

STATE OF WISCONSIN

CIRCUIT COURT

WINNEBAGO COUNTY

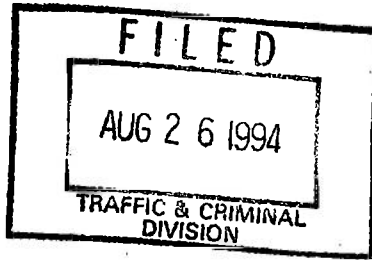
STATE OF WISCONSIN,

Plaintiff,

vs.

MARK H. PRICE, D.O.B. 11-13-58,

Defendant.



CRIMINAL COMPLAINT

(2 Counts)

CRIMINAL CHARGES

**COUNT #1**

That on or about the 26th day of May, 1994, at the City of Oshkosh, Winnebago County, Wisconsin, **MARK H. PRICE, D.O.B. 11-13-58**, did then and there, **while party to the crime**, unlawfully, intentionally and feloniously deliver a controlled substance, to-wit: THC, a controlled substance in Schedule I of the Wisconsin Controlled Substances Act, (Sec. No. 161.14(4)(t), Wis. Stats.). Contrary to Wisconsin Statutes Section 161.41(1), 939.05 and 939.62(1)(b). **AS A REPEATER.**

PENALTY PROVIDED: Section 161.41(1)(h)1., 939.05 and 939.62(1)(b) Wis. Stats. Felony.

Upon conviction, the person shall be fined not less than \$500 nor more than \$25,000 and may be imprisoned for not more than 9 years. **AS A REPEATER.**

**AND FURTHER, COUNT #2**

That on or about the 26th day of May, 1994, at the City of Oshkosh, Winnebago County, Wisconsin, **MARK H. PRICE, 11-13-58**, did then and there, **while party to the crime**, unlawfully, intentionally and feloniously, as a dealer, possess marijuana that did not bear any indicia that controlled substance tax required by Section 139.88, Wis. Stats., had been paid, to-wit: he did possess 453 grams of marijuana that did not bear a controlled substance tax stamp or any evidence or indicia that the controlled substance tax had been paid. Contrary to Wisconsin Statute Sections 139.88 and 139.95, 939.05 and 939.62(1)(b). **AS A REPEATER.**

PENALTY PROVIDED: Section 139.95(1) and (2), 939.05 and 939.62(1)(b) Wis. Stats. Felony.

Upon conviction, the person may be fined not more than \$10,000 or imprisoned for not more than 11 years or both. Additionally, the person shall pay a penalty equal to the tax owed on 453 grams of marijuana. **AS A REPEATER.**

**FURTHER,**

**MARK H. PRICE** is a repeater within the meaning of Section 939.62 in that he was convicted in Winnebago County Circuit Court in January of 1991 of First Degree Intentional Homicide, a felony.

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

ROGER PRICE, being first duly sworn on oath, complains as follows: Your affiant states that he is Coordinator of the Lake Winnebago Area Metropolitan Drug Enforcement Group, (hereinafter referred to as the MEG Unit), and in that capacity has knowledge of the following:

Your affiant is informed from the reports of the Lake Winnebago Area Metropolitan Drug Enforcement Group kept in the normal and ordinary course of business which your affiant believes to be truthful and reliable and have proven so on numerous occasions in the past that on or about May 19, 1994, Investigator Steve Wichman of the MEG Unit spoke with Detective Durrant of the Winnebago County Sheriff's Department. Detective Durrant informed Investigator Wichman that he was contacted by Darin L. Beverly, an inmate of Waupun Correctional Institute, in Waupun, Wisconsin. Detective Durrant reports that Darin Beverly had contacted him and told him that he had some recent contacts with another inmate identified as **MARK H. PRICE, D.O.B. 11-13-58**. Beverly reported that Mark Price claimed that he could arrange for marijuana transactions outside the prison. Beverly also indicated that Mark Price wanted to arrange marijuana transactions with Beverly so Beverly's friends would kill Winnebago County District Attorney Joe Paulus. Paulus prosecuted the murder case that resulted in Mark Price being sentenced to life in prison.

