

PROBATION / PAROLE RULES

OFFENDER NAME

Robert Peterson

DOC NUMBER

1395343

Notice If you are on parole and sentenced for crimes committed on or after June 1, 1984, or have chosen to have the new Good Time Law apply to your case and you violate these rules, the highest possible parole violator sentence will be the total sentence less time already served in prison or jail in connection with the offense

As established by Administrative Rule DOC 328 11, you have an opportunity for administrative review of certain types of decision through the offender complaint process

The following rules are in addition to any court-ordered conditions Your probation or parole may be revoked if you do not comply with any of your court-ordered conditions or if you violate any of the following rules

1 You shall avoid all conduct which is in violation of federal or state statute, municipal or county ordinances, tribal law or which is not in the best interest of the public welfare or your rehabilitation. Some rules listed below are covered under this rule as conduct contrary to law and are listed for particular attention

2 You shall report all arrests or police contact to your agent within 72 hours

3 You shall make every effort to accept the opportunities and counseling offered by supervision

The confidentiality of drug and alcohol treatment records is protected by Federal laws and regulations Generally programs you are involved in may not say to a person outside the Department of Corrections that an offender is attending the program, or disclose any information identifying him/her as a drug/alcohol abuser unless 1) You consent in writing, or 2) The disclosure is allowed by a court order, or 3) The disclosure is made to medical personnel in a medical emergency or to a qualified personnel for research, audit, or program evaluation, or 4) You commit or threaten to commit a crime either at the program or against any person who works for the program Programs that contract with the Wisconsin Department of Corrections can release information to Wisconsin Department of Corrections staff

Violation of the Federal law and regulations by a program is a crime These regulations do not protect any information about suspected child abuse or neglect from being reported under state law to appropriate authorities

Refusal to sign the consent for releasing information, including placement for treatment, shall be considered a refusal of the program

4 You shall inform your agent of your whereabouts and activities as he/she directs

5 You shall submit a written report monthly and any other such relevant information as directed by your agent

6 You shall make yourself available for searches or tests ordered by your agent including but not limited to urinalysis, breathalyzer, DNA collection and blood samples or search of residence or any property under your control

7 You shall not change residence or employment unless you get approval in advance from your agent, or in the case of emergency, notify your agent of the change within 72 hours *Must have advance approval.*

8 You shall not leave the State of Wisconsin unless you get approval and a travel permit in advance from your agent

9 You shall not purchase, trade, sell or operate a motor vehicle unless you get approval in advance from your agent. *Must have a valid D.L.*

10. You shall not borrow money or purchase on credit unless you get approval in advance from your agent

11. You shall pay monthly supervision fees as directed by your agent in accordance with Wis. Stats. s.304.073 or s 304.074, DOC Administrative Rule Chapter 328.043 to 328 046 and shall comply with any department and/or vendor procedures regarding payment of fees.

12 You shall not purchase, possess, own or carry any firearm or any weapon unless you get approval in advance from your agent Your agent may not grant permission to carry a firearm if you are prohibited from possessing a firearm under Wis. Stat s 941.29, Wisconsin Act 71, the Federal Gun Control Act (GCA), or any other state or federal law. *Denied*

13. You shall not, as a convicted felon, and until you have successfully completed the terms and conditions of your sentence, vote in any federal, state or local election as outlined in Wisconsin Statutes s.6.03(1)(b).

14. You shall abide by all rules of any detention or correctional facility in which you may be confined.

15. You shall provide true and correct information verbally and in writing, in response to inquiries by the agent

16. You shall report to your agent as directed for scheduled and unscheduled appointments. *Every Friday*

I have reviewed and explained these rules to the offender		I have received a copy of these rules.	
AGENT SIGNATURE	AREA NUMBER	OFFENDER SIGNATURE	DATE SIGNED
<i>J. Clemann</i>	<i>60618</i>	<i>Robert Peterson</i>	<i>6-11-01</i>

