

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA )  
 )  
 v. ) CR. NO. 2:21-CR-49-MHT-JTA  
 )  
 WILLIAM LEE HOLLADAY, III, )  
 WILLIAM RICHARD CARTER, JR., )  
 GREGORY EARL CORKREN, )  
 DAVID WEBB TUTT, and )  
 THOMAS MICHAEL SISK )

**JOINT STATEMENT REGARDING THE STATUS OF RESTITUTION  
NEGOTIATIONS**

Comes now the United States of America, by and through Alice S. LaCour, Attorney for the United States acting under authority conferred by 28 U.S.C. § 515, along with the attorneys representing Defendants William Lee Holladay, III; William Richard Carter, Jr.; Gregory Earl Corkren; David Webb Tutt; and Thomas Michael Sisk and, pursuant to the Court’s order of April 25, 2022, see Doc. 326, submit this joint statement regarding the status of restitution negotiations. The parties, with the exception of Carter, have reached an agreement as to restitution, as explained below.

On May 6, 2022, the parties, as well as the United States Probation Office (USPO), received from the Alabama State Department of Education (ALSDE) a written request for restitution. That request is attached to this filing. See Ex. (ALSDE Restitution Request).<sup>1</sup> The ALSDE seeks restitution in the amount of \$5,731,897.20. Id. This number reflects the amount of Foundation Program payments improperly paid to Athens City Schools (ACS) as a result of the fraudulent scheme executed by the defendants. Id. In the request, the ALSDE allocates these payments between the two relevant school years. For the 2016-2017 school year, the ALSDE

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<sup>1</sup>As far as the parties are aware, that request constitutes the only restitution request received in the case.

caused ACS to be paid \$3,142,696.80 for what were in fact private school students. For the next school year, the ALSDE caused ACS to be paid \$2,589,200.40 for private school students. Id.

No party, except for possibly Carter, disputes these calculations. Moreover, no party, except for possibly Carter, contests the ALSDE's status as a victim and entitlement under the Mandatory Victims Restitution Act (MVRA) to recover from the defendants monies paid to ACS for the education of students who were in fact full-time private school students. See 18 U.S.C. § 3663A(a)(1), (c)(1)(A)(ii). The only remaining issue, then, is the respective liabilities of each defendant.

As a threshold matter, the parties, except for possibly Carter, agree that Defendant Sisk is not liable for any portion of the amount owed to the ALSDE. During the scheme, Sisk was the superintendent of the Limestone County School System (LCS). Although Sisk caused LCS to fraudulently report to the ALSDE the number of students enrolled in the system, the ALSDE did not make any payments to LCS based on these false reports. Moreover, the government did not obtain any evidence indicating that Sisk played any role in facilitating ACS's submission of false information to the ALSDE. Because LCS's false submissions did not result in loss and Sisk did not cause ACS to send false information, Sisk should not be liable for any amount of restitution.

As for the remaining defendants—Holladay, Carter, Corkren, and Tutt—the parties, other than Carter, agree that each defendant should be liable for a portion of the restitution judgment. In circumstances such as this one, when “more than 1 defendant has contributed to the loss of a victim, the court may make each defendant liable for payment of the full amount of restitution or may apportion liability among the defendants to reflect the level of contribution to the victim's loss and economic circumstances of each defendant.” 18 U.S.C. § 3664(h). The parties, other

than Carter, agree that, due to each defendant’s varying culpability, the Court should apportion liability.

In apportioning liability, it is important to consider that only Holladay, Carter, and Corkren participated in the submission of false information during the 2016-2017 school year. Tutt did not become involved until later. As such, the parties, other than Carter, agree that only those three defendants should be ordered to repay the restitution amount resulting from that school year. The parties, other than Carter, agree that based on each defendant’s culpability:

- (1) Holladay should be liable for 50 percent of the 2016-2017 amount, totaling \$1,571,348.40;
- (2) Carter should be liable for 25 percent of the 2016-2017 amount, totaling \$785,674.20; and
- (3) Corkren should be liable for 25 percent of the 2016-2017 amount, totaling \$785,674.20.

As for the 2017-2018 school year, the parties, other than Carter, agree that all four defendants—Holladay, Carter, Corkren, and Tutt—should be ordered to repay some portion of the restitution amount. The parties, other than Carter, agree that based on each defendant’s culpability: (1) Holladay should be liable for 50 percent of the 2017-2018 amount, totaling \$1,294,600.20; (2) Carter should be liable for 20 percent of the 2017-2018 amount, totaling \$517,840.08; (3) Corkren should be liable for 20 percent of the 2017-2018 amount, totaling \$517,840.08; and (4) Tutt should be liable for 10 percent of the 2017-2018 amount, totaling \$258,920.04.

Based on these amounts, the parties, other than Carter, agree that each defendant should be ordered to pay restitution to the ALSDE in the following amounts:

<b>DEFENDANT</b>	<b>2016-2017 LIABILITY</b>	<b>2016-2017 AMOUNT</b>	<b>2017-2018 LIABILITY</b>	<b>2017-2018 AMOUNT</b>	<b>TOTAL RESTITUTION AMOUNT</b>
Holladay	50 percent	\$1,571,348.40	50 percent	\$1,294,600.20	\$2,865,948.60

Carter	25 percent	\$785,674.20	20 percent	\$517,840.08	\$1,303,514.28
Corkren	25 percent	\$785,674.20	20 percent	\$517,840.08	\$1,303,514.28
Tutt	0 percent	N/A	10 percent	\$258,920.04	\$258,920.04
<b>TOTAL</b>					\$5,731,897.20

As noted throughout this filing, Carter has not yet agreed to the above. The government understands that this is because he has not yet received a draft copy of his presentence investigation report (PSR) and considers it imprudent to enter into any agreement on restitution without having first reviewed a draft PSR. The government is hopeful that, once Carter receives a draft PSR, he will join in the above agreement.

In any event, some or all of the parties will execute a written restitution agreement signed by each attorney and each defendant and will submit that signed agreement to the Court before July 12, 2022—the date of the restitution hearing. See Doc. 326.

Respectfully submitted this 13th day of May, 2022.

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CONFERRED BY 28 U.S.C. § 515

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 13, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

Respectfully submitted,

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