

OFF THE RADAR SCREEN

Wisconsin's System for Protecting Incumbent Judges

GEORGE A. MITCHELL

On paper, 1999 should be a historic year in the Milwaukee County criminal justice system. With eleven judgeships up for election, and truth-in-sentencing now law, a major discussion about criminal sentencing records and judicial philosophies should emerge.

Fat chance. Instead of campaigns where citizens talk about their courts and who runs them, a much more likely outcome is that many sitting judges will face no opposition. Statewide, 85% of judicial elections in Wisconsin were uncontested in 1996 and 1997. In April of this year, all six Milwaukee County judges seeking reelection were unopposed. Only two Milwaukee County campaigns were contested — both for open seats.

Why do these crucial positions in the criminal justice system attract so few candidates? A leading reason is that many voters have little information about judicial performance. It will be a surprise if Milwaukee's news media even call attention to the large number of potential campaigns next year. It would be a journalistic breakthrough if the *Milwaukee Journal Sentinel* actually gave read-



ers information they could use to evaluate judges up for election.

The skimpy coverage of judicial races is a huge, in-kind campaign contribution to incumbent judges. It is compounded by a separate problem: under a variety of statutory and administrative rules, an ordinary citizen faces great difficulty in getting information about a judge's

record. Some key reports used by judges in determining a sentence are almost completely off-limits to the general public. Court files often are missing key information, including transcripts from public hearings. And, by statute, copying documents can cost a disclosure-stifling \$1 - \$2 a page.

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The lack of information about judges contrasts sharply with the array of readily available, free information about legislators. Daily journals document key actions by legislative committees and houses of the Legislature. Summaries of pending legislation and copies of actual bills are easy to get. Many reporters monitor the State Capitol, whereas county courts often are covered by one reporter, if that.

Such factors combine to make many lawyers reluctant to oppose a sitting judge, one they might later appear before if their campaign fails. These factors explain why many judges up for election next year could be unopposed, which means they will not need to present their records to voters, explain their sentencing decisions, and be held accountable. That will deprive citizens of a chance to compare and contrast the records of such judges as Stanley Miller, Jeffrey Kremers, John McCormick, Maxine White, Timothy Dugan, Patricia McMahon, William Haese, John Franke, Thomas Doherty, and Jacqueline Schellinger. This group includes judges who have been considered as candidates for higher judicial office, such as the Wisconsin Supreme Court or the federal bench. They represent a wide range of philosophies and have varied records.

Consider Judge Maxine White, for example. Earlier this year David Dodenhoff and I completed a study of criminal sentencing practices in Milwaukee County. Among almost 200 cases we reviewed were five decisions by Judge White. In four of the five cases she sentenced repeat offenders with long criminal records to short prison terms, virtually assuring that their confinement would amount to only a year or two. The five criminals—who could have been sentenced to an average of 16 years each—instead received average sentences of 5.5 years, only about a third of the maximum. Judge White sentenced two of the five criminals to the failed “Intensive Sanctions” program. One was an armed robber with a prior conviction for sexual assault—the decision to give this repeat criminal almost no prison time came despite strong recommen-

datations for prison from the Department of Corrections. Another repeat criminal sentenced by Judge White to Intensive Sanctions escaped at least six times while on the program and committed at least one burglary.

Are these cases representative of Judge White’s overall sentencing record?¹ As I don’t know, I wrote her for more information. She chose not to answer. Her non-response was not a complete surprise—while many judges would deny it, a number of them take exception to the notion that mere citizens might question their decisions.

Several of Judge White’s colleagues who are up for election next year also have extensive records on the felony bench. Milwaukee County voters deserve more information about any of these incumbents who run for a new term. But, for reasons cited, the system works against that. The incumbent-friendly setup undermines judicial accountability. Often, it seems that defense lawyers, prosecutors, and judges are more accountable to each other than to the general public.

If more information were available, what would voters learn? This article addresses that question, based on my study with Dodenhoff of Milwaukee County cases, which account for nearly half of all prison admissions in Wisconsin. Our study suggests that a campaign based on actual sentencing records would provide voters information about: the severity of actual sentences; the impact of plea bargaining; the arcane practice of concurrent sentencing; and the substantial discretion with which judges are empowered.