Offender Name: Robert Peterson DOC#395343

- A. You shall have no contact with your victims nor any of their family members without prior agent approval. This includes face to face, telephone, mail, electronic, third party or "drive by" contact. You shall not enter any property around or occupied by your victims.
- B. You shall have no contact with anyone under the age of 18 without prior agent approval. You shall not attend any social gatherings where anyone under the age of 18 is present without prior agent approval.
- C. You shall not establish, pursue nor maintain any dating and/or romantic and/or sexual relationship without prior agent approval.
- D. You shall fully cooperate with, participate in, and successfully complete all evaluations, counseling, and treatment as required by the agent, including but not limited to sex offender programming. "Successful completion" shall be determined by your agent and treatment provider(s).
- E. You shall not reside or "stay" overnight in any place other than your approved residence without prior agent approval. "Overnight" is defined as the daily period of time between 8:00 p.m and 6:00 a.m. unless redefined by your agent in advance. Ok for Weathershield only.
- F. You shall permit no person whether juvenile or adult to reside nor "stay" overnight in your designated residence at any time without the prior approval of the agent.
- G. You shall not possess, consume, or use any controlled substances or possess any drug paraphernalia without a current prescription from a physician from whom you are receiving medical treatment. Verification must be provided to agent as directed.
- H. You shall not possess or consume any alcohol, unless given prior approval from your agent. You shall not enter into any establishment whose primary purpose is the sale or consumption of alcohol including but not limited to bars, taverns, and liquor stores, unless given prior approval from your agent. You shall not attend any social gatherings where alcohol is served without prior agent approval.
- I. You shall not possess nor view any sexually explicit material - visual, auditory not computer-generated - without prior agent approval.
- J. You shall obtain agent approval before accepting any offer of employment and prior to beginning any volunteer/community service work.
- K. You shall not reside, visit, nor work near any parks, day care centers, swimming pools, schools, beaches, theaters, shopping malls, video arcades, bowling alleys, nor other places where children may be present without prior agent approval.
- L. You shall have a face to face contact with law enforcement as directed by your agent.
- M. You shall not leave your county of residence without prior agent permission.
- N. You shall pay all court ordered financial obligations and treatment payments as directed by your agent, in accordance with your established payment plan.

Agent: Sue Klemann 60618 - Date: 6-11-01

Offender: Robert Peterson - Date: 6-11-01

SEX OFFENDER RECLASSIFICATION CHECKLIST

OFFENDER NAME	DOC NUMBER	DATE	CURRENT LEVEL OF SUPERVISION
Robert Peterson	395343	8/30/01	HR-50

PROGRESS IN TREATMENT

Treatment provider recommends reduced supervision based on the following indicators:

- Regular attendance with no unexcused absences in the last 6 months
- Active participation in sex offense specific treatment
- Offender appropriately confronts others in group treatment
- Completion of all homework assignments and evidence of an attempt to do a quality job
- No violations of the treatment contract
- Compliant with established payment plan for treatment
- Demonstrates increased internal motivation for treatment
- Acknowledges and takes full responsibility for crime of conviction
- Completion of a written offense cycle with demonstrated understanding of cycle
- Completion of a written relapse prevention plan and demonstrated ability to use plan
- Reduction in attempts to "split" team members
- Demonstrates increased awareness of victim impact and is developing victim empathy
- Verification that the offender is using techniques, such as covert sensitization, to interrupt deviant arousal
- Compliant with recommended medications
- All treatment needs met

APPROPRIATE RELATIONSHIPS AND COMMUNITY SUPPORT

- Recognizes and terminates inappropriate relationships
- Establishes some appropriate social relationships and community support
- Demonstrates the ability to maintain age appropriate, professional and personal relationships that are non-criminal
- Demonstrates an understanding of how positive relationships in the community have influenced non-criminal behavior and thinking
- Articulates the status and benefits of relationships
- Has had no unauthorized contact with victims or anyone under the age of 18 in the last 6 months
- Identifies an appropriate community support person willing to participate in offense specific education
- Co-habitor or significant other is supportive of treatment and willing to participate in treatment and sex offense specific education as needed
- Co-habitor or significant other articulates the status and benefits of relationship
- Co-habitor or significant other demonstrates an awareness of the offender's criminal history including the current offense
- Co-habitor or significant other has knowledge and awareness of the offender's risk to children and other potential victims

