

## Federal Sentencing Update: Objections to the Armed Career Criminal Act, Career Offender Enhancement and Second Enhancements Notices

In 2020, the United States Supreme Court issued an opinion that opened the door to criminal defendants confronted with sentencing enhancements that could more than quintuple a minimum guideline score. This opinion held that priors for controlled substance offenses with broader definitions than those in the Federal Controlled Substance Act may not be used to enhance a sentence, because it was possible the client's prior offense conduct was for something not made criminal in the federal act.

Attorney, Josh Blanchard, successfully argued against an ACCA enhancement on these grounds in the Western District of Michigan. Attorney, Lisa Dwyer, successfully argued against the career offender enhancement and Section 851 second enhancement notice in the Eastern District of Michigan. Any attorney with a pending federal controlled substance act indictment, or, an indictment for any crime authorizing sentencing enhancements, should be preparing and filing objections to these enhancements. Minimally, every attorney should be aware of the impact of these potential objections on plea negotiations. In this session, you will learn the ins and outs of the arguments surrounding the potential grant or denial of these objections, including the potential Circuit split on these objections, and, you will learn the science behind these objections, including possible scientific responses currently being investigated by government attorneys.