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“The pursuit of justice is a team effort.”

Newsletter

Legal News Briefs for Law Libraries & Defense Attorneys

REINSTATEMENT IN SIGHT FOR PAROLE AND INCREASED GOOD-TIME?

Good News!!! There have been some very important developments that could potentially benefit defendants everywhere. There is an organization that is proposing this important legislation known as FedCURE (You can access their website at www.fedcure.org). You can write to FedCURE at P.O. Box 15667, Plantation, FL

33318-5667.

FedCURE has proposed legislation designed to reinstate parole as well as to allow up to 180 days per year good time - a major increase from the 54 days a year allowed now for federal defendants. Unfortunately, as of the date of this memorandum, neither of these bills have been passed by the Congress. However, FedCURE will be redoubling its efforts when the 110th Congress convenes to push for passage of these important bills.

supports this Legislation. FedCURE board members and representatives are visiting various federal BOP facilities and holding meetings in which they present information about this important new Legislation. They would appreciate any financial support that you are your family can provide.

NLPA is monitoring this critical Legislation and will keep federal inmates updated as to the status of FedCURE's efforts in the Congress to reinstate parole and increase good time.

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Sponsors of this legislation are:

- Representative Danny K. Davis of IL
- Representative Jesse L. Jackson, Jr. of IL
- Representative Janice D. Schakowsky of IL
- Representative William L. Clay of MO
- Representative Gwen More of WI
- Representative Charles B. Rangel of NY
- Representative Jose E. Serrano of NY
- Representative Major R. Owens of NY
- Representative John Conyers of MI
- Representative Sheila Lee Jackson of TX
- Representative Cynthia A. McKinney of GA
- Representative Bernie G. Thompson of MS

The American Correctional Association also

BLAKELY/BOOKER **RETROACTIVITY** **UPDATE**

The Supreme Court decides to punt...for now

For nearly a year, attorneys, inmates, and families of inmates have been waiting or the Supreme Court to issue its decision in Burton v. Waddington, 2005 US App. LEXIS 15497 (9th Cir. Wash., 2005). It was hoped that the Supreme Court would finally rule on the issue of whether the rule from Apprendi, Blakely, and Booker, which invalidated the

Federal Sentencing Guidelines and made clear that thousands of inmates had been sentenced illegally, would apply retroactively on collateral review.

In the Supreme Court, the name of the case was changed to Burton v. Stewart, 2007 U.S. LEXIS 1005 (Jan. 9, 2007). The Court finally ruled on the case. Remarkably, however, due to procedural problems with the case, the Court denied Burton's petition without ruling on the question of retroactivity. The decision is summed up by the following excerpt from the opinion:

"We granted certiorari in this case, 547 U.S., 126 S. Ct. 2352, 165 L. Ed. 2d 278 (2006), to determine whether our decision in Blakely v. Washington, 542 U.S. 296, 124 S. Ct. 2531, 159 L. Ed. 2d 403 (2004), announced a new rule and, if so, whether it applies retroactively on collateral review. We do not answer these questions, however, because petitioner – a state prisoner seeking postconviction relief from the federal courts – failed to comply with the gatekeeping requirements of 28 U.S.C. § 2244(b). That failure deprived the District Court of jurisdiction to hear his claims. Accordingly, we vacate the judgment

of the Court of Appeals and remand with instructions to direct the District Court to dismiss petitioner's habeas corpus application for lack of jurisdiction."

The Court concluded that "because the 2002 petition is a 'second or successive' petition that Burton did not seek or obtain authorization to file in the District Court, the District Court never had jurisdiction to consider it in the first place." Id., *7. Therefore, Burton's petition should be denied. Id.

What does the decision mean to inmates and family attempting to obtain reduced sentences based on Blakely and Booker? This is a good question that will only be fully answered with time. The decision is frustrating because so many inmates were waiting on the Supreme Court to rule upon this important issue. However, there is good news to take from this opinion. The Supreme

Court did NOT hold that the rule in Blakely was unavailable to inmates asserting the issue retroactively on collateral review. Instead, the Court left the question unanswered – which means the Court still wishes to answer the question of retroactivity.

