

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: FEBRUARY 20, 2002

NAME: STEWART

**RE: SENTENCING -- NOT THE TIME TO LET YOUR GUARD DOWN
ANOTHER NLPA VICTORY! TECHNIQUES FOR REDUCING
EXPOSURE AT SENTENCING**

NLPA is often contacted by defendants and their attorneys after they have been convicted in the Federal System and are awaiting sentencing. NLPA strongly believes that a strong defense is necessary at the sentencing stage. This is "damage control" time and NLPA's goal in assisting counsel at sentencing is to provide defense counsel with research and arguments designed to minimize the sentence of the defendant. It is essential that the defense has a strong understanding of the Sentencing Guidelines in order to achieve this goal.

The case of *U.S. v Stewart*, 99CR196, is a perfect example of how NLPA's research can be used to keep a defendant's sentence as low as possible. Mr. Stewart came to NLPA within a difficult problem. After being convicted of a marijuana conspiracy under 21 U.S.C. § 846 and a weapon charge under 18 U.S.C. § 924(c), he was facing sentencing. Despite the fact that he was a first-time offender who had pleaded guilty, the Presentence Investigation Report (PSI) recommended a sentence of up to 121 months on the drug charge with an **additional 60 months** to run consecutively on the gun charge. Additionally, the Government was recommending an *upward departure* from the guideline range set forth in the PSI.

NLPA, working closely with Mr. Stewart's attorney, prepared objections to the information contained in the PSI and a memorandum in support of those objections. NLPA provided research on helped combat the Government's request for an upward departure. Additionally, NLPA provided research and arguments against the § 3C1.1 guideline enhancement and the

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failure of the PSI to contain a § 3E1.1 acceptance of responsibility reduction.

Although Mr. Stewart did not win on every issue NLPA briefed for counsel, NLPA's research was instrumental in keeping the court from departing upward at sentencing. Ultimately, the defendant received a sentence of 78 months on the drug charge! The sentencing assistance provided by NLPA saved Mr. Stewart more than 9 years in prison!

If your client is currently awaiting sentencing on federal drug charges and you would like NLPA's assistance, 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.**