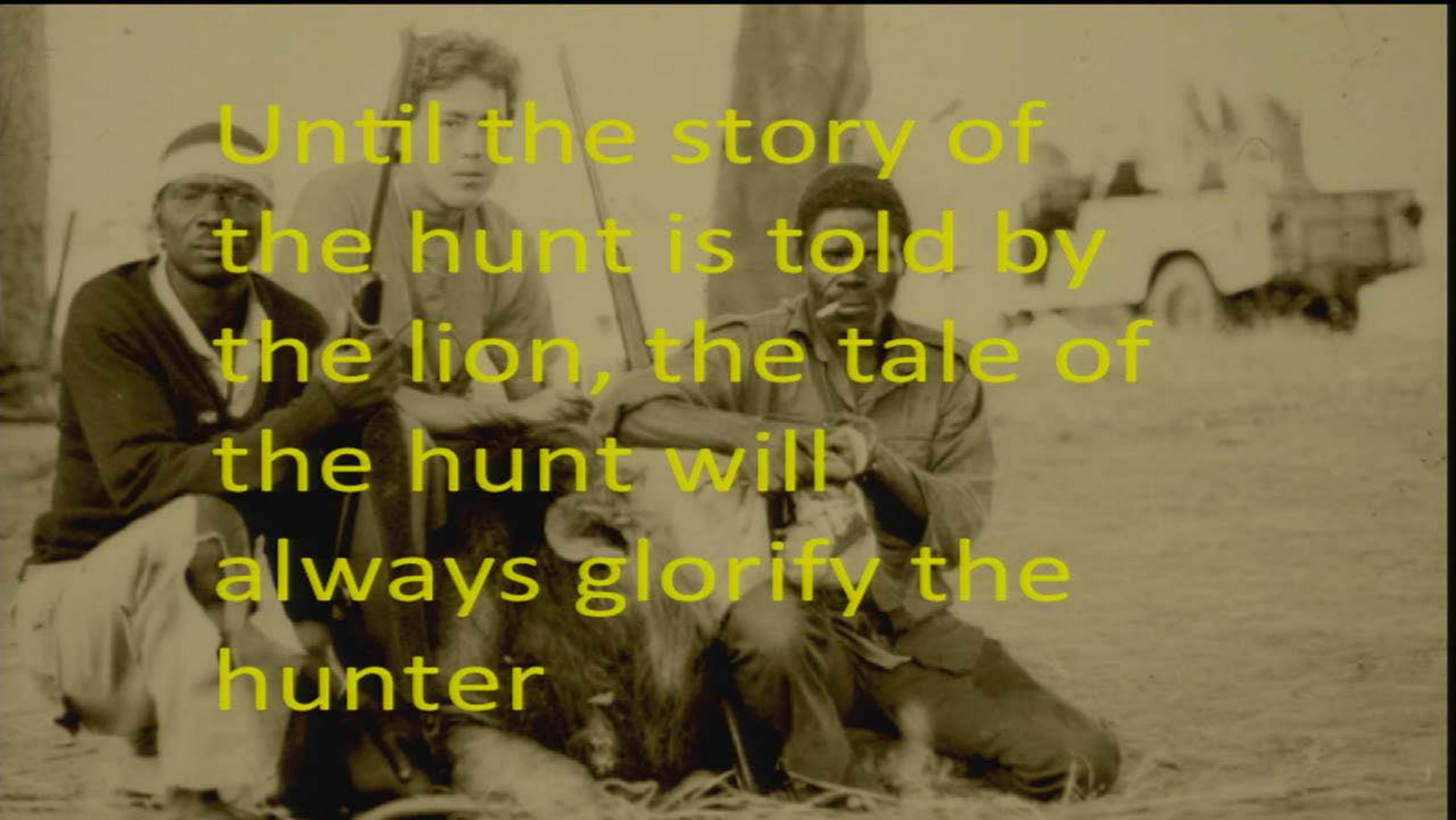


Advocacy at Sentencing

HOW A GUY WITH 7 PRIORS
GETS PROBATION and other
magical stories



A black and white photograph showing three men kneeling in a desert-like environment. The man on the left is wearing a dark jacket and a light-colored head covering. The man in the center is wearing a light-colored shirt and a dark vest. The man on the right is wearing a dark jacket and a light-colored shirt. They are gathered around a dead animal, possibly a lion, which is lying on the ground. In the background, there is a large, light-colored vehicle, possibly a truck or a bus, and some trees or structures. The text is overlaid on the image in a yellow, sans-serif font.

