

NATIONAL LEGAL PROFESSIONAL ASSOCIATES

Margaret A. Robinson Advocacy Center

11331 Grooms Road, Suite 1000

Cincinnati, OH 45242

Phone: 513-247-0082 • Fax (513) 247-9580

Web site: www.NLPA.com • E-mail: contactus@nlpacincinnati.com

MEMORANDUM

TO: ALL INTERESTED COUNSEL

FROM: NATIONAL LEGAL PROFESSIONAL ASSOCIATES

NAME: COMADORE

RE: OBJECTIONS TO THE PRESENTENCE INVESTIGATION REPORT AT SENTENCING

Over the years, NLPA is often contacted to assist counsel after a defendant has been convicted and is awaiting sentencing. During this time, the Probation Office generally prepares a Presentence Investigation Report (PSI) that details the defendant's relevant conduct and provides a calculation of a defendant's potential sentence. This report is critical as it is relied heavily upon by the Judge in deciding what sentence to impose upon the defendant. Typically, in preparing this report, the Probation Office relies on information provided by the U.S. Attorney's Office. Therefore, the calculations are based almost exclusively on conduct alleged by the government. We have found that it is at this stage that NLPA's research and writing assistance is most beneficial. The case of U.S. v. Comadore, C-02-238 (USDC, ED La), is another great example of how NLPA's assistance can pay major dividends.

Mr. Comadore's family came to NLPA after he pleaded guilty to violations of 21 U.S.C. § 841(a)(1) and 846 for conspiracy to possess with intent to distribute, and possession with intent to distribute, marijuana. When Mr. Comadore received his PSI, he was shocked to see that the government was attempting to hold him accountable under U.S.S.G. § 2D1.1 for 247 kilograms of marijuana. When combined with a career offender enhancement under U.S.S.G. § 4B1.1 and a criminal history level category of VI, this resulted in a guideline range of imprisonment of 188 to 235 months!

NLPA provided to Mr. Comadore's attorney research and arguments combating the breach of the plea agreement by the government, the error in the calculation of Mr. Comadore's criminal history category (including the wrongful inclusion of two prior possession with intent to distribute convictions), the fact that Mr. Comadore aided in the facilitation of justice, and that Mr. Comadore should receive a downward departure due to his facilitation of justice. These facts also led NLPA to argue that Mr. Comadore should not be sentenced as a career offender. Once again, the district court agreed with many of the arguments prepared by NLPA, with the end

result being that Mr. Comadore received a sentence of only 70 months, well below the potential 188 minimum sentence as dictated by the guidelines – a reduction of almost 10 years!

Dramatic results such as what Mr. Comadore received cannot be expected in every case. However, the combination of a diligent attorney and NLPA's research and writing assistance is one of the best ways to minimize a defendant's exposure at sentencing. If you or your client are facing sentencing in federal court and would like NLPA's experienced team of attorneys on your side, please contact NLPA.

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

DISCLAIMER: 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.

Nothing presented herein is intended to be legal advice. Such advice can only be provided by a local licensed attorney based on a full discussion of a client's individual facts and circumstances. The contents of this document are provided solely for general informational purposes. Always seek the advice of a licensed attorney for specific legal problems.

