



PRE-SENTENCE INVESTIGATION

Confidential

AGENT NAME	LOCATION	DATE PREPARED
MTC 1	Central Office	February 13, 2017

PERSONAL INFORMATION

NAME			DATE OF BIRTH
Clyde Barrow			08/24/1964
STREET			WI SID#
W360 Big Hill Road			525420
CITY	STATE	ZIP CODE	DOC#
Acreage	Wisconsin	53708	303421
COUNTY OF RESIDENCE			FBI #
Dane			

COURT INFORMATION

JUDGE	Edward Whiton
COURT BRANCH #	1
COUNTY OF COMMITMENT	Dane
DISTRICT ATTORNEY	James Brown
DEFENSE ATTORNEY	Walter Dickey
SENTENCING DATE	03/02/2017

OFFENSE INFORMATION

COURT CASE #	CT	OFFENSE/STATUTE #	LEVEL	CLASS	OFFENSE DATE	ARREST DATE	CONVICTION DATE
16CF000218	1	Possession With Intent To Deliver Narcotics - 961.41(1m)(a)	Felony	E	04/02/2016	04/02/2016	12/27/2016
MAX/MIN:	This offense carries a maximum prison sentence of fifteen years, with a maximum initial term of confinement of ten years. The maximum term of Extended Supervision is five years.					TYPE OF CASE:	TIS II

OTHER CONSIDERATIONS

STATUTORILY ELIGIBLE FOR CHALLENGE INCARCERATION PROGRAM (CIP)	CURRENTLY ON SUPERVISION	DNA REQUIRED	DOJ CONFIRMED
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
STATUTORILY ELIGIBLE FOR SUBSTANCE ABUSE PROGRAM		LIMITED ENGLISH PROFICIENCY	



Denotes information provided by the COMPAS assessment.

☒ Yes ☐ No

☐ Yes ☒ No

fictional sample

PRESENT OFFENSE

Description of Offense:

On April 2, 2016, according to the criminal complaint, at 8:25 pm, a City of Badger Police Department confidential informant met with the defendant, Clyde Barrow, in the parking lot of Pick-N-Save, 4022 East Main Street, City of Badger, Dane County, Wisconsin. The informant introduced Mr. Barrow to an officer of the City of Badger Police Department Narcotics Enforcement Team, who was working undercover. The officer purchased five 20-milligram pills of the prescription drug Oxycontin from the defendant for \$50.00. The defendant informed the undercover officer that he (defendant) would be getting Percocets in the next week, and that his Oxycontin prescription was being increased so he would have more to sell in the coming weeks. The defendant told the officer that Oxycontin was sold on the street for \$1.00 a milligram.

The defendant, following the exchange with the undercover officer, was placed in custody.

Read-In Offense:

Officers conducting a search of the defendant incident to arrest discovered a marijuana cigarette in the defendant left front pants pocket. The marijuana from the cigarette weighed 1.2 grams. The defendant stated to police that the marijuana was for his personal use.

Defendant's Version:

The defendant, in an interview with this agent at this agent's office, in the presence of Defense Counsel Dickey, stated he agreed with the events as described in the criminal complaint, except he stated he sold four pills, not five. He also stated he sold the drugs to the informant and not to the undercover officer. The defendant denied ever having done this before. The defendant shared that knows the identity of the confidential informant, whom he described as an old friend of his. The defendant reported that the informant himself had been arrested for a drug related offense, and in order to receive a break for himself, he set up the defendant.

The defendant stated he was very reluctant to sell the drugs because he knew it was illegal. The defendant indicated he also needed the pills for his own pain control. The defendant said the informant "badgered" him (defendant) for a long time, trying to get him to sell some of his medicine. The defendant stated "they tried for months and months to get more on me. He (the informant) just took me at a vulnerable time."

The defendant shared that, at the time, he was fighting to receive Social Security and was desperate for money. The defendant further stated "I know this is wrong and it won't happen again. I'm done with this."

Victim's Statement(s):

The victims in the Present Offenses are ultimately the taxpayers of the State of Wisconsin, who through their legislators, enacted the laws and penalties described for the Present Offenses.

City of Badger Police indicate that, because of the increasing misuse and trafficking in prescription drugs, the Police Department has had to hire additional staff who are experts in the field of prescription drug violations. In addition to many officers having to work overtime, two officers have recently been wounded in attempting to halt these types of

crimes.

Dr. Schneider of the Badger Health Clinic shared that the Clinic's insurance rates have gone up as a result of lawsuits stemming from the over-prescribing of controlled substances on the part of some Clinic doctors. This, in turn, has been a factor in various injuries and crimes that have occurred in the community. The situation has become so bad that he is reluctant to prescribe pain medication to anyone.

Other Statement(s):

The defendant's mother, Ms. Westenberg, in a telephone interview with this agent, stated that she was very supportive of her son and blamed his friend, the confidential informant, for getting him (defendant) in trouble. She indicated that she believes the defendant's main need is to use better judgment in his choice of friends. She shared that she does not believe her son needs to go to jail, and is fearful that incarceration may adversely affect his medical condition.

Ms. Westenberg stated she wants the defendant to continue to reside at the family farm should he be given the privilege of probation supervision, and shared that she and her husband have told the defendant that if he continues to get into trouble he will be asked to leave the family farm.

The defendant's wife, Ms. Barrow, during a telephone interview with this agent, stated she is very supportive of her husband. Ms. Barrow told this agent that as far as she knows, the defendant had not sold drugs prior to this incident, and was set up by the police informant in order to "save his own butt."

Ms. Barrow shared with regard to sentencing, "Jail's not going to do it. He'll never make it in jail with his medical problems. I don't think it's right putting him through all this."

