

NATIONAL LEGAL PROFESSIONAL ASSOCIATES

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MEMORANDUM

TO: DEFENSE COUNSEL

FROM: NATIONAL LEGAL PROFESSIONAL ASSOCIATES

RE: HOW TO AVOID STATUTORY LIFE SENTENCES - ANOTHER NLPA VICTORY!

NAME: LAMBROS

As most of you are aware, the government has gone to great lengths to attempt to statutorily enhance criminal defendant's sentences over the last few years. This has resulted in many defendants being handed mandatory life sentences, without the possibility of parole or good time credit. Obviously, these sentences are comparable to the death penalty, as they mean that the defendant will never, ever see the outside of a prison until he/she is dead.

Because of this problem, National Legal Professional Associates has been actively involved in the battle to overturn these life sentences. In a recent case in which NLPA assisted counsel on direct appeal, we were successful in overturning such a sentence.

In the case of U.S.A. v. John Lambros, (Case #94-1332)(8th Cir. 1995), the government requested and the district court imposed a statutory, mandatory life sentence on the defendant based upon his prior convictions. However, the government also alleged that the conspiracy of which Mr. Lambros was convicted ended in February 1988. Upon review of the legislative history of 21 U.S.C. §841, it became apparent that the statutory life sentence did not come into effect until November 1988, which was after the crime alleged. NLPA, in assisting counsel, prepared a brief which argued, among other issues, this fact and argued that it was an ex post facto violation to have the statutory life sentence imposed upon the defendant, when the government itself admitted that the conspiracy had ended in February 1988.

NLPA and counsel were successful in making this argument. The court in Lambros specifically found

“The district court sentenced Lambros to life on the Count I conspiracy charge because it believed a life sentence was mandated by 21 U.S.C. §841(a)(1)(ii). The government does not dispute Lambros's argument that the required life sentence of 841 did not take effect until November 1988, well after the February

1988 conspiracy end date charged in Count I indictment. Under well-known principles of ex post facto law, because the mandatory life sentence was not in place at the time of the crime charged, the district court erred in applying it. . . Accordingly Lambros must be resentenced on Count I.”

Obviously, this decision has made a significant positive difference for Mr. Lambros. Now that he has been relieved of the statutory life sentence, he can now prepare a challenge to the guidelines sentence which he received upon remand. Specifically, he will be able to argue for downward departures and other mitigating factors which were simply unavailable to him at the time of his original sentencing based upon this statutory, mandatory sentence.

Whether your client is facing a statutory minimum sentence, or a guidelines sentence, NLPA can assist you in providing the court with the most up-to-date, best possible research to assist you in making your arguments. NLPA utilizes the most up-to-date methods of research available today and works diligently to make sure that all of the best cases and all the best possible arguments are raised on your client’s behalf.

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