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*“The pursuit of justice is a team effort.”*

## Newsletter

*Legal News Briefs for Law Libraries & Defense Attorneys*

### SENTENCING COMMISSION FINALLY APPROVES BENEFICIAL AMENDMENTS TO US SENTENCING GUIDELINES FOR CRACK COCAINE AND CRIMINAL HISTORY!

After facing years of litigation concerning improper enhancements at sentencing, the US Sentencing Commission has finally approved amendments to the guidelines which will help defendants convicted of a crack cocaine related offense and defendants with prior convictions to receive a more appropriate sentence than previously were imposed under the prior version of the sentencing

guidelines. The amendments will go into effect Nov. 1, 2007.

**CRACK AMENDMENT:** The Amendment reduces crack penalties by 2 points under § 2D1.1(c). If a judge has been opposed to vary from the crack guidelines, there is now at least authority to knock off two points that the Commission acknowledges should go. As stated in the USSC's press release, the rationale for 2 points off is that the Commission made the crack guidelines 2 points higher than was necessary to reach the mandatory minimum level for a first offender with no other adjustments. See <http://www.ussc.gov/PRESS/rel0407.htm>

**CRIMINAL HISTORY AMENDMENTS:** While the criminal history amendments are seemingly modest, they are very beneficial and represent important changes in criminal history.

(1) **USSG 4A1.2(b)(1)(A)** (regarding "term of probation of at least one year") will be amended to provide that a misdemeanor/petty offense sentence for the listed minor offenses will count if there is sentence of probation of GREATER than one year. This will cut out the inclusion of, for example, of numerous driving offenses that are only counted because the defendant had received one year of unsupervised probation. This is a major, important, beneficial change. It will affect, easily, hundreds of defendants a year, keeping them in lower criminal history categories and in many cases keeping them safety valve eligible.

(2) **The definition of "related cases" to be used in USSG 4A1.2(a), cmt. n. 3** is being

**CONTENTS:**

Sentencing Guideline Amendments.....	1-3
Congress Urged to Repeal Crack Sentence.....	3
Halfway House Placement Updates.....	3
Survive Jail.....	3-5
Cases You Can Use.....	5-6
Successful Cases.....	6-8
About NLPA.....	8

changed.

Currently, multiple sentences can be considered related offenses and are counted as one offense if the offenses were consolidated for plea and sentencing. This has required in many circuits a formal "consolidation order" for plea and sentencing, which, at least in many states, never occurs, even though cases were arraigned, pleaded, sentenced (to concurrent time) on the same day.

Under the proposed amendment, multiple sentences are still counted separately if there is an intervening arrest. However, they are counted as a single sentence (i.e., once, not twice) if there are no intervening arrest AND either (1) the offenses were in the same charging instrument OR (2) sentences were imposed on the same day. This is a major beneficial change. It will result in many cases of defendants receiving only 3 criminal history points for two sentences on the same day, rather than 3 plus another 3.

**Here is an example of how this is an improvement:**

Client committed two burglaries on different dates, was arrested for both on the same date (no intervening arrest), indicted in two separate indictments, sentenced on the same day. Under the current rule, he gets 3 points for each burglary; under the Amendment, the two burglaries are the "same sentence" and he receives only 3 points.

Not only does this remove three criminal history points, but it also could eliminate the application of the Career Offender guideline to many defendants. Application Note 1 to § 4B1.1 refers to USSG § 4B1.2 for the definition of "two prior felony convictions." Section 4B1.2(c) says that "the term 'two prior felony convictions' means . . . the sentences for at least two of the aforementioned felony convictions are counted separately under the provisions of 4A1.1(a), (b), or (c)." Under the Amendment, the defendant above would not be subject to the Career Offender guideline because he does not have two prior felony convictions that were counted separately as defined in 4B1.2(c).

These amendments go into effect November 1, 2007. For those who are reading this information who have clients that will be sentenced before the effective date of these amendments, NLPA believes that counsel may now use the amendments to attempt to obtain a reduced sentences by arguing (1) The guidelines are not mandatory; (2) The sentencing commission had acknowledged through the amendments that the current guidelines produce sentences that are too high; (3) Accordingly, the judge should follow the effect of the new amendments now. Alternatively, counsel may argue that the sentencing date for a defendant who could benefit from these new guidelines should be delayed until after November 1, 2007 so that the defendant can receive the appropriate sentence.

