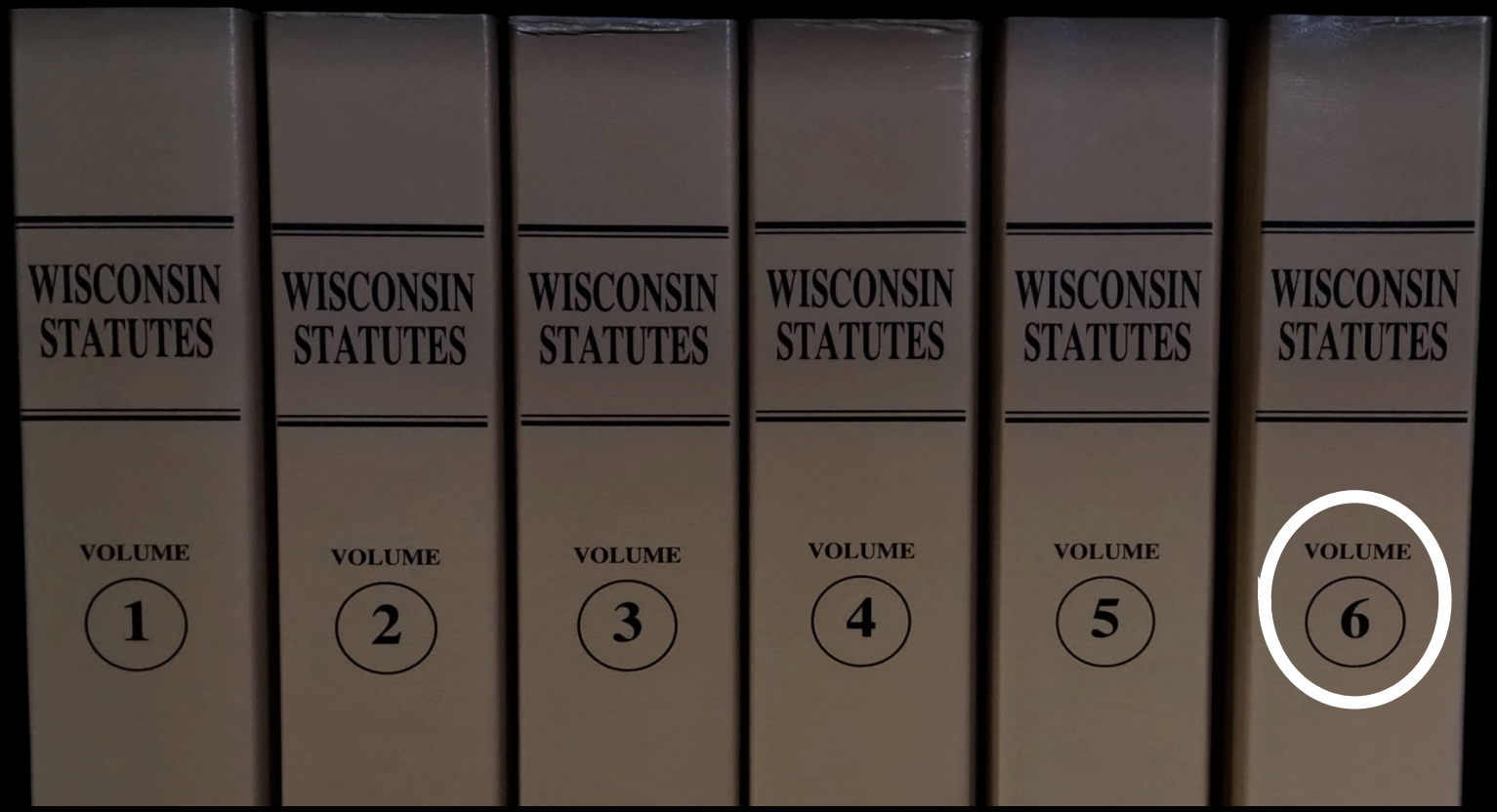
Sentencing

Eric Heywood – Attorney Ordinaire
Chris Lang – A/V Extraordinaire

Sentencing

- Court facts
- Present client story
- Sentence credit

Start with the Statutes!