The bottom line is that inmates, families, and attorneys will need to wait longer before the Court finally rules on the issue. However, in order to obtain relief, it is necessary to seek relief. Currently, the issue of whether the rule in Blakely and Booker apply retroactively on collateral review is not before the Supreme Court. However, NLPA works with attorneys throughout the country that are currently litigating this precise issue at the appellate level and plan on filing in the Supreme Court when appropriate. NLPA and many of the attorneys that work with NLPA fully expect the Supreme Court to eventually determine that Blakely and Booker apply retroactively on collateral review. The fight for justice continues . . . we will keep you updated!

SUPREME COURT REVIEWS CIRCUIT SPLIT ON PRESUMPTION OF REASONABLENESS STANDARD

As nearly everyone knows by now, in Booker, the Supreme Court held that this mandatory guideline system violated the Sixth Amendment because it permitted a judge to make findings by a mere preponderance of the evidence concerning factors that were used to increase a defendant's sentence. In order to remedy this problem, the Booker Court declared that the Guidelines were no longer mandatory, and that the Guidelines were now effectively advisory. Booker, 125 S.Ct. at 757. The Booker remedy made the Guidelines merely one of many sentencing factors that must be considered in determining a reasonable sentence. Making the Guidelines advisory solved the constitutional problem because judicial fact-finding was no longer the end of the sentencing equation or even the biggest part of sentencing. Instead, the guidelines were now simply one part of the equation in which district courts were required to impose a sentence that was "not greater than necessary." 18 U.S.C. § 3553(a).

1. After Booker, many federal courts have found themselves drifting back to imposing sentences in reliance upon the Guidelines. Instead of considering the Guidelines as just

one of many factors, several circuit courts have decided that they will again presume that sentences within the range produced by the Guidelines are reasonable. See United States v. Kristl, 437 F.3d 1050, 1053 (10th Cir. 2006); United States v. Williams, 436 F.3d 706, 708 (6th Cir. 2006); United States v. Green, 436 F.3d 449, 457 (4th Cir. 2006); United States v. Mykytiuk, 415 F.3d 606, 608 (7th Cir. 2005); United States v. Lincoln, 413 F.3d 716, 717-18 (8th Cir. 2005); United States v. Mares, 402 F.3d 511, 519 (5th Cir. 2005).

However, other federal courts believe that the practice of holding sentences within the Guidelines as presumptively reasonable is nothing more than a return to the unconstitutional pre-Booker sentencing scheme. Any *presumption* that a sentence produced by the Guidelines is reasonable under § 3553(a) sidesteps the Booker remedy which had previously reduced the importance of the Guidelines in determining a defendant's punishment. A rebuttable presumption standard means that, just like before Booker, a Guidelines sentence is presumptively correct and may only be departed from when a defendant meets certain rare or extraordinary circumstances. In our view, a rebuttable presumption is just as unconstitutional as the sentencing scheme that the Booker Court rejected. Therefore, defendants whose within-Guideline sentences were presumed as reasonable should be re-sentenced or their sentences should be again reviewed on appeal – this time without any presumption of reasonableness.

Recent Supreme Court decisions support this type of argument. In Claiborne v. United States, 06-5618, (on petition for writ of certiorari to the Eighth Circuit from its decision United States v. Claiborne, 439 F.3d 479 (8th Cir. 2006)), Mario Claiborne was convicted of distributing and possession of more than five grams of cocaine base. The guideline range was 37 to 46 months. However, the district court believed that the cocaine base penalty applied to him overrepresented the seriousness of the crime and sentenced Claiborne to 15 months in prison. The Eighth Circuit found this below guidelines sentence to be unreasonable, in part based on the belief that a sentence within the guidelines was *presumed to be reasonable*. See, 439 F.3d 481. Further a sentence outside the range could be found reasonable only if the judge found "extraordinary circumstances" to exist. Under these circumstances, the Supreme Court granted petition for writ of certiorari to determine whether the below guideline sentence was reasonable and whether it was consistent with United States v. Booker, 543

U.S. 220 (2005), to require that a sentence below the Guidelines to be justified by extraordinary circumstances.

