

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**JIM C. BECK,**

**Defendant.**

**CRIMINAL ACTION FILE**

**NO. 1:19-CR-184-MHC**

**ORDER AMENDING JUDGMENT AND COMMITMENT ORDER**

On October 16, 2023, this Court held a resentencing hearing<sup>1</sup> in accordance with the Order of the United States Court of Appeals for the Eleventh Circuit on August 7, 2023, United States v. Jim Beck, No. 21-13582, 2023 WL 5016614 (11th Cir. Aug. 7, 2023) [Doc. 175], which vacated the portion of this Court's October 12, 2021, Judgment and Commitment Order [Doc. 137] that required the restitution owed by Defendant to the Internal Revenue Service to be paid immediately. Defendant also has requested that the Court resentence him in accordance with United States Sentencing Commission Amendment 821, Part B, which creates a new Section 4C1.1 of the Guidelines Manual ("Adjustment for

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<sup>1</sup> Defendant waived his appearance at the resentencing hearing. Def.'s Waiver of Appearance at Resentencing [Doc. 180-1]. See FED. R. CRIM. P. 43(b)(4); 18 U.S.C. § 3582(c)(2).

Certain Zero-Point Offenders”), effective November 1, 2023. On August 31, 2023, the Sentencing Commission determined that this amendment “should be applied retroactively.” U.S.S.G. Amendment to the Sentencing Guidelines (Aug. 31, 2023).

Both Defendant and the Government agree that Defendant meets the criteria for “Zero-Point Offenders” contained in Section 4C1.1 of the Sentencing Guidelines, and would therefore be entitled to “decrease the offense level determined under Chapters Two and Three by 2 levels.” U.S.S.G. 4C1.1(a) (eff. Nov. 1, 2023). The Court previously calculated Defendant’s total offense level as 30 based upon the following:

Group A: Wire and Mail Fraud (Counts 1-4, 6-8, 11, 13-25)

Base Offense Level: 7

Loss Amount between \$1.5 Million & \$3.5 Million: +16

Sophisticated Means: +2

Abuse of Position of Public or Private Trust: +2

Willful Obstruction of Administration of Justice: +2

Group A Adjusted Offense Level: 29

Group B: Money Laundering (Counts 26-33, 36-39)

Base Offense Level: 25

Conviction under 18 U.S.C. § 1957: +1

Abuse of Position of Public or Private Trust: +2

Willful Obstruction of Administration of Justice: +2

Group B Adjusted Offense Level: 30

Group C: Tax Conduct (Counts 40-43)

Base Offense Level: 18

Sophisticated Means: +2

Group C Adjusted Offense Level: 20

Combined Offense Level: 30 (Group with highest offense level)

Tr. of Sentencing Hr'g [Doc. 181] at 38-48.

With the application of the two-level downward adjustment for Zero-Point Offenders under revised Section 4C1.1, that now makes the new offense level **28**. An offense level of 28 with a criminal history category of I results in a sentencing guideline range of 78-97 months of imprisonment. As discussed in the resentencing hearing, the Court imposes a low end revised guideline sentence of 78 months imprisonment.

Accordingly, it is hereby **ORDERED** that the Judgment in a Criminal Case entered on October 12, 2021 [Doc. 137] is **AMENDED** as follows:

1.

To substitute in place of the section entitled "**IMPRISONMENT**" on Page 2 the following:

**"IMPRISONMENT**

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of **SEVENTY-EIGHT (78) MONTHS AS TO EACH OF COUNTS ONE THROUGH FOUR, SIX THROUGH EIGHT, ELEVEN, THIRTEEN THROUGH THIRTY-THREE, AND THIRTY-SIX**

**THROUGH THIRTY-NINE, AND THIRTY-SIX (36) MONTHS AS TO EACH OF COUNTS FORTY THROUGH FORTY-THREE, ALL COUNTS TO RUN CONCURRENTLY, FOR A TOTAL TERM OF IMPRISONMENT OF SEVENTY-EIGHT (78) MONTHS.**

Payment of criminal monetary penalties is due only to the Georgia Underwriters Association c/o Cincinnati Insurance Company during the period of imprisonment in accordance with the Bureau of Prisons Financial Responsibility Program. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are to be made payable to the Clerk of Court, U.S. District Court, 75 Ted Turner Drive, SW, Atlanta, GA 30303-3309 and include reference to Criminal Action No. 1:19-CR-184-MHC.. Any restitution payment made that is not payment in full, except for the restitution payment owed to the Internal Revenue Service, must be paid in monthly installments from any wages you earn in prison, during any period of incarceration, and you must pay, at a minimum, the greater of \$25.00 or 50% of the deposits in your inmate trust account per quarter.

The court makes the following recommendation to the Bureau of Prisons: That the defendant be allowed to serve his custodial sentence at FPC Maxwell, in Montgomery, Alabama, if possible.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons as notified by the United States Marshal, with the report date no earlier than December 1, 2021."

2.

To substitute in place of the section entitled "**RESTITUTION**" on Page 6 the following:

**“RESTITUTION**

**TOTAL     \$2,619,218.83**

Restitution in the total amount of **\$2,619,218.83** is owed in this case. The restitution owed to the Georgia Underwriters Association is due in full immediately and the restitution owed to the Internal Revenue Service shall become a condition of the defendant’s supervised release. Restitution should be paid to the Clerk of Court for disbursement to victims. Funds will be distributed by the Clerk to victims outlined below.

Georgia Underwriters Association  
c/o Cincinnati Insurance Company (insured for Georgia  
Underwriters Associations)  
P. O. Box 145496  
Cincinnati, OH 45250-5496  
Amount: \$2,260,824.83

Internal Revenue Service  
IRS-RACS  
Attn: Mail Shop, 6261 Restitution  
333 W. Pershing Avenue  
Kansas City, MO 64198  
Amount: \$358,394.00

You must pay interest on restitution to the Georgia Underwriters Association unless that restitution is paid in full before the fifteenth day after the judgment. The Court finds that you do not have the ability to pay a fine and cost of incarceration. The Court will waive the fine and cost of incarceration in this case.

The Internal Revenue Service has provided proof of payment of the restitution obligation owed by the defendant in the amount of \$358,394.00. The defendant shall receive credit for the payment previously made toward the restitution obligation to the Internal Revenue Service. No further restitution obligation is owed to the Internal Revenue Service at the time of entry of this Order.”

All other portions of the Judgment in a Criminal Case entered on October 12, 2021 [Doc. 137], shall continue in effect as previously ordered.

The Clerk is **DIRECTED** to send a copy of this Order to the United States Bureau of Prisons and the United States Marshals Service.

**IT IS SO ORDERED** this 16<sup>th</sup> day of October, 2023.



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MARK H. COHEN

United States District Judge