

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
v.	:	CASE NO.: 7:21-CR-9 (WLS-TQL-1)
	:	
RICARDO E. GARCIA	:	
	:	
Defendant.	:	

ORDER

On October 31, 2023, the Court held a final restitution hearing in this matter. Based on the evidence presented to the Court, for the reasons stated on the record at the hearing, and as stated below, the Court finds that Defendant is ordered to pay restitution to the victims in this case in the total amount of \$48,000 as set forth below.

I. PROCEDURAL BACKGROUND

On April 26, 2022, Defendant Ricardo Garcia pleaded guilty to two counts of Possession of Child Pornography, in violation of 18 U.S.C. §§ 2252A(a)(5)(B) and 2252A(b)(2). (Docs. 1 & 47). On May 31, 2023, the Court sentenced Defendant to 60 months on Count One and 60 months on Count Two of the Indictment, with the sentences to be served concurrently for a total of 60 months. (Doc. 68). Defendant was further sentenced to ten years of supervised release on each count to be served concurrently for a total of ten years. (*Id.*) The Court, however, deferred a final determination on restitution and ordered the United States Probation Office (“USPO”) to notice identifiable victims of their right to present restitution claims to the Court. At the October 31, 2023, hearing, the Court heard from the Government and Defendant. The Government asked for the statutory minimum restitution amount of \$3,000 for each identifiable victim, and counsel for Defendant did not object.¹

¹ The Court notes for the Record that Defendant freely, voluntarily, and knowingly waived his right to appear in person at the hearing as noted and found on the Record at his sentencing Hearing and in writing which is filed as part of the Record of the case.

USPO received fifteen (15) Victim Impact Statements fourteen (14) from attorneys representing the victims and one from one *pro se* victim. There are sixteen (16) individual victims represented in the Victim Impact Statements. The Court, herein, makes the following findings as to the amount of restitution the Defendant will be ordered to pay to each of the sixteen (16) victims.

II. LAW AND ANALYSIS

A. Mandatory Restitution

Under 18 U.S.C. § 2259(a), a court shall order restitution from Defendants, convicted of, *inter alia*, Possession of Child Pornography for the “full amount of the victim’s losses.”² The issuance of a restitution order is mandatory, and the Court may not decline to issue an order because of a defendant’s economic circumstances, or because a victim has, or is entitled to, receive compensation for injuries from proceeds of insurance or any other source. 18 U.S.C. § 2259(b)(4)(A)-(B).

B. Award of Restitution to Defendant’s Victims

1. Angela Series

There is one (1) individual represented by Susanna L. Southworth in the Angela series. In documentation provided to USPO, Ms. Southworth estimates her client’s losses at \$1,616,920 and requests the Court impose restitution of no less than \$5,000. Pursuant to 18 U.S.C. § 2259(b)(2)(B), the Court is required to award a minimum of \$3,000 for each of Defendant’s victims considering the victim’s request and Defendant’s relative role in her injuries, the Court will, therefore, award restitution in the amount of \$3,000 to the individual victim in the Angela series.

² 18 U.S.C. § 2259(c)(3) provides:

Full amount of the victim’s losses.—For purposes of this subsection, the term “full amount of the victim’s losses” includes any costs incurred, or that are reasonably projected to be incurred in the future, by the victim, as a proximate result of the offenses involving the victim, and in the case of trafficking in child pornography offenses, as a proximate result of all trafficking in child pornography offenses involving the same victim, including—

- (A) medical services relating to physical, psychiatric, or psychological care;
- (B) physical and occupational therapy or rehabilitation;
- (C) necessary transportation, temporary housing, and child care expenses;
- (D) lost income;
- (E) reasonable attorneys’ fees, as well as other costs incurred; and
- (F) any other relevant losses incurred by the victim.

2. Aprilblonde

There is one (1) individual represented by Susanna L. Southworth in the Aprilblonde series. In documentation provided to USPO, Ms. Southworth estimates her client's losses at \$226,375 and requests the Court impose restitution of no less than \$5,000. Pursuant to 18 U.S.C. § 2259(b)(2)(B), the Court is required to award a minimum of \$3,000 for each of Defendant's victims considering the victim's request and Defendant's relative role in her injuries, the Court will, therefore, award restitution in the amount of \$3,000 to the individual victim in the Aprilblonde series.

3 Ashley_081 Series

There is one (1) individual represented by Rosemary W. Brewer in the Ashley_081 series. In documentation provided to USPO, Ms. Brewer does not estimate the amount of her client's losses, but requests the Court impose restitution of no less than \$3,000. Pursuant to 18 U.S.C. § 2259(b)(2)(B), the Court is required to award a minimum of \$3,000 for each of Defendant's victims considering the victim's request and Defendant's relative role in her injuries, the Court will, therefore, award restitution in the amount of \$3,000 to the individual victim in the Ashley_081 series.