Also, in Rita v. United States, 06-5754 (on petition for writ of certiorari to the Fourth Circuit), Victor Rita, was convicted of giving false testimony to a grand jury and obstructing justice in an investigation of illegal trafficking in machine gun kits. At sentencing it was argued that a within guidelines sentence was greater than necessary and a below guidelines punishment was requested based on numerous mitigating factors. The court sentenced him to 33 months on all counts – within the guideline range. The Fourth Circuit upheld the sentence as reasonable because it was within the guideline range for his case. The Supreme Court granted petition for writ of certiorari to determine whether the district court's choice of within-Guidelines sentence reasonable and whether it was consistent with United States v. Booker, 543 U.S. 220 (2005), to accord a presumption of reasonableness to within-Guidelines sentences.

Is Booker Retroactively Applicable to Case on Collateral Review?

Today, even though the substantive opinion of Booker confirmed that the rule in Blakely applied to the U.S. Sentencing Guidelines, at least one important hurdle remains – demonstrating that the rule of Blakely applies retrospectively to cases on collateral review. As we reported in the last edition of *The Bulletin*, the Supreme Court recently accepted review of that issue in Burton v. Waddington, No. 05-9222. The Court is to review an argument similar to what this firm has argued for many of our past and current clients based largely upon the Supreme Court's decision in Yates v. Aiken, 484 U.S. 211 (1988).

If the Burton decision determines that the Blakely holding applies to defendants whose cases became final after Apprendi (or even simply to cases on collateral review), the ruling could open doors to federal court for thousands of inmates. What action will be appropriate for any particular case could depend upon many factors, including when the conviction became final, what action the inmate has filed since being sentenced, and which of the cases were cited on appeal or in any post-conviction action.

SENTENCING GUIDELINES FACING A NEW SCRUTINY

WASHINGTON -- With Democrats poised to take control of Congress, law-enforcement officials are preparing to defend two decades of federal sentencing policies that mandated harsh prison terms on a variety of crimes and led to a boom in the prison population.

Michigan Rep. John Conyers, the incoming chairman of the House Judiciary Committee, and Rep. Robert Scott (D., Va.) have already said they plan hearings early in the term to look at how nonviolent drug offenders are punished under mandatory minimum laws.

An early target will be the prison terms mandated by Congress for crack-cocaine convictions. Under current law, someone caught with five grams of crack gets a five-year sentence, while it takes 500 grams of powder cocaine to trigger the same sentence, even though there is no physiological difference. Critics have long maintained that the law unfairly targets African-American communities, where crack is more prevalent. In contrast, suburban white users tend to prefer cocaine in its powder form.

Mr. Conyers has called the crack-cocaine sentences the "most outrageous example of the unfairness of mandatory minimums."

Democrats are buoyed by recent signals from the U.S. Sentencing Commission, which sets guidelines for judges to use in an advisory capacity when they hand down sentences. Members of the commission are likely to recommend a change in the crack-cocaine penalties next year, according to commission members. The commission has tried since 1995 to bring the penalties for crack crimes more in line with powder cocaine but the Republican-controlled Congress has ignored past attempts.

BOOKER BEING USED TO ARGUE FOR IMPLEMENTATION OF BOOT CAMP SENTENCES

On January 14, 2005, the Director of the Bureau of Prisons unilaterally announced the termination of the federal boot camp program. The boot camp statute, guideline, and regulations established a terrific rehabilitative program that permitted non-violent defendants with minor prior records to reduce their actual time in custody from 30 months to 6 months, with extended community confinement after successful completion of the intensive boot camp's requirements. For prisoners with

sentences of 30 to 60 months, the period of community confinement at the end of the sentence would generally total 12 months, significantly more than the 10 percent provided by statute.

The BOP's actions appear to be patently illegal. Early on, Judge Saris from the District of Massachusetts entered an injunction based on violation of the Administrative Procedure Act and the Ex Post Facto Clause, as blogged at <http://circuit9.blogspot.com/2005/04/cas-tellini-bop-enjoined-from.html>. Although with the nullification of the boot camp sentencing option, they have refused to grant relief. The BOP has also engaged in a successful strategy of attempting to moot litigators by placing plaintiffs in state boot camp programs, as occurred in the Massachusetts case.

So, how should defense counsel respond to the elimination of this benefit for clients? There are a number of approaches that depend on our client's situation.

