

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

HORACE RICHARDS, :
 :
 Petitioner, :
 :
 v. : Case No. 3:16-cv-1089 (RNC)
 : 3:99-cr-266 (RNC)
 :
 UNITED STATES OF AMERICA, :
 :
 Respondent. :

RULING AND ORDER

On June 6, 2018, I granted Mr. Richards's motion to set aside his sentence (16-cv-1089, ECF No. 23). Mr. Richards has moved for an immediate amendment of his sentence to time-served (99-cr-266, ECF No. 1101). The Government does not oppose immediate resentencing.

Mr. Richards's motion is hereby granted. The parties agree that Mr. Richards's Guidelines range, correctly calculated, is 168-210 months imprisonment. Mr. Richards has thus far served approximately 224 months. The parties also agree that a hearing is unnecessary under the circumstances.¹ Absent a reason to

¹ Mr. Richards's motion constitutes an implied waiver of his right to be present for resentencing. See United States v. Salim, 690 F.3d 115, 122 (2d Cir. 2012) (defendant may waive right to be present in non-capital case). The Government has been given an opportunity to supplement the record but has provided no new evidence. See United States v. Quintieri, 306 F.3d 1217, 1234 (2d Cir. 2002) (courts may conduct resentencing without an updated PSR if "the parties are given a full opportunity to be heard and to supplement the PSR as needed").

impose an above-Guidelines sentence,² I find that a sentence of time-served is sufficient, but not greater than necessary, to serve the purposes set out in 18 U.S.C. § 3553.

An amended judgment will be entered in United States v. Richards, 99-cr-266 (RNC), reducing Mr. Richards's term of imprisonment from 262 months to time-served. All other provisions of the Judgment (ECF No. 822) will remain the same. The Clerk shall promptly provide copies of this order and the amended judgment to the Bureau of Prisons by fax or email.

So ordered this 12th day of June 2018.

/s/

Robert N. Chatigny
United States District Judge

² The Government has not asked for an upward departure or variance and states only that the "Court should impose a fair and just sentence."