4. Best Necklace

There is one (1) individual represented by Carol L. Hepburn in the Best Necklace series. In documentation provided to USPO, Ms. Hepburn estimates her client's total losses at \$124,072.05 to \$149,072.05 and her client has received \$19,257 in restitution thus far. Ms. Hepburn requests the Court impose restitution in the amount of \$7,500. Pursuant to 18 U.S.C. § 2259(b)(2)(B), the Court is required to award a minimum of \$3,000 for each of Defendant's victims considering the victim's request and Defendant's relative role in her injuries, the Court will, therefore, award restitution in the amount of \$3,000. to the individual victim in the Best Necklace series.

5. BluePillow1

There is one (1) individual represented by Deborah A. Bianco in the BluePillow1 series. In documentation provided to USPO, Ms. Bianco estimates that her client's total losses are \$2,075,000 to \$2,116,500 and requests the Court impose restitution in the amount of \$5,000. Pursuant to 18 U.S.C. § 2259(b)(2)(B), the Court is required to award a minimum of \$3,000

for each of Defendant's victims considering the victim's request and Defendant's relative role in her injuries, the Court will, therefore, award restitution in the amount of \$3,000 to the individual victim in the BluePillow1 series.

6. Jenny

There is one (1) individual represented by Margaret E. Mabie in the Jenny series. In documentation provided to USPO, Ms. Mabie estimates her client's total losses at \$6,778,912 and her client has received \$832,048 in restitution thus far. Ms. Mabie requests restitution in the amount of \$10,000. Pursuant to 18 U.S.C. § 2259(b)(2)(B), the Court is required to award a minimum of \$3,000 for each of Defendant's victims considering the victim's request and Defendant's relative role in her injuries, the Court will, therefore, award restitution in the amount of \$3,000 to the individual victim in the Jenny series.

7. Lighthouse1

There is one (1) individual represented by Deborah A. Bianco in the Lighthouse1 series. In documentation provided to USPO, Ms. Bianco estimates her client's total losses at \$1,233,250 and requests restitution in the amount of \$10,000. Pursuant to 18 U.S.C. § 2259(b)(2)(B), the Court is required to award a minimum of \$3,000 for each of Defendant's victims considering the victim's request and Defendant's relative role in her injuries, the Court will, therefore, award restitution in the amount of \$3,000 to the individual victim in the Lighthouse1 series.

8. Marineland1

There is one (1) individual victim represented by Carol L. Hepburn in the Marineland1 series. In documentation provided to USPO, Ms. Hepburn estimates her client's total losses at \$2,758,335.28 and requests restitution in the amount of \$10,000. Pursuant to 18 U.S.C. § 2259(b)(2)(B), the Court is required to award a minimum of \$3,000 for each of Defendant's victims considering the victim's request and Defendant's relative role in her injuries, the Court will, therefore, award restitution in the amount of \$3,000 to the individual victim in the Marineland1 series.

9. Middle Model Sister

There is one (1) victim represented by Heidi Nestel in the Middle Model Sister series. In documentation provided to USPO, Ms. Nestel does not provide an estimate of her client's losses but requests restitution in the amount of \$3,000. Pursuant to 18 U.S.C. § 2259(b)(2)(B), the Court is required to award a minimum of \$3,000 for each of Defendant's victims considering the victim's request and Defendant's relative role in her injuries, the Court will, therefore, award restitution in the amount of \$3,000 to the individual victim in the Middle Model Sister series.

10. Misty

There is one (1) victim represented by Margaret E. Mabie in the Misty series. In documentation provided to USPO, Ms. Mabie estimates her client's total losses at \$12,254,344 of which her client has received \$2,267,416.52. Ms. Mabie requests restitution in the amount of \$10,000. Pursuant to 18 U.S.C. § 2259(b)(2)(B), the Court is required to award a minimum of \$3,000 for each of Defendant's victims considering the victim's request and Defendant's relative role in her injuries, the Court will, therefore, award restitution in the amount of \$3,000 to the individual victim in the Misty series.

11. MotorCouch1

There is one (1) individual victim represented by Carol L. Hepburn in the Motorcouch1 series. In documentation provided to USPO, Ms. Hepburn estimates her client's total losses at \$43,758.82 to \$57,758.82 and requests that the Court impose restitution of \$7,500 of restitution for her client. Ms. Hepburn has indicated that her client has received less than \$10,000 in payment toward her losses thus far. Pursuant to 18 U.S.C. § 2259(b)(2)(B), the Court is required to award a minimum of \$3,000 for each of Defendant's victims considering the victim's request and Defendant's relative role in her injuries, the Court will, therefore, award restitution in the amount of \$3,000 to the individual victim in the MotorCouch1 series.