The first and most important is for defendants who are either being sentenced in the first instance or being resentenced. If they would qualify for the boot camp program under the published criteria, we have a powerful argument that, under the Booker advisory guidelines, the reasonable sentence is achieved by an equivalent sentence through structuring of prison time and creative conditions of supervised release. For example, in a case in which we obtained a resentencing based on termination of boot camp, the district judge reduced the 30-month sentence to a year and a day and added a 6-month halfway house condition with an extensive community service obligation.

This type of creative sentencing is required by Booker's reference to Section 3553(a) factors, such as the kinds of sentences available and the need to provide correctional treatment in the most effective manner. This type of sentencing is also strongly supported by the 1994 Department of Justice study that concluded that non-violent offenders with minor or no criminal history were being systematically over-incarcerated. The DOJ study acknowledged that the same prisoners for whom boot camp was designed are receiving sentences greater than necessary to achieve the deterrence and rehabilitative purposes of sentencing.

But what about the defendants

who have already received boot camp sentencing? If you have a defendant within the closing window for individuals who were sentenced after the termination decision was made but before it was announced, there is relief available under Section 2255. In *United States v. McLean*, Judge Aiken granted a Section 2255 motion based on the fact that her sentence was imposed after the decision had been made to terminate the federal boot camp program (2005 WL 2371990). The material mistake of fact provided the court with jurisdiction to grant relief.

What about folks whose sentences preceded the boot camp termination or individuals who have a boot camp recommendation after the termination was announced? For these individuals, litigation may be appropriate. First, the BOP has placed litigators into state boot camp programs. So, for example, a defendant serving a 60-month sentence who is supposed to go to boot camp at 24 months before his or her projected release date may be able to negotiate for relief in the form of referral to a state boot camp. Further, if you can persuade a judge to follow the sentencing option available under the statutes and guidelines, regardless of the BOP's administrative action, you may be able to litigate successfully during the time prior to voluntary surrender to obtain a direct commitment to a state boot camp. And even if your client has already lost the benefit, the harm from the illegal over-incarceration can still be remedied by favorable litigation that becomes a basis for a discretionary reduction in the period of supervised release, as in *Mujahid*.

For those clients who escape the procedural pitfalls, we may be able to litigate the ultimate issues to eventually obtain declaratory and injunctive relief in the form of an order that the boot camp program be reinstated. The BOP's unilateral elimination of a sentencing guideline, expressly authorized by Congress, raises severe separation of powers problems and violates a number of statutes. These issues are currently on appeal before the Ninth Circuit in *Serrato v. Clark*, CA No. 06-15167. The legal arguments are set out in the memo at http://www.fd.org/pdf_lib/bootcamp.pdf, which layers our position under the Sentencing Reform Act, the Administrative Procedure Act, Retroactivity Doctrine, the Ex Post Facto Clause, and the Separation of Powers Doctrine.

Termination of the boot camp

program is a classic abuse of Executive Branch power. Despite BOP claims that the decision was carefully made and based on studies, the decision was made in less than a week and involved no studies whatsoever. In deposition testimony, the BOP executives claimed that there was no consideration of termination until November 16, 2004, when the idea was put up on a brainstorming pad of paper. By November 22, 2004, my client was being told by her case manager that the program was terminated. No new BOP studies had been conducted since the Lewisberg study of 1996, which determined that boot camp was both effective and cost-efficient.

We need to be especially careful to assure that our clients are not victimized by this abuse of executive authority. Prevention is the best cure; but if litigation is necessary, we should be prepared to assure that our clients do not suffer longer incarceration and deprivation of effective rehabilitative treatment. The BOP should not be permitted to unilaterally thwart a sentencing option established by first-time, non-violent offenders.