§ 973

Sentencing options

- Costs
- Fine
- Probation
- Jail
- Prison

Sentencing Factors

- Protection of the public
- Character of defendant
- Seriousness of Offense

Sentencing Factors

- PURtection
- CHAracter
- SEriousness

Sentencing Factors

- PUR
- CHA
- SE

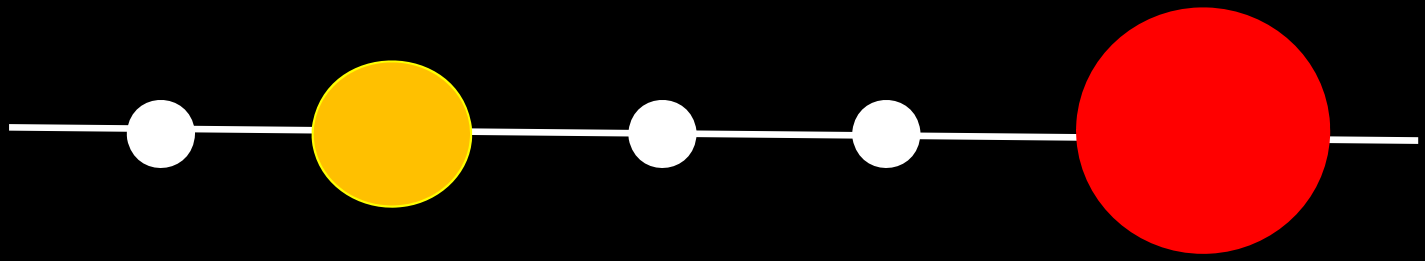
Sentencing Factors

- PUR-CHA-SE
- Every sentence is a purchase
- Cost to client, family, society

Sentencing Factors

- *Gallion*, 2004 WI 42
- Probation over confinement
- Minimum amount confinement

DA Argument



DA Argument Concerns

- Breach plea agreement?
- Misstate criminal record
- Misstate facts
- Exaggerate and emotions

Client Record

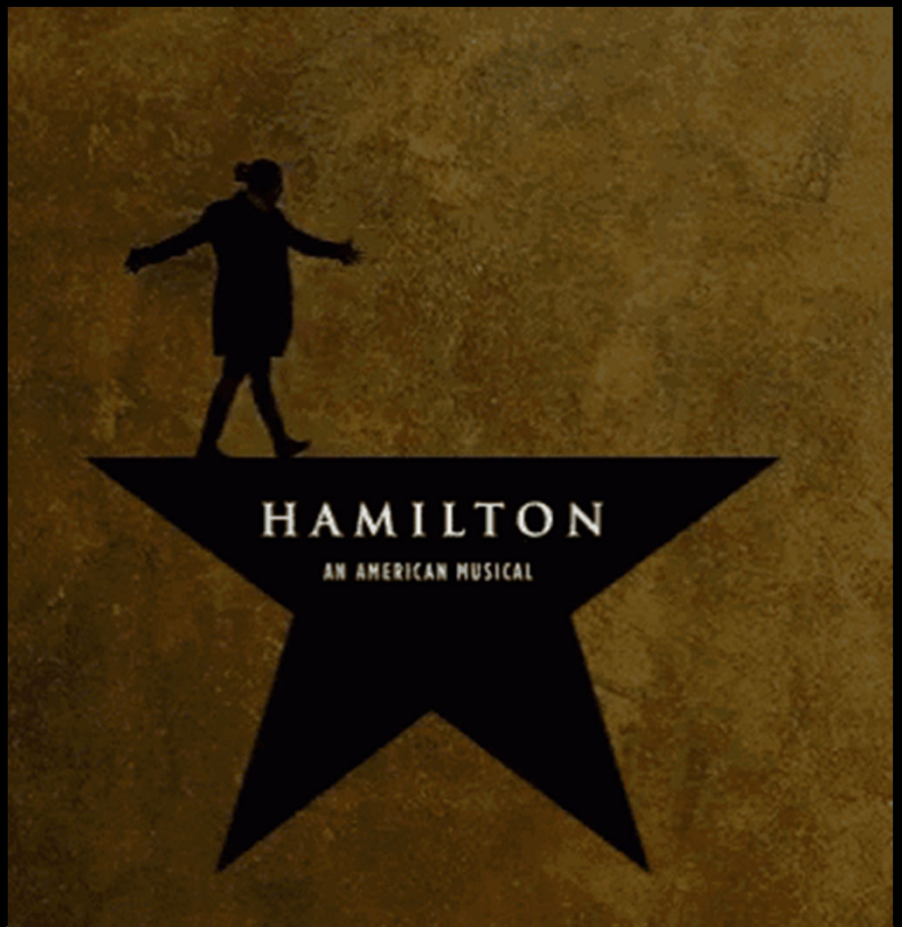
- Check CCAP
- Be aware of any JV record
- Convictions and sentences
- Other people same name