12. PinkHeartSisters2

There are two (2) individual victims represented by Margaret E. Mabie in the PinkHeart Sisters series. In documentation provided to USPO, Ms. Mabie estimates her client "Tori[s]" losses at \$14,649,240 of which she has received \$121,617.55. Ms. Mabie estimates her client "Erika[s]" total losses at \$13,164,714 of which she has received \$120,645. Ms. Mabie requests restitution in the amount of \$10,000 for both victims. Pursuant to 18 U.S.C. §

2259(b)(2)(B), the Court is required to award a minimum of \$3,000 for each of Defendant's victims considering the victim's request and Defendant's relative role in her injuries, the Court will, therefore, award restitution in the amount of \$3,000 to each of the individual victims in the PinkHeartSisters2 series.

13. Sweet White Sugar

There is one (1) individual victim represented by Deborah A. Bianco in the Sweet White Sugar series. Ms. Bianco estimates her client's losses at \$1,086,000 to \$1,723,000 and requests restitution in the amount of \$5,000. Pursuant to 18 U.S.C. § 2259(b)(2)(B), the Court is required to award a minimum of \$3,000 for each of Defendant's victims considering the victim's request and Defendant's relative role in her injuries, the Court will, therefore, award restitution in the amount of \$3,000 to the individual victim in the Sweet White Sugar series.

14. Tara

There is one (1) individual victim, "Tara" represented by herself in the "Tara" series. "Tara" estimates her losses at \$136,182.27 and requests that amount in restitution. Pursuant to 18 U.S.C. § 2259(b)(2)(B), the Court is required to award a minimum of \$3,000 for each of Defendant's victims considering the victim's request and Defendant's relative role in her injuries, the Court will, therefore, award restitution in the amount of \$3,000 to the individual victim in the Tara series.

15. Vicky

There is (1) individual victim represented by Carol L. Hepburn in the Vicky series. Ms. Hepburn estimates her client's losses at \$6,008,536.29 of which she has received less than half. Ms. Hepburn requests restitution in the amount of \$10,000. Pursuant to 18 U.S.C. § 2259(b)(2)(B), the Court is required to award a minimum of \$3,000 for each of Defendant's victims considering the victim's request and Defendant's relative role in her injuries, the Court will, therefore, award restitution in the amount of \$3,000 to the individual victim in the Vicky series.

C. Attorneys' Fees

The Court notes that some attorneys representing victims requested attorneys' fees pursuant to 18 U.S.C. § 2259(c)(2)(E). The Court finds that, here, the requests were not made

with sufficient specificity to warrant the award of attorneys' fees. Accordingly, these requests under 18 U.S.C. § 2259(c)(2)(E) are **DENIED-WITHOUT-PREJUDICE**.

III. CONCLUSION

Based on the foregoing and for the reasons stated on the record at the hearing, which by reference is made a part hereof, it is hereby **ORDERED** that the Defendant shall pay restitution in this case in the total amount of forty-eight-thousand dollars (\$48,000) with such funds to be paid to each victim in this case as follows:

- (1) The one (1) individual victim in the Angela series shall be paid \$3,000.
- (2) The one (1) individual victim in the Aprilblonde series shall be paid \$3,000.
- (3) The one (1) individual victim in the Ashley_081 series shall be paid \$3,000.
- (4) The one (1) individual victim in the Best Necklace series shall be paid \$3,000.
- (5) The one (1) individual victim in the BluePillow1 series shall be paid \$3,000.
- (6) The one (1) individual victim in the Jenny series shall be paid \$3,000.
- (7) The one (1) individual victim in the Lighthouse1 series shall be paid \$3,000.
- (8) The one (1) individual victim in the Marineland1series shall be paid \$3,000.
- (9) The one (1) individual victim in the Middle Model Sister series shall be paid \$3,000.
- (10) The one (1) individual victim in the Misty series shall be paid \$3,000.
- (11) The one (1) individual victim in the Motorcouch1 series shall be paid \$3,000.
- (12) The two (2) individual victims in the PinkHeartSisters2 series shall each be paid \$3,000.
- (13) The (1) individual victim in the Sweet White Sugar series shall be paid \$3,000.
- (14) The one (1) individual victim in the Tara series shall be paid \$3,000.
- (15) The one (1) individual victim in the Vicky series shall be paid \$3,000.

SO ORDERED, this 3rd day of November, 2023.

/s/ W. Louis Sands
W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT