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“The pursuit of justice is a team effort.”

Newsletter

Legal News Briefs for Law Libraries & Defense Attorneys

LEGAL ISSUES FOR WOMEN IN PRISON AND HOW NLPA CAN HELP

Martha Stewart, Lorena Bobbitt, Mary Letourneau and Susan Smith aren't the only people who can benefit from the team approach in a criminal case. You can too and it costs less than you may think. National Legal Professional Associates (NLPA) is a technical consulting firm, owned by attorneys, and dedicated to the professional mission of providing counsel, research, and related work product to members of the Bar. Although our attorney research department stands ready to assist in all phases of pre-trial management, our expertise extends from pre-trial assistance, to sentencing, to all types of post conviction relief litigation. We are owned and staffed by licensed attorneys. There are two ways that we can help you. If you already have an attorney representing you

our lawyers can work with and assist your attorney. If you don't have an attorney or want a new one, we can help you retain one and our lawyers will help your new attorney. We also provide research and consulting assistance as well as helping to keep you and your family up to date on what is happening with your case. With cutting-edge computer research capabilities, an experienced and top quality staff, and more than twenty years' experience, NLPA is well-positioned to provide the type of assistance needed to level the uneven playing field faced by a defendant in a criminal proceeding.

Since 1986, NLPA has sought to bring its research resources (including access to all current computer legal databases), drafting skills, and institutional experience

(representing over 75 years of practice) to augment the needs and goals of attorneys representing the accused. As expert consultants in the field of the Federal Sentencing Guidelines, both for drug and economic type crimes, NLPA has been retained on countless occasions to assist local defense attorneys. NLPA's goal is to help make the adversarial process more balanced and fair. By assisting with current computer research, NLPA is able to fill the void which exists in many solo and small law firms where counsel simply does not have the time nor the resources available to match the Government in a criminal case, especially a complex one. NLPA's experience with extensive economic loss-related offenses, complex state indictments, and similar cases supports its involvement in

augmenting an effective assistance of legal counsel to an accused.

What Issues Exist for Women in Prison?

A recent article published by *The Legal Journal* in FCI Dublin states the federal prison system has many unique problems because it has its own set of inconsistent and irrational rules. The system does not accept that women prisoners constitute a very different population from men. Officials will readily admit that many rules are made for men but, because they are policy, are also applied to women. Because the population of female inmates is so much smaller than that of men in the federal system their particular needs are often disregarded.

One good illustration of this is that there are only two FCI's in the Bureau of Prisons for women. As a result these female inmates are incarcerated many miles away from their homes. While remedies exist for inmates to be transferred or designated near to their families - it is nearly impossible to do so for a female inmate as the facility may not even exist. This, in turn could only mean that there are few visits and little contact of any kind which only impairs a female inmate's ability to show progress in her rehabilitation.

Studies clearly show that interaction with family and close friends while incarcerated is a big factor in the positive rehabilitation of inmates. Not to mention that many of these female prisoners have children of their own which carry great impact on both their lives and their children's lives

depending solely on their ability to interact with them.

Further, the impact of isolation from relatives and children affects all areas of the inmates' lives from the legal prospective to the social stand point.

Other issues have also been identified for women in prison. These include:

ACCESS TO LEGAL AID:

The facility where the recent article was released (Dublin, CA) notes that there is no legal aid program. Although numerous law schools and students have come forward to help, no outside program has been able to function. Because there are only few accomplished jailhouse lawyers, it is complicated for these prisoners to access and pursue remedies in their cases.

CHILD CARE:

Women are typically the ones primarily responsible for their children. There are not facilities to support these women in their efforts to keep their family structure or maintain their children's rights to a healthy environment. Even for those inmates whose children are living with family while their mothers are incarcerated, trying to find aid for those children while they are cared for by family is difficult and there is no financial aid available for these children to travel to visit their mothers. This only means that most children grow up never to even see their mothers.

LANGUAGE BARRIERS:

While one-third of the women's

inmate population is composed of foreign nationals speaking little to no English, these women's rights have been affected from the day of their arrest. Further, in the federal system a prisoner may work for UNICOR and be paid a very small wage for their work (comparable to a slave's wage). These salaries are usually used by inmates (both male and female) to purchase their own necessities as well as send funds home to their family to help contribute to the care of their children. However, with rapid changes in federal laws and internal policies an inmate who is a foreign national also possesses a greater risk of losing their jobs with UNICOR because of their nationality.

SEXUAL ABUSE:

Inmate searches are the norm whether you're in state or federal custody. Inmates are accustomed to being searched when they are leaving or entering different units in the prison system. For women, these searches are invasive, are in absence of privacy and carry the constant threat of abuse.

