

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@nlpacincinnati.com

MEMORANDUM

TO: ALL INTERESTED DEFENSE COUNSEL AND THEIR CLIENTS
FROM: NATIONAL LEGAL PROFESSIONAL ASSOCIATES
DATE: MAY 10, 2002
NAME: DOZBABA
RE: DOWNWARD DEPARTURES AT SENTENCING – IF YOU DON’T ASK – YOU DON’T GET!

Over the years, NLPA is often contacted to assist counsel after a defendant has pleaded guilty pursuant to a plea agreement with the government and is awaiting sentencing. In these situations, NLPA puts its team of research attorneys to work in researching and drafting arguments for counsel that provide the court with reasons to depart below the otherwise applicable guideline range of imprisonment. In working with defense counsel, NLPA’s philosophy has always been that a **defendant cannot expect a low sentence if he doesn’t ask for it.** The case of U.S. v Dozbaba, case no. 00-00132 (U.S.D.C. HI), is another great example of how NLPA’s assistance can pay off.

Mr. Dozbaba and his attorney, Sarah Courageous came to NLPA after he had entered a plea of guilty and was awaiting sentencing. When Mr. Dozbaba received his pre-sentence investigation report (PSI) he could not believe some of the allegations. The PSI included enhancements and calculations that were based exclusively on information provided to the probation officer by the government. Based on the government’s version of the offense, Mr. Dozbaba’s guideline range of imprisonment was 27 to 33 months.

NLPA worked closely with defense counsel to prepare objections to the calculations in the PSI and to provide counsel with research and arguments requesting that the court depart downward below the guideline range set forth in the PSI. NLPA provided research and drafting assistance to counsel arguing that Mr. Dozbaba should not receive a leadership enhancement under § 3B1.1(c) and that the amount of loss calculated in the PSI was erroneous. Additionally, NLPA provided arguments for a downward departure from the applicable guideline range. Reasons for a departure included the fact that: 1) the offense conduct was aberrant behavior; 2) the defendant’s medical condition warranted a downward departure; 3) the defendant’s post-conviction rehabilitation and remorse

warranted a downward departure; and 4) the defendant had aided in the facilitation of the administration of justice. Once again, the district court agreed with many of the arguments prepared by NLPA and departed downward from 27 to 33 months and sentenced Mr. Dozbaba to **4 months imprisonment!**

Of course, dramatic results such as what Mr. Dozbaba received cannot be expected in every case, but you won't know unless you try. If you or your client 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!

**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.**