**SENTENCE REDUCTION, USSG 1B1.13:** An additional important modification to the sentencing guidelines which becomes effective November 1, 2007 is the criteria for the implementation of a reduction in sentence pursuant to 18 USC 3582(c)(1)(A). It only took twenty years

for the Sentencing Commission to implement the directive given to it by Congress to provide criteria and examples in the guidelines for what should be considered extraordinary in compelling reasons for the reduction of a sentence. 28 USC 994(t). Effective November 1, 2007 The Commission has finally provided the following list of criteria that give the court, upon the motion of the Director of the Bureau of Prisons (BOP) to reduce the term of imprisonment of a person who is serving a sentence and who fits one or more of the following criteria:

- (1) Terminal illness
- (2) Permanent physical or medical condition . . . that substantially diminishes the ability of the defendant to provide self-care within a correctional facility and for which conventional treatment promises no substantial improvement.
- (3) Experiencing deteriorating physical or mental health because of the aging process . . . that substantially diminishes the ability of the defendant to provide self-care within a correctional facility and for which conventional treatment promises no substantial improvement.
- (4) Only family member capable of caring for the defendant's minor child or children has died or become incapacitated.
- (5) Any other reason or combination of reasons "as determined by" BOP

At sentencing counsel can also use the above reasons, if present in the case, to get a lower sentence at the time of sentencing (rather than after the defendant has already started serving the sentence). For example, if the only family member capable of caring for the defendant's minor child or children has died or become incapacitated, the defendant should receive a sentence

that allows him or her to go home, despite the fact that the so-called "family circumstances" departure requires that "no effective remedial or ameliorative programs are reasonably available."

If you have a client who is awaiting sentencing and desires to have NLPA assist you in preparing research concerning the new sentencing guideline amendments as well as all other appropriate downward departures, contact NLPA.

### RECENT DECISIONS IN THE BATTLE OVER HALFWAY HOUSE PLACEMENT PRIOR TO 10% OF TERM

As many federal defendants can attest, the Bureau of Prisons (BOP) has for years pursued a policy that a person can only receive a halfway house placement of the last 10% of their term of confinement (not to exceed six months). This is based upon BOP policy. However, defendants who wanted to receive a longer halfway house placement than 10% of their term of confinement have recently (and successfully) challenged this policy with the result that the Tenth, Second, Third and Eighth Circuits have invalidated the regulations.

The latest case concerning this is *Wedelstedt v. Wiley*. In this case the Tenth Circuit Court of Appeals agreed with the defendant's position that the BOP's regulations impermissibly restricted the discretion Congress gave to the BOP in 18 USC §3621(b) to consider transferring him to a halfway house prior to the last 10% of his sentence. The Court of Appeals (along with the other circuits that have ruled on this issue) stated that the BOP is required to consider the five factors set out in §3621(b)(1)-(5) when making halfway house placement decisions. These five factors are:

- (1) Resources of the facility contemplated;
- (2) Nature and circumstances of the offense;
- (3) The history and characteristics of the prisoner;
- (4) Any statement by the court

concerning a halfway house placement;

- (5) Any pertinent policy statements issued by the Sentencing Commission

Should you or your client find yourself in a similar situation, NLPA and its experienced team of attorneys stands ready to assist you with the most up-to-date research in the preparation of federal pleadings to protect your client's rights. We are here to assist you!

### CONGRESS URGED TO REPEAL CRACK SENTENCES

The Associate Press / Washington Post

Congress should repeal a law that puts first-time offenders behind bars for at least five years for possessing tiny amounts of crack cocaine, the U.S. Sentencing Commission said Tuesday (May 15, 2007).

Enacted amid the crack epidemic of the 1980's, the Anti-Drug Abuse Act imposes the mandatory minimum sentence for possessing five grams of crack, which weighs the same as five paper clip.