Until the story of
the hunt is told by
the lion, the tale of
the hunt will
always glorify the
hunter

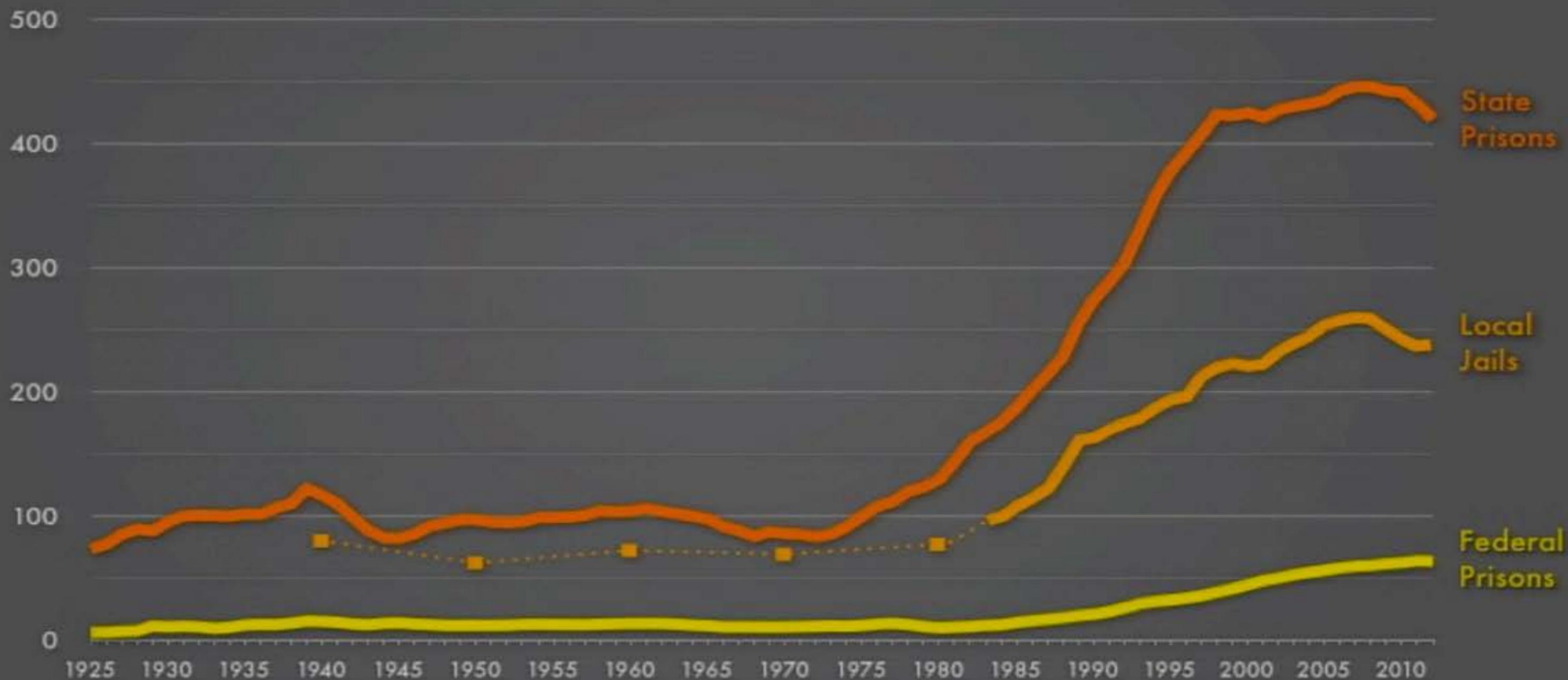
Until the lion has his or her own *storyteller*, the hunter will always have the best part of the story.





