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"The pursuit of justice is a team effort."

Newsletter

Legal News Briefs for Law Libraries & Defense Attorneys

RETROACTIVE CRACK-COCAINE GUIDELINES NOW EFFECTIVE! DON'T LOSE OUT ON PURSUING YOUR REDUCTION!

On November 1, 2011 the U.S. Federal Sentencing Guideline manuals have been released. The new Fair Sentencing Act amendment which was voted on June 30, 2011 to be applied retroactively will be included in the new manuals.

This means that those who qualify for the reductions based on the retroactive crack cocaine amendment can pursue relief. In fact, authorities nationwide are being alerted of the potential significant number of inmate releases that may occur in their areas as the result of this tremendous amendment based upon the significant number of

inmates that qualify for this reduction and will be considered time-served upon receiving application of the amended guidelines.

Don't be the last in line while everyone else is walking back onto the streets! If you need assistance in pursuing a motion for consideration of the new retroactive guidelines, contact NLPA.

NLPA has assisted counsel in several cases already which have been filed prior to November 1, 2011 and held in abeyance until November 1st for proceedings in order to help "beat the rush" of the more than 12,000 inmates that this retroactive amendment is said to apply to.

We have also heard that many inmates are receiving forms regarding their destinations upon release so that the Bureau of Prisons can work with authorities to try to accommodate and keep track of the various individuals that may soon be on the streets after today.

As has been outlined previously, even those who were sentenced to mandatory minimums may still be able to obtain relief in their sentences. The mandatory minimums have also been impacted by the new guideline ratio. Additional relief may also be available through the pursuit of a timely §2255 post-conviction motion requesting a re-sentencing. This conclusion is based on two recent appellate decisions from the First and Eleventh Circuits. See, United States v. Douglas, No. 10-2341, 2011 U.S. App. LEXIS 10922 (1st Cir. May 31, 2010), United States v. Rojas, No. 10-14662, 2011 U.S. App. LEXIS 12791 (11th Cir. June 24, 2011). Both of these decisions hold that the Fair Sentencing Act applies to defendants who were sentenced after August 3, 2010. This position was further strengthened by Attorney General Eric Holder's directive of July 15, 2011 directing them to apply the Fair Sentencing Act even in the case of mandatory minimum sentences (see enclosed). Should such a motion be pursued and should the motion be successful
and the defendant be re-sentenced under the new guidelines and the Fair Sentencing Act, this could reduce his/her mandatory minimum from ten years to five years. If you need assistance in the preparation of a direct appeal or §2255 motion, contact NLPA today!

HOW CAN NLPA HELP?

If you are interested in having NLPA assist your counsel in the preparation of a motion to reduce your sentence, please contact us immediately. The fee for NLPA to assist counsel in the preparation of a §3582 Motion to Apply Retroactive Guideline Amendments is $2,500.00. Also, if you do not have a

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lawyer to represent you in court to file your motion for a sentence reduction, NLPA can refer you to possible new counsel who could represent you as well.

WARNING: Unfortunately for thousands of defendants, in 2007 when the guidelines were amended and applied retroactively, a system was put in place which involved the Public Defender's Office filing a standard form that included no supporting arguments or case law on behalf of thousands of defendants - many of whom were not even aware of such action being taken. Many of these "forms" were simply denied. It is unclear if the courts will utilize a similar procedure for this new amendment so it is encouraged that action be taken immediately to have NLPA begin coordinating with counsel in preparing the motion for a sentence reduction.

NLPA can also provide assistance in the preparation of an evaluation which would focus solely on how the newly retroactive guidelines can impact your case. The fee for the evaluation is $1,000.00 and would be applied as a credit toward the cost of having NLPA prepare the motion seeking sentence reduction for counsel should you desire to have us assist with such upon completion of the case evaluation. NLPA also can offer assistance to counsel at virtually every stage of a criminal case - including supplements to direct appeals and/or post-conviction motions. Therefore, if you are in need of assistance, time is of the essence so contact us today!