It takes a hundred times the amount of powder cocaine to result in the same prison term as for crack, the commission said. It urged Congress to deal with that disparity by increasing threshold quantities for crack cocaine offense to focus on major traffickers.

Federal cocaine sentence policy is under "almost universal criticism" from the judiciary, criminal justice practitioners, academics and community interest groups, the commission concluded in 115-page annual report to Capitol Hill.

The commission is on the right track by direction its attention to penalties for crack cocaine, which are "overly harsh and unwarranted", said Marc Mauer, executive director of the Sentencing Project, a private group.

In April, the commission voted to lower the recommended guideline range for those caught with crack cocaine. The recommendation will become effective on November 1, 2007 unless Congress acts against it.

### NLPA AFFILIATION PROVIDES CRITICAL INFORMATION TO DEFENDANTS ON HOW TO "SURVIVE JAIL"

NLPA is pleased to announce our partnership with Jeffrey Harbin, author of "Survive Jail" to be able to bring you the information you need to prepare yourself for what may be a long (or short) stay in prison. Understandably you are probably terrified of what to expect when you reach your designated facility. Prison is a far cry from county jail. NLPA is here to help you in understanding what you can expect and what you can do to make sure you are safe and knowledgeable of the ways of the system before you arrive.

"If you are facing Criminal Charges, or are going to Jail or Prison for the very first time, you absolutely must read the following information if you want to survive!"

**From the Desk of Jeffrey Harbin - Tampa, FL**

The very first time you find yourself going to court to face criminal charges, it seems like your whole world has caved in. Your stomach is in knots, you are constantly depressed to the point of being suicidal, and the only thing you can think about is "What's going to happen to me?" I know. I've been there. In conjunction with National Legal Professional Associates (NLPA) I'm making this important information available to defendants and their families.

And unless you belong to some kind of organized crime family, or have a lot of friends and relatives who have been through the system themselves, you probably have no one to turn to for information or advice on how to survive what will likely be the most traumatic experience of your life...until now!

Why am I the MOST QUALIFIED person on Earth to Advise you on Surviving the Criminal Justice System?

There may not be another person in America who has spent five years working as a bail bondsman, 13+ years as a criminal defense attorney and last but certainly not least, done a 270 day stretch of jail time. I've seen the system at work from just about every angle

you can imagine, and I know how to explain it so even a 5 year old can understand and survive. If you'd taken a poll 20 years ago, I probably would have been voted Least Likely to Go to Jail. In fact, over my 13+ year career as a criminal defense attorney, I represented at least 10 people I'd attended a school with. When you figure into the equation that I attended 8 schools in 10-1/2 years, it would figure I'd run across someone I knew every now and then who was in serious legal trouble. But no one ever thought it would be me! I was your basic nerdish, almost straight-A non-jock student. Maybe even a teacher's pet once or twice. Not exactly the resume of your average felon. But that didn't keep a judge in San Diego County from handing me 270 days in jail like he was giving away Halloween candy. The hows and the whys don't really matter. The point is, I went from semi-respected attorney to inmate in just a few short steps. I found myself facing the ultimate survival challenge, one not likely to appear anytime soon on Reality TV. I had nothing to guide me but my wits and the bits of intelligence I'd picked up from my clientele over the years. Combining the two, I managed to do my time in remarkably easy fashion. And I can honestly say there were times when I had a little fun on the inside.

But I'm not here to teach you how to have fun in jail. I'm going to teach you everything you need to know to survive in the most hostile environment imaginable. In my book, "Survive Jail," you'll learn thing like:

- The three things you need to start doing today to give yourself the best chance to survive.
- The most important thing you can do to avoid going into jail at all (and why most people don't do this one simple thing).
- Facing down a Heartcheck. (Don't know what a Heartcheck is? You'd better know before you set one foot inside a jail or prison!)
- Shopping in "The Store" versus shopping in "The Commissary." Which one you should avoid at all
- The state of mind you absolutely must adopt to keep predators at bay.
- Which group of inmates make the best friends, and offer you the

most protection from inmate problems.

