

# NATIONAL LEGAL PROFESSIONAL ASSOCIATES

Margaret A. Robinson Advocacy Center

11331 Grooms Road, Suite 1000

Cincinnati, OH 45242

Phone: 513-247-0082 • Fax 513-247-9580

Web site: [www.NLPA.com](http://www.NLPA.com) • E-mail: [contactus@nlpacincinnati.com](mailto:contactus@nlpacincinnati.com)

## MEMORANDUM

**TO: ALL INTERESTED DEFENSE COUNSEL**

**FROM: NATIONAL LEGAL PROFESSIONAL ASSOCIATES**

**NAME: MANCILLAS**

**RE: CORRECTING CRIMINAL HISTORY CALCULATIONS TO REDUCE SENTENCE -- ANOTHER NLPA VICTORY!**

---

---

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. In these situations, NLPA's research staff is able to review and analyze a defendant's presentence investigation report (PSI) and provide defense counsel with research and arguments in favor of a lesser sentence. The case of USA v. Mancillas, Case No. 02-CR-65, is just such a situation where NLPA, working closely with defense counsel, was able to provide the necessary research to help defeat the government's attempts to increase Mr. Mancillas' guideline range at sentencing.

Mr. Mancillas was convicted in the Southern District of Texas of counterfeiting, in violation of 18 U.S.C. § 513(a). After his conviction, but prior to sentencing, a PSI was prepared outlining Mr. Mancillas' potential sentence. The calculations in the PSI indicated that Mr. Mancillas fell into a Criminal History Category VI and a guideline range of 30 to 37 months imprisonment. Further, even though Mr. Mancillas was in the highest Criminal History Category possible, the government was recommending that the court *depart above that guideline range* at sentencing. According to the government, Mr. Mancillas' prior criminal record was allegedly more serious than reflected in the PSI.

NLPA provided defense counsel, Jason Libby, with research and arguments to counter the government's request for an increased sentence. Additionally, NLPA provided research and analysis arguing that the calculations in the PSI were incorrect and that many of Mr. Mancillas' prior convictions were related offenses, and could not be counted separately. As a result, Mr. Mancillas' Criminal History should have been a Category V and his guideline range 21 to 27 months imprisonment. Fortunately, NLPA's research proved to be beneficial. Not only did the court not depart upward, but the court agreed that Mr. Mancillas' Criminal History Category was V. As a

result, the court sentenced Mr. Mancillas to 21 months imprisonment, a decrease of at least 16 months from the sentence suggested in the PSI.

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 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!***

*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.*