Client Story

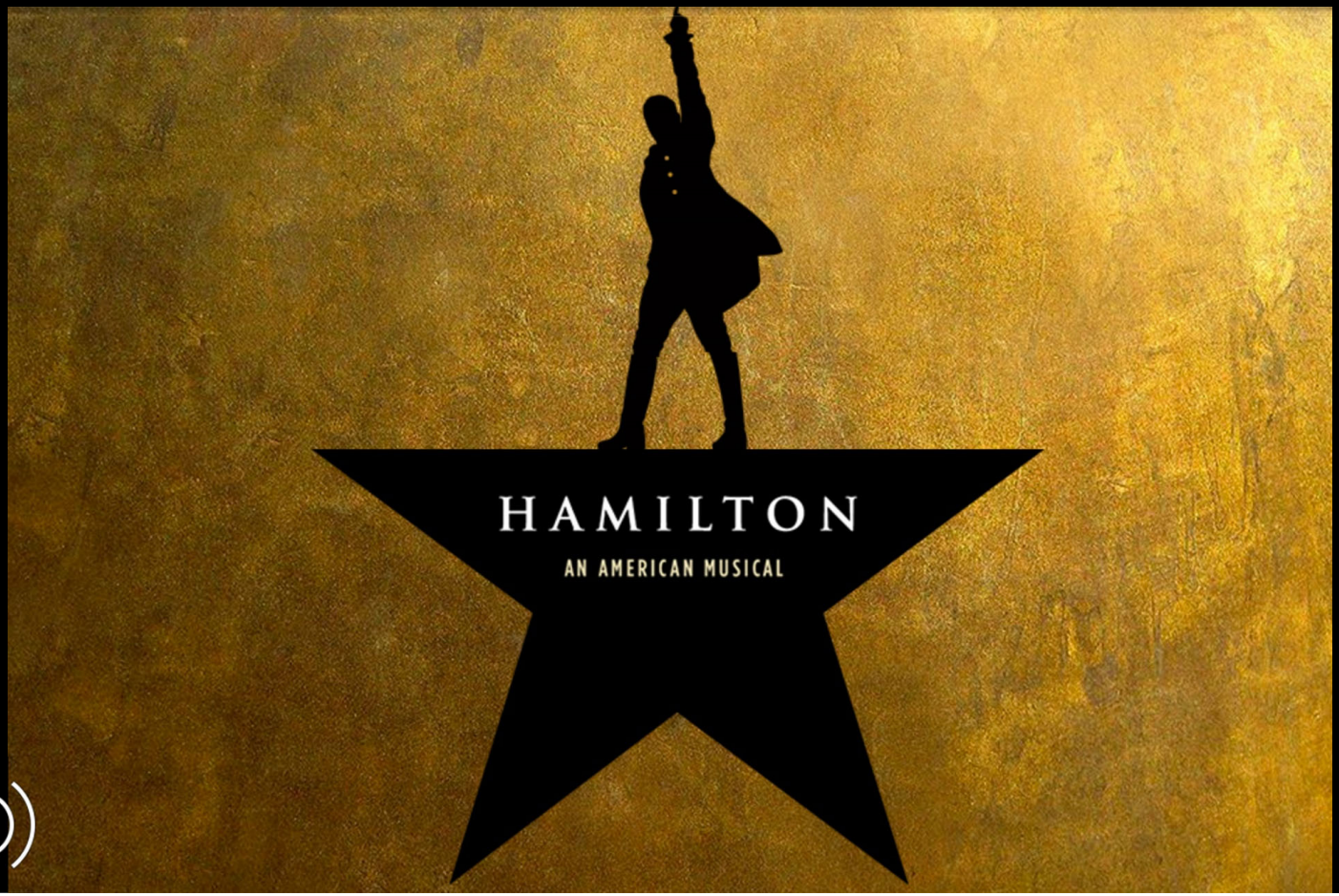
- Accomplishments
- Challenges
- Responsibilities
- Remorse
- Changes
- Goals

