

The J Group's EDLA SENTENCING NEWSLETTER



WEEK OF
SEP 20 TO SEP 26

SEPTEMBER 30, 2026 ISSUE

Payroll Tax Violations and more...

.... see what happened this past week in the Eastern District of Louisiana

CASE SPOTLIGHT

United States v. Wilkerson 26-cr-018

What's the Basis?: According to the factual basis, *Wilkerson* withheld payroll taxes from her employees but failed to remit those funds to the IRS from 2017 through 2024. Although *Wilkerson* was only charged with one count relating to approximately \$57K in withheld taxes, she admitted that the unpaid employee withholdings totaled \$707,182.64, with additional unpaid employer payroll taxes. *Wilkerson* also admitted willfully failing to file individual income tax returns for 2017, 2019, 2022, and 2023, resulting in approximately \$1.22 million in unpaid individual income taxes.

In a separate transaction, *Wilkerson* obtained a \$19,907 Paycheck Protection Program loan for Divine Purpose Breast Cancer Foundation, an entity that never became operational and had no employees or gross income. *Wilkerson* falsely reported that the foundation earned \$75,639 in 2019 and submitted a fabricated Schedule C supporting that claim. The loan was subsequently forgiven.

What's the Violation?: *Wilkerson* pled guilty to Willful Failure to Account for and Pay Over Tax; Failure to File a Tax Return; and False Statements to the Small Business Administration, in violation of 18 U.S.C. § 1001; 26 U.S.C. §§ 7202 and 7203.

What's the Punishment?: The Honorable Brandon S. Long sentenced *Wilkerson* to 13 months of imprisonment and 3 years of supervised release. *Wilkerson* was also ordered to pay \$2,387,593 in restitution.

This Week's Other Matters

U.S. v. POLK, 26-CR-042

Charge: Possession with Intent to Distribute Controlled Substances; Possession of a Firearm in Furtherance of a Drug Trafficking Crime; Felon in Possession of a Firearm; Possession of a Stolen Firearm

(21 U.S.C. §§ 841(a)(1), (b)(1)(C); 18 U.S.C. §§ 924(c)(1)(A)(i), 922(g)(1), 924(a)(8), 922(j), 924(a)(2))

Sentence: 80 months of imprisonment and 5 years of supervised release.

Judge: Honorable Wendy B. Vitter

WHAT'S THAT STATUTE?

CLICK ON THE LINKS BELOW FOR MORE
DETAILS ON THE VIOLATIONS INCLUDED IN
THIS WEEKS' EDITION

- [18 U.S.C. § 2](#)
- [18 U.S.C. § 922](#)
- [18 U.S.C. § 924](#)
- [18 U.S.C. § 1001](#)
- [21 U.S.C. § 841](#)
- [21 U.S.C. § 846](#)
- [21 U.S.C. § 856](#)
- [26 U.S.C. § 7202](#)
- [26 U.S.C. § 7203](#)



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U.S. V. DORSEY, 24-CR-152

Charge: Conspiracy to Distribute and Possess with Intent to Distribute Fentanyl and Cocaine; Possession of Firearms in Furtherance of a Drug Trafficking Crime; Maintaining Drug-Involved Premises and Aiding and Abetting (21 U.S.C. §§ 841(a)(1), 846, 856(a); 18 U.S.C. §§ 924(c)(1)(A), 2)

Sentence: 48 months of imprisonment and 5 years of supervised release.

Judge: Honorable Carl J. Barbier

U.S. V. VIRGIL, 23-CR-222

Charge: Possession with Intent to Distribute Fentanyl, Cocaine, and Marijuana; Possession of a Firearm in Furtherance of a Drug Trafficking Crime; Felon in Possession of Firearms (21 U.S.C. §§ 841(a)(1), (b)(1)(C), (b)(1)(D); 18 U.S.C. §§ 924(c)(1)(A), 922(g)(1), 924(a)(2), 924(a)(8))

Sentence: 165 months of imprisonment and 5 years of supervised release.

Judge: Honorable Brandon S. Long

U.S. V. LEWIS, 19-CR-126

Violation of Mandatory and Standard Conditions of Supervised Release: *Using a telephone to facilitate methamphetamine distribution; failing to report to Probation as instructed; failing to submit monthly supervision reports; and unlawful use of marijuana and cocaine.*

Sentence: 50 months of imprisonment, consecutive to the sentence imposed in Case No. 24-132. No additional supervised release imposed.

Judge: Honorable Mary Ann Vial Lemmon

Did You Know?

This week's Case Spotlight illustrates an important feature of federal tax prosecutions: **the tax period identified in a criminal count may represent only part of the conduct considered at sentencing.** Wilkerson's payroll tax count concerned the third quarter of 2023, involving approximately \$57,499, but her factual basis also documented unpaid payroll taxes spanning 2017 through 2024.

Under the federal Sentencing Guidelines, **related violations from other years or quarters can qualify as relevant conduct (even without separate convictions for each period) if the additional conduct falls within the same course of conduct or common scheme or plan.** For tax offenses, this can substantially increase the loss used to calculate the advisory sentencing range.

Paying the taxes later also does not necessarily reduce the sentencing calculation. For offenses such as willful failure to file an income tax return, **the Guidelines expressly provide that payments made after the offense do not reduce the tax loss.** A payment may therefore reduce the outstanding debt while leaving the loss used to calculate the advisory range unchanged.

For a business owner or individual facing a tax investigation, evaluating exposure therefore requires more than reviewing the amount listed in the charged count. The history of related noncompliance, the applicable tax-loss rules, and the credit given for payments can each affect the ultimate financial and sentencing consequences.