For most women in society who have endured sexual abuse in their lives there are alternative actions that are taken in their everyday tasks. When entering any concert or sports game they are searched but, are searched by female employees of that venue. When they attend their doctor for examinations they are asked about any prior sexual abuse and are examined by either a female doctor or with a female attendant in the room. However, with the statistics claiming that some 85% of female prisoners have suffered some form of sexual abuse in their lives invasive searches

performed by male guards can be extremely damaging. Although male guard searches have been made illegal in the State of California, these searches continue throughout the federal system elsewhere.

RACISM/SEXISM AND DISPARITIES

The disparities in sentencing between crack vs. powder cocaine has an extreme effect on the entire prison population (as is discussed further in this newsletter). Women have been taken from their homes and their own children to serve sentences averaging between 5 and 15 years for possession. Being that most of those imprisoned for crack are Black, this has definitely effected the entire social structure fo the black community leaving these children cast into the hostile social welfare system making it one of the most racist laws. While the population of Black male inmates imprisoned under this law are known and admitted, the female population is seldom mentioned and typically these women have no access to downward departures or things to qualify as "mitigating circumstances" to help them get shorter sentences. If they are tied into a conspiracy through a man they know, lived with, were married to or had children with and refuse to "snitch" they often receive very harsh sentences.

DISPARITY IN COCAINE SENTENCING

NLPA reported on this in our last newsletter and, because of the tremendous impact this may have on many female prisoners, we are continuing to monitor for a positive

outcome.

A recent Washington Times article announced a bipartisan group of four US senators has recently presented legislation to reduce the disparity in prison sentences for those caught with crack cocaine and those caught with powdered cocaine. The current disparity for federal sentencing is 100to1 and would be reduced to 20to1. Presenters of a similar bill from 2001 stated The Drug Sentencing Reform Act of 2006 would reduce the disparity by decreasing the amount of crack cocaine needed to trigger the mandatory minimum sentencing and introducing a "modest increase on powders".

As it stands now, possession of 500 grams of powder cocaine results in a five-year mandatory minimum term of imprisonment. It only requires 5 grams of crack cocaine to warrant a similar sentence. The proposed shift is reducing the amounts to 400 grams of powder and 20 grams of crack.

The bill would in turn bring tougher sentences to the most violent drug offenders while bringing less harsh sentences on lower-amount, non-violent offenders by shifting the attention from drug quantity to the type of criminal act committed in distributing the drugs.

The crack/cocaine disparity has resulted in higher incarceration rates for African-Americans convicted of drug crimes and has been targeted by civil rights groups for a long time now.

The proposed bill seeks to reduce the disparity between crack and cocaine due to the increased danger

of crack compared to cocaine. Cocaine is usually snorted and crack is smoked. Tests indicate that crack is much more addictive than cocaine and causes more violence than cocaine.

NLPA is monitoring this important legislation and will advise when, and if, the law is changed.

REINSTATEMENT OF PAROLE AND INCREASE IN GOOD-TIME

FedCURE has proposed legislation designed to reinstate parole as well as to allow up to 180 days per year good time - a major increase from the 54 days a year allowed now for federal defendants. Unfortunately, as of the date of this memorandum, neither of these bills have been passed by the Congress. However, FedCURE will be redoubling its efforts when the 110th Congress convenes to push for passage of these important bills.

Sponsors of this legislation are:

Representative Danny K. Davis of IL
 Representative Jesse L. Jackson, Jr. of IL
 Representative Janice D. Schakowsky of IL
 Representative William L. Clay of MO
 Representative Gwen More of WI
 Representative Charles B. Rangel of NY
 Representative Jose E. Serrano of NY
 Representative Major R. Owens of NY
 Representative John Conyers of MI
 Representative Sheila Lee Jackson of TX
 Representative Cynthia A.

McKinney of GA Representative

The American Correctional Association also supports this Legislation.

FedCURE board members and representatives are visiting various federal BOP facilities and holding meetings in which they present information about this important new Legislation. They would appreciate any financial support that you are your family can provide.

NLPA is monitoring this critical Legislation and will keep federal inmates updated as to the status of FedCURE's efforts in the Congress to reinstate parole and increase good time.

RECENT NLPA SUCCESSFUL CASES

Since NLPA's newsletter in July we have had 13 successful cases. These cases are set forth below.

Bimbo, E. - NLPA assisted counsel for Mr. Bimbo in challenging his PSI report and possible sentencing enhancements which had him facing 70-87 months in prison. At his sentencing he received 57 months - saving him more than one year in prison.

Bolling, V- NLPA assisted Mr. Bolling's counsel in fighting his case wherein he was facing a PSI recommended term of 292-365 months. At his sentencing the judge imposed a term of 195 months in prison - saving him more than 10 years!

