

CLIENT ALERT

Value of Services Performed Must Be Considered in Fraud Case

May.02.2016

On April 28, the Fifth Circuit found in *U.S. v. Harris* that the government must take into account the value of the work performed in assessing damages in procurement fraud cases, even when sentencing individuals. In a perhaps unique fact pattern, the court upheld the conviction for 16 counts of wire fraud, but overturned the two-year prison sentence of an Army colonel because the government had calculated damages based on the full \$1.3 million value of the contracts, rather than properly reducing that total for the value of the work performed.

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