STATE POLICY DRIVES MASS INCARCERATION

(Number of people incarcerated per 100,000 population by level of government, 1925- 2012)



INCARCERATION RATES IN US. In 2008

31rd in nation [Wisconsin](#)

366/100,000

18th [Colorado](#) 445/100,000

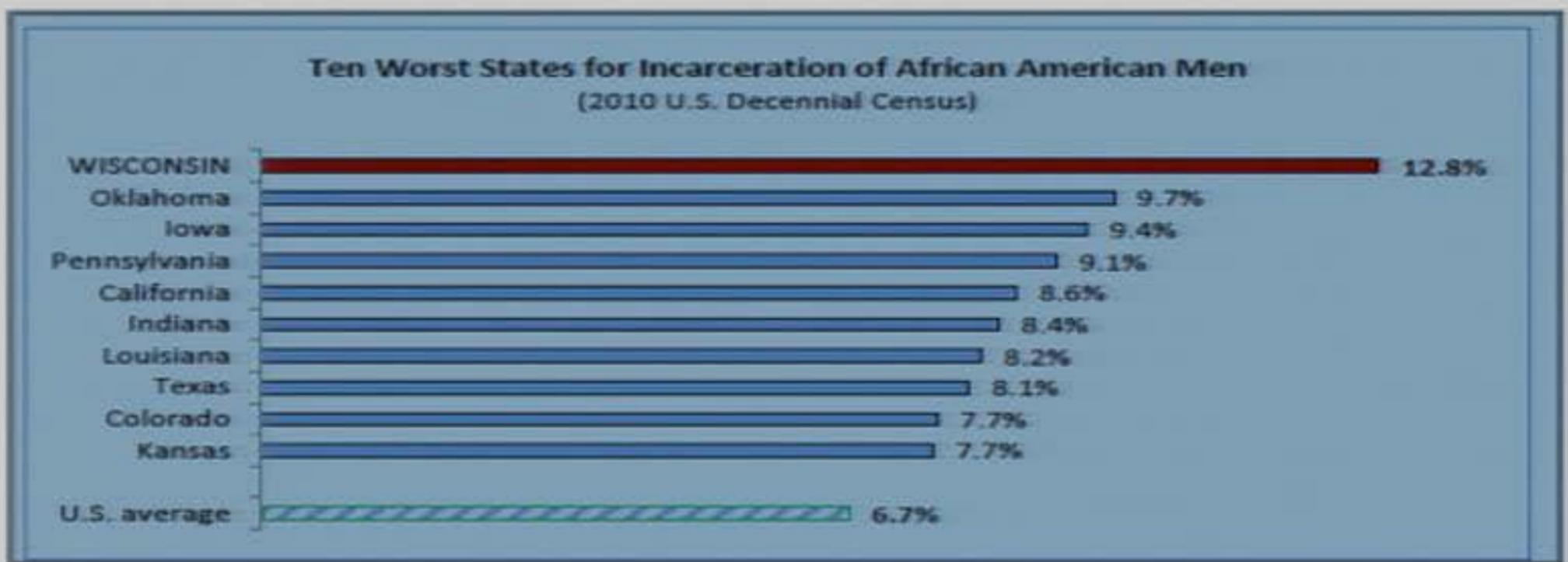
1 [Louisiana](#) 867 2 [Mississippi](#) 686

3 [Oklahoma](#) 654 4 [Alabama](#) 648

5 [Texas](#) 648

Findings

1. In April of 2010 when the U.S. Census Bureau conducted its decennial count of Wisconsin residents, it found 12.8% (or 1 in 8) of African American working age men behind bars in state prisons and local jails. This rate of mass incarceration is the highest for African American men in the country and nearly double the national average of 6.7% (or 1 in 15). See graph, page 8.



Wisconsin also leads the nation in incarceration of Native American men, with 7.6% of working age men (or 1 in 13) in state prisons and local jails in 2010, compared to 2.4% (or 1 in 21) nationally.

Findings

- 1. In April of 2010 when the U.S. Census Bureau conducted its decennial count of Wisconsin residents, it found 12.8% (or 1 in 8) of African American working age men behind bars in state prisons and local

je
d

DATA DOES NOT CREATE MEANING, WE DO!