Investigator Wichman subsequently made contact with Lieutenant Dittmann, the criminal investigator for Waupun Correctional Institute. As a result, Investigator Wichman interviewed Darin Beverly at Waupun Correctional Institute on May 23, 1994. Beverly indicated to Investigator Wichman that he first met Mark Price in 1993 at the prison. He indicated that they were eventually assigned to the same workshop in the prison in April of 1994. Beverly stated that he and Price worked in the metal furniture shop at the prison. At that shop, Beverly indicated that he and Price developed a friendly

relationship. Beverly stated that Price informed Beverly about the case that put him in prison. Beverly stated that the case had to do with "ice" and a person being shot in the head. He also stated that Price talked about the prosecutor who placed him in prison. He stated that Price showed him some legal paperwork and articles from newspapers that referred to Winnebago County District Attorney Joseph Paulus. Beverly reports that he was showed this paperwork on May 20, 1994. He also stated that Price indicated to him that he had connections to drugs on the outside of the prison and also stated that he would like to get at the prosecutor that placed him in the prison system.

According to Beverly, Mark Price stated that Price wanted Joseph Paulus dead. He also stated that Price is very upset with the length of his sentence. Beverly further stated that approximately two weeks earlier, Price informed him that he had 11 pounds of marijuana that he was controlling outside the prison. He also indicated that he had a friend named "Dave" who helps transport the marijuana. Beverly also indicated that Price had talked about a female identified as Terry Magnum, who was involved in transporting marijuana for Price. Investigator Wichman reports that Terry Magnum is currently residing at 1016 Western Avenue, in the City of Mosinee, Portage County, Wisconsin.

Darin Beverly explained that Price had a plan that he would sell marijuana to Beverly's friends for money. Price indicated to Beverly that he would then use the money from drug deals to place a "hit" on Paulus. Price told Beverly he would sell marijuana to some of Beverly's friends on the outside. Price said he is willing to pay thousands of dollars to kill Paulus. Beverly indicated that this type of conversation occurred several times. Beverly further stated that Price had a list of people he wanted to kill, including a person named "Richy" who is in Green Bay. However, Beverly added that Paulus was at the top of Price's list.

Investigator Wichman reports that in order to confirm Beverly's story, he made arrangements with Beverly to attempt a marijuana purchase from Mark Price.

Investigator Wichman reports that he recruited the services of Deputy Michael Woods of the Winnebago County Sheriff's Department to work in an undercover capacity as a potential purchaser of marijuana outside the prison system. Investigator Wichman reports that Deputy Michael Woods posed as a person named "Sean" who was alleging to be a friend of Darin Beverly outside the prison. Investigator Wichman reports that Beverly eventually had conversations with Price and Price indicated that he had arranged for Beverly's friend "Sean" to purchase one pound of marijuana from Terry Magnum. He also provided Beverly with a phone number for his friend "Sean" to call Terry Magnum to arrange the transaction.

On May 26, 1994, Deputy Michael Woods reports that he contacted Terry Magnum at her residence in Mosinee, Wisconsin. He reports that during the phone conversation, Terry Magnum offered to sell Deputy Woods one pound of marijuana for \$1,200. Deputy Woods reports that the two of them eventually agreed to meet at the parking lot at the Kentucky Fried Kitchen Restaurant, located on 9th Street, in the City of Oshkosh, Winnebago County, Wisconsin.

Investigator Wichman reports that at approximately 6:41 P.M. on May 26, 1994, a silver colored Toyota Camry arrived in the Kentucky Fried Chicken parking lot and parked near a vehicle being operated by Deputy Michael Woods. Deputy Woods reports that a white/female, approximately 5'3" tall and 170 to 180 lbs. was in the Toyota Camry and began a conversation with Deputy Woods out the window of her vehicle. Deputy Woods reports that he asked her if she was Terry and she indicated "yes". She then asked if he was "Sean" and he said "yes". Deputy Woods reports that the two of them then talked for a short time and Magnum eventually provided him with clear ziplock bags containing what appeared to be marijuana. In exchange, Deputy Woods gave Terry \$1,200 in U.S. currency.

Investigator Wichman reports that he eventually talked to Terry Magnum in August of 1994 and she admitted that she did provide one pound of marijuana to Deputy

Woods.

Deputy Woods reports that he kept custody of the purported bag of marijuana until he turned it over to Investigator Wichman. Investigator Wichman reports that he eventually weighed the bag of marijuana and its weight was approximately 453 grams. Investigator Wichman further reports that he conducted a Duquenois-Levine Field Test on a portion of the purported marijuana and received a positive indication for the presence of THC. Investigator Wichman also reports that the bag of marijuana did not contain any Wisconsin State Controlled Substance Tax Stamp or any indication that a Controlled Substance Tax had been paid on the marijuana.