- How to interact with guards and staff without pissing anyone off (and if your relationship with the guards pisses off the inmates, you're as good as dead.
- Doing your time on The Inside or on The Outside: One way is far better than the other (and not for the reason you might think!) (
- Can you avoid doing any jail time at all by Plea Bargaining? Yes, but you'll probably need at least two of these three factors to have any chance at all.
- There are only three reasons to go through the trauma of a jury trial. Can you name them?
- So your jury found you guilty. Can you still avoid going to jail? Yes. Here's how.
- What you need to do to "Get Your Mind Right" and why.
- **Your First 24 Hours Inside:** How you handle yourself during this time period will determine how you are treated by inmates and staff for the rest of your stay. What you can do to guarantee yourself an easy stay.
- Your New Best Friend(s): Getting along with your cell-mate(s).
- The three things you can do that will make your time inside absolutely FLY BY! (and maybe even get you back on the streets a little faster).
- Five tricks you can use to disable virtually any attacker!
- The two "unexpected bonuses" of doing time.
- What to say (and more importantly, what not to say) during a probation interview.
- The absolute best way to find an attorney who can truly help you.

AND...The #1 Question on the Mind of every man about to do his first stretch of Jail

or Prison Time:

- Sexual Assaults? They DO happen in jails and prisons all over America. What you can do to make sure one (or more) NEVER happens to you!

Surviving in a modern day jail or prison requires you to adapt to a whole new way of thinking and acting. If you want to go in blind and figure it out for yourself, you absolutely have that option. **BUT...** If you want to go inside armed with all the knowledge and intelligence you'll need to make it through this nightmare of an existence, use your credit card or personal check and buy your own copy of "Survive Jail" right now. Every minute you wait is one more minute lost that you might need later to prepare yourself. So buy your copy now, and sleep better tonight knowing that if the worst case scenario occurs, you are going to be able to... **SURVIVE JAIL!**

NLPA, a legal research and consulting firm has also been operating since 1986 to assist attorneys and their clients in fighting their criminal cases. With one of the top track records in the country, we pride ourselves on excellence in the services we offer. We assist in all areas of criminal cases from pretrial, pre-sentencing, appeals, post-conviction, case analysis and immigration. Our knowledgeable staff and highly trained attorneys are here to help YOU! We constantly search the world for information that will assist our clients in their understanding of what has happened (or has yet to happen) to them. We are pleased to once again offer you this latest publication which we believe will prepare anyone for the things that no one explains to you about prison.

Therefore, if you not only want to know what you can do to learn about the system **but** you also want to know what you can do to get OUT of prison as quickly as possible, NLPA may be able to help. Contact us today and we will be happy to discuss with you the options of our assistance with your case. We offer a number of flexible financing options and accept multiple methods of payment.

#### HOW TO GET YOUR COPY OF "SURVIVE JAIL"

For \$79.95 you can have answers to all of the questions you might have about going to jail or prison, and you can have them INSTANTLY! As soon as you pay, you can download a copy of the book in Adobe

Acrobat (pdf format). That means in mere minutes, you can have your questions answered, and maybe start to relax just a little bit. If you do not have access to the internet there are other methods below to outline how you may purchase a hard copy of this publication. If you are interested in purchasing a copy of "Survive Jail" for you or a loved one you may do so by one of the following means:

- (1) Visit our website (<http://nlpa.com/spotlight.html>) and follow the links to "How to Survive Jail"
- (2) Visit the seller's website (<http://nlpa45242.survjail.hop.clickbank.net/>)
- (3) For a hard copy of this publication, contact NLPA at:

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## CASES YOU CAN USE

### US v. Sindima, No. 06-2245

(2<sup>nd</sup> Cir)

Conviction and sentence to probation based on guilty plea to federal mail fraud charges, with probation after being violated by new crimes resulting in a prison sentence 26 months above the high end of the advisory guideline range, are remanded where the district court failed to give an adequate explanation of its reasons for the length of the sentence. (Amended).

### US v. Radziszewski, No. 06-1559

(7<sup>th</sup> Cir)

Petitions for rehearing are granted where the government conceded that the district court's restitution order like included attorney's fees, which constitute a consequential damage that should have been excluded from restitution calculations. The

initial appellate opinion is amended to reflect the fact that the court now vacates the restitution order and remands for a redetermination of the restitution amount.