Wisconsin also leads the nation in incarceration of Native American men, with 7.6% of working age men (or 1 in 13) in state prisons and local jails in 2010, compared to 2.4% (or 1 in 42) nationally. In

DANGER OF THE SINGLE STORY

NO POSSIBILITY OF DEFENDANTS
BEING SIMILAR TO HIM/HER IN
ANY WAY

NO POSSIBILITY OF BEING
EQUALS



PERMISSION



MATERIAL

ABILITY

PERMISSION:

BERT GIVES YOU PERMISSION

CLIENT GIVES YOU PERMISSION

STATUTE/CASE LAW GIVES YOU
PERMISSION

C.R.S. 18-1-102.5

(1) The purposes of this code with respect to sentencing are:

C.R.S. 18-1-102.5

(1) The purposes of this code with respect to sentencing are:

a.) To punish a convicted offender;

C.R.S. 18-1-102.5

(1) The purposes of this code with respect to sentencing are:

- a.) To punish a convicted offender;
- b.) To assure ... fair and consistent treatment ... by eliminating unjustified disparity in sentences;

C.R.S. 18-1-102.5

(1) The purposes of this code with respect to sentencing are:

- a.) To punish a convicted offender;
- b.) To assure ... fair and consistent treatment ... by eliminating unjustified disparity in sentences;
- c.) To prevent crime ... promote respect for the law by providing an effective deterrent to others;

C.R.S. 18-1-102.5

(1) The purposes of this code with respect to sentencing are:

d.) To promote rehabilitation;

C.R.S. 18-1-102.5

(1) The purposes of this code with respect to sentencing are:

d.) To promote rehabilitation;

e.) To select sentence ... that addresses the offender's individual characteristics;

C.R.S. 18-1-102.5

(1) The purposes of this code with respect to sentencing are:

d.) To promote rehabilitation;

e.) To select sentence ... that addresses the offender's individual characteristics;

f.) To promote acceptance of responsibility and accountability by offenders ... restoration and healing for victims and the community

270 Wis.2d 535 (2004)

2004 WI 42

678 N.W.2d 197

STATE of Wisconsin, Plaintiff-Respondent,

v.

**Curtis E. GALLION, Defendant-Appellant-
Petitioner.**

[No. 01-0051-CR.](#)

Supreme Court of Wisconsin.

Oral argument September 17, 2003.

Decided April 15, **2004.**

fashion a sentence based upon the severity of the crime, **the character of the offender**, the **interests of the community**,

554 and the **need to protect the public**. Judges are on the front lines of the criminal justice system every day, listening to victims and their families, **defendants and their families**, law enforcement, prosecutors, **defense attorneys**, and **the public**.

MATERIAL:

THE TROUBLE WITH ONE STORY.

LONG CRIMINAL HISTORY, STARTED
WHEN YOUNG. (little violence)

MATERIAL:

THE TROUBLE WITH ONE STORY.

LONG CRIMINAL HISTORY, STARTED
WHEN YOUNG. (little violence)

FAILED DRUG TREATMENT
(repeatedly)

MATERIAL:

THE TROUBLE WITH ONE STORY.

LONG CRIMINAL HISTORY, STARTED
WHEN YOUNG. (little violence)

FAILED DRUG TREATMENT
(repeatedly)

PRIOR PRISON SENTENCES

MATERIAL:

THE TROUBLE WITH ONE STORY.

LONG CRIMINAL HISTORY, STARTED
WHEN YOUNG. (little violence)

FAILED DRUG TREATMENT
(repeatedly)