CRACK COCAINE GUIDELINES OVERVIEW

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. Unfortunately, Congress did not act to have this law applied retroactively, meaning that those convicted and sentenced prior to the enactment of the law have not received the benefit of the legislation.

According to the decision issued in United States v. Douglas, No. 09-202-P-H (D. Maine Oct. 27, 2010), Judge D. Brock Hornby stated that a defendant guilty of committing a crack offense before the Fair Sentencing Act was passed in August 2010, but "not yet sentenced on November 1, 2010, is to be sentenced under the amended Guidelines[] and the Fair Sentencing Act's altered mandatory minimums. . ." Those defendants currently on direct appeal, and that fall within Judge Brock's time line of being sentenced for involvement with crack cocaine between prior to November 1, 2010, now had a strong argument that they should have received the benefit of the amended Guidelines, thus partially ameliorating a portion of the retroactivity problem.

Fortunately, the recent decision of the United States Court of Appeals for the First Circuit upheld the Douglas decision. United States v. Douglas, 2011 U.S. App. LEXIS 10922 (1st Cir. May 31, 2011). Therein, the Court refuted the government's argument relying upon the deicsion issued in Warden, Lewisburg Penitentiary v. Marrero, 417 U.S. 653, 659 n.10, 94 S. Ct. 2532, 41 L. Ed. 2d 383 (1974). In Marrero, the Supreme Court stated that Congress' creation of parole eligibility for serious drug offenders, overturning a prior statutory bar, would not apply retroactively to those serving sentences for crimes committed prior to the new statute. Id. at 663-64. The Court in Douglas found that the conflict between an 18:1 guidelines sentence and a 100:1 mandatory minimum was more pronounced than making the availability of parole depend on whether the prisoner committed the crime before or after an amendment allowed parole.

Further, the imposition now of a minimum sentence that Congress has already condemned as too harsh makes this an unusual case. Douglas, *supra*. It seems unrealistic to suppose that Congress strongly desired to put 18:1 guidelines in effect by November 1 even for crimes committed before the FSA but balked at giving the same defendants the benefit of the newly enacted 18:1 mandatory minimums. The purity of the mandatory minimum regime has always been tempered by charging decisions, assistance departures and other interventions: here, at least, it is likely that Congress would wish to apply the new minimums to new sentences.

The United States Court of Appeals for the Eleventh Circuit has reached the same conclusion as the First Circuit regarding whether the FSA applies to defendants who committed crack cocaine offenses before August 3, 2010, the date of its enactment, but who are sentenced thereafter. United States v. Rojas, 2011 U.S. App. LEXIS 12791 (11th Cir. June 24, 2011).

In May 2010, Carmelina Vera Rojas pleaded guilty to one count of conspiring to possess with the intent to distribute 50 grams or more of cocaine base, in violation of 21 U.S.C. §§ 846 and 841(a)(1), and two counts of distributing 5 grams or more of cocaine base, in violation of § 841(a)(1). Her sentencing was scheduled for August 3, 2010, which as it so happened, was the date on which President Obama signed the FSA into law. The district court granted the parties a continuance to determine whether Vera Rojas should be sentenced under the FSA. After considering the parties' arguments, the district court concluded that the FSA should not apply to Vera Rojas's offenses. In September 2010, the court sentenced Vera Rojas to ten years' imprisonment.

On appeal, Vera Rojas argued that the district court erred in refusing to apply the FSA to her sentence. Because she had not yet been sentenced when the FSA was enacted, Vera Rojas believed that she should benefit from the FSA's provision raising the quantity of crack cocaine required to trigger a ten-year mandatory minimum sentence. Further, Vera Rojas contended that the FSA falls within recognized exceptions to the general savings statute, 1 U.S.C. § 109. The interest in honoring clear Congressional intent, as well as principles of fairness, uniformity, and

administrability, necessitated a conclusion that Rojas receive the benefit of the FSA.

