UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

United States v. Roberta Sheffield

No. 17-13682, United States Court of Appeals for the Eleventh Circuit (October 1, 2019)

SUMMARY

Key Legal Topics: Restitution; Burden of Proof; Loss Calculation; Tax Credit Fraud; Duplicate Entries. **Holding:** The Eleventh Circuit vacated the restitution order because the government's evidence—a spreadsheet containing admitted duplicate entries—was not sufficiently reliable. Where the loss from each fraudulent tax credit was a fixed $1,000 and easily calculable, the government must provide precise evidence, not merely a reasonable estimate. The case was remanded for an accurate calculation of actual refunds issued.

CASE DETAILS

COURT	United States Court of Appeals for the Eleventh Circuit
WRITING FOR THE COURT	JORDAN; TJOFLAT; ANDERSON
JURISDICTION	Federal
DECIDED	October 1, 2019
DOCKET	17-13682
DISPOSITION	vacated
PROCEDURAL POSTURE	Appeal from restitution order following guilty plea
STANDARD OF REVIEW	clear error
PRECEDENTIAL VALUE	Published
PARTIES	Roberta Sheffield v. United States of America

TOPICS

criminal procedure · sentencing · fraud · tax · remedies

PRACTICE AREAS

Criminal Law · Appellate Practice

QUESTIONS PRESENTED

1. Whether the district court erred in ordering restitution based on a government spreadsheet that was admittedly inaccurate and contained duplicate entries, when the loss amount was definite and easy to calculate.

HOLDINGS

1. In cases where the loss is definite and easy to calculate, the government must provide precise evidence of the actual loss, and a reasonable estimate is not sufficient. The government cannot rely on an admittedly inaccurate spreadsheet after the defendant makes a specific objection.

KEY QUOTATIONS

> *"Close only counts in horseshoes and grenades."* (at 2)

> *"restitution seeks to make victims whole by reimbursing them for their losses"* (at 4)

> *"Restitution is not designed to punish the defendant... the amount of restitution owed must be based on the amount of loss actually caused by the defendant's conduct."* (at 5)

> *"the use of estimation is permitted because it is sometimes impossible to determine an exact restitution amount."* (at 5)

> *"In a case like this one, where the loss from each fraudulent tax credit is the same fixed amount, and figuring out the total is a simple computational exercise, [r]estitution requires an exact figure."* (at 8)

> *"Ms. Sheffield has the right not to be sentenced on the basis of inaccurate or unreliable information."* (at 7)

FACTUAL BACKGROUND

The fraudulent tax credit scheme involved the submission of thousands of tax returns falsely claiming a $1,000 tax credit, resulting in IRS issuing $1,000 refunds for each claim. The government introduced a spreadsheet at sentencing purportedly listing each fraudulent return and refund amount, totaling $3,461,638. Sheffield objected that the spreadsheet contained duplicate entries, but did not provide a list of duplicates. The government acknowledged possible duplication but argued that the burden was on Sheffield to show inaccuracy. The district court overruled the objection and ordered restitution in the spreadsheet amount.

PROCEDURAL HISTORY

Roberta Sheffield pled guilty to charges related to a fraudulent tax credit scheme. The district court sentenced her to 37 months' imprisonment and ordered restitution in the amount of $3,461,638 based on a spreadsheet submitted by the government. Sheffield appealed, challenging only the restitution order.

DISPOSITION

vacated

REMAND INSTRUCTIONS

calculate the actual amount of refunds issued by the IRS as a result of the fraudulent tax credit scheme

CASES CITED

- United States v. Baldwin, 774 F.3d 711 (11th Cir. 2014)
- United States v. Martin, 803 F.3d 581 (11th Cir. 2015)
- Anderson v. City of Bessemer City, 470 U.S. 564 (1985)
- United States v. Joseph, 743 F.3d 1350 (11th Cir. 2014)
- United States v. Futrell, 209 F.3d 1286 (11th Cir. 2000)
- United States v. Gushlak, 728 F.3d 184 (2d Cir. 2013)
- United States v. Stein, 846 F.3d 1135 (11th Cir. 2017)
- Lagos v. United States, 138 S. Ct. 1684 (2018)
- United States v. Giltner, 889 F.2d 1004 (11th Cir. 1989)
- United States v. Caputo, 517 F.3d 935 (7th Cir. 2008)