Most felony sentences are lenient

Most convicted offenders don’t go to prison. Those who do serve relatively short sentences. In fact, though most inmates are repeat criminals, a majority in our study received sentences that were less than half of the maximum possible. This contradicts a misimpression created by media coverage of high profile cases that often bring long sentences.

While judges have substantial discretion, other significant factors affect sentencing and often limit judicial discretion.

- The Legislature and Governor set maximum statutory penalties and determine the capacity of the prison system.

- Prosecutors determine what charges are filed and whether charges are bargained away in return for a guilty plea.

- From 1985 - 1995, the Wisconsin Sentencing Commission presented judges with sentencing guidelines that were biased against incarceration.

- Defense lawyers who believe a judge is a tough sentencer may move the case to a different court.

- The Department of Corrections and State Parole Commission have considerable authority in determining how long offenders are in prison and what the consequences are for those who violate parole or probation. For example, while state judges increased sentence lengths between 1990 and 1995, early release practices of the State Parole Commission offset many of those judicial decisions. See Figure 1.

Key decisions that judges make

Two of the most important decisions judges make involve (1) review

and acceptance of plea bargains and (2) criminals who appear for sentencing on more than one crime.

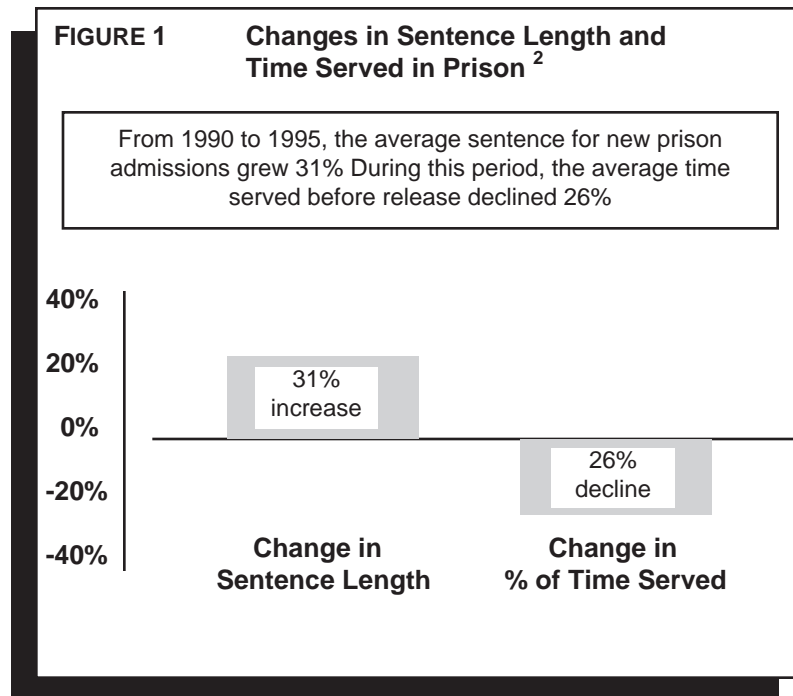
Plea Bargaining

Christmas probably will never be the same for Milwaukee children Brenda Jones and Amy Spencer (not their real names).

On December 24, 1991, after a Christmas eve party at Amy’s house, the 9- and 10-year old Milwaukee girls went to sleep — Amy in her bedroom and Brenda on the living room sofa.

A guest at the party, 25-year old George Coats, had stayed behind. Coats had a long criminal record. He was being sought at the time for both armed robbery and absconding from probation supervision.

Coats — who later told authorities he was “roasted” after hours of drinking and using cocaine — woke Brenda and offered her \$5 in return for sex. She resisted. Court records say Coats then approached Brenda and “. . .got on top of her. . .[S]he eventually...



push[ed] him off and tried to run. . .but he grabbed her shoulders and he pushed her down to the floor. He then pulled up her nightgown and pulled down her panties. . .” As Brenda “struggl[ed] and tr[ie]d to get away,” Coats performed an oral sex act, and then “unfastened his pants, took his penis out, and had an act of intercourse. . .[A]fter this happened, [Brenda] got up and went to the bathroom and saw that Coats had gone” into Amy’s room. Amy “woke up to find [Coats] pulling on her underwear...[H]e also offered her \$5 to ‘do him’ and she said no. Amy immediately went and told her mother.”