### Roberts v. Barreras, No. 05-2373

(10<sup>th</sup> Cir)

The burden of proof for the exhaustion of administrative remedies in a suit governed by the Prison Litigation Reform Act (PLRA) lies with the defendant. In a Bivens action brought by a federal corrections inmate alleging that he was exposed to harmful secondhand smoke and denied access to legal materials in violation of his constitutional rights while he was under defendant's care, summary judgement against plaintiff is reversed and remanded where: (1) a remand was necessary for addressing a statutory tolling issue; and (2) the district court erred in ruling that plaintiff had not exhausted his administrative remedies.

### US v. Ohayon, No. 05-17045

(11<sup>th</sup> Cir)

Defendant's acquittal on a charge of an attempted drug offense requires dismissal of a charge of a drug conspiracy on which the jury was unable to reach a verdict, as the government is collaterally estopped from retrying defendant for conspiracy to possess with intent to distribute drugs.

### US v. Lett, No. 06-12537

(11<sup>th</sup> Cir)

Conviction based on guilty plea to possession with intent to distribute cocaine and crack cocaine, resulted in initial imposition of 5-year mandatory minimum sentence under 21 USC §841(b)(a)(B).

Thereafter, at the suggestion of a criminal sentencing law professor, the court reconsidered factors under 18 USC §3553(a), including defendant's extensive and exemplary military service and two tours of duty in Iraq, and imposed a sentence of time served, amounting to 11 days. The judgement is vacated as the use of Rule 35(a), Federal Rules of Criminal Procedure, to revisit the application the sentencing guidelines was improper.

### US v. Blanton, No. 05-50302, 05-50717, 05-50752, 05-50887

(9<sup>th</sup> Cir)

The Fifth Amendment's Double Jeopardy Clause prohibits the government from appealing a district court's allegedly erroneous denial of an Armed Career Criminal Act (ACCA) sentencing enhancement.

### US v. Jones, No. 05-30942, 05-30998

(5<sup>th</sup> Cir)

Sentences and restitution orders imposed on defendants for health care fraud are vacated where, for purposes of a loss enhancement determination, the government failed to meet its burden of proof to establish the amount of loss suffered by Medicare as a result of defendants' criminal behavior.

## NLPA CONTINUES A TREND OF EXCELLENCE

## OUR FIRST QUARTER SUCCESSFUL CASES

Since our first quarter newsletter, NLPA is pleased to announce that we have added 21 new successful cases. At NLPA we are extremely proud of the track record we have accomplished with licensed counsel all over the country. Listed below are the victories we helped our clients accomplish during the first quarter of 2007. We commend all of our staff on their hard work in achieving these victories and proving that the team approach really makes a difference! We are looking forward to continuing with more impressive results throughout the rest of 2007.

**Ramos, L:** NLPA assisted counsel for Mr. Ramos in the sentencing arguments for his case (US v. Ramos, USDC ND of OH, Case No. 1:06-cr-00338-JG-12). The PSI in his case called for a guideline range of 188-235 months. As his sentencing he received a term of imprisonment of 110 months - saving him 78 - 125 months (at least 7 years in prison!).

**Clemons, S:** NLPA assisted Ms. Clemons' counsel with the sentencing stage of her case (US v. Clemons, USDC WD of PA, Case No.

05CR00143). Her PSI called for a guideline range of 46-57 months. At her sentencing she received only 37 months - saving her more than a year in prison.

**Campbell, E.:** NLPA assisted counsel for Mr. Campbell with an appeal in the Fourth Circuit Court of Appeals (Case No. 02-4119). His appeal was granted and at the new hearing the court issued a sentence of TIME SERVED! Mr. Campbell was ordered to be released.

**Rojas, M:** NLPA assisted Mr. Rojas and his counsel in the sentencing stage of his case (US v. Rojas, USDC ND of OH, Case No. 06cr00184). Mr. Rojas' PSI called for a guideline recommendation of 168 - 210 months. At his sentencing he received only 87 months - saving him more than 7 years in prison!