Aside from the obvious benefits that the above decisions represent for defendants involved with crack cocaine in the First and Eleventh Circuits, these new rulings create a circuit split regarding whether the FSA applies to defendants who committed crack cocaine offenses before August 3, 2010, the date of its enactment, but who are sentenced thereafter on how to handle cases wherein. See, e.g., United States v. Fisher, 635 F.3d 336, 340 (7th Cir. 2011)(the Fair Sentencing Act does not apply to individuals whose conduct preceded the act, but who were sentenced after its enactment date). Consequently, the oft-needed circuit split to foster review of this issue by the United States Supreme Court is now in place.

The Fair Sentencing Act is not the only avenue whereby strides are being made to insure fairness in crack cocaine sentencing. The United States Sentencing Commission, realizing the unfair nature of the United States Sentencing Guidelines, enacted amendments to the Guidelines dealing with crack cocaine offenses. Reflecting the changes made by the Fair Sentencing Act of 2010 regarding sentencing fairness for offenders involved with crack cocaine, the amended Guidelines have raised the amount of crack cocaine needed to issue certain offense levels. However, the amended Guidelines were not specifically stated to apply retroactively.

In hearings on June 2, 2011 before the United States Sentencing Commission on the applicability off retroactivity of the crack cocaine Guidelines, Attorney General Eric Holder testified and he indicated support for partial retroactivity of the new reduced crack guidelines. Holder, speaking for the Obama Administration, stated that "[w]e believe that the imprisonment terms of those sentenced pursuant to the old statutory disparity -- who are not considered dangerous drug offenders -- should be alleviated to the extent possible to reflect the new law," Holder said. Retroactive reductions in sentences should not apply to those who possessed or used weapons in committing their crimes or offenders with "significant" criminal histories, Holder said.

Holder also stated:

> The Commission's Sentencing Guidelines already make clear that retroactivity of the guideline amendment is inappropriate when its application poses a significant risk to public safety -- and the Administration agrees. In fact, we believe certain dangerous offenders -- including those who have possessed or used weapons in committing their crimes and those who have significant criminal histories -- should be categorically prohibited from receiving the benefits of retroactivity, a step beyond current Commission policy.

The Administration's suggested approach to retroactivity of the amendment recognizes Congressional intent in the Fair Sentencing Act to differentiate dangerous and violent drug offenders and ensure that their sentences are no less than those originally set. However, we believe that the imprisonment terms of those sentenced pursuant to the old statutory disparity -- who are not considered dangerous drug offenders -- should be alleviated to the extent possible to reflect the new law.On June 30, 2011, the United States Sentencing Commission voted to make the new reduced crack offense sentencing guidelines applicable retroactively to previously sentenced defendants. On November 1, 2011 the U.S. Sentencing Guidelines were released including this new retroactive amendment.

Clearly, it is an exciting time in the federal justice system, as the federal government continues to rapidly erase years of unfair and unconscionable sentencing practices for those involved with crack cocaine. As with all issues involved in a criminal case, NLPA has been at the forefront by assisting counsel in protecting defendants' rights - from the time of indictment until all avenues of relief have been pursued. Due to its long tradition of criminal research, NLPA is in a position to assist with the preparation of the necessary motions to obtain a fair sentence. Should you have concerns that your client is entitled to a lesser sentence based upon involvement with crack cocaine, contact NLPA immediately, and we will help you in your fight for justice!

CASES OF INTEREST

Shelton v. Florida - NACDL reporting on a notable habeas ruling handed down today. Here are highlights of the ruling in Shelton v. Florida DOC, No. No. 6:07-cv-839-Orl-35-KRS (M.D. Fla. July 27, 2011)as described by the NACDL the press release:

> "A federal judge in Orlando has declared Florida's strict-liability controlled substances act unconstitutional on the ground that the law could convict an innocent person of drug distribution who unknowingly possessed, transported or delivered a controlled substance. The laws' fatal flaw is the lack of a criminal intent requirement, which the legislature purposely removed from the statutes in 2002.
>
> U.S. District Judge Mary S. Scriven found that Florida stands alone among the states in its express elimination of mens rea -- the common-law "guilty mind" requirement -- as an element of a drug offense.
>
> The petitioner, Mackle Vincent Shelton, was convicted of delivery of a controlled substance and traffic charges. The jury was instructed that "to prove the crime of delivery of cocaine, the state must prove the

following two elements beyond a reasonable doubt: that Mackle Vincent Shelton delivered a certain substance; and, that the substance was cocaine." The state did not have to prove that he knew he was carrying or distributing cocaine or any controlled substance at all.