STABLE AND SAFE RESIDENCE

- Demonstrates the ability to maintain a stable and safe residence. A safe residence is one that limits the offender's contact with victims, potential victims, and persons under 18 years of age

STABLE AND SAFE EMPLOYMENT

- Demonstrates the ability to maintain stable and safe employment. Safe employment limits contact with victims and potential victims and allows the supervising agent to consistently locate the offender
- Has a positive evaluation or progress report (written or verbal) from immediate work supervisor

SUBSTANCE ABUSE TREATMENT (For Offenders With Substance Abuse Treatment Recommendations)

- Has entered a recommended substance abuse treatment program and is making consistent progress in the program
- OR
- Has successfully completed a substance abuse treatment program

OTHER CORRECTIONAL PROGRAMS (For Offenders Who Are Recommended For Correctional Programming Other Than AODA Treatment, i.e., Domestic Violence Programs, Employment Programs, Psychiatric Treatment, etc.)

- Has entered recommended programming and is making consistent progress in the program
- OR
- Has successfully completed treatment program

LEISURE ACTIVITIES

- Activities limit contact with victims and potential victims
- Allows the supervising agent to consistently locate the offender
- Identifies appropriate leisure activities and recognizes the benefit/s of each activity
- Articulates how relapse prevention plan is used when engaging in leisure activities

COMPLIANCE WITH CONDITIONS OF SUPERVISION (Including But Not Limited To The Following)

- Keeps probation and other related appointments and is generally on time
- Is open to discussing the offense and treatment progress
- Does not try to control the probation agent or the content of visits
- No technical violations related to the offense cycle within the last 6 months
- No violation of special rules within the last 6 months
- No alcohol or drug use within the last 6 months
- No unauthorized contact with the victim/s or with anyone under 18 years of age
- Full compliance with sex offender registration and DNA collection requirements
- Consistent payment of restitution, fines, supervision fees, other court-ordered financial obligations
- Community complaints regarding the offender have been adequately addressed

SEX OFFENDER REGISTRATION

- Consistent compliance with sex offender registration requirements
 - Provides appropriate notification to registry prior to moving
- NA

Decision: High Risk - Sex Offender Maximum Medium

COMMENTS/RATIONALE FOR DECISION

Due to viol. trans from 60616 to 60618 6/01 put on Int. Terminates relationship w/ girlfriend very pos. move on A part. She was a substance abuser. Positive family involv. Has kept Agt informed of whereabouts & activities. Good partic in SOT. Staff w/ Fox no objection to lowering classif.

AGENT SIGNATURE

Gael Cleemann

SUPERVISOR SIGNATURE

[Signature] 8-31-01

AMENDED
NOTICE OF VIOLATION AND RECEIPT

OFFENDER NAME: Robert L. Peterson
DOC NUMBER: 395343
AGENT NAME: Toni Bauer
AGENT AREA NUMBER: 60618

Court Case # of all cases for which revocation is recommended : ALL CASES NOT ALL CASES
CASE # 2000CM000002 CASE # _____ CASE # _____
CASE # _____ CASE # _____ CASE # _____

I have been advised that I am alleged to have violated the conditions, rules or regulations of my supervision as follows:

- 1) On or about the month of April 2002, Robert Peterson did have contact with minors, this is a violation of rules 16B of the Probation and Parole rules signed by the offender on 6-11-01.
- 2) On or about April 3rd, 5th, 16th, and May 6th of 2002, Robert Peterson did lie to his probation agent, this is a violation of rule 15 of the Probation and Parole rules signed by the offender on 6-11-01.
- 3) On or about May 7, 2002, Robert Peterson did violate the jail rules, this is a violation of rule 14 of the Probation and Parole rules signed by the offender on 6-11-01.
- 4) On or about the month of April 2002, Robert Peterson did stay the night at an unapproved residence, this is a violation of rule 16E of the Probation and Parole rules signed by the offender on 6-11-01.
- 5) On or about the month of April 2002, Robert Peterson was on school grounds without agent approval, this is a violation of rule 16K of the Probation and Parole rules signed by the offender on 6-11-01.
- 6) On or about the month of April 2002, Robert Peterson did let a minor enter his home, this is a violation of rule 16F of the Probation and Parole rules signed by the offender on 6-11-01.
- 7) On or about the month of April 2002, Robert Peterson did maintain a dating relationship without prior agent approval, this is violation of rule 16C of the Probation and Parole rules signed by the offender on 6-11-01.

Receipt

I have received a copy of the "Outline of Revocation Procedures" and the "Notice of Violation, Recommended Action and Statement of Hearing Rights and Waivers" which were reviewed by me.

OFFENDER'S SIGNATURE: *Robert L. Peterson* DATE SIGNED: 5-14-02 WITNESS SIGNATURE: *Toni Bauer*

IF THE OFFENDER REFUSES TO SIGN ABOVE, COMPLETE THE FOLLOWING CERTIFICATE OF SERVICE

I, _____ (Server's Name) certify that on the _____ day of _____, _____, a true and correct copy of the "Outline of Revocation Procedures", the "Notice of Violation, Recommended Action and Statement of Hearing Rights and Waivers" were served upon _____ by handing to and leaving with that person the same at _____.

SERVERS SIGNATURE: _____ DATE SIGNED: _____

RECOMMENDATION FOR ADMINISTRATIVE ACTION

NAME (Last Name First) PETERSON, ROBERT L	CLIENT NUMBER 395343	DATE OF BIRTH 07/17/81	ABSCONDER <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
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<input type="checkbox"/> PAROLE CASES AFFECTED <input type="checkbox"/> ADDITIONAL: <input type="checkbox"/> ALL CASES	<input checked="" type="checkbox"/> PROBATION CASES AFFECTED A <input checked="" type="checkbox"/> 00CM00002 <input type="checkbox"/> ADDITIONAL: <input type="checkbox"/> ALL CASES
MR DATE <input type="checkbox"/> OLD LAW <input type="checkbox"/> BOTH <input type="checkbox"/> NEW LAW <input type="checkbox"/> JUVENILE AFTERCARE	

PRESENT ADDRESS OR WHEREABOUTS - IF IN CUSTODY, WHERE? Taylor County Jail 224 South Second Street Medford, WI 54451-1899	DATE PLACED IN CUSTODY ON DOC HOLD 5/6/02	EFFECTIVE DATE OF VIOLATION 4/01/02
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AGENT'S RECOMMENDATION

Stop time effective _____ (date)

Start time (reinstate probation or parole)
 Time tolled from _____ (date)
 No time tolled

Request for death certificate. Date of death: _____ Place of death: _____

Transfer to _____ city _____ county.

A DOC-3 is needed for all the following actions.

Revocation of probation (Imposed and Stayed Sentence).

Revocation of probation and return to court (Sentence Withheld).

Revocation of parole - old law:
 Recommend forfeiture of _____ years _____ months _____ days good time.
 Approve earning of good time on forfeited good time. YES NO

Revocation of parole - new law:
 Recommended reincarceration for _____ years _____ months _____ days.

Revocation and return to EAS / LHS (Juvenile cases only)

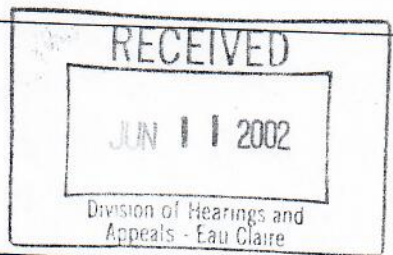
Withdraw revocation request.