**Propst, M:** NLPA assisted in the case of Mr. Propst to help counsel raise issues at sentencing that would fight his guideline recommendation. The PSI in his case (US v. Propst, USDC WD of VA, Case No. 3:06-cr-00017-nkm-12) called for a guideline range of 135-168 months followed by a consecutive recommendation of 60 months followed by another consecutive term of 300 months (495-528 months). At his sentencing the court imposed a sentence of 240 months - saving him more than TWENTY years in prison!

**Johnson, C:** NLPA assistance counsel for Mr. Johnson with the sentencing stage of his case. His case originated out of the USDC ND of NY, Case No. 3:06-cr-00308-1. His PSI recommended a mandatory minimum of 120 months. At his sentencing he received a total of 84 months - saving him three years in prison.

**Chilcott, T:** NLPA assisted counsel in the Chilcott case out of USDC MD of FL (Case No. 05CR00052). His PSI recommended a guideline ranging to 175 months. At his sentencing the judge imposed 162 months - saving him a little over a year in prison.

**Reese, S:** NLPA assisted counsel with a Motion for Delayed Appeal in the State of Ohio (Case No. 01-CR108). Much of the arguments in the appeal were related to the recent decision in the *Foster* case. As a result of the research provided to Mr. Reese's

attorney, his appeals rights WERE reinstated.

**Wilson, D:** NLPA assisted counsel in the case of Mr. Whitley out of the USDC SD of NY (Case No. 1:02-cr-01543-DLC-1). His PSI recommended an offense level of 262-327 months. At his sentencing he only received 72 MONTHS - saving him more than TWENTY ONE YEARS IN PRISON!

**Fields, K:** NLPA assisted counsel in the case of Mr. Fields with his sentencing in the USDC ED of TN, Case No. 3:05-cr-00142-3. His PSI recommended 168-210 months with a mandatory 240 months in prison. His judge imposed 144 months - saving him more than five years in prison. In addition to our sentencing research we also requested specific institution designation as well as placement to the drug treatment program - both of which were recommended by the judge (and also could save Mr. Fields an additional year in prison while still being close to his family).

**King, M** - NLPA assisted counsel for Mr. King with his motion to withdraw plea and his sentencing which was to be held in the USDC ND of OH (Case No. 06cr00094). Mr. King's PSI recommended a guideline range of 188-235. At his sentencing he received a term of imprisonment of 108 months - saving him more than 10 years in prison!

**Joiner, K** - NLPA assisted counsel for Mr. Joiner with his sentencing case that was being heard in the USDC of SC (Case No. 3:06CR00059-MBS-4). His PSI was recommending a guideline range of 262-327 months (which included a mandatory minimum of 240 months). At his sentencing he received only 168 months - saving him more than thirteen years in prison!

**Upton, O** - NLPA assisted counsel in the case of Mr. Upton with the plea negotiations and sentencing in his case (USDC of OR, Case No. 3:05-CR-00299-1). Mr. Upton entered into a plea agreement stating that he would receive the low end of his recommended guideline range which was 188 months. At his sentencing the judge imposed 180 months as the sentence saving him even more time.

**Marion, I** - NLPA assisted Mr. Marion's counsel in negotiating the best possible plea

agreement and raising sentencing arguments to help fight his PSI recommendation of 151-188 months. His case was heard in the USDC MD of FL (Case No. 06cr00088). At his sentencing hearing he received a term of 108 months - saving him more than six years in prison.

**Ayon-Franco, J.** - NLPA assisted counsel for Mr. Franco with arguments designed to help his chances of victory at trial. His case was heard in the US District Court for Georgia (Atlanta Division), Case No. 06cr00269. Working together with counsel NLPA prepared research and motions for this purpose. At the trial the jury returned a NOT GUILTY verdict and Mr. Franco has since been ACQUITTED!

**Robinson, B.** - NLPA assisted counsel with the trial and sentencing in Mr. Robinson's case. His case was being heard in the United States District Court, Eastern District of Louisiana (New Orleans), Case No. 2:05cr00223-4. After the preparation of several pretrial motions, it was determined with counsel that a plea would be more favorable to Mr. Robinson and negotiations began. After pleading, Mr. Robinson received a PSI report that recommended 8-14 months. At his sentencing, the judge imposed 5 years probation - saving Mr. Robinson from serving ANY time in jail.

