

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 ● E-mail: contactus@nlpa.com

MEMORANDUM

TO: ALL INTERESTED DEFENSE COUNSEL AND THEIR CLIENTS
FROM: NATIONAL LEGAL PROFESSIONAL ASSOCIATES (NLPA)
NAME: T. BROOKS
RE: NLPA HELPS COUNSEL USE NEW CRACK LAW TO REDUCE
DEFENDANT'S SENTENCE BY TEN YEARS!

Often, NLPA is contacted by attorneys who represent federal criminal defendants who are in need of sentencing assistance, given the wide array of arguments that can be made in favor of sentences below what is called for by the United States Sentencing Guidelines. The case of United States v. Tarsha Brooks, case number 2:06-cr-126FtM-29DNF (M.D. Fla) demonstrates how NLPA can assist counsel in the preparation of multi-faceted sentencing research that challenges the Guideline recommended sentence at sentencing, and also after a sentence has been issued.

Mr. Brooks had pleaded guilty to conspiracy with intent to distribute 50 grams or more of crack cocaine. Mr. Brooks' family hired National Legal Professional Associates to assist his counsel, Charles Murray, with research and argument drafting in an effort to persuade the court to sentence him to the lowest possible term of confinement. The probation office had calculated Mr. Brooks' Guideline range at 188 to 235 months imprisonment, based on an offense level 31 and a Criminal History Category VI.

NLPA provided draft arguments and objections to those calculations. First, NLPA provided research to combat a two level weapon enhancement. Second, it was argued that a downward departure under §4A1.3 was appropriate because the Criminal History Category VI over-represented the seriousness of Mr. Brooks' prior record and the likelihood he will commit future crimes. Further, it was argued that mitigating factors should be taken into consideration under §3553(a), including: (1) the disparity created by the onerous "crack" cocaine penalties and the fact the Guidelines were to be amended November 1, 2007 in an effort to alleviate that disparity; and (2) the remorse and post-offense desire for rehabilitation and age demonstrated it was unlikely Mr. Brooks would be a recidivist.

Defense counsel presented these arguments to the court at sentencing, and the judge agreed with many of the arguments. As a result, Mr. Brooks received a sentence of 140 months – a reduction of 4 to 8 years below the range recommended by the probation officer in the pre-sentence investigation report.

However, NLPA was not done with assisting Mr. Brooks obtain a fair sentence. Even after NLPA has assisted an individual obtain a measure of justice, NLPA continues to monitor newly issued law and developing arguments in efforts to re-visit seemingly closed cases of our clients. In staying abreast of relevant sentencing law, NLPA was at the forefront of conducting research once the Fair Sentencing Act was enacted.

On November 1, 2010, the Fair Sentencing Act (FSA) became effective. The Fair Sentencing Act replaced the 100-to-1 crack to powder cocaine sentencing ratio with an 18-to-1 ratio (28 grams will trigger a 5-year mandatory minimum and 280 grams will trigger a ten-year mandatory minimum) under 21 U.S.C. §841. Although the law was not specifically stated to be retroactively applicable, NLPA assisted in the preparation of a motion for reduced sentence in Mr. Brooks' case based upon the new law. The district court agreed with NLPA's position, and **reduced Mr. Brooks' sentence from 140 months incarceration to 120 months incarceration saving Mr. Brooks' 20 months in prison.**

Mr. Brooks also assisted in obtaining justice. Mr. Brooks provided substantial assistance to law enforcement officials in the investigation of criminal activity. As a result, the government filed a motion for reduced sentence pursuant to U.S.S.G. §5K1.1 and Federal Rule of Criminal Procedure 35(b) on Mr. Brooks' behalf. Mr. Brooks' total offense level was reduced to 21 and his Criminal History Category was reduced to V, resulting in a Guideline range of incarceration of between 84 and 105 months. On September 12, 2013, Mr. Brooks' sentence was reduced to 84 months incarceration, which represented a sentence over **100 months less than the original Guidelines recommended sentence in Mr. Brooks' case.**

As you can see from the attached letter from Mr. Murray, NLPA's efforts were greatly appreciated. If you or your client is facing sentencing in federal court and would like NLPA's experienced team of attorneys on your side, please contact NLPA.