For these and other offenses, Coats appeared, on February 17, 1993, in the Milwaukee County courtroom of Judge Victor Manian. A trial had been scheduled, but Coats’ lawyer told Judge Manian:

Your honor, my client has entered [a plea bargain] with the District Attorney. We’re going to be entering a no-contest plea to count one, first degree sexual assault of a child. . .[T]he State [will move] to dismiss count two, attempted sexual assault of a child and also the robbery charge in its entirety. . . [T]his plea is also based [on agreement] that there’s a pending charge of battery to an officer that will not be charged. . .

If he had been convicted of all pending charges (robbery, battery to a law enforcement officer, one count of sexual assault and another count of attempted sexual assault), Coats faced a maximum sentence of more than 40 years. The proposed plea bargain cut that exposure to 20 years, the maximum penalty at that time for first degree sexual assault. Coats’ reason for entering the plea bargain became clear when his lawyer said “. . .the State will be asking for eight years incarceration. . .” out of a maximum of 20.

The “sentencing matrix”

The 8-year sentence recommendation for Coats did not directly reflect an independent evaluation of the case, or of Coats’ long record (ten arrests, two incarcerations, and various probation violations), or of the need to protect society. Instead, as part of the plea bargain, the prosecutor and defense used a “third party” to recommend a sentence, as explained by the prosecutor to Judge Manian:

[Coats’ lawyer] and I filled out the [state Sentencing Commission guideline] matrix for the first degree sexual assault charge and the [8-year] recommendation is in accord with the matrix guidelines.”

Thus, Coats’ sentence was derived from the arbitrary numerical scoring of a “sentencing matrix,” as developed by the now-abolished Sentencing Commission. While the matrix purported to measure objectively the severity of a defendant’s criminal history and current offense, the scoring system was tilted unambiguously against incarceration. Ostensibly, the system provided unemotional, quantitative scores which measure the “severity” of a convict’s crime(s) and criminal history. We encountered many examples where nothing of the sort was achieved. In one case, a convict had *no criminal history score whatsoever* despite an actual record of burglary, possession and receipt of stolen property, misdemeanor battery, and misdemeanor retail theft.

Plea bargaining cuts punishment

Plea bargaining cuts substantially the exposure of criminals to punishment. In our Milwaukee County sample of cases, Dodenhoff and I documented at least 50 plea bargain cases in which charges were dropped or reduced. For 42 non-life sentences, the average reduction in sentence exposure was similar to that for George Coats, e.g., a probable prison

term of about 5 years for defendants who initially faced exposure of more than 40 years. See Figure 2.

Concurrent sentences — A “bargain basement” system

During three months in 1987, 22-year old Stanley Wilson³ committed two burglaries, burned down a restaurant, and held up seven different people while armed and masked. He could have been sentenced to 197.5 years. Instead, Wilson’s sentence made him eligible for parole in less than four years and mandated his prison release in ten years.

Factors that led to this outcome included the decision of two separate judges to issue “concurrent” instead of “consecutive” sentences.⁴ The practice of concurrent sentencing contributes significantly to the overall pattern of lenient sentences. Sometimes concurrent sentences are a major inducement in reaching a plea bargain. In the study Dodenhoff and I conducted, concurrent sentences cut sentence exposure by almost 50%.

