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Zero-Point Offender Eligibility May Hinge On Meaning Of 'And'

March 5, 2024

Published by *Law360*, Litigation Partner Brandon McCarthy and Litigation Associate Nikita Yogeshwarun explore the legal nuances of the zero-point offender motion of 2024. In this article, they attempt to answer the question: Does a white collar defendant with few to zero criminal history points, who received a role enhancement — i.e., organizer, leader, manager, supervisor enhancement — still qualify for a two-level sentence reduction?

It may come down to the interpretation of a single word in the Supreme Court case *Pulsifer v. U.S. Pulsifer* illuminates the crucial impact of linguistic interpretation and its potential to significantly influence more just sentencing outcomes. If the rule of lenity is ultimately applied, then it would be a significant win for thousands of white collar defendants across the nation, resulting in reduced incarceration for zero-point offenders, while saving the public and federal government millions of tax dollars.

"Zero-Point Offender Eligibility May Hinge On Meaning Of 'And'," *Law360*, March 5, 2024

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