PRIOR RECORD

Adult Record:

Date of Offense	Date of Conviction	Date of Sentencing	Location	Offense
03/24/2001	11/20/2001	11/20/2001	Dane	Operating While Revoked (3rd)
Disposition	01CT000318: Five days Local Jail with Huber Imposed. Fined \$489.00.			
Date of Offense	Date of Conviction	Date of Sentencing	Location	Offense
01/23/2001	11/20/2001	11/20/2001	Dane	Disorderly Conduct
Disposition	01CM000094: Fined \$291.50.			
Date of Offense	Date of Conviction	Date of Sentencing	Location	Offense
02/04/2000	04/03/2000	04/03/2000	Dane	Possession of THC
Disposition	00CM000185: Fined \$454.00.			
Date of Offense	Date of Conviction	Date of Sentencing	Location	Offense
09/20/1995	10/16/1995	10/16/1995	Dane	Criminal Trespass
Disposition	95CM000263: 90 days Local Jail Imposed.			
Date of Offense	Date of Conviction	Date of Sentencing	Location	Offense
09/16/1995	10/16/1995	10/16/1995	Dane	Ct 1: Forgery Ct 2: Forgery
Disposition	95CF000077: Sentence Withheld, Placed on 42 months of Probation. Supervision discharged on 10/06/99.			

Juvenile Record:

Date of Offense	Date of Adjudication	Date of Disposition	Location	Offense
unavailable	unavailable	unavailable		According to the NCIC/CIB and FBI criminal background check and a review of the Dane County Children's Court records, there is no record of juvenile adjudications for the defendant.
Disposition				

Other Relevant Offenses:

Records indicate the defendant was arrested for shoplifting in 1982 in the City of Badger, and the case was handled informally. Records also indicate the defendant was arrested in February of 1983 for Possession of Marijuana, but this case was counseled and held open until the defendant was 18 years old.

The defendant, in addition to his criminal record, has had two restraining orders issued against him in the past by his sister, Sarah McWilliams, and stepfather, Richard Westenberg.

It should be noted that records indicate the defendant was issued municipal citations for Disorderly Conduct and Obstructing an Officer in the City of Badger on 08/05/03.

Correctional Experience:

The defendant's Department of Corrections (DOC) case file from his prior period of community supervision has since been destroyed. DOC electronic records from Mr. Barrow's prior period of probation indicated eight urinalysis drug screens which were positive for marijuana, including a positive screen for marijuana while the defendant was serving his conditional jail time at the county jail. Records reflect that the defendant did not cooperate with treatment at Badger County Human Services, as well as the defendant having absconded for a period of several months to the State of Nebraska. The was placed in Intensive Sanctions as an alternative to revocation due to this violation.

DOC records note that, while in Intensive Sanctions, Mr. Barrow continued to use marijuana and cocaine. He was initially referred to the Badger City Alternative Program, but violated that program by continuing to use cocaine, abusing his prescription medications, and tampering with his urinalysis samples. He was then placed in the Tellurian program.

The defendant's community supervision subsequently discharged on 10/06/99.

The defendant was incarcerated at the Dane County Jail from 04/02/16 until he was released on bail on 04/08/16. The defendant denied having any issues or problems during this period of incarceration.

Dane Watch, Incorporated Bail Monitoring reports indicate the defendant has not had any violations of bail as of the date of this report.

Pending Charges:

The defendant did not appear to have any other pending cases within the Wisconsin Circuit Court System.

Defendant's Explanation of Record:

The defendant stated his juvenile shoplifting happened because he needed money for work clothes.

Mr. Barrow recounted that he committed the forgeries by writing checks belonging to his mother and stepfather without their permission. The defendant indicated that at the time, he was using cocaine and committed the forgeries in order to purchase cocaine.

The defendant shared that the restraining orders obtained by his family members occurred at around the same time. The family reportedly felt it necessary to keep Mr. Barrow away from them because of his behavior. The

defendant stated his conviction for criminal trespass also involved his trespassing on his parent's property at around this time.

The defendant recounted that his 2001 conviction for Disorderly Conduct in Sheboygan occurred when he got into a fight in defense of his stepdaughter, who was reportedly being physically abused by her boyfriend at the time.

The defendant described his previous probation agents as fair and good people, who were doing their job and seemed to care for people. However, the defendant indicated his Division of Intensive Sanctions (DIS) agent was overly harsh and kept him in treatment even after he had completed the program.

fictional sample

FAMILY IDENTIFYING INFORMATION

Mother

Name	Address	City	State	Zip
Mary Westenberg	W360 Big Hill Road	Acreage	WI	53708

The defendant reported that he has a close relationship with his mother (08/21/47), who is retired and currently resides in the City of Acreage. Records indicate Ms. Westenberg has no known criminal record.

Father

Name	Address	City	State	Zip
Clyde Barrow	unknown	San Leandro	CA	94577

The defendant reported he has not seen his natural father, age 73, since 1998. Mr. Barrow is believed to reside somewhere in San Leandro, California. Records indicate Mr. Barrow does not have a criminal record.

Spouse/Significant Other

Name	Address	City	State	Zip
Bonnie Barrow (nee Parker)	410 Lincoln Avenue	Delavan	WI	53115

The defendant reported he has known his wife (04/01/68) since 1995. They were reportedly married in Madison in 1998. This relationship has produced two children: Loretta Barrow (02/16/01), and Eleanor (05/28/03). The defendant shared that they are separated due to Mr. Barrow's health problems. Bonnie is reportedly unable to care for the defendant, so he resides with his parents who can both care for him and transport him as he does not have a car or driver's license. The defendant and his wife reportedly see each other weekly, and the defendant indicated he often spends the weekend with his wife, who currently resides in Delavan.

Dependents

Name	Relationship	Street Address	City	State	Zip
Loretta Barrow	daughter	4741 East Lansing Circle Apt 102	Madison	WI	53707

Name	Relationship	Street Address	City	State	Zip
Eleanor Barrow	daughter	410 Lincoln Avenue	Delavan	WI	53115

The defendant reported that his daughter Loretta currently lives with Bonnie's sister in the City of Madison.

