

# NATIONAL LEGAL PROFESSIONAL ASSOCIATES

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## MEMORANDUM

**TO: ALL INTERESTED DEFENSE COUNSEL AND THEIR CLIENTS**

**FROM: NATIONAL LEGAL PROFESSIONAL ASSOCIATES**

**NAME: BAXLEY**

**RE: MITIGATION OF CAREER OFFENDER STATUS AT SENTENCING**

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Sentencing is a crucial phase of the criminal process, and provides the foundation for a good appeal. NLPA is well equipped to handle the unexpected issues that always arise before and during sentencing. Having NLPA on your side at sentencing is like having a sixth man on the basketball court during the last minutes of a close game. You know the prosecution is going to come at you with everything it has, so why not come back with everything you have? NLPA's experience and resources can provide you with the tools you need to effectively challenge the opposition at sentencing. A recent example is the case of United States v. Baxley, Case No. 3:00-CR-126-ALL, USDC, Western District of Kentucky.

In Baxley, the Defendant was indicted for a violation of 21 U.S.C. § 841(a)(1). Mr. Baxley entered a guilty plea to the only count against him. By the time his presentence investigation report was completed, Mr. Baxley was facing a potential sentence range of 168 to 210 months incarceration, and had been found to be a "career offender" by the United States Probation Office. Fortunately for Mr. Baxley, he had an excellent attorney and had contacted NLPA prior to entering his plea. NLPA assisted Mr. Baxley's attorney, Muhammed Bashar of Elizabeth, New Jersey, in formulating arguments to be presented to the court at sentencing, which dealt with why the court should consider a downward departure from the applicable guideline range.

After considering the arguments prepared by NLPA and Mr. Bashar, the United States District Court for the Western District of Kentucky imposed a sentence of 92 months incarceration. That is just a little over half of the minimum sentence (168 months) calculated by the government. **This saved Mr. Baxley six years in prison!**

NLPA continues to be at the forefront of developing criminal law. If you or your clients need assistance with sentencing issues or any other area of developing law, NLPA's resources and experience can provide you with the most up to the minute research and arguments available.

***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.**