Source: Steve Sady-BOP Watch

CASES YOU CAN USE

US v. Gaines (2nd Cir. No. 04-5616) Conviction of being a felon in possession of a firearm, in violation of 18 U.S.C. section 922(g), is vacated where: 1) the record is insufficiently developed to permit appellate review of the district court's order denying motion to suppress; and 2) there was error in the jury instruction that the defendant's interest in the outcome of the case created a motive to testify falsely. <http://caselaw.lp.findlaw.com/data2/circs/2nd/045616p.pdf>

US v. Anati (2nd Cir. No. 05-3800) Sua sponte imposition of enhanced non-Guidelines sentence without notice is remanded for resentencing as notice and opportunity to challenge the grounds for a non-Guidelines sentence adverse to the defendant must be given. <http://caselaw.lp.findlaw.com/data2/circs/2nd/053800p.pdf>

US v. Brownlee (3rd Cir. No. 04-4134) A conviction for carjacking, using a firearm in relation to a federal crime of violence, and possession of a firearm by a convicted felon is reversed and remanded for a new trial where the district court erred in: 1) excluding expert testimony regarding the reliability of the eyewitness identification

evidence upon which defendant was convicted; and 2) admitting defendant's inculpatory statements which were the product of a custodial interrogation without Miranda warnings. <http://caselaw.lp.findlaw.com/data2/circs/3rd/044134p.pdf>

US v. Mosley (3rd Cir. No. 05-1519) When a vehicle is illegally stopped by the police, no evidence found during the stop may be used by the government against any occupant of the vehicle unless the government can show that the taint of the illegal stop was purged. The metaphorical bubble of causation encapsulates the entire vehicle and links the illegality of the stop to the Fourth Amendment rights of all of the occupants. <http://caselaw.lp.findlaw.com/data2/circs/3rd/051519p.pdf>

US v. Palmer (5th Cir. No. 04-21016) A conviction for the use of a firearm in furtherance of a drug trafficking crime and possession with intent to distribute cocaine base is reversed in part as to the conviction on the firearm possession count where: 1) the waiver in defendant's plea agreement did not bar his appeal; and 2) facts adduced in a plea agreement and colloquy did not suffice to establish that defendant's possession of a pistol was "in furtherance" of drug trafficking. <http://caselaw.lp.findlaw.com/data2/circs/5th/0421016cr0p.pdf>

Pickering v. Gonzales (6th Cir. No. 03-3928) Petition for review of a Board of Immigration Appeals (BIA) order permanently barring petitioner from the United States, based on a Canadian conviction for a drug offense, is granted where the INS did not prove by clear, unequivocal, and convincing evidence that petitioner's conviction remained valid for immigration purposes. <http://caselaw.lp.findlaw.com/data2/circs/6th/033928p.pdf>

US v. Yopp (6th Cir. No. 05-1807) Defendant's sentence for violating the terms of his supervised release is vacated where there was no evidence of the district court's consideration of policy statements in the sentencing guidelines, and defendant's 24-month sentence was substantively plainly unreasonable because it was "greater than necessary to comply with the purposes set forth in 18 U.S.C. section 3553(a)(2)." <http://caselaw.lp.findlaw.com/data2/circs/6th/051807p.pdf>

U.S. v. McDonald (7th Cir. No. 05-3761) McDonald entered a conditional guilty plea

reserving his right to appeal the denial of his motion to suppress. McDonald contends on appeal that his use of the turn signal was not illegal under Illinois law and that a police officer's mistaken belief about the law could not support probable cause for his arrest. We agree and therefore reverse the decision of the district court. <http://caselaw.lp.findlaw.com/data2/circs/7th/053761p.pdf>

US v. Taylor (No. 05-3819, 7th Cir 12/21/06) Conviction for growing marijuana is affirmed where the search warrant affidavit contained sufficient information to find probable cause to search, but the sentence is vacated where the jury's special finding that defendant manufactured or possessed with the intent to manufacture more than 1000 marijuana plants was based solely on inadmissible hearsay.

Dahler v. US (No. 05-4782, 7th Cir, 1/12/07) Dismissal of suit to recover the value of items lost during a prison shakedown is reversed where amendments to the Civil Asset Forfeiture Reform Act did not alter the court's previous holding that the government had waived immunity for negligent loss of property by government employees.

Carrington v. US (No 05-63143, 12/13/06) & **Tillitz v. US** (No. 05-63144, 12/13/06).

In an extraordinary opinion, the 9th Circuit recall mandates in two drug cases that became final 15 and 6 years ago. In these cases, the sentencing judge gave lengthy sentences because of the mandatory nature of the guidelines, but also made statements on the record indicating that the mandatory application of the guidelines was harsh and unfair. After *Booker*, the defendants filed post-conviction motions (writs of audita querela because of unconstitutional sentences). The district judge denied but asked *sua sponte* for the 9th to recall its mandate.