The defendant reported that his Eleanor resides with her mother in Delavan.

The defendant shared that he and his wife gave up custody of their first daughter because Bonnie was unable to care for the child due to her own health problems. They reportedly plan to regain custody of Loretta when they get back together.

The defendant indicated he has a close relationship with his daughters, and sees them at minimum on a weekly basis.

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Siblings

Name	Relationship	Street Address	City	State	Zip
Timothy Barrow	brother	deceased			

Name	Relationship	Street Address	City	State	Zip
Sarah McWilliams	sister	N3054 Park Road	Badger	WI	53707

The defendant reported that his brother Timothy, who was born in 1964, died on 02/22/03 of pancreatic cancer. He had reportedly lived in Nashville, Tennessee and owned a landscaping business. Records indicate Mr. Barrow had no known criminal record.

The defendant reported that he has a close relationship with his sister Sarah McWilliams, nee Barrow (11/20/72), who currently resides in the City of Badger. She is reportedly employed by the City of Little Badger, and records indicate Ms. McWilliams has no known criminal record.

Other

Name	Relationship	Street Address	City	State	Zip
Richard Westenberg	step-father	W360 Big Hill Road	Acreage	WI	53708

Name	Relationship	Street Address	City	State	Zip
Richard Westenberg, Jr.	step-brother	deceased			

Name	Relationship	Street Address	City	State	Zip
Ann Marie Jones	step-daughter	unknown	Sheboygan	WI	53081

The defendant reported he has a good relationship with his step-father (6/09/40), who resides with the defendant's mother in the City of Acreage. Mr. Westenberg is reportedly a retired building contractor. Records indicate Mr. Westenberg has no known criminal record.

The defendant reported that his step-brother (10/26/67), died of an aneurysm in 1993. He had no known criminal record.

The defendant reported he has a good relationship with his step-daughter (09/18/94). Ann Marie is the daughter of Bonnie by a previous relationship. Ms. Jones reportedly has some physical health issues, resides in Sheboygan, is married and has a child.

FAMILY STABILITY, ATTITUDES, & VALUES



Family Criminality

Family Criminality Scale Score: Unlikely

Mr. Clyde Barrow's family members were reported as not having involvement in criminal activity, drugs, and/or alcohol abuse to any significant extent.



Socialization Failure

Socialization Failure Scale Score: Unlikely

The Socialization Failure Scale score suggests that Mr. Clyde Barrow is unlikely to have an impaired socialization.

Agent Comments:

The defendant reported that his parents were married in 1957 and divorced around 1975. The defendant stated "He (his father) just started drinking and wasn't himself no more...he changed and got meaner when he drank." The defendant denied any physical abuse however, and went on to state "As far as providing, he was good to us. We got along good."

Mary Barrow reportedly met Mr. Westenberg in 1975, and they married in 1980. The defendant stated he gets along well with Mr. Westenberg. The defendant sometimes referred to Mr. Westenberg as his "dad."

The Barrow family was reportedly in the bee keeping business, and moved between the Midwest and California a number of times.

Ms. Westenberg, during her telephone interview with this agent, shared she felt that this moving hurt the defendant as he had trouble every time he changed schools. Ms. Westenberg stated "Clyde was not a problem child and did average school work."

Ms. Westenberg, as well as the defendant, discussed at length the many deaths the family has sustained. Mrs. Westenberg stated that eight of her twelve siblings have died of cancer. She shared that her brother and sister, as well as her stepson Richard Westenberg, have all died of cancer within the past year and the defendant has taken this very hard. The defendant's sister is also reportedly having health issues.

PERSONAL HISTORY
VOCATION/EDUCATION/EMPLOYMENT

Education History

Name	City	State	Zip Code	Phone Number	Length

Employment History

Employer	Occupation	Supervisor	Phone Number	Length
Triple Ply Builders	carpenter foreman	Richard Westenberg		04/1992 - 02/1998
Eastern Lumber Company	carpenter	Richard Westenberg		04/1989 - 03/1992



Vocation/Education

Vocational/Education Scale Score: Highly Probable

Mr. Clyde Barrow's scale score suggests a lack of educational and vocational resources and that vocational/employability skills training and/or educational services may be needed. Help in both job-seeking and job-retention skills is needed. Attitudes about work may be a focus of cognitive treatment.

Agent Comments:

The defendant reported that, due to the family's moves between Wisconsin and California, he attended numerous schools. The defendant indicated he last attended school in Tracy, California. The defendant shared that he dropped out in the eighth grade at age 14 to work in the family business. The defendant reported that, prior to his school in Tracy, he attended Lincoln High School in Delavan, Wisconsin. The defendant shared that he "grew to hate school." The defendant indicated that, due to his numerous moves, he had difficulty making friends and "fitting in." The defendant denied being bullied or having any behavioral problems while in school. The defendant's school transcript was requested from Tracy, California was not available as of the date of this report.

The defendant's mother, during our telephone interview, confirmed that Mr. Barrow had average grades but "a difficult time fitting in" due to the family moves. She stated she feels that, in retrospect, the frequent moves may have been harmful to his education and social skills.

The defendant, shared that he would like to complete his General Education Diploma (GED) or High School Equivalency Diploma (HSED) sometime in the future.

The defendant is currently disabled, receiving monthly Social Security Disability benefits.

The defendant reported that his last employment was from 1992 to 1998 at Triple Ply Builders, where he worked for his stepfather as a carpenter foreman and earned \$15.00 per hour. He reported he left due to his inability to work any longer.

The defendant indicated that, prior to this, he worked at Eastern Lumber Company in Madison, also for his stepfather, from 1989 to 1992. This job ended when the company went out of business.