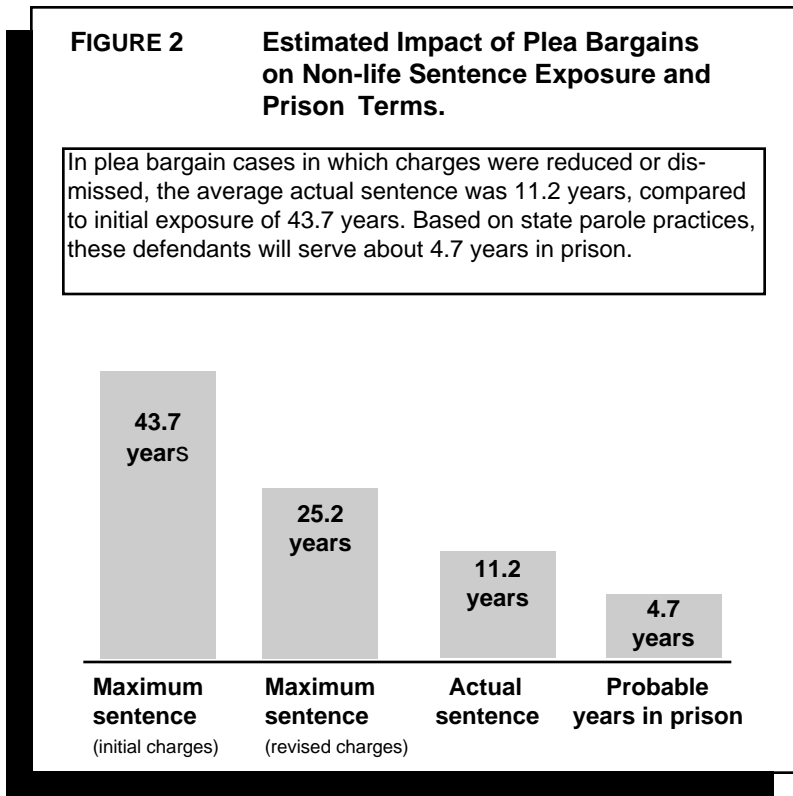
The concurrent v. consecutive sentencing issue has gone to the Wisconsin Supreme Court on several occasions. In 1991, the Court rejected a plan — from criminal defense lawyers — that would have imposed a modified form of concurrent sentencing. The Court said that the plan:

“. . . would create a ‘bargain basement’ sentencing system that would encourage continued crime. Once a criminal knows that no matter how many crimes he or she commits there is no punishment that can be

imposed, the ‘incentives’ are all in favor of continued criminal activity, and a ‘window of opportunity’ is opened to create an unlimited number of victims. When three [crimes] go for the price of two, or twenty for the price of two or one hundred for the price of two, the ‘discount’ is too much for society to bear. We will not accept it.”⁵

If concurrent sentencing creates a “bargain basement” system, why do so many judges use it? One explanation involves cases where several charges supposedly arise from “the same event.” The case of Stanley Wilson underscores the ambiguity and occasional absurdity of how that concept can be applied.

Wilson’s crime spree resulted in two sets of charges. In late 1987, he came for sentencing before Milwaukee County Judge Michael Skwierawski on seven robberies. Judge Skwierawski sentenced Wilson to seven concurrent, or overlapping prison terms. Six of



the terms were for 15 years and the seventh was for five years. The result was a 15-year sentence. In explaining this, the judge said he agreed with Wilson's assertion in court that he had "snapped," thus leading to the several crimes. Accordingly, the judge said: "**I do consider [the seven crimes over five weeks] to be a single crime episode.**"

Other Examples of Judicial Discretion

Judges have wide discretion when imposing a sentence. A principal argument on behalf of judicial discretion is that the judge who presides over a case has access to all the facts. He or she is in the best position to weigh those facts — including confidential information and other data about a felon's prior record — and arrive at a just sentence.

For such a system to function successfully, there must be wide public access to useful information about sentencing decisions. In practical terms, as previously discussed, this does not exist.

Here are other examples to illustrate the kinds of decision which should be discussed but rarely are.⁶

Willie Thompson

Judge David A. Hansher presided over the 1994 sentencing of Thompson. Thompson's record included 14 prior arrests and "a history of absconding from [community] supervision..." Earlier adult crimes included carrying a concealed weapon, disorderly conduct, battery (cutting), endangering safety by conduct regardless of life (originally charged as attempted murder), and receiving stolen property. After Thompson related his difficulty staying out of arguments and trouble, Hansher said: "Well, if you have problems with people on the street, you're safer. . .in jail. . .[I]f I send you to prison, you're probably the safest."

But Judge Hansher eventually sentenced Thompson to 18 months of probation.

