UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA v. WIGENIE FRANCOIS, Defendant.	Criminal No: 25-cr-10389-FDS

GOVERNMENT'S SENTENCING MEMORANDUM

Defendant Wigenie Francois pled guilty to one count of wire fraud, in violation of 18 U.S.C. § 1343. This Court scheduled sentencing for the Defendant for March 11, 2026. For the reasons set forth below and to be articulated at the sentencing hearing, the Government believes that a sentence of 12 months of probation, no fine, $100 special assessment, restitution of $62,499, and forfeiture is sufficient, but not greater than necessary, to comply with the purposes of sentencing set forth in 18 U.S.C. § 3553(a)(2).

FACTUAL AND PROCEDURAL BACKGROUND

The Defendant was charged in this matter on October 1, 2025. Presentence Investigation Report ("PSR") at ¶ 1. On December 11, 2025, the Defendant waived indictment and pled guilty to a one-count information charging her with wire fraud in violation of 18 U.S.C. § 1343. PSR ¶ 2.

Defendant has been employed full-time as part of the Veterans Affairs Nursing Service since 2007. PSR ¶ 9. On April 2, 2021, Defendant submitted an application for a Paycheck Protection Program ("PPP") loan to Fountainhead SBF LLC. PSR ¶ 9. In the application, Defendant reported that she made $116,500 of gross income for 2019. PSR ¶ 9. In support of this application, Defendant submitted a Schedule C tax document claiming that she had a residential home care business that she ran out of her home in Brockton, Massachusetts that had $116,500 in gross income, $83,300 in profit, and purportedly $27,000 in advertising costs. PSR ¶ 9. The Schedule C had mathematical errors in it. PSR ¶ 9. Specifically, the expenses listed included $27,000 advertising, $10,000 in vehicle/machinery rentals, and $6,200 in taxes and licenses. PSR ¶ 9. The total should have been $43,200, but was listed as $33,200. PSR ¶ 9. Notably, Defendant's husband, Viguez Odies, also submitted two PPP loan applications. PSR ¶ 10. In these applications, Odies claimed to have an elderly care and group home out of the residence in Brockton, Massachusetts that he shares with his wife, Francois. PSR ¶ 10. Odies claimed to make the same amount of income and included a Schedule C with the same numbers, including the same mathematical error as Defendant's for the total expenses. PSR ¶ 10.

Despite the alleged $27,000 in advertising, investigators were unable to find any evidence of a home health care facility operating at the residence in Brockton. PSR ¶ 11. Further, a review of Defendant's bank records did not support the claim that she operated a business with over $100,000 of gross income and over $80,000 profit. PSR ¶ 11. Defendant's tax filings with Massachusetts showed that, for 2019, Defendant and Odies filed jointly and reported $51,372 in income. PSR ¶ 11. Odies reported $729 in income from a driving business in a Massachusetts Schedule C. PSR ¶ 11. Defendant did not have any Schedule C in this return with Massachusetts. PSR ¶ 11.

The PPP loan was approved, and, on April 22, 2021, Fountainhead SBF LLC wired $20,833 to FRANCOIS's HarborOne Bank account via an interstate wire. PSR ¶ 12.

On March 2, 2024, FRANCOIS submitted a loan forgiveness application in which she falsely claimed that the entire $20,833 of PPP loan funds had been spent on payroll. PSR ¶ 13. The forgiveness application was approved by the Small Business Administration. PSR ¶ 13.

DISCUSSION

A. Sentencing Guidelines Calculation

1. Total Offense Level

Probation has calculated the Defendant's total offense level as 9. PSR ¶ 27. This is based on a base offense level of seven (U.S.S.G. § 2B1.1(a)(1); a six-point enhancement for causing a loss of over $40,000 but less than $95,000 (U.S.S.G. §2B1.1(b)(1)(D)); a two-point reduction for being a zero-point offender (U.S.S.G. §4C1.1); and a two-point reduction for acceptance of responsibility (U.S.S.G. §3E1.1(a)). PSR ¶¶ 19-27. The Government agrees with this calculation.

2. Criminal History

Probation has calculated the Defendant's criminal history category as I, because the Defendant has no criminal convictions. PSR ¶¶ 29-31. The Government agrees with this calculation.

3. Guideline Range

Probation noted that the Guideline Range for a total offense level of 20 and Criminal History Category I is 4-10 months. PSR ¶ 58. The Government agrees with this calculation.

B. Application of the Section 3553(a) Factors

The Court must consider the factors set forth in 18 U.S.C. § 3553(a) in determining a sentence that is sufficient, but not greater than necessary, to comply with the purposes of sentencing set forth in § 3553(a)(2). These factors include the nature and circumstances of the offense, the history and characteristics of the defendant, the need for the sentence imposed to reflect the seriousness of the offense, to promote respect for the law, to provide just punishment for the offense, to afford adequate deterrence to criminal conduct, to protect the public from further crimes of the defendant, and to provide for the needs of the defendant. They also require courts to consider the kinds of sentences available and the Guidelines Sentencing Range ("GSR"). Here, the Government believes that the proposed sentence of 12 months of probation, no fine, $100 special assessment, restitution of $62,499, and forfeiture is sufficient, but not greater than necessary, to achieve the goals of § 3553(a)(2).

Defendant has no history of convictions and has worked for the Department of Veterans Affairs Nursing Service since 2007. Defendant also volunteers to mentor young adults in her community. PSR ¶ 47. Defendant did this while also raising her own family of three children. *See* PSR ¶ 39.

In what appears to be an aberration to an otherwise productive, law-abiding life, Defendant engaged in fraud to obtain benefits that were designed to help protect businesses impacted by the COVID-19 pandemic. Defendant's fraudulent conduct contributed to what the Small Business Administration ("SBA") has estimated to be over $200 billion in fraud related to EIDL and PPP funds.[1]

While it appears to be aberrant behavior for Defendant, Defendant's conduct cannot be excused as an impulsive decision. Defendant had to fill out the PPP loan application with false information and create a false tax document to support the false claims on the application. Nearly three years later, Defendant submitted additional false statements in support of the loan forgiveness application. And, notably, Defendant engaged in this conduct while employed by an

[1] SBA, "COVID-19 Pandemic EIDL and PPP Loan Fraud Landscape Recommendations Update," March 31, 2025, available at https://www.sba.gov/document/report-25-10-covid-19-pandemic-eidl-ppp-loan-fraud-landscape-recommendations-update.

agency of the federal government and took benefits designed to help people that could not pay employees during the pandemic. Defendant has accepted responsibility for her conduct.

Balancing all of the factors here, the Government believes that its proposed sentence of 12 months of probation, no fine, $100 special assessment, restitution of $62,499, and forfeiture is sufficient, but not greater than necessary, to comply with the purposes of sentencing set forth in 18 U.S.C. § 3553(a)(2). Therefore, the Government requests that the Court impose its recommended sentence.

Respectfully submitted,

LEAH B. FOLEY
Acting United States Attorney

/s/ Brian J. Sullivan
Brian J. Sullivan
Assistant United States Attorneys
John J. Moakley U.S. Courthouse, Suite 9200
1 Courthouse Way
Boston, MA 02210
Phone: (617) 748-3100
brian.sullivan@usdoj.gov

Date: March 4, 2026

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Brian J. Sullivan
BRIAN J. SULLIVAN
Assistant United States Attorney

Dated: March 4, 2026