

NATIONAL LEGAL PROFESSIONAL ASSOCIATES

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MEMORANDUM

TO: TO INTERESTED COUNSEL AND THEIR CLIENTS

FROM: NATIONAL LEGAL PROFESSIONAL ASSOCIATES

**RE: COMBATING UNRELIABLE EVIDENCE AT SENTENCING -
ANOTHER NLPA VICTORY!**

NAME: EDWARDS

After a defendant has been convicted in federal court, the probation officer is assigned the task of preparing the presentence investigation report (PSI). The PSI is a critical document that is used by the court in determining the defendant's guideline range of imprisonment and potential sentence. Importantly, the government typically makes the job of the probation officer easy and provides probation with all of the information to place in the PSI. Defendant's are often frustrated because the rules of evidence no longer apply at sentencing and the government is often permitted to place information in the PSI that was not permitted to be introduced at trial. The government's goal is often to seek enhancements based on this type of information. However, not all of the information provided by the government is reliable, and sometimes, the information is downright false. In these situations, it is especially critical that objections are filed to the PSI and arguments are made by the defense at sentencing.

In USA v. Robert Edwards, Mr. Edwards came to National Legal Professional Associates (NLPA) after being convicted at trial of federal drug offenses. The PSI included information provided by the government and recommended several sentencing enhancements based on this information. The result of all of the enhancements was an offense level 41 and a recommended guideline range of imprisonment of 324 to 405 months. NLPA provided counsel with research and arguments combating the enhancements in PSI, including: a two-point § 2D1.1(b)(1) weapon enhancement, a three-point § 3B1.1(b) leadership enhancement, a two-point § 3C1.1 obstruction of justice enhancement, and the amount of drugs attributed to Mr. Edwards. The research pointed out the unreliability of the information used to support the enhancements and argued that the government had not sustained their burden of proof regarding the disputed enhancements.

Fortunately, the sentencing court agreed with NLPA's research and determined that much of the information provided by the government was unreliable. Many of the enhancements were removed and the court sentenced Mr. Edwards to 192 months imprisonment, a reduction of 132 to 213

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months!

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.