Within five months, a Department of Corrections report says that Thompson "did strike with a fist, strike with a wooden object, and choked [his 12-year old son] about the nose and mouth. [Thompson] did resist efforts by Milwaukee police officers to place him under arrest. . .[Thompson], on or about 11/9/94, did use. . .cocaine [and] or about 11/24/94, did strike [his wife] at her residence . . ." Thompson was re-incarcerated and soon paroled. State records summarize what happened next.

On 6/5/95, [Thompson] was paroled from Oakhill Correctional Institute with specific instructions to report to his field agent. [He] failed to report. . .[His] whereabouts and activities remained unknown to this agent until 6/9/95.

On 6/9/95, [he] was arrested...following an incident involving [his] wife, his 3-month old son. . .and his neighbor. [Thompson] was charged with Battery - Domestic Violence, Battery and two counts of Endangering Safety by Use of Dangerous Weapon. . .

. . .[His] adjustment under supervision continues to be very poor. He has a history of absconding from supervision and again chose, after parole, to abscond. [He] re-engaged in assaultive behavior toward his family and neighbors five days after being paroled from a prison sentence stemming from revocation of his probation for exactly the same assaultive behavior. Revocation is necessary to protect the public, as well as his family.

These various crimes and violations on probation and parole occurred in a period of time where Thompson would have been in prison if he initially had received and served a mere two-year sentence.

James Swenson

In sentencing Swenson for possession of drugs, Judge Lee Wells noted several prior arrests and two periods of federal prison confinement: "Obviously the defendant has a long history of drug relationships, either by using or selling. [He] has spent some time in the federal prison [as a result]. . . [I]t wouldn't surprise me that he might sell drugs from time to time, not necessarily in this case, but in other cases. . ."

Swenson faced a maximum sentence of two years. The prosecutor recommended a prison sentence. The following exchange occurred between Wells, Swenson, and Swenson's lawyer, Steven Chandler:

Wells: I think the recommendation for incarceration is appropriate. The real question, I think, Mr. Chandler, maybe you want to address this — to some extent maybe [Swenson] would be better off [serving a shorter time] in the State Prison than serving a long[er] time in the House of Correction. . .because you can get paroled [faster] from the State Prison. You're eligible for parole in three months. If I sentence you to 12 months in the House of Correction, you're basically there for nine months.

Chandler: So prison would be better. [Discussion off the record.] He [Swenson] says he doesn't want to be in the House of Correction.

Wells sentenced Swenson to one year and agreed to Swenson's preference for a "shorter time" in state prison.

Similar Crimes, Different Outcomes

An offender's sentence can be heavily influenced by the judge to which the case is assigned. This underscores the need for the public to have more reliable information about different sentencing patterns.

Willie McCoy and Harold Stone

McCoy and Stone were sentenced in 1993 by, respectively, Judge Jeffrey Wagner and Judge Victor Manian. Each had committed a separate robbery and burglary within a few days of each other. Both were on probation at the time.

Each robbery involved very aggravated circumstances.

- In McCoy's case, state records show that he "absconded from probation and on 10/29/92 he robbed an elderly priest. . .During the robbery, [McCoy] shoved the priest against a kitchen chair and onto the floor. The priest laid there in great back and leg pain until 5 a.m., when he managed to get to his telephone and call for help. He was taken to the hospital and treated for contusions and spinal and leg injuries. He continues to be in pain and is in a wheelchair unable to walk for more than a few steps.

- As for Stone, Judge Manian was presented the following information: ". . .[T]he victim. . .had come with his family from out-of-town to attend some a concert at the Pabst Theater. [A]fter leaving the theater, he and his family walked to [a garage where their car was parked]...Because his wife had. . .lung problems, she didn't want to walk up the couple of flights to the ramp. . .[H]e left his

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wife and daughter, and perhaps another relative, waiting at the street level.