In granting Mr. Shelton's petition for habeas corpus, the court found that Florida's drug distribution law violates due process because it "regulates inherently innocent conduct." Indeed, with no intent requirement, a Federal Express delivery person who unknowingly delivers a parcel containing a controlled substance, would be presumed a felon under Florida's drug law. Such a criminal statute runs afoul of the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution and is also inconsistent with centuries of common law, sound public policy, and the norms of international legal systems and principles generally embraced by the United States."

In addition to state of Florida inmates directly attacking their convictions under Florida's Drug Abuse Prevention and Control Act, FLA. STAT. § 893.13, as amended by FLA. STAT. § 893.101, the decision could affect federal inmates who have received criminal history enhancements in federal courts based on a Florida state conviction. However, the decision affects only individuals convicted after the statute was amended on May 13, 2002. Prior to that date the statute was constitutional.

SPLIT SEVENTH CIRCUIT PANEL DECIDES *PADILLA V. KENTUCKY* IS NOT RETROACTIVE - Interesting ruling on August 24, 2011 by a split Seventh Circuit panel today in Chaidez v. US, No. 10-3623 (7th Cir. Aug. 23, 2011), starts this way:

> In Padilla v. Kentucky, 130 S. Ct. 1473, 1486 (2010), the Supreme Court held that an attorney provides ineffective assistance of counsel by failing to inform a client that a guilty plea carries a risk of deportation. The district court concluded that Padilla did not announce a new rule under the framework set forth in Teague v. Lane, 489 U.S. 288 (1989), and consequently applied its holding to Petitioner Roselva Chaidez's collateral appeal. Because we conclude that Padilla announced a new rule that does not fall within either of Teague's exceptions, we reverse the judgment of the district court.

A lengthy dissent by Judge Williams begins this way:

> At the time Roselva Chaidez, a lawful permanent resident since 1977, entered her plea, prevailing professional norms placed a duty on counsel to advise clients of the removal consequences of a decision to enter a plea of guilty. I would join the Third Circuit in finding that Padilla v. Kentucky, 130 S. Ct. 1473 (2010), simply clarified that a violation of these norms amounts to deficient performance under Strickland v. Washington, 466 U.S. 668 (1984). See United States v. Orocio, ___ F.3d __, 2011 WL 2557232 (3d Cir. June 29, 2011). As such, Padilla did not announce a "new rule" under Teague v. Lane, 489 U.S. 288 (1989), and is therefore retroactively applicable to Chaidez's coram nobis petition seeking to vacate her guilty plea on the grounds that her counsel was ineffective. For the reasons set forth below, I dissent.
>
> In the wake of this ruling on the heels of a contrary ruling by the Third Circuit, it would seem like the question going forward is not whether, but just when and how the Supreme Court will take up and resolve this issue.

US v. Hunt - No. 09-30334 (9th Cir. Sept. 1, 2011)gets started this way:

The district court sentenced Appellant Stacy Hunt to 180 months in prison after he pled guilty to attempting to possess a controlled substance with the intent to distribute in violation of 21 U.S.C. §§ 841(a), 846. Hunt appeals his sentence but not his conviction. He alleges that the district court erred under Apprendi v. New Jersey, 530 U.S. 466 (2000), by sentencing him for attempted possession with intent to distribute an unspecified amount of cocaine even though he never admitted that he attempted to possess cocaine. We conclude that the district court erred under Apprendi and that the error was not harmless. Accordingly, we reverse and remand for resentencing.

US v. Vann - Successfully objecting to criminal history enhancement. 2011 U.S. App. LEXIS 20612 (10/11/11). Significant 4th Circuit holdings from the Vann case that will provide good objections to criminal history enhancements at sentencing, appeal, or in a 2255 motion...