The bottom line is that just because an individual faces an overwhelming Guideline sentence does not mean that all attempts at securing a lesser sentence must be abandoned in deference to the Probation Office or the federal prosecutor. Instead, by being aware of all possible options, attorneys can challenge the imposition of sentencing enhancements and improper Guideline calculations that lack a sound basis in fact and law. This fight can and should continue even after an individual is sentenced. NLPA has been at the forefront of attacking insidious and unfair sentences. Should your clients find themselves in similar situations to Mr. Brooks, NLPA stands ready to assist you in the research and preparation of any motions and/or research necessary to assist you in the vigorous defense of your clients.

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.

LAW OFFICES
CHARLES A. MURRAY, P.A.
27911 CROWN LAKE BLVD., SUITE 226
BONITA SPRINGS, FLORIDA 34135-4219

Licensed to Practice:

State Courts:

State of Florida
State of Maryland
District of Columbia
DC Superior Court
DC Court of Appeals

U.S. District Courts:

Northern District of Florida
Middle District of Florida
Southern District of Florida
Western District of Tennessee
Eastern District of Wisconsin
Western District of Wisconsin
District of Columbia

U.S. Courts of Appeal:

First Circuit
Third Circuit
Fourth Circuit
Fifth Circuit
Sixth Circuit
Seventh Circuit
Eighth Circuit
Ninth Circuit
Tenth Circuit
Eleventh Circuit
DC Circuit

U.S. Court of Federal Claims

U.S. Supreme Court

Various Military Tribunals

Memberships:

National Association of
Criminal Defense Lawyers

Academy of Florida
Trial Lawyers

Association of Trial Lawyers
of America

Association of Federal
Defense Attorneys

Education:

B.S. - U.S.M.A. 1962
J.D. - U. Maryland 1971
M.A. - C.M.U. 1978

October 8, 2013

Via Email

Mr. Wesley Robinson
National Legal Professional Associates
Margaret A. Robinson Advocacy Center
11331 Grooms Road
Suite 1000
Cincinnati, OH 45242

Re: Tarsha Brooks v. U.S.A.

Dear Mr. Robinson:

As you are aware, my client, Tarsha Brooks was sentenced on November 1, 2007 in the Middle District of Florida to 140 months. (11.6 years) after pleading to "Count Two"; possession with intent to distribute and distribution of fifty grams or more of cocaine base "Crack" cocaine.

A motion for Reduction of Sentence under Amendment 750 was filed. On April 9, 2012, this motion was granted, and the sentence was reduced from 140 months to 120 months.

Then, on September 12, 2013, the Motion for Reduction in Sentence pursuant to U.S.S.G. 5K1 and/ or Fed. R. Crim. P. 35(b) (Doc. 82) was also granted, and a reduction from 120 months to a range between 86 to 105 months was applied to Mr. Brooks sentence.

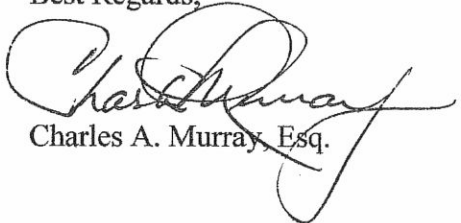
Mr. Brooks total sentence is below the PSI Guideline Range he was originally facing of 188 months (15.6 years) to 235 months (19.6 years) prison time. Then, after the two sentence reductions he served a total of six years.

To achieve this success, my office spent more than five (5) years working on this case with the help of N.L.P.A, which contributed by conducting research, and keeping my office informed of all the recent cases that could apply to this particular case.

It is evident that without the assistance of N.L.P.A., the outcome would not have been the same. I consider the N.L.P.A. to be one of the strongest and necessary tools in practicing post conviction law.

Thank you for your efforts and hard work on this case. We are confident there will be many more to come in the future.

Best Regards,



Charles A. Murray, Esq.

CAM/cg
Enclosures: Orders granting reduction.