He walked up, went to his car, observed the defendant there. The defendant confronted him in the garage and said, I have a gun. [The defendant] got into the car with [the victim and] directed him to drive out a different exit to the garage, then directed him to drive in areas of the City he wasn't familiar with. He ended up. . . in the area of. . . the Hillside Housing Project, and at that time the defendant asked for money. [The victim] gave the defendant his wallet because he was afraid. He surrendered possession of his car and the defendant drove off with the car. [The victim] then walked around a while, eventually found himself in a bar on Water Street where he found a phone and called the police.

internal controls [who] is ill-equipped to function independently and responsibly in society."

Despite this 15-year record of almost non-stop violations, the prosecution recommended dismissing the habitual criminality charge, reducing Stone's maximum exposure to 20 years (10 years for robbery and 10 years for burglary). The prosecution recommended, in effect, that one of these crimes "not count" and asked for a concurrent sentence. Manian accepted the entire plea bargain and sentenced Stone to 10-year concurrent sentences, to be served consecutive to a four-year term for violation of probation.

McCoy faced a maximum exposure of 26 years (10 for robbery, 10 for burglary, and six for violation of probation. At his sentencing, Judge Wagner cited McCoy's long record and of "the fact that you committed additional offenses while on probation [and] in the robbery you ended up picking on someone who was elderly [and] you have now restricted that person's mobility." Judge Wagner gave McCoy a maximum sentence of two, 10-year terms, consecutive to each other, but concurrent to the violation of probation.

Taking into account the total charge exposure, including probation violations, the net sentences are compared in Table 1.

TABLE 1. McCoy and Stone Sentences as % of Initial Exposure

	Maximum Exposure	Net Sentence	Sentence as % of Initial Exposure
McCoy	26 years	20 years	77%
Stone	36 years	14 years	39%

Theodore Holland and Fred Simms

Stone was charged with robbery, habitual criminality, and burglary. His maximum charge exposure on the initial charges was 32 years. Including 4 years for violation of probation increased his exposure to 36 years.⁷ Stone's record included 13 juvenile arrests beginning at age 11. Offenses included burglary, theft, carrying a concealed weapon, auto theft, and others. His adult record included convictions for robbery, escape, theft, and auto theft. A state social worker report described him as "a man with few

Holland and Simms were sentenced, respectively, by Judge Dominic Amato (1993) and Judge Stanley Miller (1994). Both defendants had long records. Both faced initial charge exposure of at least 100 years. Each judge was presented with a plea bargain that cut the maximum exposure by at least two-thirds. Each judge needed to decide (1) whether to accept the plea bargain and, if they did, (2) what sentence to issue on the remaining charges.

The sentences issued by Judge Amato (to Holland) and Judge Miller (to Simms) illustrate:

Holland's initial charge exposure was 100 years (four sexual assaults, theft from person, burglary, and bail jumping). A plea bargain presented to Judge Amato in December, 1992, recommended dismissal of three sexual assault charges and bail jumping, reducing charge exposure to 35 years (one assault, burglary, and theft from person).

Court records show that the prosecution recommended a 10-year sentence, meaning a maximum prison term of 6.7 years. Holland's lawyer sought probation. Judge Amato explained his sentence (the maximum, 35 years) as follows:

You've been through the probationary system. You've had your opportunity. You also had an opportunity to be law-abiding [after the sexual assault arrest]. Some judge let you out [on bail] on four counts of first-degree sexual assault [and] you went and committed [burglary and theft from person].

...[P]robation is not an effective, meaningful alternative [for you]. It's completely ineffective and it unnecessarily puts the public at risk...because the realities are, without any doubt by this judge, that you'll just go out and commit more crime. . .

You have a life and history of crime and violence and anti-social, amoral behavior, where you do not care what happens to other people...

You have chosen not to change your lifestyle. Every effort to work with you, rehabilitate you, has failed.

...The public comes first. I've got to age you. I've got to make you older, I've got to make you less of a predator [and] I've got to make sure that there'll be no more victims out there that you can prey on. . .

This sentencing approach of Judge Amato effectively has been nullified by the state's judicial substitution law. So many lawyers have filed to remove Judge Amato, because he is a stern sentencer, that he has been transferred to a non-felony judicial post.

