



David A. Clarke Jr.
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Milwaukee County Sheriff's Office

NEWS RELEASE

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FOR IMMEDIATE RELEASE
February 5, 2013

Straw Purchase Arrests Go Nowhere in Milwaukee County Court System

Milwaukee, WI – Statement from Sheriff David A. Clarke Jr. on straw purchase claims by anti-gun advocates:

The anti-gun crowd is pushing for more serious penalties for those who buy guns for people who are prohibited from owning them, more commonly known as straw purchases. Now that is something I can get behind. There is one problem, however. A lenient judiciary and watered-down prosecutions lead to no serious consequences or prison time for those convicted of straw purchases.

What we end up with is more unenforced laws. I am including the evidence (see attached pdf document, "Straw Purchasing 2001-2012) that has gone on in Milwaukee County on this violation for the past ten years. Probation, stayed sentences and in one case a four-day stay in a local jail are the norm for straw purchases.

Between 2001 and 2012, data gleaned from the Milwaukee County District Attorney's office reveals that a meager 43 cases were issued for straw purchase violations...the so-called gun trafficking charge the anti-gun advocates are pushing. Only 20 people were convicted of that offense; a 46% conviction rate for the crime that we are professing to take so seriously. A remarkable 34% of issued cases saw the crime reduced, amended, or plead down, or dismissed entirely in exchange for a negotiated plea to a separate charge.

Even for those actually convicted of the straw purchase, the sentences handed down ranged from fines and no custodial time, and the more common outcome: probation and short stays in the county jail. In only four cases did a conviction for the crime result in the perpetrator serving time in a state prison. In only two cases did they serve two years or more.

Keep in mind that a person convicted under the straw purchase statute can be sentenced up to 10 years and fined no more than \$25,000. Prior to 2003, the penalty was no more than 15 years in a state prison and a fine not to exceed \$50,000. The bottom line is that in Milwaukee County there is no will between prosecutors and courts to attach consequences to this behavior. We don't need new laws when the criminal justice system will not enforce the ones we already have.

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In a sleight of hand, the anti-gun crowd pushes for “get out of jail free” programs like “second chance”, “community corrections” and other failed attempts at social engineering that send a signal to criminals that they are not really serious about cracking down on gun trafficking violations. At the same time, the left drags out their race-baiting demagogues to accuse the police and the criminal justice system of disparate treatment and racism and claim that it is too costly to lock people up when arrests are made for gun violations.

I have seen this charade played out for most of my 35 years in law enforcement. If we need a national strategy to reduce violence, it is that all gun crimes be prosecuted federally, like local communities did in the past under gun violence programs like Project Trigger-Lock and Ceasefire. Federal convictions bring longer and more certain prison sentences. Street criminals fear the federal system of prosecution, not state court prosecutions. They count on getting a third, fourth and fifth second chance in a state court. Additionally, serving time in a federal prison gives relief to states struggling to keep corrections costs under control. States then will not have to fall victim to soft-on-crime programs.

Skip all the theatrics being performed by the anti-gun crowd. Take the money that will be wasted on trying regulate things via universal background checks, banning Internet sales of ammunition and large capacity magazines and a ban on so-called assault weapons (none of which will make a difference to a criminal) and instead provide that money to local school districts that cannot afford to hire police officers or armed security to protect children and teachers in schools.

Criminals don't follow laws!

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MILWAUKEE COUNTY Office of the Sheriff Administration Bureau

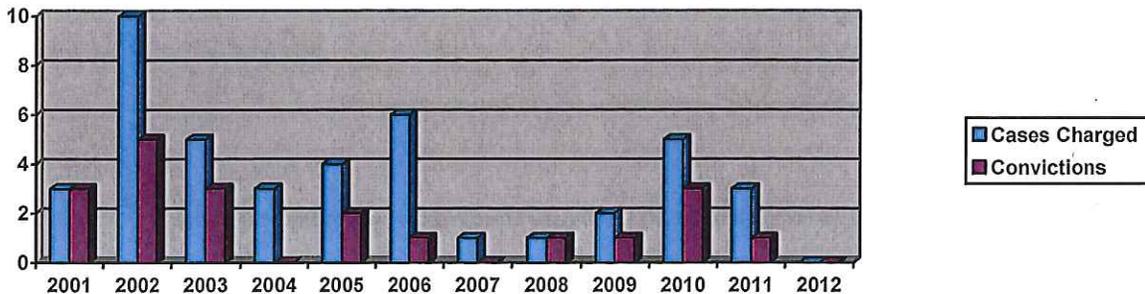
DATE : February 5, 2013
 TO : David A. Clarke Jr., Sheriff
 FROM : Edward H. Bailey, Inspector
 SUBJECT : Prosecution for Straw Purchasers (last 12 years)