The defendant shared that he previously worked in Nashville, Tennessee at Almar Molding from 1985 to 1988 as an injection mold supervisor. He reportedly earned \$12.00 per hour. He stated that he left this position to return to Wisconsin and work for his stepfather. No employment records were available from Almar Molding as of the date of this report.

The defendant shared that he also previously worked for Tri-Plastics in Nashville from 1983 to 1985 as a Quality Control Foreman earning \$10.60 an hour. He indicated he quit this job to work for Almar Molding. No employment records were available from Tri-Plastics as of the date of this report.

MENTAL ABILITY

Agent Comments:

The defendant reported that he has no history of any mental health issues or diagnoses, and comprehends the difference between right and wrong.

FINANCIAL



Financial

Financial Scale Score: Highly Probable

Mr. Clyde Barrow's Financial Scale score indicates that he is likely to have financial problems. He is likely to worry about financial stability, has trouble paying bills, and may have conflicts with family or friends over money. If this is the case, he would likely benefit from a class on financial management, job skills, or vocational/employment training. He may also require assistance understanding and negotiating social assistance such as welfare, food stamps, and unemployment compensation. A case plan may also prioritize stabilizing his income and developing his budgeting skills.

Agent Comments:

Mr. Barrow reported that he receives Social Security Disability benefit payments of \$840.00 per month that is direct-deposited into his checking account at Badger Bank in Madison.

The defendant indicated he pays his parents \$450.00 a month for rent, utilities and food. He denied holding title to any property, and denied being co-signer on any legal contracts or leases.

COMPANIONS



Criminal Associates/Peers

Criminal Associates/Peers Scale Score: Highly Probable

The Criminal Associates and Peers Scale score indicates Mr. Clyde Barrow is more than likely to continue involvement with antisocial friends. Restricting his contact with any current antisocial friends and associates will help minimize criminal opportunity. Mr. Clyde Barrow should be encouraged to have more affiliations with prosocial peers in various prosocial activities. Attitudes about peer relationships may be a useful focus of cognitive treatment.



Social Isolation

Social Isolation Scale Score: Probable

Mr. Clyde Barrow's Social Isolation Scale score suggests that he may lack a supportive social network that he relies on regularly and during difficult times. He may also exhibit feelings of isolation and loneliness. If this is the case, he may benefit from participating in activities with prosocial people such as becoming involved in a church group, recreational activities, volunteering, or taking fitness classes.

Agent Comments:

Mr. Barrow stated he currently has no close friends, and spends his time in the company of his family. The defendant, during our interview, stated "I have to change all my friends in order to stay out of trouble."

The defendant denied any current or previous affiliation with any street gang.

EMOTIONAL AND PHYSICAL HEALTH

Agent Comments:

The defendant reported that he has never been the victim of sexual abuse.

Mr. Barrow shared that he is currently seeing Dr. Subermanian in Madison who treats him for depression. He reported that he takes five milligrams (mg) off Lorazepam for this.

The defendant's discharge summary from Tellurian indicated he had "moderately severe depression" and that his "use of marijuana was an attempt to self-medicate."

Mr. Barrow shared that he has twice attempted suicide. In 1995, while in jail awaiting sentencing for his forgery conviction he reportedly ran his head into a wall and attempted to choke himself with a phone cord. In 1997, when they would not release him from the Badger City Alternative Program, he reportedly attempted to overdose on his prescription medications.

The defendant's mother, when asked about this during our telephone interview, stated she blamed herself for the second attempted suicide. Ms. Westenberg recounted that both she and the defendant were distraught over the deaths in the family, and she said something to him she should not have said. Ms. Westenberg did not elaborate on this.

Mr. Barrow told this agent he has an extensive history of physical problems which could not be fully verified as only the Badger City Clinic has responded to requests for information as of the date of this report.

The defendant reported that in 1985, while in Nashville, he had surgery for kidney stones. In 1986 he reportedly had treatment for back pain which involved inserting a nerve block into his back. The defendant indicated that between 1986 and 1987, he had a second procedure for kidney stones which involved insertion of a catheter. The defendant shared that in 1987, also in Nashville, he had skin grafts on his left hand due to a work-related injury.

The defendant reported that in 1997 he had his gall bladder removed at the Badger City Clinic, and in 1998, he had back surgery at the Badger City Hospital which was necessitated by a herniated disc and bulging of his spinal column. He also reportedly received treatment for his nerves at this time.

The defendant indicated that in 1999, he had surgery at St. Mary's Hospital in Madison for removal of tumors from his bladder, and the tumors were found to be benign.

The defendant shared that in 2001, at University Hospital in Madison, he was treated for a blockage in his bladder and his bowels.

The defendant reportedly, in February 2003, had a cystoscopy performed at University Hospital. On March 1, 2003 he stated he was treated in the emergency room of Beloit Hospital for kidney stones and a blockage of the intestines. The defendant indicated that on March 5, 2003, he had surgery at St. Mary's hospital for kidney stones.

Records indicate that on March 17, 2003, Dr. Peterson treated him at the Badger City Clinic for a torn cartilage.

The defendant reported that in May 2003, he had a biopsy performed at the Badger City Clinic for growths on his colon. He indicated the results of the biopsy were negative. Mr. Barrow expressed some concern about these results and indicated he might seek a second opinion.

Mr. Barrow previously stated he had two hernias that needed surgery. He informed this agent that Dr. Abelard Jackman of the University of Wisconsin Hospital was putting off the surgery because he was concerned with the amount of medication Mr. Barrow was taking. Dr. Jackman had told Mr. Barrow that his complaints of nausea may have been due to his medications and not to a hernia. Mr. Barrow did not agree with that assessment.

Medical records frequently mention, in addition to these various ailments, respiratory problems which are reportedly exasperated by the defendant's smoking. These records also indicate a history of migraine headaches due to hydrocarbonate exposure, and a sporadic history of incontinence and bladder control problems as a complication of the defendant's illnesses and surgeries.