In the Simms case, prosecutors presented Judge Miller with a plea bargain that would dismiss two of three sexual assault charges (reducing exposure to 40 years from 120 — each charge carried a maximum penalty of 40 years, compared to a previous maximum of 20 years). Prosecutors recommended a 15-year sentence,

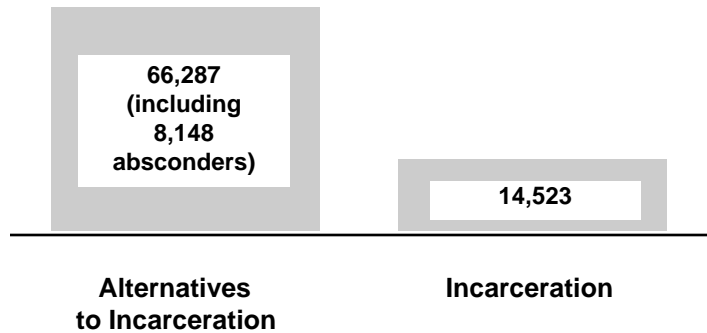
meaning maximum prison time of 10 years. Judge Miller, whose seat is up for election in 1999, accepted this recommendation in its entirety. He said, in part (emphasis added):

Your attorney points out in your behalf that there's some good here. That for instance...you...entered a plea which precluded the need for testimony from the young victim...And that's true. . .though [in return] the state agreed to a dismissal of two other counts that were read in for sentencing purposes. So you did substantially reduce your exposure [by pleading guilty]. *And even today,*

*The sentences issued by
Judge Amato and
Judge Miller illustrate
one of the greatest
contrasts in approach
that we encountered in
our study*

FIGURE 3 Most Wisconsin Offenders are not in Prison⁸

On January 30, 1998, 82% of Wisconsin's convicted adult offenders were in alternatives to incarceration — intensive sanctions, probation, or parole.



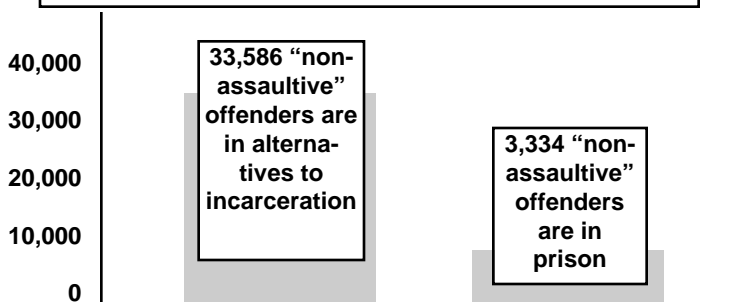
your general attitude of non-cooperation with authorities when they've attempted to provide you with help, the state's recommendation is an appropriate one.

Conventional wisdom often is wrong

A leading commentator, Greg Stanford of *The Journal Sentinel*, says Wisconsin is in a "lock 'em up craze" that assumes the state "can make do without alternatives to incarceration." He says the "Legislature's insatiable penchant for lengthening sentences helps explain prison congestion." But, as Figure 1 and other data show, these assertions collapse when considered in light of the state's own data. In fact, Wisconsin's overall criminal sentencing policy is characterized by a large per cent of offenders in alternatives to incarceration, increased numbers of early releases, and a reduction in the average per cent of a prison sentence actually served in prison. For example:

FIGURE 4 "Non-assaultive" Offenders Under Control of the Department of Corrections Mid-1996 (latest available data)⁹ —

As of mid-1996, 91% of Wisconsin's "non-assaultive" offenders are in alternatives to incarceration.



- Most offenders are in "alternatives to incarceration." See Figure 3.

- Most so-called "non-assaultive" offenders aren't in prison. See Figure 4.

- Contrary to some conventional wisdom about why prisons are crowded, fewer than 20% of drug offenders are in prison. See Figure 5. They also serve a lower percentage — 33% — of their sentence in prison than other classes of felons.

the state is recommending, where the maximum exposure on the one count. . is 40 years, the state is asking for only 15 years.

