



### **III. THE INCIDENT**

The charges stem from an incident that occurred on December 21, 2001, at 7:35 p. m. The police report alleges that on that day Mr. Mr. Awesome entered the IGA store. He approached a clerk, Mrs. A. Mr. Mr. Awesome then asked Amanda if she would do him a favor. He then proceeded to ask Amanda to get him \$50.00 out of the register. Ms. Mrs. A began to stall, at which time Mr. Mr. Awesome opened his jacket, exposing a metal pipe. Mr. Mr. Awesome is alleged to have stated he would hit her over the head with the pipe. Mr. Mr. Awesome then left the store running, without taking any money.

Mr. Mr. Awesome was located at a residence a short time later. He was taken into custody without incident and Ms. Mrs. A subsequently identified him in a showup.

In an interview with the police Mr. Awesome admitted that he was responsible for the incident. He further stated that he did not intend to hurt anyone with the pipe, but that he meant to scare them. He further stated that his mother had sent him a bus ticket to get back home to Texas, but he had no money for food.

### **IV. BACKGROUND INFORMATION ON THE MR. AWESOME**

Mr. Awesome is an only child. He has had no contact with his father since he was a very young child. His parents have been divorced for many years.

Mr. Awesome's father was very abusive to Mr. Awesome's mother, and later to Mr. Awesome. While his mother was pregnant, Mr. Mr. Awesome's father beat his mother twice very substantially. On the last occasion the beating caused her to hemorrhage and resulted in an emergency inducement of the birth.

As a young child Mr. Awesome was physically abused by his father. On at least one occasion he was struck so hard it caused him to lose consciousness. It appears none of this abuse was reported.

When Mr. Awesome was three years of age he was struck by a car and dragged for some distance. He suffered serious injuries and CPR had to be administered. He received serious injuries as a result of the accident.

Mr. Awesome lived with his mother after the divorce. They moved several times and as a result he changed schools frequently. The family has always resided in Texas.

Up until the 10<sup>th</sup> grade, school was a problem for Mr. Awesome. There were truancy problems, excessive tardiness, poor grades and behavioral problems. While in the 10<sup>th</sup> grade Mr. Awesome was caught with marijuana. He was referred to the Adoptive Behavior Unit, which appears to be a special tracking in the Texas school for emotionally disturbed children.

It was at this time a psychological evaluation was done. The psychological evaluation diagnosed Mr. Awesome with dysthymid disorder, ADHD, and Cannabis Abuse. These diagnoses had not been previously made.

He was also found to be in the average range for IQ, although he had a substantial deficiency in math. He was found to be suffering from depression.

The evaluation made several recommendations such as medication, counseling, and a structured school environment. It also recommended that he be encouraged to continue with music, as he was found to be musically talented.

Once Mr. Awesome entered the Adoptive Behavior Unit in school things seemed to change for the better. The remainder of his high school career is well documented through consistent reports from the Unit. A review of those reports indicate that he did very well, improved academically, made steady progress and attended school regularly. He played football for three years. He graduated for the Pharr-San Juan Alamo Independent School District in May of 1999.

Mr. Awesome moved to Wisconsin originally because his brother was working in Wautoma. He came to look for work and with the hope of advancing a career in music. His brother eventually moved back to Texas.

Mr. Awesome was in a band in this area, but it was a struggle for him economically. He eventually decided to go back to Texas and his mother, who is visually impaired and living on disability, sent him a bus ticket to return home. According to police reports Mr. Awesome had no money to use to eat on the way home, and thus committed the attempted robbery.

## **V. CRIMINAL RECORD**

The Mr. Awesome states that he has no criminal record. The Mr. Awesome's attorney has talked to his mother about this issue and she too states he has no criminal record.

## **VI. ATTACHMENTS**

Attached to this memo are some letters from persons who know Mr. Awesome. Because of economic difficulties no one in his family will be able to travel to Wisconsin for his hearing.

## **VII. RECORDS**

Reviewed for the writing of this memorandum were the following records:

- 1.) Psychological Evaluation
- 2.) School Comprehensive Individual Assessment
- 3.) ARD Committee Meeting Brief Forms
- 4.) Other records from the Pharr-San Alamo School District.

The records reviewed totaled approximately 100 pages. If the Court or the State wishes to review those records the Mr. Awesome would release the entire packet upon request.

## **VIII. APPLICATION OF THE SENTENCING STANDARDS**

### **A. Gravity of the offense**

The offense is very serious. The Mr. Awesome asks the Court to consider that he did not brandish the pipe. Although it is alleged he did make a threat, he was also "polite" and eventually fled from the scene.

### **B. Character of the Offender**

It appears that the Mr. Awesome has no prior criminal conviction. He had some major difficulties in life, but in the school setting was able to overcome them and graduate high school. He is musically talented. He has a supportive but poor family.

### **C. Protection of the Public**

The public has a right to be protected from crimes. Sentencing however, is an individualized process. The presumption is in favor of probation unless the Court determines that confinement is necessary to protect the public, rehabilitate the offender, or prevent undue

depreciation of the seriousness of the offense. Mr. Mr. Awesome understands that when he commits the type of crime he did, it has an effect on the community. People don't feel as safe perhaps as they once did. He understands that if the Court goes along with the recommendation, he is getting a "break." He understands that should he violate his probation he will likely be returned to the Court for sentencing, and face a substantial period of confinement.

Because of a lack of a criminal record, due to his youth and character, it appears Mr. Mr. Awesome is a good candidate for probation.

### **VIII. CONCLUSION AND RECOMMENDATION**

Mr. Awesome Mr. Awesome is a young person who has not previously been convicted of a crime. His character is such that he appears to be a good candidate for probation. The Defense respectfully requests that the Court consider following the joint recommendation of the State and the defense.

Dated: \_\_\_\_\_ of March, 2002.

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Attorney for the Mr. Awesome  
Bar No.