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BREAKING NEWS!

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_____ We always try to be at the forefront of bringing you the newest and most groundbreaking legal theories. Today, we bring to you an announcement on the newest United States Sentencing Commission Guideline Amendment. This Amendment, attached to this bulletin, announces the new Guideline Section, 1B1.13. Section 1B1.13 is an implementation of the congressional directive found in 28 U.S.C. § 994(t).

Together, these sections provide guidance for when the Director of the Bureau of Prisons should make a motion to the appropriate District Court to reduce the period of an inmate's sentence of incarceration. If the Director of the BOP makes the requisite motion, it then is up to the Court to determine whether that individual poses a risk of danger to the community. If not, the remainder of the sentence can be served on supervised release.

This guideline applies to virtually everyone. But to successfully seek this relief you must demonstrate extraordinary and compelling reasons for the relief. Further as application note 1(B) sets out, rehabilitation of the defendant alone is not an extraordinary and compelling reason. What will be considered extraordinary and compelling is not yet defined. As you can imagine there will likely be a variety of case law and BOP program statements published over the next several years that will attempt to define extraordinary and compelling.

For now though, some cases will be obvious. Anyone over 70 who has served more than 30 years in prison will likely qualify under 1B1.13 (1)(B). Anyone with a significant history of rehabilitation or education within the BOP system, anyone with unusual family circumstances or health issues, or anyone who has already served a significant portion of a long sentence may qualify.

From a legal standpoint, our vision for this program employs a two-step process. First, would be an administrative request for the BOP to exercise its discretion and make the requisite motion. Our fee for that service, and the first step of the process would likely be \$750, our normal fee for administrative actions. This fee may be slightly higher in unusual cases and as always, please carefully read our retainer to insure you are aware of all terms and conditions of our representation. You as the client will be responsible for providing us with all necessary and requested documentation.

If successful, the next step would be to the District Court and an additional fee would apply for the briefing necessary to demonstrate to the Judge that our client does not pose a danger to the community and should be released.

We have been in touch with the BOP's Office of General Counsel and will be notified when they develop a more defined process to meet this guideline. In the meantime, if you believe you have compelling circumstances, now may be the time to begin preparing.

Prisons are overcrowded and there is no Parole. But this program may be a step in that direction.

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