In these opinions, the 9th agrees that post-conviction relief is not available and is foreclosed by precedent. However, it does accept the district court's invitation to recall the mandates. The 9th emphasized that these were extraordinary circumstances in which the court had foreshadowed the *Booker* decision and had railed against the guidelines, and that it was clear that the judge would grant a different sentence in his impassioned plea to the 9th to set matters right. The 9th finds that this falls under the *Crawford* test for recalling of mandates and so issues.

In dissent, it was argued that these cases do not present the extraordinary circumstances that allow for recalling of a mandate. Post-conviction relief is foreclosed by precedent (*Cruz*) and *Booker* by itself does not justify a recalling of a mandate (*King*). These cases are long settled (15 and 6 years), and present no extraordinary circumstances vis-a-vis other defendants being sentences under the guideline regime at the time. Callahan cautions that the Supreme Court had reversed a previous grant of mandate in *Calderon*. She concludes that the decision granting relief conflicts with precedent, conflicts with other circuits, and is abuse of the court's inherent authority.

ANOTHER YEAR OF SUCCESS FOR NLPA: OUR ANNUAL SUCCESSFUL CASES

During the past year we had a total of 43 successful cases. Listed below are the victories we helped our clients accomplish in the year 2006. We commend all of our staff on their hard work in achieving these victories and proving that the team approach really makes a difference! We are looking forward to an even better record in 2007.

Barnum, L. - NLPA assisted Mr. Barnum's counsel in preparing for sentencing to help attack a PSI recommendation of 360-480 months in prison. At the sentencing Mr. Barnum only received a term of 96 months in prison - saving him more than 22 years in prison!

Pride, A. - NLPA assisted Mr. Pride's counsel in the preparation of sentencing research to fight a guideline range of 188-235. Mr. Pride received 151 months in prison. This saved him more than 3 years in prison.

Chiolo, M. - NLPA assisted counsel in attacking a guideline range of 120-125 months at sentencing. As the result of our research, Mr. Chiolo received a term of 78 months in prison - saving him more than 4 years in prison.

Smith, M. - NLPA assisted counsel for Mr. Smith in the preparation of an appeal to the Sixth Circuit. Mr. Smith's case was remanded back to the District Court for a resentencing. We have just completed this work and are hopeful that we will be successful in this avenue as well.

Cedillo, J. - NLPA assisted Mr. Cedillo's

counsel in attacking a PSI recommendation of 210-262 months. At his sentencing hearing the judge imposed a term of 180 months - saving Mr. Cedillo more than three years in prison.

Patmon, C. - NLPA assisted Mr. Patmon in the pretrial stage of his case. We prepared and were victorious, among other items, in a Motion to Suppress. We received a call from the client's family in January advising that they were grateful for the work which we had completed because all charges against Mr. Patmon had been dropped and he was released!!!! The government has since filed appeals of this decision but, they have been denied.

Gallimore, L. - NLPA assisted counsel for Mr. Gallimore in the preparation of an appeal to the Eleventh Circuit. The government later conceded and the case was granted a remand back to the District Court for a resentencing based on *Booker/FanFan*.

Hardman, P. - NLPA assisted Mr. Hardman's counsel in the preparation of an appeal to the Sixth Circuit. His case was remanded in February for a resentencing based on our research.

Duran-Colon, E. - NLPA assisted counsel for Mr. Duran-Colon to help fight a guideline range recommendation of 97-121 months. At his sentencing, Mr. Duran-Colon received 84 months - saving him more than a year in prison.

Castel, R. - NLPA assisted counsel for Mr. Castel in arguing deportation back to Haiti. NLPA's main argument was based on the substantial risk that the defendant's life would be in should he return. The court agreed with our arguments and granted the application for asylum. The defendant is not being deported to Haiti. The government is currently appealing this decision and NLPA is hopeful that the family will again choose to have us to continue assisting in this matter.

Hunt, B. - NLPA assisted Mr. Hunt and his attorney at the sentencing level of his case. He was facing a guideline recommendation in his PSI of 120 months plus 60 months consecutive. At his sentencing, Mr. Hunt received on 61 months total - saving him ten years in prison!