The defendant's current medications have been verified by on-site observation.

The defendant, in addition to the Lorazepam prescribed by Dr. Subermanian, is prescribed the following medications: Celebrex, 100 mg, daily, prescribed by Dr. Weber for arthritis; Oxycontin, one 40 mg pill and one 20 mg pill per day, prescribed by Dr. Weber for pain control; Oxycodone, five mg, four times daily, prescribed by Dr. Weber for pain control; Hydrochlorothiazide, 25 mg, prescribed by Dr. Kim for high blood pressure; Guaifenesin, 60 mg, three times daily, prescribed by Dr. Kim for an infection; Thocabamol, 75 mg, A muscle relaxant prescribed by Dr. Weber for the defendant's back spasms; Azmacort Inhaler, prescribed by Dr. Kim for respiratory problems; and Zolpidem, 10 mg, prescribed by Dr. Weber to help the defendant sleep.

There are several notations in the defendant's medical record from the Badger City Clinic, in addition to the concerns expressed by Dr. Jackman at the UW Hospital, that indicate a concern on the part of some staff over the amount of medication Mr. Barrow takes.

One such notation, dated 8/25/00 by Dr. Schneider, noted a "history of dysfunctional pain syndrome. Questionable history of drug seeking behavior."

A report written on 02/05/03 by Dr. Schneider again described the defendant as a person with a "history of dysfunctional pain syndrome."

The defendant, in April of 2001, suffered a drug-induced seizure as a result of taking Oxycontin, Darvocet, Zoloft and Ultram, all of which had been prescribed for him at that time.

Dr. Julie Long, in a report written on 12/21/01, noted: "he (defendant) apparently has had to use an extra percocet here and there..."

A report written on 10/25/02 by Dr. Subermanian indicated that she felt the defendant's depression might be caused by all the medication he was on. She recommended that the defendant lower some of the medications "which he was unwilling to do."

A report written on 11/25/02 by Cindy Grecco, R.N.C. for Dr. Subermanian, described an encounter with the defendant where he challenged the doctor's decision to only give him a two weeks supply of Lorazepam at a time, she

noted "he (defendant) had some difficulty hearing that."

This agent presented Mr. Barrow with these various statements by the professionals at the Badger City Clinic. The defendant became agitated and stated that they did not understand the necessities of pain control, that only Dr. Weber, who was his primary physician, understood his (defendant's) pain control needs and that Dr. Weber has stated he should stay on the medications as long as needed.

The defendant reported that his medical conditions have stabilized over the past ten years, continuing his reportedly necessary medications prescribed by Dr. Weber, who the defendant indicated he sees every six months.

SEXUAL BEHAVIOR

Agent Comments:

The defendant reported that he has never been arrested, adjudicated or convicted of a sexual offense.

ATTITUDES AND BELIEFS



Criminal Personality

Criminal Personality Scale Score: Unlikely

Mr. Clyde Barrow's scale score indicates a low likelihood of an antisocial personality. Thus, high-risk factors such as impulsivity, risk-taking, restlessness/boredom, selfishness, and so on, appear to be absent for this person.



Criminal Thinking Self Report

Criminal Thinking Self Report Scale Score: Unlikely

The Criminal Thinking Self-Report Scale score suggests that Mr. Clyde Barrow is unlikely to rationalize his criminal behavior. He may exhibit remorse and regret for his behavior.



Anger

Anger Scale Score: Unlikely

The Anger Scale score indicated that Mr. Clyde Barrow is not likely to have problems managing and controlling his anger at this time.



Cognitive Behavior

Cognitive Behavioral Scale Score: Probable

Mr. Clyde Barrow's Cognitive Behavioral/Psychological score suggests the presence of some antisocial attitudes. In some cases these may include moral justification for his criminal behavior, refusing to accept responsibility, blaming the victim, rationalizations (excuses) that minimize the seriousness and consequences of his criminal activity, etc. He may have some elements of a high-risk lifestyle such as idleness, boredom and impulsive decision-making. If such issues are detected, a cognitive therapy program coupled with more positive role models, more socially productive activities, and the development of positive social bonds may be warranted. In some cases a more in-depth mental health assessment may be in order.



Social Adjustment Problems

Social Adjustment Problems Scale Score: Probable

Mr. Clyde Barrow's Social Adjustment Problem Scale score indicates that he may have problematic relationships in one or more social contexts such as family, school or work. He may benefit from classes that can improve his social skills that may help build his social supports, particularly prosocial supports.

Agent Comments:

The defendant, when asked to describe himself, responded: "strong-willed, caring, responsible, respectful, out-going, and friendly." The defendant, when asked what he would like to change about himself, stated "my health, my financial situation, and to be able to take care of my wife and family."

The defendant shared that the most important thing in his life right now is "my family." The defendant's goals for the future include "getting my wife and kids together with me again, have a stable health and money situation, and be able to put my kids through college."

SUBSTANCE USAGE HISTORY

Substance	Amount	Frequency	Last Used
Alcohol	one drink	rarely	02/1995
THC (Marijuana, Hashish, etc)	one "bowl"	daily	08/2003
Cocaine	varied	weekly	02/1997
Prescription Drugs	varied	daily	06/2003

**Substance Abuse****Substance Abuse Scale Score: Highly Probable**

A highly probable score suggests that Mr. Clyde Barrow is likely to have drug or alcohol problems and needs substance abuse treatment intervention. An in-depth substance abuse assessment to determine the appropriate level of treatment intervention may be warranted.

Agent Comments:

Mr. Barrow denied drinking or using any illegal drugs at this time.

Mr. Barrow reported he first tasted alcohol at around the age of 18. He stated he seldom drinks and does not like the taste. He attributes some of his dislike of alcohol to his knowledge of his father's drinking problems. Now he reportedly cannot drink due to his health problems. The defendant's wife and mother both confirmed that he seldom drank.

