

## **THE ALTERNATE DEFENSE PRE-SENTENCE INVESTIGATION REPORT: TEMPERING HARSH STATE SENTENCING RECOMMENDATIONS**

**By: Attorney Jeffrey L. Murrell\***

In the Wisconsin circuit-court system, judges in felony cases may order that a pre-sentence investigation (PSI) report be generated by a probation/parole agent from the Department of Corrections (DOC) so that the court has the fullest understanding possible of the defendant's life and circumstances at sentencing. Wis. Stat. § 972.15(1). See also Lloyd E. Ohlin & Frank J. Remington, *Discerning in Criminal Justice: The Tension Between Individualization and Efficiency* 148 (1993).

This, of course, is so that the court will be able to make the most fully-informed and fairest dispositional decision possible. At times, PSI reports prepared by state corrections agents recommended prison sentences which are harsher than what the prosecutors recommended. One way of anchoring an unfair prison-sentence recommendation in a court-ordered PSI report is for the defense to present its own alternate PSI report for the judge's information and consideration at sentencing. This article describes the main purposes of a PSI report, the typical structure of PSI reports, potentially prejudicial aspects of state-generated PSI reports, and how defense counsel may try to counter an unduly harsh state PSI recommendation by submitting a defense alternate PSI report.

### **The Anatomy of a Pre-Sentence Investigation Report**

In Wisconsin's state courts, a PSI report normally consists of two parts.

First is a state-mandated cover sheet containing the basic personal information about the defendant, such as date of birth, sex, height, and weight and information about the county circuit court involved and the charged offense(s).

Second, the state form is usually stapled on top of a multi-page document of varying styles and length which all present, more or less, separate paragraphs outlining the information sources relied on by the PSI writer, a review of the defendant's general background, the offense(s) as alleged, the defendant's version of the offense(s), victim impact and restitution needs, a review of any pending criminal charges (see *Roscoe v. State*, 74 Wis. 2d 699, 247 N.W.2d 711 (1976) where the court held a judge does not deny due process by considering pending criminal charges in determining a sentence), past arrests and existing conviction record of the defendant, an analysis of the defendant's acceptance or not of responsibility, and any possible prison programs or prison alternatives that might be available for the defendant under the circumstances, such as eligibility for earned release or the Challenge Incarceration Program. Wis. Stat. §§ 972.15(2a)-(8) (2c).

Finally, the writer's sentencing recommendation is given.

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web 11 his head is buried near jacob the fates of esau and jacob merged even at death jacob passed on in egypt and his body

was taken by his sons to be buried in the cave of machpelah in the land of canaan to their consternation however there was esau laying dubious claims to the last remaining plot in the cave

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web he was the first of the two sons of jacob and rachel jacob s twelfth named child and eleventh son he is the founder of the israelite tribe of joseph his story functions as an explanation for israel s residence in egypt

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web jan 4 2022 when esau found that his blessing had been given to jacob he threatened to kill his brother and jacob fled genesis 27 1 28 7 years later jacob and esau met and were reconciled genesis 33 both jacob and esau were fathers of nations god changed jacob s name to israel genesis 32 28 and he became the father of the 12 tribes of israel

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web according to the hebrew bible esau is the progenitor of the edomites and the elder brother of jacob the patriarch of the israelites 8 jacob and esau were the sons of isaac and rebecca and the grandsons of abraham and sarah of the twins esau was the first to be born with jacob following holding his heel

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web the story focuses on esau s loss of his birthright to jacob and the conflict that ensued between their descendant nations because of jacob s deception of their aged and blind father isaac in order to receive esau s birthright blessing from isaac

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