PRIOR PRISON SENTENCES

CURRENTLY 52 YEARS OLD

Marcos: 14 foster placements

Marcos: 14 foster placements

Special Ed: start strong, disruptive, etc

Marcos: 14 foster placements

Special Ed: start strong, disruptive, etc

Fighting at school, Juvenile petitions

Marcos: 14 foster placements

Special Ed: start strong, disruptive, etc

Fighting at school, Juvenile petitions

Drops out of school, hanging with thugs

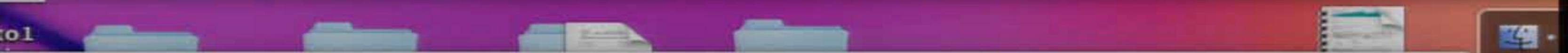
Marcos: 14 foster placements

Special Ed: start strong, disruptive, etc

Fighting at school, Juvenile petitions

Drops out of school, hanging with thugs

Burglaries and pawning stuff



Welcome to the Office of the Alternate Defense Counsel

ALTERNATE DEFENSE COUNSEL

DIRECTOR LINDY FROLICH



1300 BROADWAY A #180
DENVER, COLORADO 80202
(303) 515-6920

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- ▶ Administrator

The Office of the Alternate Defense Counsel Overview

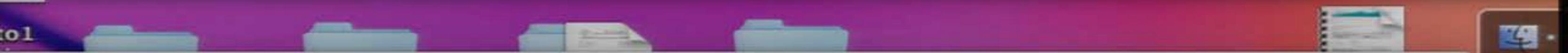
Written by Kim Walker

Monday, 05 March 2007 03:04

Background

The federal and state constitutions provide that an accused person has the right to be represented by counsel in criminal prosecutions. This constitutional right has been interpreted to mean that counsel will be provided at state expense for indigent persons in all cases in which actual incarceration is a likely penalty.

The Office of the Alternate Defense Counsel (OADC) was established pursuant to §21-2-101, C.R.S. (Senate Bill 96-205). The OADC is funded to provide representation for indigent persons in criminal and juvenile delinquency cases in which the Public Defender's office determines that an



ALTERNATE DEFENSE COUNSEL

DIRECTOR LINDY FROLICH



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DENVER, COLORADO 80202
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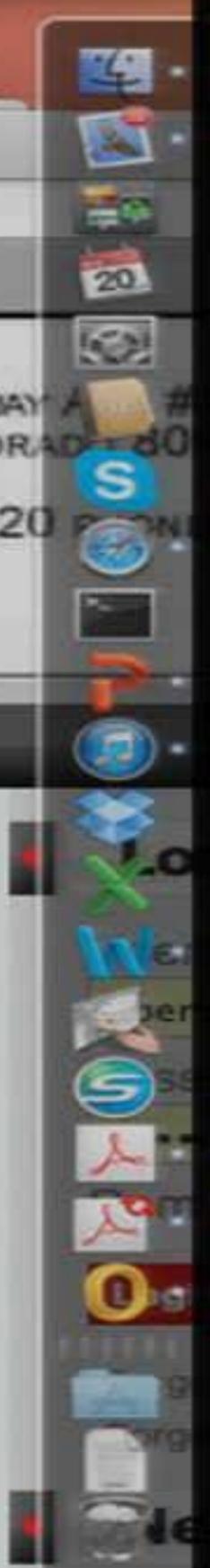
Login

Written by Admin
Tuesday, 08 September 2009 12:39

If you are an ADC contractor and do not have a login or password and would like access to the ADC website, please [Email us](#). (click on the hyper link or email Kim at kim@coloradoadc.com)

NOTE: If your password has been reset or changed, please select the "Edit password / details" menu to change your password.

If you cannot reset your password, please contact someone at ADC immediately so that the issue may be resolved.



ADVERSE COUNSEL
FROLICH



1300 BROADWAY AVE #330
DENVER, COLORADO 80203
(303) 515-6920 PHONE

September 2009 12:39

an ADC contractor and do not have a login or password and access to the ADC website, please [Email us](#). (click on the email icon) or email Kim at kim@coloradoadc.com)

our password has been reset or changed, please select the "Edit details" menu to change your password.

not reset your password, please contact someone at ADC so that the issue may be resolved.

Login

Username
bert

Password
....

Remember Me

Login

[Forgot your password?](#)
[Forgot your username?](#)

Newsflash

Mac OS X desktop sidebar with dock icons including Safari, Mail, iChat, and various utilities.