The defendant reported he began using marijuana around the age of 18 and continued to smoke it until the time of his 2003 arrest for disorderly conduct. He said he would smoke about one bowl a day.

The defendant reported he first used cocaine in 1995 around the time he began forging his parent's checks. He indicated he last used cocaine in 1997. His preferred method of use was reportedly to smoke it. The defendant shared that his last use was just before he went to Tellurian in 1999.

Department of Corrections records indicate that, while on his last period of probation supervision, Mr. Barrow was referred to Dane County Human Services for his use of cocaine and marijuana. He did not keep his appointments there. While in the Intensive Sanctions Program, he was referred to the Badger City Alternative Program. While there, he continued to use marijuana and cocaine and was sent to the Tellurian Community Treatment Program. He completed that program in 1999.

The defendant's agent and treatment providers were concerned with, in addition to his use of marijuana and cocaine, a possible overuse of prescription drugs. During this period he had several prescriptions for a variety of controlled substances. His urinalyses frequently showed opiates, but this was not a violation of his supervision as he did have verified prescriptions. After his termination from the Badger City Alternative program, his Intensive Sanctions agent

described him as "a highly addicted offender...both prescriptions and illicit drug abuse even in a highly structured environment." The agent warned, "frequent medical complaints may be malingering." A violation report written on 10/21/97 stated that the defendant "...ingested an overdose of prescription medication, having misrepresented his need for medication to RVAP staff."

The defendant reported that he attends community-based AODA relapse prevention group meetings periodically.

MILITARY

Agent Comments:

Mr. Barrow reported he did register for Selective Service. He has never served in any branch of the Armed Forces.

LEISURE TIME ACTIVITIES



Leisure and Recreation

Leisure and Recreation Scale Score: Unlikely

Mr. Clyde Barrow's Leisure and Recreation Scale score suggest he engages in prosocial activities that are of interest to him.



Criminal Opportunity

Criminal Opportunity Scale Score: Unlikely

Mr. Clyde Barrow's criminal opportunity scale score suggests a fairly low-risk lifestyle. He appears to have some participation in prosocial or constructive activities (e.g. working, spending time with family) and does not seem to be excessively bored or restless.

Agent Comments:

The defendant reported that, during his leisure time, he visits the cemetery to see his brothers and other deceased relatives. The defendant shared that he also likes to fish with his stepfather and hunt for rocks.

RESIDENTIAL HISTORY

Address	City	State	Zip	Date Resided
W360 Big Hill Road	Acreage	Wisconsin	53708	04/2016
Dane County Jail	Madison	Wisconsin	53707	04/2016



Residential Instability

Residential Instability Scale Score: Unlikely

Mr. Clyde Barrow's relatively low scale score suggests he likely has a fairly stable lifestyle, residence and adequate social ties to the community.

Agent Comments:

The defendant reported that he has resided with his mother and stepfather at the family farm on and off for many years. The defendant indicated he has been currently residing with them since 2002.

The defendant reported that he previously resided at 112 West Main Street, New Albany, Wisconsin from 1998 to

2002, and at N870 Highway YY, Sparta, Wisconsin from 1997 to 1998.

Ms. Westenberg, the defendant's mother, stated she wants the defendant to continue to reside at the family farm should he be given the privilege of probation supervision, and shared that she and her husband have told the defendant that if he continues to get into trouble he will be asked to leave the family farm.

The defendant, during our interview, was advised that any firearms on the property would have to be removed.

DEFENDANT STRENGTHS

Age 30 or Greater
Residential Stability
Social Environment

ASSESSMENT CONSIDERATIONS

COMPAS (Correctional Offender Management & Profiling for Alternative Sanctions) is a validated actuarial assessment tool that predicts the general likelihood that a person will engage in subsequent criminal behavior in comparison to others with a similar history of involvement in the criminal justice system. In addition to recognizing general levels of risk to re-offend, COMPAS identifies criminogenic needs specific to the person that are most likely to impact future criminal behavior.

For purposes of evidence-based sentencing, actuarial assessment tools are especially relevant to: 1. Identify offenders who are most appropriate for intervention. 2. Identify dynamic risk factors to target through conditions of supervision¹. Nonetheless, criminal justice practitioners should also be aware of the limitations of risk/need assessments and be cognizant of following considerations:

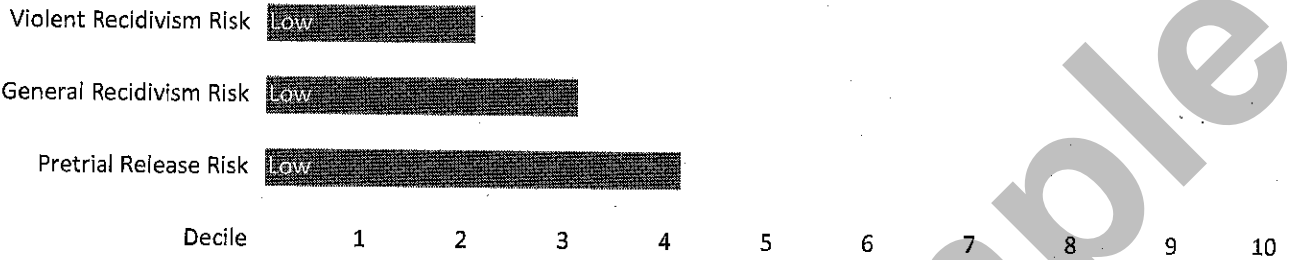
1. It is important to remember that while risk scores may assist in informing sentencing decisions based on the risk principle by categorizing medium and high risk individuals who are appropriate for intervention, they should never be the sole and deciding factor in determining the severity of the sentence or whether an offender should be incarcerated.
2. Functioning only as a general risk assessment instrument, COMPAS does not attempt to specifically predict the likelihood that an individual offender will commit a certain type of offense within the follow-up period. Rather, offense-specific instruments may be used to provide additional insight.
3. The proprietary nature of COMPAS has been invoked to prevent disclosure of information relating to how factors are weighed or how risk scores are determined.
4. The use of risk/need assessments in the sentencing context is a relatively new development in Evidence-Based Decision Making¹. COMPAS was not developed for use at this decision point. Rather, it was intended for use by correctional agencies in making determinations regarding treatment, supervision, and parole.
5. Risk assessment tools should be constantly monitored and re-normed for accuracy due to changing populations and subpopulations. Despite being validated in other states and jurisdictions, the statewide COMPAS implementation in Wisconsin will include a commitment to continuous research. COMPAS was normed on a Wisconsin population in February of 2016. Likewise, it has been exposed to significant inter-rater reliability testing and measurement under a continuous quality improvement framework. Some studies of COMPAS risk assessment scores have raised questions about whether they disproportionately classify minority offenders as having a higher risk of recidivism. The Wisconsin Department of Corrections will conduct independent validation studies of COMPAS that will examine general predictive validity as well as disparity across race and will remain committed to replicating these studies over time.

