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| State of Wisconsin | Circuit Court | Douglas County | |
| STATE OF WISCONSIN | DA Case No.: 2017DG000681 | | |
| Plaintiff, | Court Case No.: 2017CF000175 | | |
| vs. | STATE'S SENTENCING MEMORANDUM | | |
| GRAHAM FRANKLIN GARFIELD | | | |
| DOB: 01/12/1991 | | | |
| Defendant. | | | <i>For Official Use</i> |

The State submits this memorandum outlining the plea agreement to be presented to the Court and the State's reasons for reaching said agreement.

The defendant will enter pleas of guilty or no contest to the following charges as contained in the Information:

- Count 1 – First Degree Recklessly Endangering Safety, Dangerous Weapon enhancer, as an act of domestic abuse
- Count 2 – Operate Firearm While Intoxicated, as an act of domestic abuse
- Count 4 – Disorderly Conduct, as an act of domestic abuse

The defendant will also enter a plea of guilty or no contest in 17TR1628, trailing citation for Operating While Intoxicated, first offense.

Count 3, Intentionally Point Firearm at Person, as an act of domestic abuse, will be read-in for sentencing and restitution consideration. The trailing BAC citation, 17TR1833, will be dismissed.

The parties will jointly recommend the following:

- On Count 1, the parties will enter into a four (4) year deferred judgment of conviction agreement which will be presented to the Court at sentencing. Successful completion of the deferred agreement would reduce the offense to a criminal disorderly conduct charge.
- On Counts 2 and 4, sentence would be withheld in favor of two years of concurrent probation with concurrent conditions, including:
 - 30 days conditional jail (credit 2)
 - Prepayment of \$2,350.91 restitution, to come out of cash bail posted
 - A fine of \$100 plus applicable costs/surcharges
 - Programming deemed necessary and appropriate by the DOC
- On the OWI 1st citation, a guideline sentence of \$811.50, 6 month license suspension, DSA. Due to the defendant's BAC of 0.11, IID would not be ordered.

When considering the seriousness of the offenses, the character of the offender, and the need to protect the public, while also balancing the relative evidentiary strengths and weaknesses of the State's case, the State believes the joint recommendation is fair, reasonable, and appropriate for the reasons set forth below.

- The agreement secures permanent criminal convictions against the defendant, who has no prior criminal history
- The defendant will be prohibited by federal law from using or possessing firearms
- The agreement secures an extended period of community supervision, 2 years supervised and then the following 2 years unsupervised, with the specter of an enhanced Class F felony conviction hanging over the defendant's head were there to be noncompliance with the Court's orders or rules of probation
- The agreement secures a period of incarceration
- The agreement ensures that for the 10 years following this conviction, the defendant will be subject to enhanced penalties for any subsequent domestic offense under the provisions of § 939.621, and any future act of domestic violence committed in that time frame would be a felony charge
- The agreement makes the victim whole, at least from a financial perspective, immediately upon sentencing with the money already posted for bail

For the foregoing reasons, the State believes that the joint recommendation appropriately balances the seriousness of the offenses, the character of the offender, and the need to protect the public, and would ask the Court to adopt it.

Date Signed: 06/25/18

Electronically Signed By:

Mark A. Fruehauf

District Attorney

State Bar #: 1054295