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Subject: a caution

I considered writing this e-mail about two months ago, but decided against it at that time. The issue has popped up again and I feel that it is best to alert everyone now (if you were not already aware)....I was contacted by a panel lawyer today seeking some advice on responding to a PSR. It appears that the lawyer had negotiated a plea agreement based on representations made by the AUSA and which would have allowed the defendant a good chance of a low sentence and even the possibility of probation. The pre sentence report went out of its way to hammer the defendant, specifically identifying cocaine as the drug involved , and adding all enhancements possible, ultimately exposing the defendant to a near 10 year sentence.

The lawyer contacted the AUSA involved who simply said he could do nothing about it and declined to acknowledge his earlier representations (or misrepresentations)...At this point I stopped the conversation and said " Was the AUSA Kevin Ritz?" ...the answer was " yes".

It is unfortunate that this is not the first, second, third or whatever occasion that this sort of thing has occurred , but everyone should be aware of this unfortunate pattern of behavior. You should be aware, your clients should be aware, and you should proceed with extreme caution....

It's a sad commentary...steve