Bearing these considerations in mind, research suggests criminal justice officials will be positioned to make more informed decisions at all decision points, including the sentencing event, as a result of understanding risk/need information.

¹Casey, P., Warren, K., & Elek, J. (2011). *Using Offender Risk Needs Information at Sentencing: Guidance for Courts from a National Working Group*. Retrieved from <http://www.ncsc.org/~media/Microsites/Files/CSI/RNA%20Guide%20Final.ashx>

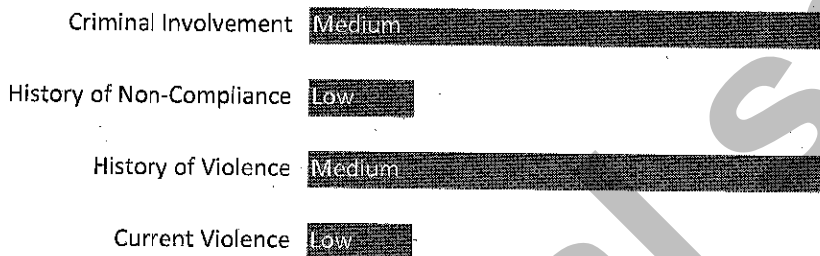
Overall Risk Potential

Risk

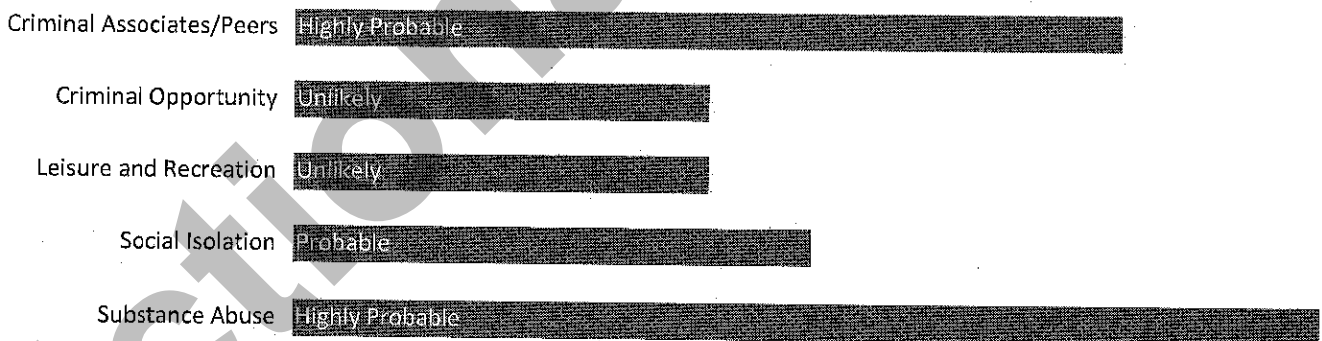


Criminogenic Need Scales

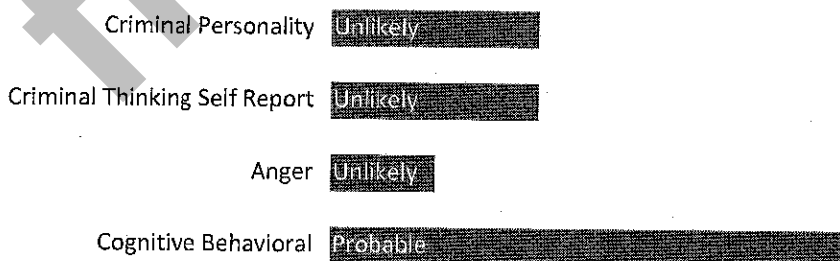
Criminal Involvement



Relationships/Lifestyle



Personality/Attitudes



Family

Family Criminality Unlikely

Socialization Failure Unlikely

Social Exclusion

Financial Highly Probable

Vocational/Education Highly Probable

Residential Instability Unlikely

Social Adjustment Problems Probable

Social Environment Unlikely

SUMMARY AND CONCLUSIONS

Agent Impressions:

The defendant, Clyde Barrow, was polite and cooperative for this investigation. He was soft spoken, with a depressed affect, and at times appeared to be in pain.

The defendant, to this agent, appeared to be preoccupied with the deaths of his family members and his own medical condition. He became defensive at any suggestion of malingering or overuse of medications.

He was not always truthful in answering questions, but would correct his answers whenever pressed. For example, he initially told this agent he finished the 10th grade, but when questioned a second time in the presence of his mother, acknowledged he left school in the 8th grade. He also denied using cocaine during his prior period of probationary supervision until this writer confronted him with the DOC records on that topic.

While he readily admits his guilt in this offense, he seems to put the blame on the confidential informant who, in Mr. Barrow's mind, talked Mr. Barrow into selling his medication against his own better judgment. He denies misusing or selling his medications on previous occasions, although there is a notation in his medical records to the fact that he, at least at one point, was consuming his percocets faster than prescribed.