SUMMARY: The district court rejected Vann's characterization of his three previous indecent liberties convictions, concluding that they were for ACCA violent felonies and that he was thus subject to § 924(e)(1)'s sentencing enhancement. As a result, on March 17, 2009, the court sentenced Vann to the statutory minimum of fifteen years in prison. Vann filed a timely notice of appeal, and we have appellate jurisdiction pursuant to 18 U.S.C. § 3742(a) and 28 U.S.C. § 1291. A divided panel of this Court affirmed Vann's sentence, employing the "modified

categorical approach" first announced in Taylor v. United States, 495 U.S. 575, 602 (1990), for the purpose of analyzing prior offenses to determine whether they constitute ACCA violent felonies. See United States v. Vann, 620 F.3d 431 (4th Cir. 2010). Upon granting Vann's petition for rehearing en banc, we vacated the panel opinion."

***

The dissent's view that each of Vann's three contested convictions violated subsection (a)(2) of the Statute is erroneous in multiple respects. First, it relies on evidence never presented to the district court.6 It is one thing for a federal court to look at a state court docket in asserting jurisdiction over a removed case, or to note a subsequent arson conviction in determining the propriety of rescinding a fire insurance settlement offer. See post at 85 (citing Lolavar v. de Santibañes, 430 F.3d 221 (4th Cir. 2005); Colonial Penn Ins. Co. v. Coil, 887 F.2d 1236 (4th Cir. 1989)). It is materially different to rest a sentencing decision — transforming a ten-year maximum into a fifteen-year minimum — on the basis of evidence never presented to the district court, particularly when such evidence was not requested until after oral argument.

Moreover, it bears emphasis that the basis of the dissent's view that Vann's convictions "necessarily" rest on subsection (a)(2) is that the charging documents simply recite the language of the Indecent Liberties Statute. Recently, however, we ruled that a conviction under a so-called Alford plea — where the defendant does not confirm the factual basis for the plea, see North Carolina v. Alford, 400 U.S. 25 (1970) — does not qualify as an ACCA predicate offense when the statutory definition contains both qualifying and non-qualifying predicate crimes and no other Shepard-approved documents establish the offense on which the defendant was convicted. United States v. Alston, 611 F.3d 219, 227-28 (4th Cir. 2010). As Judge Niemeyer properly recognized in Alston, "Shepard prevents sentencing courts from assessing whether a prior conviction counts as an ACCA predicate conviction by relying on facts neither inherent in the conviction nor admitted by the defendant." Id. at 226.

Under the Alston precedent, it is inconsistent for the dissent to find that Vann "necessarily" pleaded guilty to the subsection of the Statute (subsection (a)(2)) that the dissent and Judge Keenan's concurrence deem a violent felony under the ACCA. Indeed, to borrow from Alston its analogy derived from Shepard and from Taylor v. United States, 495 U.S. 575 (1990), if Vann had gone to trial in the underlying cases, any resulting conviction could only be used as an ACCA predicate conviction if the jury had returned a special verdict (or answered an interrogatory) specifically finding him guilty of violating subsection (a)(2) of the Statute. See Alston, 611 F.3d at 228. Instead, the dissent would have us engage in the very behavior the categorical approach is intended to avert: inappropriate judicial factfinding on appeal. See Taylor, 495 U.S. at 601 [*16] (explaining that categorical approach avoids difficulty associated with pleaded cases in which "there often is no record of the underlying facts").

When we consider Vann's charging documents in their proper legal context, we cannot determine that he was convicted of violating subsection (a)(2) of the Statute. Consequently, Vann's indecent liberties offenses are not ACCA violent felonies.