Client story

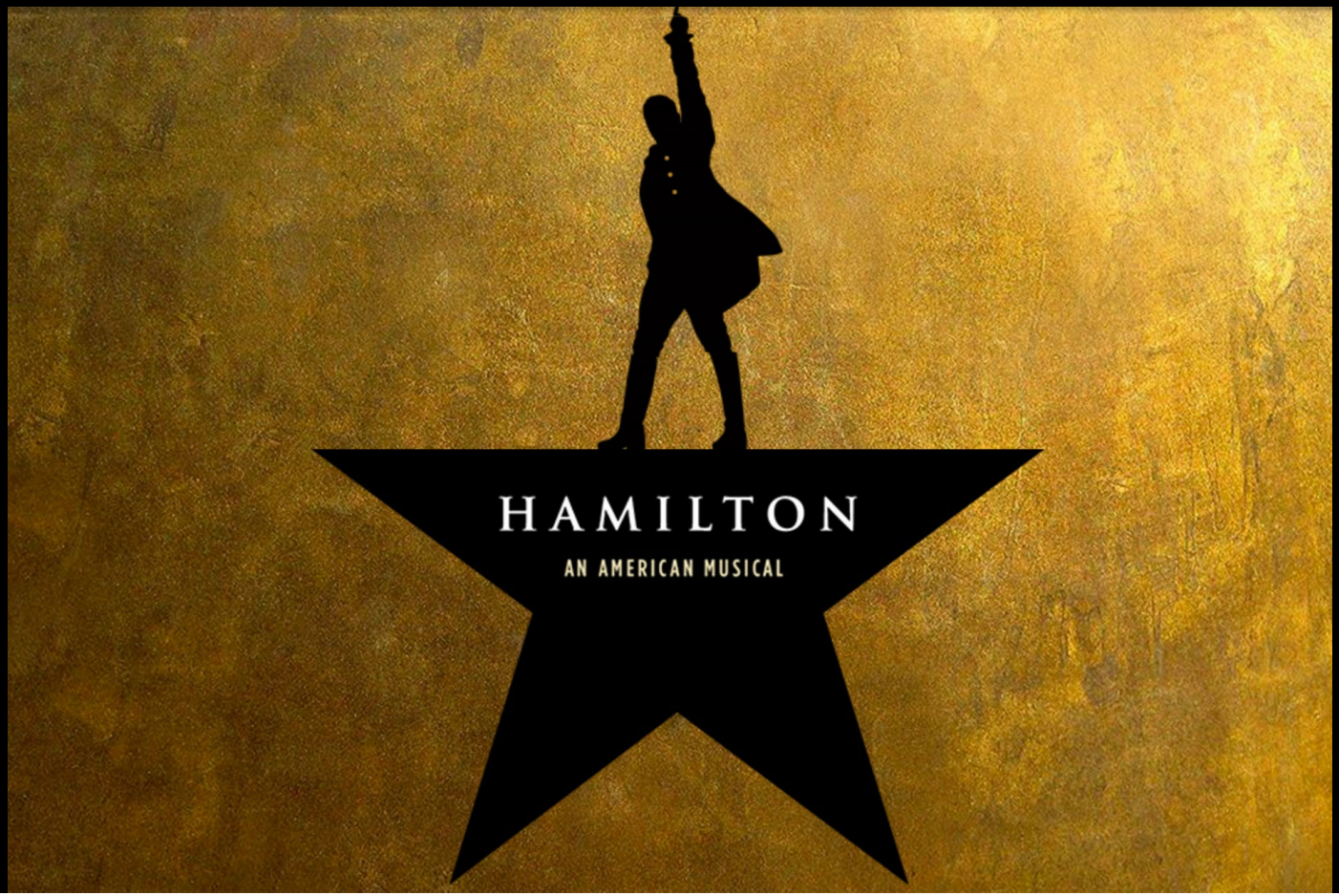
Defense Argument



Defense Argument



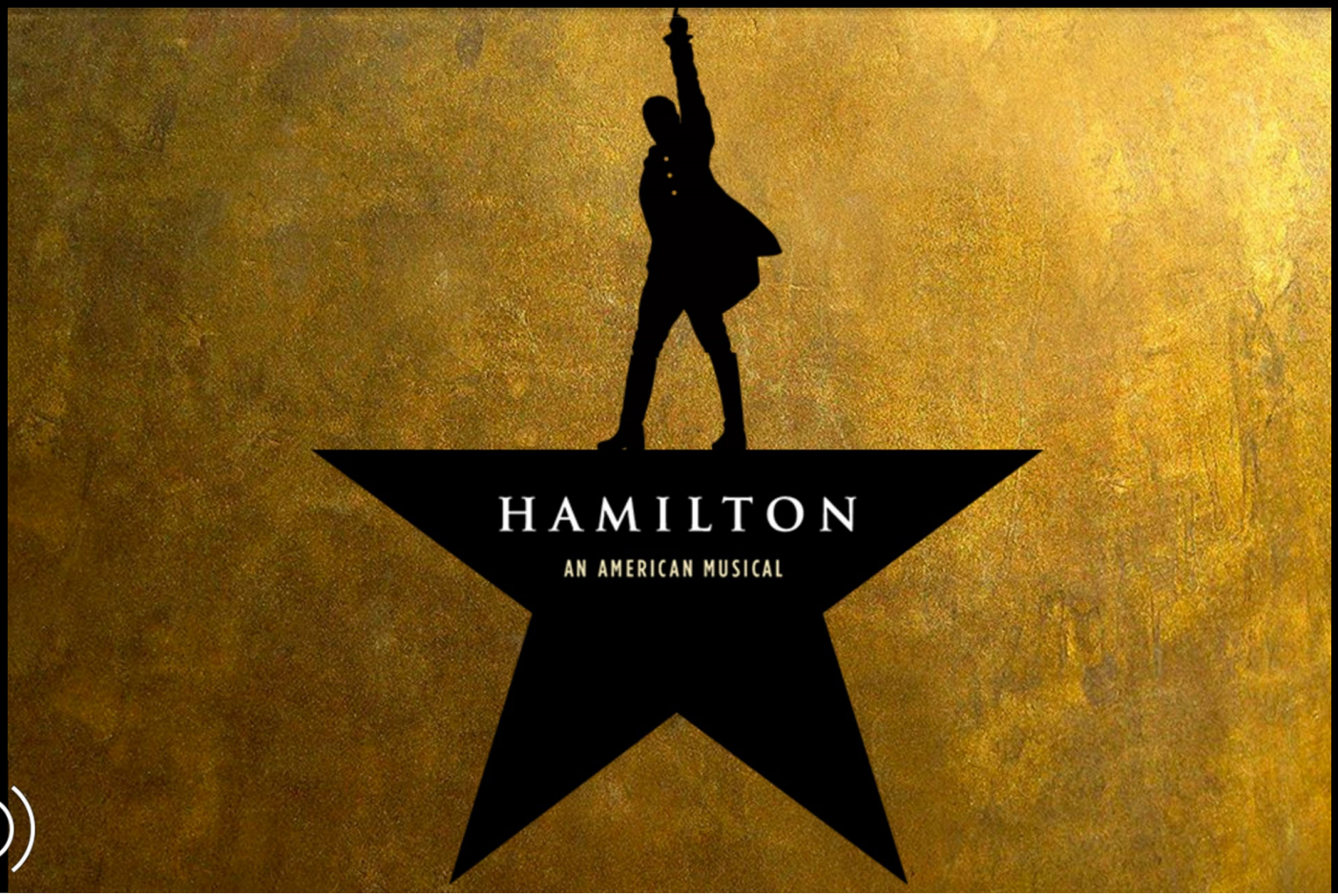
Defense Argument



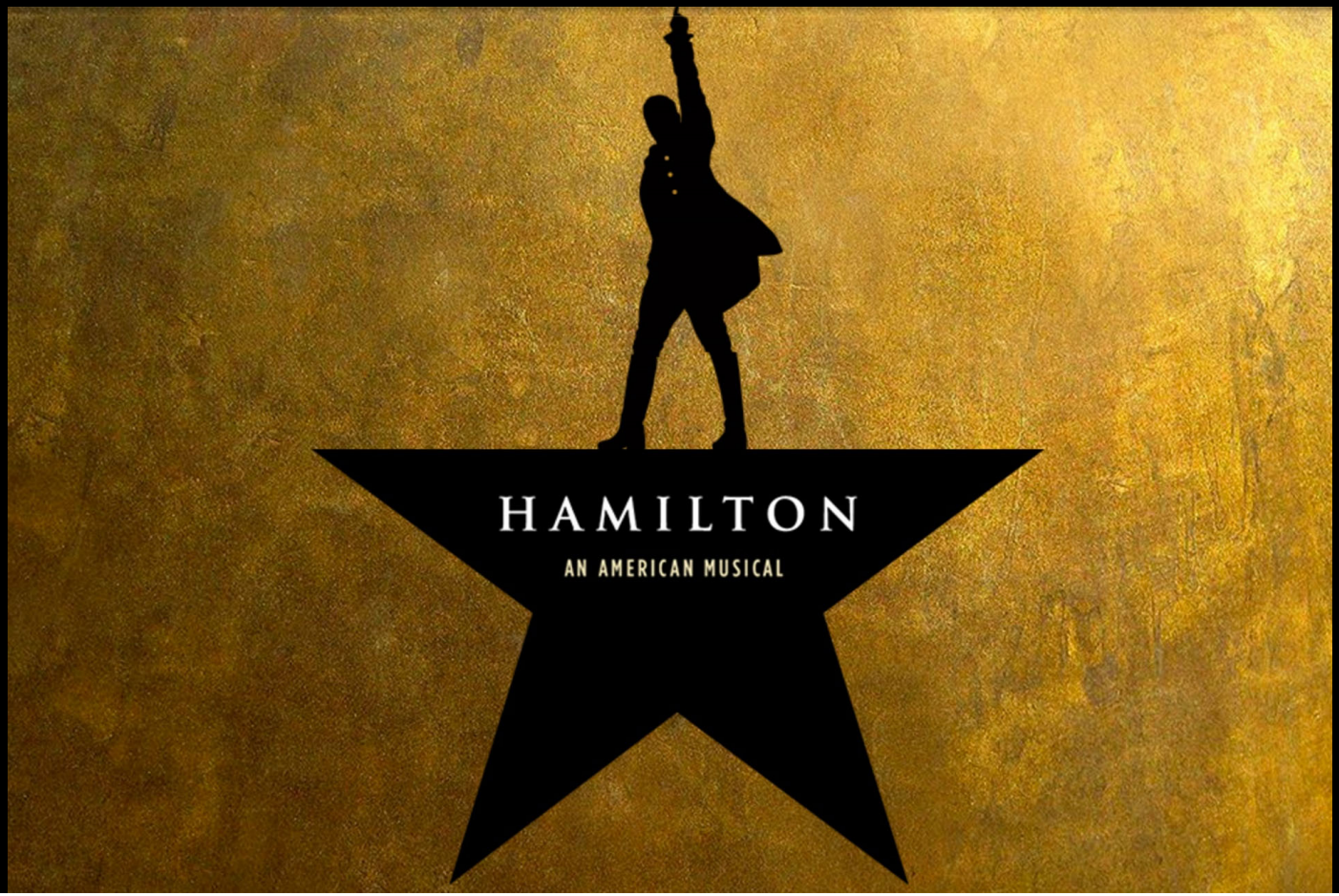
Defense Argument

- Our shot to tell client story
- Be scrappy and hungry to piece together sentencing

Client’s Liberty



Client's Liberty



Client's Liberty

- Protect client's freedom
- Government taking it away
- Retell the story of that night

Allocution

- Remorse
- Empathy
- Goals

Client Advocacy - Video

Dylan Rogowski:

- Vehicle Operator Flee/Elude Officer [Modifiers: Repeater]
- OWI (1st)

DA wants 2 years prison

View Dylan’s video here:

https://vimeo.com/254574823/46113f94a7

Dylan Rogowski:

3 years probation, with an imposed and stayed 18 months Initial confinement, 2 years extended supervision

Chris Lang
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Client Advocacy
Audio/Video Analysis

Sentence Credit

- Math!

