

NATIONAL LEGAL PROFESSIONAL ASSOCIATES

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MEMORANDUM

TO: ALL INTERESTED DEFENSE COUNSEL

FROM: NATIONAL LEGAL PROFESSIONAL ASSOCIATES

NAME: GRIFFIN

RE: § 4B1.1 CAREER OFFENDER - DOWNWARD DEPARTURES

Over the past two decades, NLPA has been contacted in hundreds of cases to assist defense counsel after a defendant has been convicted and is awaiting sentencing. Often, after the Presentence Investigation Report (PSI) is completed, defendants are surprised to learn that the government is asking the court to increase their sentence based on their prior record under U.S.S.G. § 4B1.1, the Career Offender provision. The case of USA v. Griffin is just such a situation where NLPA, working closely with defense counsel, was able to provide the necessary research to help combat the § 4B1.1 enhancement attempted by the government.

As you know, a defendant is considered a Career Offender if (1) the instant offense is a crime of violence or a controlled substance offense, and (2) the defendant has at least two prior felony convictions for either a *crime of violence* or a *controlled substance offense*. U.S.S.G. § 4B1.1. The Career Offender enhancement is extremely damaging to a defendant at sentencing because it boosts the criminal history score to the highest possible level, a Category VI, and also raises a defendant's offense level. In this case, the government was attempting to apply the Career Offender enhancement to Mr. Griffin at sentencing. Mr. Griffin's attorney, Paul Adamson, asked NLPA to prepare research on arguments to combat the enhancement at sentencing. A successful argument on this issue was critical because Mr. Griffin would be facing a sentence of up to 19 ½ years imprisonment if the enhancement was applied.

NLPA reviewed Mr. Griffin's PSI to determine whether arguments could be made at sentencing to combat this enhancement. Accordingly, NLPA provided research that, although Mr. Griffin had the necessary two prior

crimes of violence, one of those crimes was too old in order to be counted in determining Mr. Griffin's criminal history score. Additionally, NLPA presented the argument that even if Mr. Griffin technically qualified for the § 4B1.1 enhancement, the court should disregard the enhancement and depart downward at sentencing because the § 4B1.1 enhancement over-represented the seriousness of Mr. Griffin's criminal past.

As you can see from the attached letter from attorney Paul Adamson, NLPA's suggested research was successful and the results were extraordinary. Instead of Mr. Griffin receiving a sentence of 19 ½ years, Mr. Griffin received a sentence of 6 ½ years! ***NLPA's assistance saved Mr. Griffin 13 years in prison!***

Of course, results like this 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 sentence. If you or your clients 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!

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