Discharge (Use only for Administrative or Early Discharge)

Corrections to the accompanying computer information (No approvals necessary)

Other - Explain:

RECOMMENDATION SUBMITTED FOR THE FOLLOWING REASON
(FOR ANY REVOCATION ACTION ATTACH A DOC-414 INSTEAD OF COMPLETING THIS SECTION):



AGENT'S SIGNATURE Toni Bauer <i>Toni Bauer</i>	DATE SUBMITTED 6/3/02	AREA NUMBER 60618
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APPROVE DISAPPROVE WAIVERS ATTACHED HEARINGS REQUESTED

FIELD SUPERVISOR'S SIGNATURE	DATE SIGNED
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REGIONAL CHIEF'S REVIEW	
<input type="checkbox"/> APPROVE <input type="checkbox"/> DISAPPROVE	REGIONAL CHIEF'S SIGNATURE
	DATE SIGNED

STATE OF WISCONSIN,
Plaintiff,

v.

ROBERT L. PETERSON,
Defendant.

**MOTION TO REVOKE
DEFERRED PROSECUTION
AGREEMENT**

Case No. 2000CF000024

NOTICE OF MOTION

PLEASE TAKE NOTICE that the following motion will be heard before the Honorable Gary L. Carlson on **July 2, 2002, at 3:45 p.m.**, at the Taylor County Courthouse, Medford, Wisconsin.

MOTION

NOW COMES the State of Wisconsin, by District Attorney Mara C. Johnston, and moves the Court for an order revoking the deferred prosecution agreement which was filed with the court on August 28, 2000. Attached as Exhibit A and incorporated by reference herein is a copy of the Deferred Prosecution Agreement and Order. As conditions of the deferred prosecution agreement, the defendant was required to successfully comply with the terms and conditions of probation that were ordered in Taylor County Case Number 2000CM2. Attached as Exhibit B and incorporated herein is a copy of the defendant's rules of probation signed by his probation agent and himself on June 11, 2001.

The State knows that the defendant has failed to comply with the terms and conditions of his probation and that his probation agent has initiated probation revocation proceedings. Attached as Exhibit C and incorporated by reference herein is an affidavit of the defendant's current supervising probation agent, Toni Bauer. The deferred prosecution agreement specifically states:

"7. If the defendant engages in behavior which subjects him to revocation proceedings, the State would make a motion to revoke the deferred prosecution agreement and enter judgment based upon the defendant's guilty plea to Second Degree Sexual Assault of a Child. The State would be permitted to do this even if probation was not ultimately revoked."

Therefore, since the defendant failed to comply with the conditions of the deferred prosecution agreement and the defendant is subject to revocation proceedings, the State moves the court to revoke the agreement, find the defendant guilty of Second Degree Sexual Assault of a Child based on his guilty plea, and schedule this matter for a sentencing hearing.

Dated this 21st day of May, 2002, at Medford, Wisconsin.

AUTHENTICATED COPY
OF DOCUMENT FILED WITH

MAY 22 2002

YVONNE B. BAUER
CLERK OF CIRCUIT COURT
TAYLOR COUNTY

FOR THE STATE OF WISCONSIN:

Mara C. Johnston

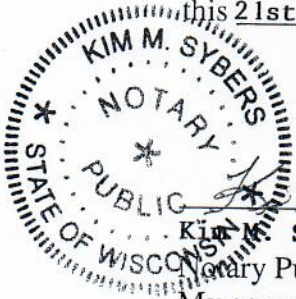
Mara C. Johnston
Taylor County District Attorney
State Bar Number 1025553

9. Affiant knows that during April of 2002, the defendant stayed overnight at an unapproved residence, that being the residence of a female under the age of 18.
10. Rule 16K states: "You shall not reside, visit, nor work near any parks, day care centers, swimming pools, schools, beaches, theaters, shopping malls, video arcades, bowling alleys, nor other places where child may be present without prior agent approval."
11. Affiant knows that during April of 2002, the defendant was on school grounds without agent approval.
12. Based upon the above listed violations, among others, affiant has initiated probation revocation proceedings.

Dated this 21st day of May, 2002, at Medford, Wisconsin.