**Michael Lambert, C.** - NLPA assisted counsel in the case of Mr. Lambert to address sentencing arguments. His case was in the United States District Court, Southern District of Alabama (Mobile), Case No. 1:05cr00054-1. His PSI recommended a guideline range of 292-365 months. At his sentencing, Mr. Lambert received 151 months and received a recommendation from his judge for the drug treatment program which, in turn, will help to reduce his serve-time even further. This saved Mr. Lambert well over 12 years in prison!

**Heath, N.** - NLPA assisted Mr. Heath and his counsel in developing arguments to minimize his exposure at sentencing. His case was being heard in the United States District Court, Western District of New York (Rochester), Case No. 95cr06064. His PSI came back with a recommended guideline range of 70-87 months. At his hearing the judge imposed a term of imprisonment of 48 months - saving Mr. Heath more than 2 years in prison.

**King, M.** - NLPA assisted Mr. King's counsel in arguments to minimize his exposure. His PSI guideline range was 188-235 months. His case was in the United States District Court, Northern District of Ohio (Cleveland), Case No. 06cr00094. NLPA prepared research for counsel on issues and motion to withdraw his plea. Although the motion was not filed by counsel, at his sentencing Mr. King received 108 months - saving him more than seven years in prison.

**Miconi, G.** - NLPA was hired directly by counsel for Ms. Miconi to assist with her sentencing arguments. Her case was in the United States District Court, South Carolina (Columbia), Case No. 06cr00021. The PSI recommended 46-57 months. At her sentencing the judge imposed 46 months which was the bottom of her guideline range.

**Massie, Q.** - NLPA was hired to assist Mr. Massie's attorney with the development of sentencing arguments. His case was heard in the United States District Court, Western District of Virginia (Charlottesville), Case No. 3:2004cr00031. The PSI in Mr. Massie's case recommended a guideline range of 210-262 months. Aside from sentencing arguments, NLPA also prepared a designation request. At his sentencing, Mr. Massie received a prison term of 200 months - saving him 1-5 years in prison. We are still waiting to determine the outcome of the designation request as Mr. Massie is

currently "in transit" in the BOP.

## INTERESTED IN HIRING NLPA?

If you're considering hiring someone to assist with your criminal proceedings, NLPA offers realistic fees that may suit you in your pursuit of finding top-notch yet affordable legal research & consulting assistance. We believe you will find our fees to be extremely competitive compared to other legal research firms in the country. We also have several alternative options for paying our fees.

- NLPA can accept payment via cashier's check or money order through the mail.
- We also can accept credit/debit card payments over the telephone as well as electronic check (check by phone) payments over the telephone.
- For most services provided NLPA also offers payment plans as well. With a minimum down payment you could soon be financing your legal fees.

Therefore, if you are interested in discussing the financing options available to you for your specific matter, please contact us.

NLPA assists in virtually every stage of criminal proceedings from pretrial to post-conviction and also assists in immigration matters. For additional information on the services offered by National Legal Professional Associates please contact our offices.

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this newsletter 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. NLPA has created this publication to provide you with authoritative and accurate information concerning the subject matter covered. However, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. This publication is not meant to be a substitute for legal or other professional advice, which NLPA is not rendering herein.

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## About NLPA

NLPA is a research and consulting firm, owned and staffed by attorneys, and dedicated to the professional mission of providing counsel, research, and related work product to members of the Bar. Our ownership structure includes attorneys licensed to practice before many local, state, and federal courts; however, NLPA is not a law firm and provides no "front line" legal services. On the other hand, we are much more than your typical paralegal service as our work is prepared by attorneys. Our sole purpose is to provide research and consulting assistance by lawyers, for lawyers . . . and their clients. With cutting-edge computer research capabilities, an experienced and top quality staff, and more than sixteen years' experience, NLPA is well-positioned to provide the types of assistance members of the Bar need. You are important to us and we hope we can commence and maintain a long-term relationship with you. Please know that we are here to assist in all your needs. If you would like to know more about the services we offer, please contact us at:

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