Mukendi, K. - NLPA assisted counsel with the preparation of a BIA Appeal for the purpose of preventing Mr. Mukendi from being deported to Zaire. The court agreed with our position and remanded the case back to the immigration court to reassess the

asylum application.

Santana, M - NLPA assisted counsel for Mr. Santana in attacking a guideline range of 108-135 months in his PSI. Mr. Santana's case involved cocaine conspiracy. At sentencing, the judge imposed a term of 87 months - saving Mr. Santana more than four years in prison.

McKenzie, G - NLPA assisted with sentencing. Defendant was facing 108-135 months in his PSI. With our help he received 97 months - saving him more than a year in prison.

Medas, K - NLPA assisted Attorney Rood in an appeal to the Second Circuit. The courts affirmed the conviction but, remanded the case back to the District Court for a resentencing.

Brinson, I - NLPA assisted counsel in an appeal to the Eleventh Circuit with Attorney Charles Murray. Mr. Brinson's case was remanded back to the District Court for a new sentencing.

Gallimore, L - NLPA Assisted Attorney Charles Murray in an appeal to the Eleventh Circuit which was remanded back to the District Court for a re-sentencing based upon Booker issues.

Gomez, J - NLPA assisted counsel for Mr. Gomez in preparing research for his sentencing. Mr. Gomez's PSI recommended a guideline range of 120-135 months in prison. At his sentencing, the judge imposed a term of 87 months - saving Mr. Gomez 4 years in prison!

Carr, E - NLPA assisted Mr. Carr's attorney with the preparation of research for his sentencing to help attack a PSI recommended guideline range of 188-238 months. At his sentencing Mr. Carr received a term of 155 months - saving him more than three years in prison.

Addison, J - NLPA assisted Mr. Addison's counsel with his sentencing where he was facing a life sentence. At his sentencing he received 282 months in prison - a far cry from life behind bars.

Addison, D - NLPA also assisted Darnell Addison with research for his sentencing. His PSI recommended a sentence of life. He received 262 months at his sentencing - saving him a ton of valuable time behind bars.

Pratt, T - NLPA assisted counsel for Mr. Pratt

in fighting a guideline recommendation of 262-327 months in prison (per his PSI offense level). At his sentencing the court imposed a term of 188 months in prison - saving him more than 6 years in prison.

Baugham, R - NLPA assisted counsel for Mr. Baugham in the research and preparation of his direct appeal. Though his conviction was affirmed, his sentence was remanded back to the District Court for a resentencing.

Bimbo, E - NLPA assisted counsel for Mr. Bimbo in challenging his PSI report and possible sentencing enhancements which had him facing 70-87 months in prison. At his sentencing he received 57 months - saving him more than one year in prison.

Bolling, V - NLPA assisted Mr. Bolling's counsel in fighting his case wherein he was facing a PSI recommended term of 292-365 months. At his sentencing the judge imposed a term of 195 months in prison - saving him more than 10 years!

Rodriguez-Ferreira, J - NLPA assisted counsel for Mr. Rodriguez in preparing a §2255 motion. After considering by the courts of both parties' arguments, Mr. Rodriguez's appeal rights were reinstated.

Gopher, M - NLPA assisted counsel in the preparation of sentencing research for Mr. Gopher's case. He was facing life in prison. With our help he received a sentence of 18 years.

Krysheski, R - NLPA was hired directly by counsel in the case of Mr. Krysheski to assist in a bankruptcy case. With our help, the court vacated a dismissal of the case.

Mancha, G - NLPA assisted the firm of Robinson & Brandt in the preparation of a §2255 motion to reinstate Mr. Mancha's appellate rights and attack his sentence. Before the court issued its decision the government conceded that they felt Mr. Mancha's appellate rights should be reinstated. Later, the court adopted the report and recommendation and offered Mr. Mancha a new sentencing prior to the pursuit of his appeal.

Ozuna, M - NLPA assisted in the preparation of pretrial research for counsel in the case of Mr. Ozuna. We prepared numerous pretrial motions for counsel to file and were advised that there was a hung jury in his case.