OBTAINING A FAIR SENTENCE - SPOTLIGHT ON A RECENT NLPA VICTORY:

Often, NLPA is contacted by attorneys who represent federal criminal defendants who are in need of sentencing assistance, given the voluminous and complicated nature of the United States Sentencing Guidelines. The case of United States v. Smith, case number 3:10-cr-00061-2 (M.D. Tenn. 2010) demonstrates how NLPA can assist counsel in the preparation of research regarding the improper application of sentencing enhancements under the Guidelines. Mr. Smith pled guilty to conspiracy to commit bank fraud in violation of 18 U.S.C. §371, twelve counts of committing bank fraud in violation of 18 U.S.C. §1344, and possession of stolen mail in violation of 18 U.S.C. §1708. After the conviction, the United States Probation Office prepared a Pre-Sentence Investigation Report (PSI). The report labeled Mr. Smith as a leader of the criminal enterprise, causing a four-level enhancement to his offense level pursuant to U.S.S.G. §3B1.1(a). As a result of this enhancement, along with other sentencing factors, the Guideline range of incarceration was determined to be between 41 and 51 months. With his client facing such a harsh sentence, and needing assistance in the preparation of research challenging the PSI, Mr. Smith's attorney, William B. Bruce, contacted NLPA to conduct research upon possible means to avoid an unduly harsh sentence.

NLPA therefore conducted research on the potential sentence faced by Mr. Smith, as well as the possibility of avoiding the harsh sentence put forth in the PSI. NLPA first conducted research on the leadership enhancement attributed to Mr. Smith. The enhancement was based upon an allegation that Mr. Smith recruited homeless individuals to cash checks that Mr. Smith and a co-defendant had altered. Mr. Smith would transport the individuals to the bank and instruct them how to cash the checks. Mr. Smith would then use some of the proceeds from the checks to buy clothing and rent hotel rooms for the homeless individuals. The homeless individuals were also paid cash by Mr. Smith for their involvement in the scheme.

Accordingly, NLPA prepared research arguing that, at most, Mr. Smith should receive only a two-level enhancement to his offense level for being a manager or supervisor in the offense, under

U.S.S.G. §3B1.1(b). NLPA noted that "In distinguishing a leadership and organizational role from one of mere management or supervision, titles such as 'kingpin' or 'boss' are not controlling. Factors the court should consider include the exercise of decision making authority, the nature of participation in the commission of the offense, the recruitment of accomplices, the claimed right to a larger share of the fruits of the crime, the degree of participation in planning or organizing the offense, the nature and scope of the illegal activity, and the degree of control and authority exercised over others." USSG §3B1.1, comment. (n.4). It is not necessary that a defendant meet each of these requirements. United States v. Gates, 461 F.3d 703, 709 (6th Cir. 2006) (citing United States v. Ospina, 18 F.3d 1332, 1337 (6th Cir. 1994)). "The key issue is not direct control or ultimate decision-making authority, but rather the defendant's 'relative responsibility.'" United States v. Henley, 360 F.3d 509, 517 (6th Cir. 2004) (citing United States v. Gaitan-Acevedo, 148 F.3d 577, 595-96 (6th Cir. 1998)). NLPA noted that the other participants in the offense were not led or controlled by Mr. Smith. The degree of control and authority Mr. Smith exercised over others, if any, was limited to finding others willing to assist in the cashing of the altered checks.

The district court for the Middle District of Tennessee agreed with the reasoning put forth by NLPA and Mr. Butler. As a result, Mr. Smith's enhancement under U.S.S.G. §3B1.1 was reduced from four-levels to two-levels. This victory resulted in Mr. Smith's Guideline sentence range being reduced to between 37 and 46 months incarceration. Mr. Butler was then able to point out the harsh conditions of Mr. Smith's confinement, as well as the fact that Mr. Smith had eight months of pre-trial detention. These factors resulted in a sentence of 29 months incarceration being issued, with only 21 months left to serve. Such represents half of the original Guideline recommended sentence as originally put forth in the PSI.