On August 24, 1994, Investigator Wichman interviewed Terry L. Magnum, female/white, D.O.B. 7-11-62, regarding her contacts with Mark Price. Magnum admitted to the investigator that she has known Mark Price for 9 years. She also indicated that she would visit Mark Price while he was in the State Prison System in Waupun. She stated that while on the visits, Mark Price told her that he could get great prices on good marijuana outside the prison system. She also indicated that Mark Price had people outside the prison handling the marijuana and she identified them as "Dave" and "Tammy."

Terry Magnum reports that Mark Price eventually had some problems with Dave and Tammy. Price had a conversation with Terry Magnum and stated she should get the marijuana from Tammy. She reports that she eventually went to Tammy's house and obtained five clear plastic bags of marijuana. She stated one of the plastic bags was sold to a person named "Sean". She indicated that she distributed marijuana to one other male individual.

Terry Magnum indicated to Investigator Wichman that she was directed by Mark Price how to disburse the money obtained by the marijuana transaction. She reports that she was instructed to distribute some of the proceeds to individuals located in Texas, Sheboygan, Wisconsin and Beaver Dam, Wisconsin.

In regard to the transaction with "Sean", Magnum stated that Price told her that she could trust "Sean". Magnum further stated that Mark Price often talked about wanting Joe Paulus killed. She also stated that Price talked about Paulus' wife and two kids.

Magnum stated that the only reason she was involved in these transactions for Price was she was hoping to make \$500 from all the sales.

Your affiant reports that several of the above-acts described took place in Winnebago County and form the elements of a crime under the Wisconsin Criminal Code.

Your affiant believes the statements of Darin Beverly and Terry Magnum to be truthful and reliable in that their statements are made against their own penal interests.

Your affiant also reports that Mark H. Price qualifies as a felony repeater under Section 939.62(1)(b), Wis. Stats. based on the fact he was convicted of First Degree Intentional Homicide, a felony, in Winnebago County Circuit Court in January of 1991. A copy of the Judgment of Conviction is incorporated herein by specific reference.

**WHEREFORE**, as said affiant verily believes and prays that the said **MARK H. PRICE** might be arrested and dealt with according to law.

  
Complainant

Subscribed and sworn to before me  
this 30th day of August, 1994.

Defendant's Date of Birth: **11-13-58**

Address: **Waupun Correctional Institute  
Waupun, WI**

*Vince Biskupic*  
\_\_\_\_\_  
Deputy District Attorney  
Winnebago County, Wisconsin

APPROVED FOR FILING THIS 30TH DAY OF AUGUST, 1994.

*Vince Biskupic*  
\_\_\_\_\_  
Deputy District Attorney  
Winnebago County, Wisconsin



State of Wisconsin, Plaintiff  
 -vs-  
 MARK H PRICE  
 Defendant  
 11/13/58  
 Defendant's Date of Birth

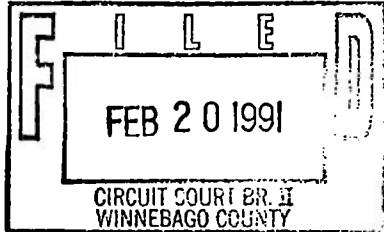
**JUDGMENT OF CONVICTION**  
 Sentence to Wisconsin State Prisons  
 Sentence Withheld, Probation Ordered  
 Sentence Imposed & Stayed, Probation Ordered  
 COURT CASE NUMBER 90 CF 226

The defendant entered plea(s) of:  Guilty  Not Guilty  No Contest  
 The  Court  Jury found the defendant guilty of the following crime(s):

CRIME(S)	WIS STATUTE(S) VIOLATED	FELONY OR MISDEMEANOR (F OR M)	CLASS (A-E)	DATE(S) CRIME COMMITTED
Cnt #1 PTC First Degree Murder	940 01(1) 939.05	F	A	Dec 1989
Cnt #2 PTC Kidnapping	940 31(1)(a) 939.05	F	B	Dec 1989
Cnt #3 PTC False Imprisonment	940 30 939.05	F	E	Dec 1989
Cnt #4 PTC Pointing a Firearm	941 20(1)(c) 939.05	M	A	Dec. 1989
Cnt #5 Endangering Safety by Conduct Regardless of Life	941 30(1)	F	D	Dec. 1989

The defendant is convicted on Jan 17, 1991 day of ~~XXXXXXXXXXXX~~  
 The defendant is sentenced on Feb. 20, 1991 day of ~~XXXXXXXXXXXX~~