Palmer, D - NLPA assisted counsel for Ms. Palmer with her sentencing research to help

attack a PSI recommendation of 135-168 months in prison. At her sentencing the judge imposed a term of 120 months - saving Diana more than one year in prison.

Payne, A - NLPA assisted counsel for Mr. Payne with his sentencing to help attack a guideline recommendation of 360-life. At his sentencing Mr. Payne was sentenced to 148 months in prison - saving him 17 to life in prison.

Yarbrough, C - NLPA was partially hired to prepare sentencing research in the case of Mr. Yarbrough. His PSI recommended a guideline range of 235-295 months in prison. Although we only were able to prepare a portion of our research on the case, we were advised that the court still only imposed a term of 160 months - saving him more than 6 years in prison!

Gore, R - NLPA assisted counsel for Mr. Gore in the preparation of sentencing research to attack his PSI recommendation of 210-262 months. At his sentencing he received a term of imprisonment of 135 months - saving him more than 6 years in prison.

Santiago, C - After being retained in 2003, NLPA began preparing pretrial research for counsel on the case of Mr. Santiago. Much time went by but, after the case was finally heard, the defendant only received probation.

Crimi, P - NLPA assisted counsel with the sentencing on the case of Mr. Crimi. He was originally facing a guideline range of 188-210 months. However a second PSI was prepared in his case which ended up recommended 210-262 months. At his sentencing he received 130 months - saving him nearly twice his sentence (more than 10 years)!

De La Cruz, V - NLPA assisted counsel for Mr. De La Cruz in attacking his sentencing guideline range of 168-210 months. Raising issues regarding his narcotics conspiracy case we were able to successfully help in getting him a sentence of 132 months - saving him 3-7 years in prison.

Medas, K - NLPA was hired to assist counsel in the appeal of Mr. Medas' case in the 2nd Circuit. He was sentenced previously by the court to 324 months. His appeal was granted and the case remanded to the District Court for a re-sentencing. At the re-sentencing the court imposed 180 months as his new sentence - saving him twelve years in prison!

Diaz, C -NLPA was retained to assist on a preliminary level in the case of Mr. Diaz to help him in learning of things he could do to help himself at sentencing to attack his guideline recommendation range of 63-78 months. At his sentencing the court imposed 51 months - saving him at least one year in prison.

Arias, K - NLPA was hired in the case of Mr. Arias to assist his counsel in fighting for a lower sentencing than the 46-57 months that he was facing in his PSI report. At his sentencing Mr. Arias received 30 months - saving him just over two years in prison.

Thorpe, S.-NLPA assisted counsel in the case of Mr. Thorpe to attack his guideline range of 262-327 months in prison. At his sentencing he received a total term of 210 months - saving him 4-10 years in prison.

Browne, M - NLPA was partially retained to assist counsel for Mr. Browne in coming up with arguments to get him less time than the guideline recommendation he was facing of 92-115 months. At his sentencing the court imposed only 58 months - saving him three to five years in prison.

Arias, L - NLPA assisted counsel for Mr. Arias in attacking a PSI guideline range of 168-210 months. At his sentencing he received a term of 151 months in prison - saving him one to five years in prisons.

If you wish to receive more information on any one of the successful cases listed above (such as case jurisdiction, case number, etc) please feel free to contact NLPA.

INTERESTED IN HIRING NLPA?

If you're considering hiring someone to assist with your criminal proceedings, NLPA offers realistic fees that may suit you in your pursuit of finding top-notch yet affordable legal research & consulting assistance. We believe you will find our fees to be extremely competitive compared to other legal research firms in the country. We also have several alternative options for paying our fees.

- NLPA can accept payment via cashier's check or money order through the mail.
- We also can accept credit/debit card payments over the telephone as well as electronic check (check by phone) payments over the telephone.
- For most services provided NLPA also offers payment plans as well. With a minimum down payment you could soon be financing your legal fees.

Therefore, if you are interested in discussing the financing options available to you for your specific matter, please contact us.

NLPA assists in virtually every stage of criminal proceedings from pretrial to post-conviction and also assists in immigration matters. For additional information on the services offered by National Legal Professional Associates please contact our offices.

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You are important to us and we hope we can commence and maintain a long-term relationship with you. Please know that we are here to assist in all your needs. If you would like to know more about the services we offer, please contact us at:

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