

UNITED STATES DISTRICT COURT

for the

Middle District of Georgia

United States of America

v.

Ryan Rickard

Date of Original Judgment: May 12, 2023Date of Previous Amended Judgment: _____
(Use Date of Last Amended Judgment if Any)

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Case No: 5:22-CR-00001-019USM No: 85352-509Kenneth Ronald Smith

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO AMENDMENT 821**Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court

Under Amendment 821 for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission, and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 48 months **is reduced to** 41.

Rickard was originally sentenced on May 11, 2023, to a term of 48 months imprisonment and a one-year term of supervised release, for the offense of Use of a Communication Facility. His total offense level was determined to be 24 with a criminal history category I, which yielded an advisory sentencing range of 51-63 months; however, the statutory maximum is 48 months. The Court also imposed the \$100 mandatory assessment. He violated conditions of pretrial supervision and was taken into custody on the date of his plea, February 16, 2023. He presently has a projected release date of July 13, 2026.

Based on Part B, subchapter 1 of Amendment 821 of the United States Sentencing Guidelines, the defendant is eligible for a two-level reduction under the newly created provision found at USSG § 4C1.1(a) for certain zero-point offenders. Such a reduction results in a total offense level 22 with a criminal history category I, which yields an advisory sentencing range of 41-48 months. The Government opined a sentence at the bottom of the amended guideline range is appropriate and the Court concurs. Therefore, the Court imposes a custodial sentence of 41 months.

Except as otherwise provided, all provisions of the judgment dated May 12, 2023 shall remain in effect.

IT IS SO ORDERED.Order Date: 2/14/2024S/ Marc T. Treadwell

Judge's signature

Effective Date: _____
(if different from order date)Marc T. Treadwell, Chief U.S. District Judge

Printed name and title