

NATIONAL LEGAL PROFESSIONAL ASSOCIATES

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MEMORANDUM

TO: ALL INTERESTED COUNSEL AND THEIR CLIENTS

FROM: NATIONAL LEGAL PROFESSIONAL ASSOCIATES (NLPA)

**RE: MINIMIZING A DEFENDANT'S EXPOSURE AT SENTENCING;
DOWNWARD ADJUSTMENTS - ANOTHER NLPA VICTORY!!**

NAME: ARMSTRONG

National Legal Professional Associates (NLPA) is oftentimes contacted by counsel representing a client who is facing sentencing for assistance in order to pursue strategies for reducing the defendant's exposure at sentencing. In instances such as these, NLPA assists counsel in the preparation of a detailed Sentencing Memorandum on behalf of the defendant. By preparing a Sentencing Memorandum the sentencing judge is provided with all possible avenues to depart below the guideline level set forth in a defendant's Pre-Sentence Investigation Report (PSI). The case of U.S. v Armstrong (7th Cir. No. 97-3686), is a good example of how NLPA can assist you to minimize your client's sentence through this strategy.

Ms. Armstrong was convicted at trial of possession of marijuana. The evidence at trial showed that she was a passenger in a car which contained over 115 kilograms of marijuana. Although there were 3 other persons in the vehicle, Ms. Armstrong was the only person convicted of the offense. After her conviction, the Probation Office prepared a PSI which calculated Ms. Armstrong's sentence to be 96 months at the low end of the guidelines. The Probation Office and the Government did not feel any grounds existed to apply a lower adjusted guideline level to Ms. Armstrong.

Working with the Defendant's counsel, NLPA prepared a motion pursuant to Rule 32 of the Federal Rules of Criminal Procedure which was filed by counsel prior to the Defendant's sentencing hearing. Among other arguments, NLPA's research staff argued that although the PSI did not provide for it, Ms. Armstrong deserved consideration for a downward adjustment in her sentencing guidelines

pursuant to Section 3B1.2 of the Federal Sentencing Guidelines because she played a minor role in the offense.

At sentencing the court agreed that Ms. Armstrong was substantially less culpable than the other participants and applied a downward adjustment in her sentencing guidelines. The court applied the adjustment despite the fact she was the only person convicted in the offense. As a result, Ms. Armstrong received a sentence of 63 months, 33 months less than what she was facing originally. A copy of counsel's letter confirming this matter is appended hereto.

If you have a client who is facing sentencing and you believe that they may be eligible for a downward adjustment in their offense level, we can help. Our experienced team of attorney's and researchers are available to provide you with the arguments necessary to ensure that your client receives the lowest possible term of confinement. If you would like NLPA's expert assistance, please contact us.

NLPA, WE CARE, WE LISTEN, WE GET RESULTS!

THIS INFORMATIONAL MEMORANDUM 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.