barron
United States Attorney

By: /s/
Kelly O. Hayes
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for Preliminary Order of Forfeiture, as well as the proposed Preliminary Order of Forfeiture, were filed through the Electronic Case Filing system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/
Kelly O. Hayes
Assistant United States Attorney