Mr. Barrow had a history of cocaine and marijuana usage during his previous probationary period. By his own account, he continued using marijuana up until his arrest for disorderly conduct in 2003. He denies any current usage of illegal drugs, and denies overuse of his current medications. The defendant, for some years, has been consuming a large variety of prescription medications. He is currently taking dosages of five different controlled substances, along with various other medications. His primary doctor apparently sees the need for this, and approves of this approach to whatever pain and distress Mr. Barrow may be in.

Other medical professionals have expressed some cautious reservations about this approach however. Mr. Barrow does not see the need for further substance abuse treatment as he does not believe he is currently abusive of drugs.

This agent, not being a medical professional, is not qualified to gauge the correctness of Mr. Barrow's medical regimen. Were Mr. Barrow to be placed on probation supervision, there would have to be close surveillance of his use of these medications along with his pattern of filling prescriptions and the possibility of his selling these products to others. Close contact would have to be maintained with his various physicians and his pharmacy. An independent AODA program for substance abuse issues should evaluate him. The practice of taking urine specimens may be difficult as Mr. Barrow claims to have urinary problems. Urinalyses would also not be able to determine if Mr. Barrow is abusing his prescription medications.

Mr. Barrow's history indicates he can become quite emotional and easily distressed. During my interviews with him, his main focus was his perceived health issues, the likelihood of him having cancer, and the deaths in his family. He sought constant reassurance that he would not be sent to prison, even though he has been told by his attorney he will either be placed on probation or given a relatively short period of condition time in jail.

He seems determined to present his medical history as gravely as possible. He discounts positive news, such as the negative finding of cancer in his recent biopsy.

He disputes any suggestion that he may be taking too many medications. Examples of this include the suggestion of Dr. Jackman that his nausea may be the result of his medications and not due to a hernia, and the suggestion of Dr.

Subermanian that his depression might be aggravated by his various pain medications.

He has twice attempted suicide, once when faced with the prospect of incarceration, and once when he would not be released from treatment as he would have liked.

Mr. Barrow believes incarceration will be detrimental to his health and states he will cooperate fully with probation. His plan is unclear as he does not see the need for treatment and does not want to discontinue using his pain medication. He states he has no intention of repeating selling his medications.

While Mr. Barrow did not fully cooperate with his prior supervision, he did manage to complete it and to complete his stay at Tellurian. He has a stable residence, supportive family members and a steady, if meager, source of income.

Mr. Barrow is not an assaultive person, and presents only a moderate risk to re-offend based mostly on his prior record and history of drug usage. He is not likely to abscond as he previously did as he now has a family, is dependent on Social Security, and needs to stay in frequent communication with his doctors.

This agent does not believe incarceration would serve either the interests of the community or the rehabilitation of the defendant.

Restitution:

The defendant should be held liable for any restitution deemed appropriate by the Court.

Agent Recommendation:

The offense in Count 1 of this case - Possession With Intent To Deliver-Narcotics - carries a maximum prison sentence of fifteen years, with a maximum initial term of confinement of ten years. The maximum term of Extended Supervision is five years.

It is, therefore, respectfully recommended that the defendant, Clyde Barrow, be sentenced as to Count 1 to five years in the Wisconsin State Prison System, with three years of Initial Confinement, followed by two years of Extended Supervision - Imposed & Stayed - with Placement on five years of Probation.

Recommended Condition of Probation or Extended Supervision:

(Consideration given for local programing such as specialty courts, restorative justice, or other diversion.)

180 days in the county jail to be applied at the discretion of the Department of Corrections.

Absolute sobriety and abstinence from all illegal drugs.

No possession of alcohol, drugs, or drug paraphernalia.

No association with known drug users or dealers and no contact with any place where illegal drugs are purchased, used, stored, packaged, or distributed.

Notify agent of all prescriptions and medical appointments.

Provide agent with the names, phone numbers and addresses of all his doctors, therapists and pharmacies.

Sign releases of information allowing agent to communicate with all medical professionals.

Only take prescription medication in the amount prescribed by your doctor.

Cooperate with and complete any assessment and treatment program, including AODA and Cognitive Intervention, the Department of Corrections deems necessary.

Comply with all Family Court Orders regarding the placement, custody, care, health, well-being, and financial support of minor children.

Pay all restitution, court ordered financial obligations, and Department of Corrections supervision fees.

Perform 100 hours of Community Service.

Submit a DNA sample per WI statutes.

Anticipated Supervision Plan:

Upon institutional release or if Probation is ordered, the defendant would be supervised in accordance with the risk assessment and Departmental policies, as well as Drug Offender protocols. Together with the agent, a realistic supervision case plan would be developed to address criminogenic needs outlined above. Referrals to community agencies, service providers, etc. for assessment, programming and treatment would be monitored through to successful completion. Violations would be swiftly addressed with appropriate sanctions.

Respectfully submitted,

Esiged by: MTC 1
Probation and Parole Agent

Esiged by:
Supervisor

Sources of Information:

Interview with the defendant.

Interview with the defendant's mother.

Interview with the defendant's wife.

Interview with Dr. Schneider of the Badger Health Clinic.

Records of the City of Badger Police Department.

Records of the Dane County District Attorney's Office.

NCIC/CIB/FBI records.

Wisconsin Circuit Court Access Program (CCAP).

WI Department of Corrections records.

Records of the City of Badger Municipal Court.

Employment confirmation from the defendant's step-father and former employer, Richard Westenberg.

Records of Dr. Subermanian of Madison, WI.

Records of the Badger City Clinic.

Records of Badger City Hospital.

Records of St. Mary's Hospital in Madison.

Records of University Hospital in Madison.

Records of Beloit Hospital.

Records of the Tellurian Community Treatment Program.

fictional sample