Sheriff,

The last 11 years state prosecutions* under statutes 939.02(2)(B) PTAC / 941.29(4) Possession of a Firearm (Furnishing Firearm to Unauthorized Person, or "Straw Purchasing"), a Class G Felony that exposes the perpetrator to a fine not to exceed \$25,000 or imprisonment not to exceed 10 years, or both*:

Year	# Issued	# Convicted	Year	# Issued	# Convicted	Year	# Issued	# Convicted
2001	3	3	2005	4	2	2009	2	1
2002	10	5	2006	6	1	2010	5	3
2003	5	3	2007	1	0	2011	3	1 (**/)**
2004	3	0	2008	1	1	2012	0	0
Total Issued 43		Total Convicted 20		Conviction Percentage 46%		Avg. Custodial: 7.5 months		
High: 2.5 Years WSP (1) 2.0 Years WSP (1)		Low: 0 Days (6)		Percent Convicted Receiving a Sentence to Wisconsin State Prison (WSP): 20% (4)		Percent Convicted Receiving no Custodial time (WSP): 30% (6)		
Percent of Issued cases subsequently Amended / Reduced Down, Dismissed Pursuant to Plea to Another Charge, or Dismissed and Read In: 34% (15)								

* Note: Prior to 2003, this crime was a Class E Felony, exposing the perpetrator to a fine not to exceed \$50,000 or imprisonment not to exceed 15 years, or both*:



Charged Cases:

Year	Case #s	Defendant	DA	Judge	Sentence
2001	2001CF000595	Bernard Marvin Getchel	Nancy Ettenheim	Patricia McMahon	House of Correction 9 Months. 2 years Probation
2001	2001CF000708	Albert Moore	Nelson Phillips	Patricia McMahon	2 years WSP Stayed 3 years Probation 90 days HOC
2001	2001CF004685	Willie Deon Catholic	Patrick Farley	Mary Kuhnmuench	2.5 years WSP
2002	2002CF002603	Khalid Fawizi Zakzouk	Kent Lovern	David Hansher	261 days HOC
2002	2002CF003181	Nydia E Quiles	Julius Kim	Jacqueline Schellinger	1,000 Fine
2002	2002CF002955	Lisa O Parrish	Brian J. Resler	Barry Slagle	Dismissed on Defense Motion
2002	2002CF003008	Lisa O Parrish	Brian J. Resler	Daniel L. Konkol	Amended to CCW; 8 days HOC
2002	2002CF003090	Stormi Darvell Dixon	Mark Williams	Jeffrey Conen	1 year HOC
2002	2002CF004181	Marsharett L Seay	Kent Lovern	Victor Manian	Dismissed on prosecutors Motion, pursuant to plea negotiation. 18