Sentence Credit

- § 973.155 ‘in custody in connection with the course of conduct
- Client unexpectedly in jail
- Don’t overlook it, others will

Credit for Partial Days

Credit for Partial Days

- Don’t just subtract dates!
- Need partial days
- Count all the days

Credit for Partial Days

- October 1 - 5

- 1, 2, 3, 4, 5 = 5
- Don’t subtract, it’s not 4
  - Don’t do 5-1=4

Credit for Partial Days

- October 1 - 5
- Oct. 18 – 22
- Oct. 27 - 31

Calculate Credit

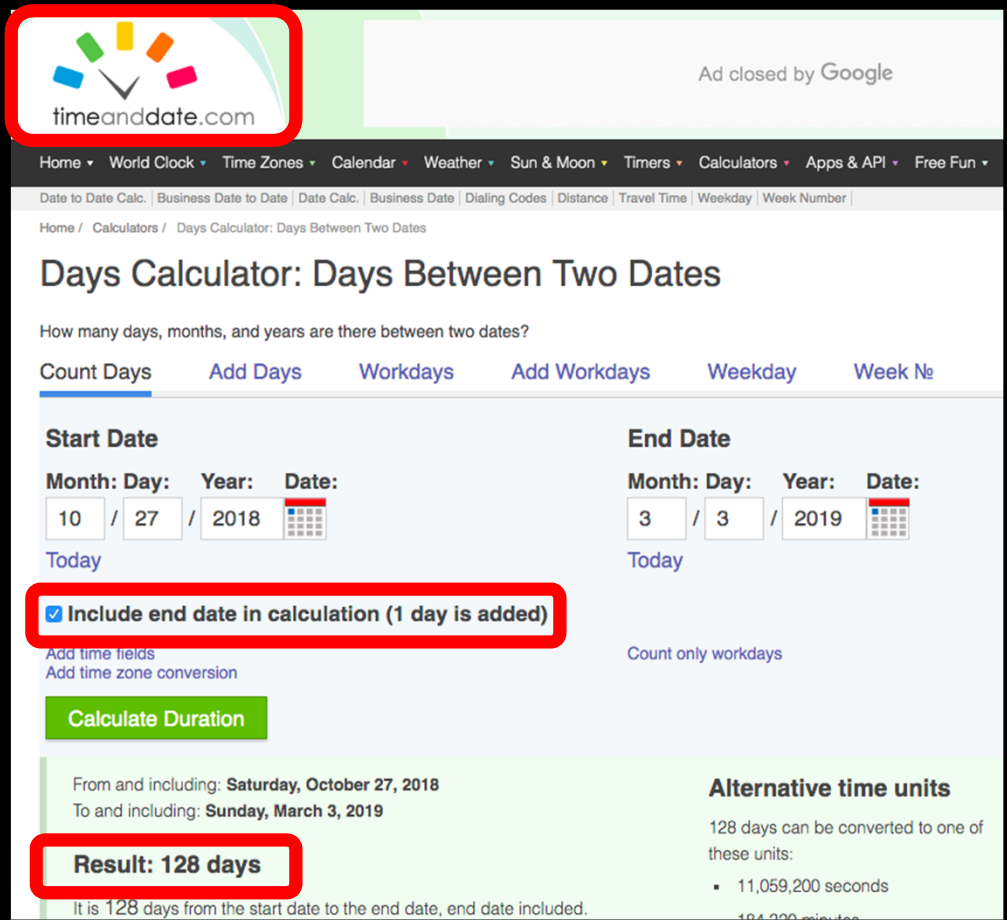
Calculate Credit

- Oct. 27, 2018 – Mar. 3, 2019

OCT	NOV	DEC	JAN	FEB	MAR
5	30	31	31	28	3

- 128 days

Calculate Credit



Questions?