

# NATIONAL LEGAL PROFESSIONAL ASSOCIATES

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## MEMORANDUM

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

**FROM: NATIONAL LEGAL PROFESSIONAL ASSOCIATES**

**RE: DOWNWARD DEPARTURES AT SENTENCING**

**NAME: CONWAY - ANOTHER NLPA VICTORY!**

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One of the most sought after departures at the time of sentencing is a departure based on age, health and family circumstances. These departures are very rare in practice and require a substantial showing to the sentencing court that just such a departure is warranted. The case of United States v. Conway, Case No. 97-CR-00042-03, from the District of New Hampshire is a perfect demonstration that you can in fact receive significant departures if your argument and factual presentation are done correctly.

In this case, NLPA's white-collar crime and fraud team, working in conjunction with Mr. Conway's counsel made a two-fold argument. Mr. Conway was facing a potential sentence of 57-71 months following a guilty verdict on charges of medicare fraud. NLPA prepared a complete sentencing memorandum and argued for downward departure under the recent United States Supreme Court case of Koon v. United States, 116 S.Ct. 2035 (1996) and United States Sentencing Guidelines §5K2.0. NLPA first argued that Mr. Conway's fraud loss amount was incorrectly calculated and overstated his offense. NLPA next argued that due to Mr. Conway's age, health and family circumstances the potential sentence faced was excessive. After reviewing the argument and evidence presented by NLPA, the Court found that Mr. Conway's guideline sentence range was in fact excessive. The Court granted Mr. Conway a downward departure based upon NLPA's arguments and pronounced a sentence of only 36 months in a federal camp facility.

If you or your client are facing sentencing, or if you are unsure what potential downward departures are available to your client, NLPA can help. With our extensive knowledge of the federal sentencing guidelines and access to the most up to date trends and opinions in federal sentencing law, NLPA can assure you and you client of receiving the lowest possible sentence.

***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.