

# NATIONAL LEGAL PROFESSIONAL ASSOCIATES

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## MEMORANDUM

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

**FROM: NATIONAL LEGAL PROFESSIONAL ASSOCIATES**

**DATE: MAY 20, 2002**

**NAME: JOHNSON**

**RE: SENTENCING -- MAXIMIZING THE BENEFITS OF THE PLEA AGREEMENT**

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Over the years, NLPA is often contacted to assist counsel after a defendant has pleaded guilty pursuant to a plea agreement with the government and are awaiting sentencing. 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 Johnson is a great example of how NLPA's assistance can pay off.

Mr. Johnson's family came to NLPA after he had entered a plea of guilty and was awaiting sentencing. When Mr. Johnson's received his pre-sentence investigation report (PSI) he was shocked to see that the probation office had labeled him a Career Offender and was recommending a sentence of 151 to 188 months! After speaking with Mr. Johnson's attorney, NLPA prepared a sentencing memorandum outlining case law and arguments requesting a downward departure from the guideline range in the PSI. NLPA assisted counsel by preparing arguments concerning the district court's authority to depart downward beyond any recommendation by the government.

Additionally, NLPA addressed the fact that Mr. Johnson had been labeled a Career Offender under § 4B1.1 of the Federal Sentencing Guidelines. Mr. Johnson had a lengthy criminal record, including crimes as serious as drug trafficking and manslaughter. Although it was discovered that the Career Offender section was technically applicable to Mr. Johnson, NLPA assisted counsel by preparing an argument that the Career Offender guidelines over-represented the seriousness of his criminal past and the likelihood that he would commit further crimes in the future. Therefore, it was argued that the district court should depart downward.

The court agreed with many of the arguments prepared by NLPA and departed downward 121 months to sentence Mr. Johnson to only 30 months imprisonment. **This saved Mr. Johnson**

**almost 10 years in prison!**

Although dramatic results such as what Mr. Johnson received cannot be expected in every case, NLPA's philosophy is that "you cannot get what you don't ask for... so why not ask?" 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!***

**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.**