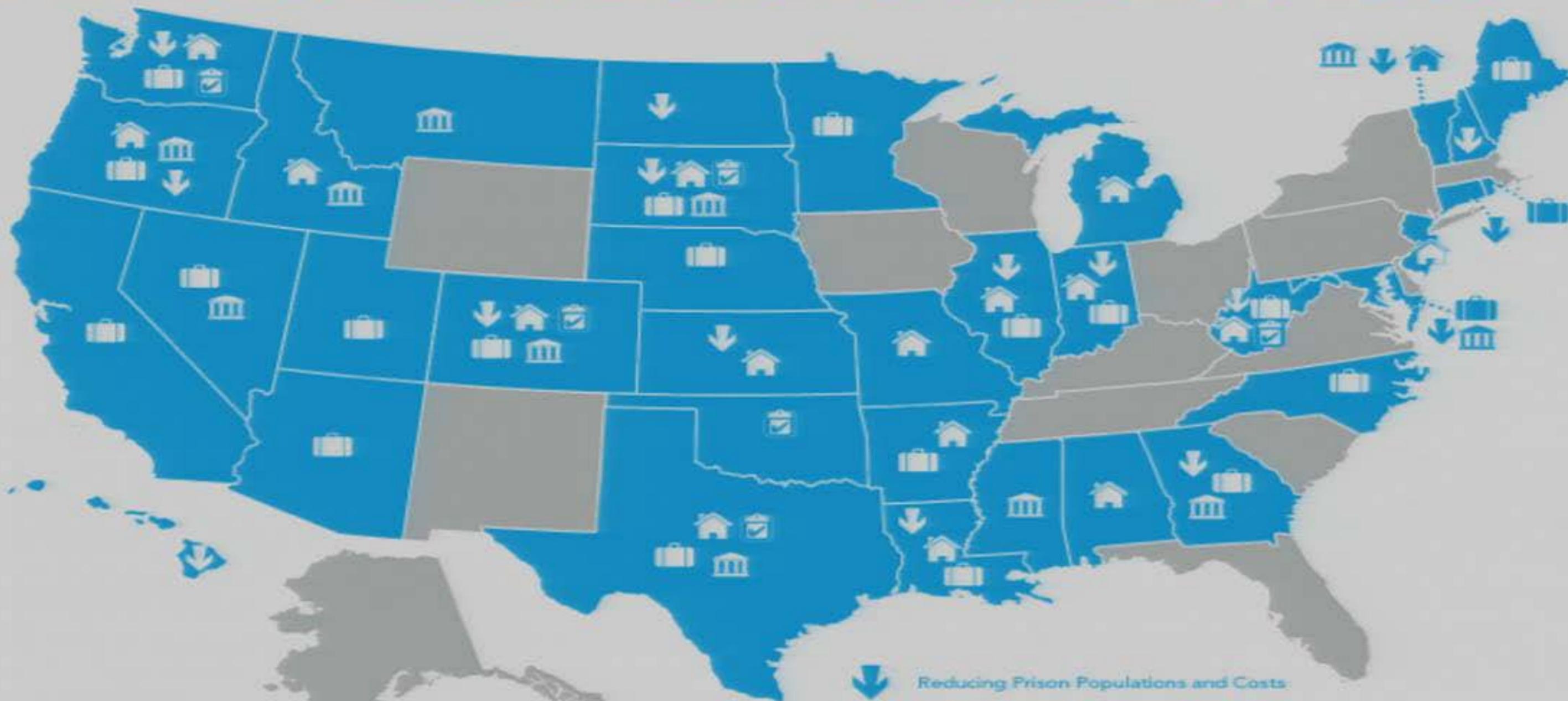
SKY : SERIOUS ASSAULT OUTSIDE BAR
SHITFACE DRUNK, COMING FROM
WATCHING CAGE FIGHT, CLOSING
TIME,
TOTALLY INNOCENT BYSTANDER,
(WHO TURNED OUT TO BE GAY SO
HATE CRIME)
GOOD EMPLOYMENT RECORD, IN
PROCESS OF GETTING DIVORCE,
RESTITUTION IMPORTANT,
SOCIAL SCIENCE RESEARCH

DETERENCE

time has come to accept the conclusion that **harsh sentences do not deter.**"

Criminological Highlights, Vol. 6, Number 2 (December 2003), review of Doob, Anthony N. and Cheryl Marie Webster (2003). Sentence Severity and Crime: Accepting the Null Hypothesis. In Michael Tonry (ed). *Crime and Justice: A Review of Research*, Volume 30. Chicago: University of Chicago Press, pp. 143-195.

MAPPING 2013 STATE SENTENCING AND CORRECTIONS TRENDS



-  Reducing Prison Populations and Costs
-  Expanding or Strengthening Community Corrections
-  Implementing Risk and Needs Assessments
-  Supporting the Reentry of Offenders into the Community
-  Making Better Informed Criminal Justice Policy