**IT IS ADJUDGED** that the defendant is convicted as found guilty, and:  
 is sentenced to the Wis. prison for Cnt 1 - Life in Prison consecutive to any sentence previously imposed. Deft. is not eligible for parole prior to 30 years.  
 is to pay:  
 fine of ..... \$ ..... Cnt 2 - 10 Years in Prison consecutive to Cnt 1.  
 attorney fees of ..... Cnt 3 - 2 Years in Prison concurrent to Cnt 2.  
 court costs of ..... Cnt 4 - 9 months in Jail concurrent to Cnt 2.  
 restitution of .....  
**TOTAL \$** .....  
 is to pay mandatory victim/witness surcharge(s):  
 felony 4 counts ..... \$ 200.00 Cnt 5 - 2 Years Prison consecutive to Cnt 2 & Cnt  
 misdemeanor 1 counts ..... 30.00 Deft. given credit for 268 days served.  
**TOTAL \$** 230.00  
 is to be incarcerated in the County Jail:  
 period of .....  
 and



is granted work/study release privileges.  
 other:

**IT IS ADJUDGED** that        days sentence credit are due pursuant to s. 973.155 Wis. Stats. and shall be credited if on probation and it is revoked.

**IT IS ORDERED** that the Sheriff shall deliver the defendant into the custody of the Department located in the City of Waupun, WI

NAME OF JUDGE  
 Robert A. Haase  
 PLAINTIFF'S ATTORNEY  
 Joseph Paulus  
 DEFENSE ATTORNEY  
 Edmund Carns

**BY THE COURT:**  
  
 Robert A. Haase  
 Circuit Court Judge/Clerk/Deputy Clerk  
 Feb. 20, 1991  
 Date Signed

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STATE OF WISCONSIN }  
COUNTY OF WINNEBAGO }

This document is a full, true and correct  
copy of the original on file of record  
in my office and has been compared by me.

Attest: Aug 26 1994

Julia Pagel Clerk

Shirley Koop Deputy Clerk

SEAL

DEPARTMENT OF HEALTH & SOCIAL SERVICE  
Division of Corrections  
DOC-37. (Rev. 8/84)

STATE OF WISCONSIN  
Wisconsin Statutes  
Section 973.09

AMENDMENT TO  
JUDGMENT OF CONVICTION

STATE OF WISCONSIN,  
v.

Plaintiff

STATE OF WISCONSIN, Circuit Court Branch 2

MARK H. PRICE

Defendant

Winnebago

County

11/13/58

Defendant Date of Birth

90 CF 226

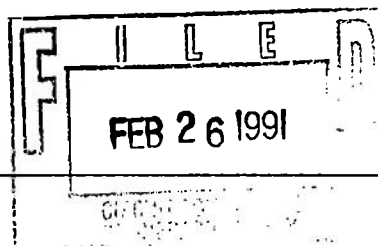
Court Case No.

WHEREAS, upon judgment of conviction, ~~the above named defendant was placed on probation~~  
for the period of ~~xx~~  
~~xx~~ dated Feb. 20, 1991; and

WHEREAS, it is now necessary to amend said judgment, now, therefore;

JUDGMENT, herein be amended to provide:

~~RESTRICTIONS~~



~~FINES~~

~~ATTORNEY FEES~~

~~COURT COSTS~~

OTHER: Victim/Witness Surcharge \$230.00

Witness Fees \$1,317.00

IT IS FURTHER ORDERED that the defendant shall pay surcharges pursuant to  
Sec. 973.09(1)(b), Wis. Stats.;

In all other respects the original judgment herein is affirmed.

cc: DA Atty. Carns  
Dodge Corr Insti  
Prob. Agent

BY ORDER OF THE COURT: Signature of Judge, Deputy or Clerk of Court	
<i>Robert A. Haase</i>	
Name of Judge Robert A. Haase	Date Signed Feb. 26. 1991

DISTRIBUTION: Original - Court  
Copy - Central Office Cashier Unit, P. O. Box 7925, Madison WI 53707  
Copy - Local Probation and Parole Office

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STATE OF WISCONSIN }  
COUNTY OF WINNEBAGO }

This document is a full, true and correct  
copy of the original on file of record  
in my office and has been compared by me.

Attest: Aug. 26, 1994

Julie Pagel Clerk  
Sue Koop Deputy Clerk

SEAL