

# NATIONAL LEGAL PROFESSIONAL ASSOCIATES

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## MEMORANDUM

**TO: ALL INTERESTED COUNSEL**

**FROM: NATIONAL LEGAL PROFESSIONAL ASSOCIATES**

**NAME: HARTMAN**

**RE: ANOTHER SENTENCING VICTORY!**

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For nearly 20 years, NLPA has worked hard with defense counsel and their clients in providing legal research and drafting assistance in preparation for sentencing. During this time, the Federal Sentencing Guidelines have gone through many changes and have been applied by the courts with surprising results. NLPA's staff of research attorneys is constantly monitoring the courts' application of the guidelines across the country.

This constant monitoring allowed NLPA to assist Michael Hartman, Case No. 02-10245-MLW, in his sentencing regarding a rarely used section of the sentencing guidelines, section 2K1.3. Mr. Hartman's attorney, Kevin Reddington, Esq., worked with NLPA in order to insure that Mr. Hartman received the lowest possible sentence. Mr. Hartman had been convicted of being a felon in possession of explosives, pursuant to 18 U.S.C. § 842(i)(1). The Pre-sentence Investigation Report (PSI) compiled by the Probation Office attributed more than 25 pounds of explosives to Mr. Hartman, which would have resulted in a further enhancement to Mr. Hartman's base offense level. After discussions with the government, the government agreed not to seek the enhancement based upon the quantity of explosives allegedly attributable to Mr. Hartman.

Thereafter, NLPA prepared a sentencing memorandum arguing that Mr. Hartman was entitled to a downward departure, as his criminal history category was over representative of his criminal past and his case was outside of the heartland of criminal behavior that was sought to be punished by the guidelines. The facts of the case, far from being a case involving explosives, actually involved Mr. Hartman selling fireworks out of the back of his car. Clearly, Mr. Hartman did not deserve a multi-year term of incarceration for such an offense.

At sentencing, the court agreed that the offense at issue involved fireworks, not explosives. As a result, Mr. Hartman escaped a minimum term of incarceration of 27 months and instead received

a term of one year home confinement and four months of electronic monitoring. Mr. Hartman did not receive any time to be spent in a prison facility.

Of course, results such as what Mr. Hartman received cannot be expected in every case. However, the combination of a diligent attorney and NLPA's creative approach to research and writing is one of the best ways to minimize a defendant's exposure at sentencing. 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.

***THE PURSUIT OF JUSTICE IS A TEAM EFFORT***

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

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