

and had arranged drug transactions while serving his sentence at Waupun Correctional Institute. Price had also made preliminary arrangements to have the Winnebago County District Attorney, Mr. Paulus, injured or killed. District Attorney Vince Biskupic served as special prosecutor on that case.

4. Mark Price was convicted of Delivery of Controlled Substance, Party to a Crime and Threatening to Injure a Public Official and was sentenced to 14 years in prison consecutive to his other sentences.

5. Defendant Darin Beverly's testimony at a preliminary hearing was a factor leading to Price's conviction upon pleas of guilty.

6. Defendant Beverly's tip to officers in Winnebago County enabled them to take precaution to prevent any injury to the Winnebago County District Attorney Paulus.

7. District Attorney Vince Biskupic informed your affiant that defendant Beverly was truthful and did not ask for any consideration before giving all this information to the Winnebago County law enforcement officers. Further, it was not until after his total cooperation and testimony in court, that defendant requested some consideration.

8. Mr. Beverly has a conviction in 1984 for Second Degree Sexual Assault in the Circuit Court of Milwaukee County Case No. K-7855 for which he received 2 years in prison. Also in 1984, Mr. Beverly received convictions in Milwaukee County Circuit Court Case No. 2-319830 for Reckless Use of a Weapon, and

Carrying a Concealed Weapon for which he received 8 months and 4 month at the House of Correction respectively. Defendant Beverly has been previously convicted of Armed Robbery in 1986 in Milwaukee County Circuit Court Case No. L-3400 in which he received 6 years in prison. He was also convicted of Escape in 1986 in Milwaukee County Circuit Court Case No. L-3496 for which he received 2 years in prison. Mr. Beverly also was convicted of Fleeing from Officer and Obstructing an Officer in Milwaukee County Circuit Court Case No. 2-009502 for which he received 30 days and 15 days in the House of Correction respectively in 1990. He has an additional Obstructing an Officer conviction in Milwaukee County Circuit Court Case No. 2-014962 in 1990 for which he received 30 days in the House of Correction.

9. After a request from Attorney Jones for some consideration for Mr. Beverly, your affiant had a conversation with Deputy District Attorney Jon Reddin. After evaluating all of the above circumstances and based upon the defendant's cooperation in the Winnebago County prosecution of Mark Price, the seriousness of the offense in the above conviction in Case No. F-903173 and his prior criminal record, the State of Wisconsin would respectfully ask the Court to modify defendant's sentence in Circuit Court Case No. F-903173 to 15 years Wisconsin State Prison. The State realizes that legally, the above factors are not "new" factors for modification of sentence.

10. The State of Wisconsin and defendant Darin Beverly have entered into a stipulation that the State of Wisconsin will

request that defendant be given consideration of 5 years off of his sentence in the above-mentioned case and that his sentence be modified to 15 years Wisconsin State Prison with credit for 195 days time served. Said stipulation also indicates that there will be no argument before the Court. It is further agreed in the stipulation that the Court will not modify defendant's sentence more than the agreed stipulation between the State and the defendant. Said stipulation is attached hereto and incorporated herein by reference.

Fern Siegel
FERN SIEGEL

Subscribed and sworn to before me
this 27th day of ~~October~~, 1995.
Sept.

Lauri J. Michalski
Notary Public, State of Wisconsin

My commission ~~is permanent~~/expires: 3-28-99