Rodriguez-Ferreira, J - NLPA assisted counsel for Mr. Rodriguez

Bernie G. Thompson of MS

in preparing a \$2255 motion. After considering by the courts of both parties' arguments, Mr. Rodriguez's appeal rights were reinstated.

Gopher, M - NLPA assisted counsel in the preparation of sentencing research for Mr. Gopher's case. He was facing life in prison. With our help he received a sentence of 18 years .

Krysheski, R - NLPA was hired directly by counsel in the case of Mr. Krysheski to assist in a bankruptcy case. With our help, the court vacated a dismissal of the case.

Mancha, G - NLPA assisted the firm of Robinson & Brandt in the preparation of a \$2255 motion to reinstate Mr. Mancha's appellate rights and attack his sentence. Before the court issued its decision the government conceded that they felt Mr. Mancha's appellate rights should be reinstated. Later, the court adopted the report and recommendation and offered Mr. Mancha a new sentencing prior to the pursuit of his appeal.

Ozuna, M -NLPA assisted in the preparation of pretrial research for counsel in the case of Mr. Ozuna. We prepared numerous pretrial motions for counsel to file and were advised that there was a hung jury in his case.

Palmer, D - NLPA assisted counsel for Ms. Palmer with her sentencing research to help attack a PSI recommendation of 135-168 months in prison. At her sentencing the judge imposed a term of 120 months - saving her more than one

year in prison.

Payne, A - NLPA assisted counsel for Mr. Payne with his sentencing to help attack a guideline recommendation of 360-life. At his sentencing Mr. Payne was sentenced to 148 months in prison - saving him 17 to life in prison.

Yarbrough, C - NLPA was partially hired to prepare sentencing research in the case of Mr. Yarbrough. His PSI recommended a guideline range of 235-295 months in prison. Although we only were able to prepare a portion of our research on the case, we were advised that the court still only imposed a term of 160 months - saving him more than 6 years in prison!

Gore, R - NLPA assisted counsel for Mr. Gore in the preparation of sentencing research to attack his PSI recommendation of 210-262 months. At his sentencing he received a term of imprisonment of 135 months - saving him more than 6 years in prison.

Crimi, P - NLPA assisted counsel in the Crimi case in attacking a guideline recommendation of 262 months imprisonment. At sentencing the court imposed a sentence of 130 months - more than cutting his time in half and saving him more than 10 years in prison.

Santiago, C. - After much time had passed since preparing initial pretrial/pre-sentencing research, Mr. Santiago, a defendant facing charges of Violation of 21:843B, Use of Communications Facility & Controlled substance distribution received only three years probation!

INTERESTED IN HIRING NLPA?

If you're considering hiring someone to assist with your criminal proceedings, NLPA offers realistic fees that may suit you in your pursuit of finding top-notch yet affordable legal research & consulting assistance. We believe you will find our fees to be extremely competitive compared to other legal research firms in the country. We also have several alternative options for paying our fees.

- NLPA can accept payment via cashier's check or money order through the mail.

- We also can accept credit/debit card payments over the telephone as well as electronic check (check by phone) payments over the telephone.

- For most services provided NLPA also offers payment plans as well. With a minimum down payment you could soon be financing your legal fees.

Therefore, if you are interested in discussing the financing options available to you for your specific matter, please contact us.

NLPA assists in virtually every stage of criminal proceedings from

pretrial to post-conviction and also assists in immigration matters. For additional information on the services offered by National Legal Professional Associates please contact our offices.

this newsletter is designed to introduce you to NLPA. As NLPA is not a law firm, professional services are only provided to licensed counsel in all areas that involve the practice of law. NLPA has created this publication to provide you with authoritative and accurate information concerning the subject matter covered. However, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. This publication is not meant to be a substitute for legal or other professional advice, which NLPA is not rendering herein.

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About NLPA

NLPA is a research and consulting firm, owned and staffed by attorneys, and dedicated to the professional mission of providing counsel, research, and related work product to members of the Bar. Our ownership structure includes attorneys licensed to practice before many local, state, and federal courts; however, NLPA is not a law firm and provides no "front line" legal services. On the other hand, we are much more than your typical paralegal service as our work is prepared by attorneys. Our sole purpose is to provide research and consulting assistance by lawyers, for lawyers . . . and their clients. With cutting-edge computer research capabilities, an experienced and top quality staff, and more than sixteen years' experience, NLPA is well-positioned to provide the types of assistance members of the Bar need.

You are important to us and we hope we can commence and maintain a long-term relationship with you. Please know that we are here to assist in all your needs. If you would like to know more about the services we offer, please contact us at:

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WE LISTEN, WE CARE, WE GET RESULTS !
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