					months WSP Stayed as to Drug Place.
2002	2002CF004806	Darryl Mcglothain	Magowan, Terry S.	Karen Christenson	Not Guilty by Jury
2002	2002CF007051	Jerri A Stanford	Kent Lovern	Victor Manian	60 days HOC w/ Huber
2002	2002CF006848	Gina M Grady-fountain,	Julius Kim	Manian, Victor	18 months Stayed, 3 years Probation
2002	2002CF006824	Jeremiah Wilson	Allison M. Ritter	Frank Liska	Dismissed on prosecutors Motion
2003	2003CF003649	Natasha Francesca Easter	Bruce W. Becker	Victor Manian	60 days HOC; As to both: 3 years Probation; 14 months WSP Stayed
2003	2003CF003649	Natasha Francesca Easter	Bruce W. Becker	Victor Manian	See above
2003	2003CF004327	Jeffrey S Young	John Chisholm	Victor Manian	Dismissed on prosecutors Motion, pursuant to plea. 111 days HOC as to Drug Place
2003	2003CF004669	Yolanda Rivera	John Chisholm	Audrey Brooks	Dismissed on defense Motion
2003	2003CF005793	Geoffrey Anderson	Stephanie G. Rothstein	Michael B. Brennan	1 year WSP
2004	2004CF000628	Rachel Elizabeth Paddock	Irene E. Parthum	Victor Manian	Dismissed on defense Motion - Evidence at the Preliminary Hearing was Insufficient to Support Bind over
2004	2004CF003959	Catalina Edith Cabral	Irene E. Parthum	William W. Brash, III	After plea negotiations, amended to Handgun Transfer-Buyer-Give False Info, an unclassified Misdemeanor. 45 Days HOC; 2 years Probation
2004	2004CF007363	Shomari Deshawn Carr	Megan P Carmody	Karen Christenson	Dismissed on prosecutors Motion, pursuant to plea as to Armed Robbery and RES. 2 years WSP.
2005	2005CF000719	Vincent Edward Nelson	Irene E. Parthum	Dennis P. Moroney	Dismissed on prosecutors Motion, pursuant to plea as to POCSWITD THC: 3 years probation
2005	2005CF001548	Shaun Martin Meyer	Thomas C. Binger	William W. Brash, III	1 year Probation
2005	2005CF003847	Rozelia D. Moss	Ronald Dague	William W. Brash, III	75 days HOC; 2 years Probation
2005	2005CF004746	Tony Davis	Gale G. Shelton	William W. Brash, III	Dismissed and read in; Plead guilty to FIPOF and POCSWITD Cocaine. 2.5 years WSP
2006	2006CF000113	Dena Marie Roeglin	Daniel R. Humble	William W. Brash, III	Dismissed on prosecutors Motion, pursuant to 2 nd case for POCS Cocaine. Currently in Warrant status.
2006	2006CF002715	Angel Miramontes, Jr	Irene E. Parthum	Jeffrey A. Kremers	Dismissed on prosecutors Motion, pursuant to plea to Possess Short-barreled Shotgun/Rifle. 15 months WSP
2006	2006CF003863	Gianna A Madison	Irene E. Parthum	Jeffrey A. Kremers	1 Count Dismissed and read in; Plead guilty to 2 nd count below
2006	2006CF003863	Gianna A Madison	Irene E. Parthum	Jeffrey A. Kremers	1 year WSP imposed and stayed; 2 years probation; 75 hours community service
2006	2006CF005753	Sabrina Stewart	Irene E. Parthum	Daniel L. Konkol	After plea negotiations, dismissed in exchange for plea to 2 nd count of Handgun Transfer-Buyer Give False Info, an unclassified Misdemeanor. 1 year Probation; 10 hours community service
2006	2006CF006072	William O King	David Robles	Jeffrey A.	Amended to CCW; 45 days HOC

				Kremers	
2007	2007CF000496	Seconi Mathews	James W Frisch	Barry Slagle	Dismissed on defense Motion at Initial Appearance
2008	2008CF001550	Tammie T Rhodes	Nolten, Stephan Eduard	Kevin E. Martens	1 year HOC; 3 years Probation
2009	2009CF001337	Billy Joe Cannon	Jeremiah C. Van Hecke	Guolee-Michael	Charge Dismissed but Read In
2009	2009CF004719	Emanuel Wright	Denis Stingl	Martens-Kevin	Prison 1 Year. Extended Supervision 2 Years, 4 Months.
2010	2010CF000680	Christopher Lee Condiff	Stephan E. Nolten	McMahon-Patricia	Prison 1.5 Years Imposed and Stayed. Extended Supervision 2 Years.
2010	2010CF003974	Kenneth J Santana	Zach S. Whitney	Dallet-Rebecca	Reduced to Disorderly Conduct. \$750 fine
2010	2010CF002018	Antonio L Brooks	Grant Huebner	Dallet-Rebecca	Dismissed on Negotiations after he pled guilty in another case.
2010	2010CF002019	Joseph Stewart Davis	Grant Huebner	Dallet-Rebecca	Prison 2 Years. Extended Supervision 3 Years. 2 nd Count dismissed and read in.
2010	2010CF003810	Debra Louise Wilson	Stephan E. Nolten	Dallet-Rebecca	4 Days at the CCFS
2011	2011CF000924	Billy Joe Cannon*			
2011	2011CF000928	Carl Page**			
2011	2011CF000931	Anthony Fitzgerald Turnage	Jeremiah C. Van Hecke	Guolee-Michael	Prison 2 Years Imposed and Stayed. Extended Supervision 2 Years.

*This case is sealed and is not available for viewing by order of Judge Guolee-32.

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Respectfully Submitted,

S:// Edward H. Bailey, I7

Edward H. Bailey, Inspector
Office of the Sheriff

* Using data sets from DA's Office, as compiled by MCSO LEAD (Law Enforcement Analytics Division)