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GREAT NEWS FOR CALIFORNIA DEFENDANTS! **CALIFORNIA SUPREME COURT STRIKES DOWN SENTENCING GUIDELINES**

For years NLPA and other defense attorneys have argued that the California Sentencing Guidelines were unconstitutional because they allowed judges to impose sentences based upon evidence not considered by a jury and not proven by the prosecution. As a result of this practice by the California courts many defendants are serving sentences that are unfair and unconstitutional. Up until now these arguments have fallen on deaf ears.

However, the good news is that all of this has changed. On January 22, 2007, the United States Supreme Court in the case of Cunningham vs. California (05-6651) threw out the State of California Sentencing Guidelines as being unconstitutional.

For those defendants who are currently serving a sentence and would like to determine if there is a way of reducing the term of their confinement under this new Supreme Court decision they are urged to contact their legal counsel to have a review of their case conducted. This review should outline to the defendant the options available to him to pursue a reduction in his sentence.

For those defendants who are waiting to be sentenced, this ruling gives the court far greater latitude in imposing a sentence but, also requires that judges can no longer impose a sentence based upon evidence not considered by a jury or proven by the prosecution. Therefore, defendants waiting to be sentenced should discuss with their legal counsel the preparation of a sentencing memorandum to outline for the sentencing court issues that could now give the court a basis for imposing a much lower sentence than otherwise would have been the case under the old California Sentencing Guidelines.

If you feel that your sentence was based upon unproven, inaccurate information and this change in the law could potentially benefit you we can help. If you would like to have this matter reviewed as it relates to your case, contact NLPA.

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*Or to find out more, visit us at our recently updated Website at
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