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. From challenging the procedural mechanisms of imposing a Guideline sentence to arguing the lack of factual support for sentencing enhancements to presenting mitigating arguments, NLPA has been at the forefront of attacking insidious and unfair sentences. Should your clients find themselves in similar situations to Mr. Smith, 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 CONTINUES A TREND OF EXCELLENCE - A REFLECTION ON THE SUCCESSFUL OUTCOMES WE HELPED TO ACHIEVE DURING THE SECOND QUARTER OF 2011:

During 2011 NLPA continues obtaining successful outcomes for its clients. While obviously no one can guarantee the successful outcome of every case, we're very proud of our track record. Here is a spotlight of some of what we were able to accomplish during the third quarter of 2011!

Sawyer, B - NLPA assisted Attorney Malarcik with the preparation of sentencing research to help fight Mr. Sawyer's guideline range of 210-262 months. Mr. Sawyer was charged in the USDC Northern District of Ohio (Akron Division) in Case No.:5:11-cr-00139-1 with Receipt/Distribution of Visual Depictions of Minors Involved in Sexually Explicit Conduct and Possession of Child Pornography. At sentencing the court imposed only 100 months - saving Mr. Sawyer ***MORE THAN THIRTEEN YEARS IN PRISON***.

Lomas, L - NLPA assisted counsel for Mr. Lomas in preparing sentencing research for his case heard in the USDC, Northern District of Texas (Dallas) in Case No.: 3:09-cr-00289-15. Mr. Lomas was charged with Conspiracy to Possess with Intent to Distribute a Controlled Substance. The PSI in his case listed a guideline range of 292-365 months. However, at sentencing the court instead imposed a sentence of 120 months - saving Mr. Lomas ***MORE THAN TWENTY YEARS IN PRISON***!

Ruiz-Gonzalez, D - NLPA was hired by counsel to assist in the preparation of objections at the sentencing stage of Mr. Ruiz-Gonzalez's case which was heard in the USDC, District of Colorado (Denver) Case No.: 1:10-cr-00252-9. The client was charged with Conspiracy to Distribute Controlled Substance; Unlawful Transport of Firearms; Sell, Distribute or Dispense Controlled Substance and had entered a plea of guilty. The PSI called for a sentence of 135-168 months. However, the court imposed a sentence 52 months - saving Mr. Ruiz-Gonzalez nearly **ten years** in prison!

Locklayer, E - NLPA was hired to assist counsel in the preparation of sentencing research for Mr. Locklayer's case which was heard in the USDC, Middle District of Tennessee (Nashville) in Case No.: 3:07-cr-00171-3. Mr. Locklayer was charged with Conspiracy to distribute and to possess with intent to distribute cocaine, cocaine base and marijuana; Conspiracy to commit money laundering. The PSI listed his guideline at 168-210 months. However, at sentencing the court imposed a sentence of 70 months - saving Mr. Locklayer MORE THAN 10 YEARS IN PRISON! It should be noted that

significant emphasis was placed on Mr. Locklayer's confinement conditions while being held in state custody awaiting sentencing. This combined with a number of other arguments could be implemented by the court as a downward departure. Because of the time Mr. Locklayer had already served in custody prior to the sentencing taking place, with his credit for that time, he only has ONE YEAR left to serve in the BOP before his release (10/18/12)! With access to the BOP's Residential Drug Treatment Program or through application for halfway house placement Mr. Locklayer could realistically be back with his family in just a few short months!

Sumter, A - NLPA assisted counsel in the preparation of sentencing research to assist with his case which was heard in the USDC, District of South Carolina (Columbia) Case No.:3:10-cr-01160-3 where Mr. Sumter was charged with Conspiracy to Distribute Narcotics (Cocaine) Interference with Commerce by Threat or Violence; Conspiracy to Commit a Violent Crime/Drugs/Machine Gun. His PSI listed a sentence in the range of 235-240 months. However, the court instead imposed a sentence of 188 months - saving Mr. Sumter more than four years in prison.

NTERESTED IN HIRING NLPA?

Do you have pressing deadlines? - Give us a due date and you can relax. Have a brief due? - Call us for a free preliminary consultation so we can determine a cost estimate. NLPA can provide anything from a research memorandum to a file-ready brief - whichever you may need. 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 office.

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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 the past two decades' 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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