Toni Bauer
Toni Bauer, Affiant
Department of Corrections

Subscribed and sworn to before me
this 21st day of May, 2002.



Kim M. Sybers
Notary Public

My commission expires: 12/25/02

1 THE COURT: Some gentleman in the
2 second row, and I'm not going to hear from him.

3 THE COURT: Mr. Hansen, do you have
4 any argument you want to make on behalf of your
5 client?

6 MR. HANSEN: Apparently the individual
7 raising his hand was my client's brother, but I
8 guess if the court is not going to consider --

9 THE COURT: This isn't an open
10 hearing. It is an open hearing but it is not a
11 public session where people may comment. I will
12 hear from the parties, their attorneys and the
13 victim. Those are the people I hear from. The
14 rest is in the presentence. Go ahead,
15 Mr. Hansen.

16 MR. HANSEN: I would like to briefly
17 call a witness.

18 THE COURT: No. We don't have time
19 for a witness, Mr. Hansen. If this is your
20 attempt to get around the fact that I don't want
21 to hear from other people, it is a shallow
22 attempt.

23 MR. HANSEN: I have a witness
24 subpoenaed and that would be one of the probation
25 agents that supervised Robert during the time of

1 his probation. And if I were allowed to call
2 her, she would testify that sometime around
3 December of 2001 notwithstanding the rules that
4 prohibited contact with minors, she gave him
5 permission to have a minor, age 17, living in his
6 house for a period of time.

7 She would say that there were terms
8 and conditions placed on that but she
9 nevertheless did allow him to have a minor living
10 in his house. That would be several months prior
11 to the time of the time when he became friends
12 with Lisa Zondlo.

13 THE COURT: And who is the agent that
14 you subpoenaed?

15 MR. HANSEN: Sue Klemmon.

16 THE COURT: Is she here? Would you
17 state that, madam, as an offer of proof; is that
18 correct?

19 MS. KLEMMON: Yes.

20 THE COURT: All right. Then I will
21 accept that offer of proof.

22 MR. HANSEN: Additionally, she would
23 also say that that was approximately the time
24 when he had successfully completed the sex
25 offender group course and she was generally

1 relaxing some of the rules such as curfew.

2 THE COURT: Correct, Ms. Klemmon?

3 MS. KLEMMON: To the best of my
4 knowledge, yes.

5 THE COURT: I will accept the offer of
6 proof, Mr. Hansen.

7 MR. HANSEN: Thank you.

8 THE COURT: Your further argument.

9 MR. HANSEN: That may not be good
10 chronologically but Robert is here today because
11 he had contact with a person, who is
12 16-years-old not 15 as it says in the report so
13 that is another error, he says about eight times
14 or so of a strictly platonic nature. He was well
15 aware at that point of what the law required him
16 to do and not do with regard to sex of certain
17 ages. He had no intention of doing anything
18 sexual, did not do anything sexual and
19 specifically avoided being in situations where
20 something like that might happen.

21 It certainly was stupid on his part to
22 take any kind of risk with such huge things at
23 stake but bottom line is what got him here is
24 that he was basically working his job, paying his
25 bills, for the most part behaving himself and do

1 what everybody else does except for that thing.
2 That thing wasn't a crime. It wasn't a violation
3 of law. It wasn't something that caused any kind
4 of harm to anybody, and I respectfully am
5 submitting it wasn't a sinister thing either. It
6 was just basically a strictly platonic
7 friendship, a person that had been through the
8 courts, knew what he could do and couldn't do
9 legally and behaved himself as a perfect
10 gentleman.

11 That doesn't excuse what happened
12 three years ago, but I would note that what
13 happened three years ago was when Robert was
14 17-years-old, we have about a two-year age
15 difference between Robert and the alleged victim.
16 It may be unfortunate but boyfriend/girlfriend
17 relationships between people in that age bracket
18 are all too common, and we respectfully submit
19 that that is what was going on here and that is
20 all that was going on here; and again, if the
21 state believed it was something worse than that,
22 I think the state had the obligation to go ahead
23 and charge that and see if it could be proven. I
24 don't think --

25 THE COURT: They did charge that.

1 MR. HANSEN: Not lack of consent or
2 force.

3 THE COURT: I think the original
4 charges were second degree sexual assault, which
5 is without consent and with force.

