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AARON ASHCRAFT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

AARON ASHCRAFT,

Defendant.

No. Cr. S 22-87 KJM

**STIPULATED MOTION AND [lodged]
ORDER TO REDUCE SENTENCE
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

RETROACTIVE CRIMINAL HISTORY
REDUCTION CASE

Judge: The Honorable KIMBERLY J. MUELLER

Defendant, AARON ASHCRAFT, by and through his attorney, Assistant Federal Defender David M. Porter, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney Shelley D. Weger, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this Court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o), after taking into account the policy statements set forth in USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent they are applicable;

2. The United States Sentencing Commission recently amended the Sentencing Guidelines to include what now appears in USSG § 4C1.1 ("zero-point provision"). *See* Amendment 821, Part B, Subpart 1. The zero-point provision provides a 2-offense-level

1 reduction for certain offenders who present zero criminal history points and satisfy the criteria
2 listed in USSG § 4C1.1(a). The United States Sentencing Commission made the zero-point
3 provision retroactive beginning February 1, 2024. *See* USSG § 1B1.10(e)(2) (Nov. 1, 2023); 88
4 Fed. Reg. 60534;

5 3. On December 13, 2022, this Court sentenced Mr. Ashcraft to a term of 41 months
6 as to each of Counts 1 and 4, to be served concurrently, for a total term of 41 months
7 imprisonment;

8 4. Mr. Ashcraft's total offense level was 22, his criminal history category was I, and
9 the resulting guideline range was 41 to 51 months;

10 5. The sentencing range applicable to Mr. Ashcraft was subsequently lowered by the
11 zero-point provision;

12 6. Mr. Ashcraft is eligible for a reduction in sentence, which reduces his total
13 offense level by 2 from 22 to 20, and his amended advisory guideline range is reduced to 33 to
14 41 months;

15 7. Accordingly, the parties request the Court enter the order lodged herewith
16 reducing Mr. Ashcraft's term of imprisonment to 33 months as to each of Counts 1 and 4, to be
17 served concurrently, for a total term of 33 months imprisonment, effective February 1, 2024.

18 Respectfully submitted,

19 Dated: January 3, 2024

Dated: January 3, 2024

20 PHILLIP A. TALBERT
21 United States Attorney

HEATHER E. WILLIAMS
Federal Defender

22 /s/ Shelley D. Weger
23 SHELLEY D. WEGER
Assistant U.S. Attorney

/s/ David M. Porter
DAVID M. PORTER
Assistant Federal Defender

24 Attorney for Plaintiff
25 UNITED STATES OF AMERICA

Attorneys for Defendant
AARON ASHCRAFT

ORDER

This matter came before the Court on the stipulated motion of the parties for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

The parties agree, and the Court finds, that Mr. Ashcraft is entitled to the benefit of Amendment 821, Part B, Subpart 1, the new zero-point provision, which reduces the total offense level from 22 to 20, resulting in an amended guideline range of 33 to 41 months.

IT IS HEREBY ORDERED that the term of imprisonment imposed in December 2022 is reduced to a term of 33 months as to each of Counts 1 and 4, to be served concurrently, for a total term of 33 months imprisonment, effective February 1, 2024.

IT IS FURTHER ORDERED that all the terms and provisions of the original judgment remain in effect. The clerk shall forthwith prepare an amended judgment reflecting the above reduction in sentence, and shall serve certified copies of the amended judgment on the United States Bureau of Prisons and the United States Probation Office.

Unless otherwise ordered, Mr. Ashcraft shall report to the United States Probation Office within seventy-two hours after his release.

Dated: January ___, 2024

Honorable KIMBERLY J. MUELLER
United States Chief Judge