. . . [Mr. Simms], the court's satisfied from the testimony before it, given the nature of your activities in regards to the one count. . . as well as your extensive prior criminal record and

Conclusion

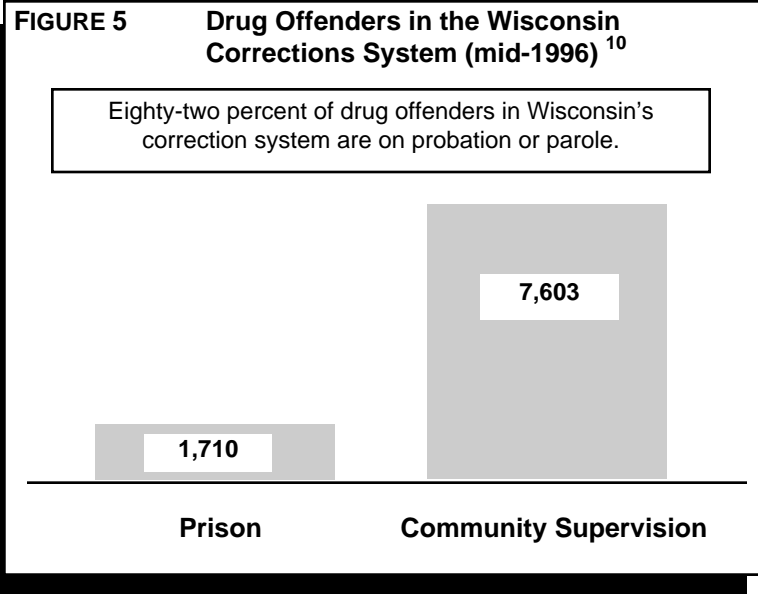
Democratic institutions require accessible and understandable information. The absence of such information deprives voters of the opportunity to hold elected officials accountable. In the case of the eleven Milwaukee County judges up for re-election next year, the voting public likely will know little about their sentencing records and philosophies.

In place of accountability to voters, a different form of accountability often governs the system of felony sentencing. To quote from a widely used law school text, "...the importance of maintaining smooth working relationships. . ." often appears to be a dominant concern. What tends to emerge is a system where "to get along, you go along."

Wisconsin's new truth-in-sentencing legislation will fall far short of its real goals if voters continue to operate in an effective vacuum of information. One forum for addressing this problem might be a state commission which is expected to make recommendations next year on an overhaul of Wisconsin's sentencing code. The commission could call on the Governor and Legislature to improve the public's access to information about felony charging and sentencing practices.

Whether that actually occurs is another matter. A commission of judicial insiders might not see a need to rock the incumbent-protection boat.

[Note: This article was based on a year-long study of criminal sentencing in Milwaukee County Circuit Courts. "The Truth About Sentencing in Wisconsin — Plea Bargaining, Punishment, and the Public Interest," was authored by George A.



Mitchell and David Dodenhoff, Ph.D. The report was an extension of an earlier study, "Who Really Goes to Prison in Wisconsin?" by Mitchell and Princeton University Professor John DiIulio, Ph.D. The Wisconsin Policy Research Institute issued both reports.]

NOTES

- 1 Dodenhoff and I examined a representative sample of Milwaukee County cases where a defendant received a prison sentence. Our study did not involve a representative sample of any individual judge's decisions.
- 2 Derived from Wisconsin Department of Corrections tables, dated January 13, 1998, on average length of sentence and average percent of sentence served in prison, 1990-95.
- 3 Not his real name; information used here involves confidential court records.
- 4 When a defendant receives concurrent sentences for more than one offense, the sentences overlap and, effectively, the longest one governs. For an offender sentenced to a 15-year and 10-year concurrent sentence, the overall sentence is 15 years (not 15 + 10 = 25). The overall sentence length would be 25 years if the sentences were consecutive instead of concurrent.
- 5 *State v. Paske*, 163 W2d 52 (1991).

- 6 Because confidential information is used in each case, the real names of offenders and victims are not used in this section.
- 7 Stone's "act exposure" could have exceeded 50 years if armed robbery and auto theft and-or carjacking had been charged, with applicable penalty enhancers.
- 8 Department of Corrections, "Offenders Under Control on January 30, 1998," Form DOC-302.
- 9 Department of Corrections, June 30, 1996.
- 10 Department of Corrections, June 30, 1996.