

# NATIONAL LEGAL PROFESSIONAL ASSOCIATES

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## MEMORANDUM

**TO: ALL INTERESTED DEFENSE COUNSEL AND THEIR CLIENTS**

**FROM: NATIONAL LEGAL PROFESSIONAL ASSOCIATES**

**NAME: CERQUERIA**

**RE: TAKING CONTROL AT SENTENCING WITH NLPA**

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If your client has a sentencing hearing looming on the horizon, now is the time to contact NLPA. If your client's presentence investigation report overstates the seriousness of the offense or contains erroneous information which could adversely affect your client's sentencing guidelines, now is the time to contact NLPA. Do not wait any longer. Time is always critical in criminal cases. NLPA's experience and resources can provide you as counsel with the tools you need to effectively challenge the opposition and keep your client's sentence at the lowest possible level. A recent example is the case of United States v. Cerqueira, Docket No. 8:01-CR-293-T-27-TGW, in the United States District Court for the Middle District of Florida, Tampa Division.

In Cerqueira, the Defendant was indicted for violations of 21 U.S.C. § 841(a)(1), specifically, possession with the intent to distribute MDMA (ecstasy). Mr. Cerqueira entered a guilty plea to one count of the indictment as part of a negotiated plea agreement. When Mr. Cerqueira received his presentence investigation report, he was shocked to learn that he was facing 240 months in prison. Mr. Cerqueira immediately started looking for experienced counsel to assist him at sentencing. Fortunately, Mr. Cerqueira was able to contact Charles A. Murray, an experienced attorney based in Naples, Florida. Mr. Murray then contacted NLPA for help with preparing a sentencing memorandum to be submitted to the court in opposition to the recommendations of the presentence investigation report. NLPA assisted Mr. Murray in formulating arguments that dealt with: (1) the amount of drugs properly attributable to Mr. Cerqueira under the relevant conduct section of the United States Sentencing Guidelines, (2) the presentence investigation report's recommendation that Mr. Cerqueira be sentenced as a "leader or organizer", and (3) Mr. Cerqueira's cooperation with the government following his arrest.

With NLPA's assistance, Mr. Murray was able to keep the relevant conduct at the 77,000 pill level, rather than the 83,000 pill level recommended in the presentence investigation report. Mr. Murray was also able to prevent the enhancement of Mr. Cerqueira's sentence as a "leader or organizer", and was able to secure a three level downward departure for his cooperation with the government. The District Court ultimately imposed a sentence of 103 months incarceration. That is well under half of the sentence (240 months) recommended in the presentence investigation report – thereby saving Mr. Cerqueira 11 years in prison!

NLPA continues to be at the forefront of developing criminal law. If you or your clients need assistance with sentencing issues or any other area of developing law, NLPA's resources and experience can provide you with the most up to the minute research and arguments available.

***NLPA: WE LISTEN, WE CARE, 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.**

