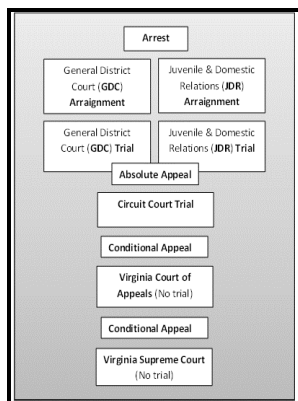


Felony drug prosecution handbook

P.J. Merriman - Prosecution



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 -felony drug prosecution handbook
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 Notes: PRIORITY 2.
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Federal prosecutors should oppose the acceptance of a nolo plea, unless the United States Attorney and the appropriate Assistant Attorney General concludes that the circumstances are so unusual that acceptance of the plea would be in the public interest. These are considerations that should be discussed with the investigating agency involved, as well as with any other agencies known to have an interest in using the informant in their investigations.

9

Such a filing is deemed for sentencing purposes to be the equivalent of a substantial assistance pleading. These priorities are designed to focus federal law enforcement efforts on those matters within the federal jurisdiction that are most deserving of federal attention and are most likely to be handled effectively at the federal level, rather than state or local level. Departmental attorneys not supervised by a United States Attorney should obtain the approval of the appropriate Assistant Attorney General, and should notify the United States Attorney or Attorneys concerned.

9

Different offices face different conditions and have different requirements. This is, of course, a threshold consideration only. Therefore the prosecutor must be familiar with the Sentencing Guideline rules applicable to grouping offenses see USSG § 3D and to relevant conduct see USSG § 1B1.

Prosecution

In this situation, there are several possible approaches the prosecutor can take to render the privilege inapplicable, induce its waiver, or otherwise obtain the testimony or cooperation. Bednarski, *supra*; United States v. Under the terms of the licence agreement, an individual user may print out a PDF of a single chapter of a title in Oxford Handbooks Online for personal use for details see and.

Prosecution

Freedom of Information Act or other considerations may suggest that a separate form showing the final decision be maintained. If a prosecutor

wishes to support a departure from the guidelines, he or she should candidly do so and not stipulate to facts that are untrue.

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