6 MR. HANSEN: Second degree sexual
7 assault of a --

8 THE COURT: 940.225 sexual intercourse
9 with a person without consent, without use of
10 threats or violence, two separate counts. This
11 was amended to this charge. The original charges
12 were. It was an agreement to reduce it to this
13 one.

14 MR. HANSEN: I guess that is the
15 point. The state dropped the charge --

16 THE COURT: No. No. Let's not say
17 they dropped the charge. You have been involved
18 in plea agreements. You know there is a give and
19 take. It is not drop the charge. There is an
20 agreement to enter a charge to something else.
21 It is not the same as dropping the charge.
22 Continue.

23 MR. HANSEN: It was apparently
24 amended.

25 THE COURT: I wanted to make the

1 record clear as to what really happened. Go
2 ahead.

3 MR. HANSEN: The point is the same on
4 that one. It has not been proven that it was
5 anything other than consensual sex with someone
6 that was too young. Too young by a half year or
7 something like that, I guess. In any case, it is
8 our position that it was a boyfriend/girlfriend
9 dating. They dated for several months. The
10 presentence report indicates that they dated from
11 December '98 to '99 at a point in time when
12 Robert was 17-years-old. He was then brought
13 into court. Apparently he had some kind of
14 involvement with others in some property crimes
15 at that point; but since the time that he was in
16 court on August of 2000, basically the making
17 friends with somebody that is too young is it,
18 nobody hurt, no crime committed, no law broken.

19 I guess I'm not going to say his life
20 has been perfect but it certainly has been
21 average and uneventful. Prior to the time he was
22 put in jail, he was going to work. He was doing
23 his job. He was behaving himself, staying out of
24 trouble except breaking that probation rule.
25 Completed his sex course. This urging of the

1 idea that because he may have had numerous other
2 partners, I think is off the point. It has not
3 been alleged that any -- in fact, the presentence
4 report indicates as far as the writer can tell
5 those were age appropriate, age appropriate and
6 consensual, and I don't really know what that has
7 to do with anything. It was perfectly legal
8 behavior, complying with the law and by enlarge
9 complying with most of its numerous rules of
10 probation for almost the entire term of the
11 probation and the deferred prosecution agreement.

12 I think the court needs to take into
13 consideration that he was 17 at the time this
14 happened, and he did have somewhat of a troubled
15 youth as is reflected we think more or less
16 fairly in the presentence report, and since then
17 he has broken one rule by becoming too friendly
18 with one person that was too young, age 16, at
19 least to the extent that probation was concerned
20 about it. I think the recommendation, and I'm
21 not hear to criticize people's work necessarily,
22 but part of this presentence report I think is
23 good. It has good information and evaluation on
24 background and such, but my sense is this report
25 is written with somebody that had decided before

1 they started evaluating and examining the
2 history, where they wanted to go with it, and it
3 is basically shaped into something to make him
4 sound as bad as possible as opposed to inform the
5 court about this person. It doesn't say that he
6 was working solid for a year and a half before he
7 was put in jail on a revocation. It doesn't say
8 that he was given permission to have a minor live
9 in his house by the previous agent to the one
10 that pursued revocation. It doesn't indicate
11 that that agent was satisfied enough with his
12 progress in the class that she was beginning to
13 relax some of the rules. None of those things
14 are in here.

15 It's a waste of prison space to put
16 Mr. Peterson in prison. Since the time he was in
17 court in August, yes, he broke one probation
18 rule, ran a fault with his probation agent, no
19 doubt about that. He has been doing remarkably
20 better as indicated in the report than he had
21 been doing in the past. Sending somebody like
22 this to prison may well make him a victim in the
23 prison system. And it is almost certain, except
24 for him breaking one of the rules in the last
25 four years, he can be a productive citizen, pay

1 his bills. I believe at this point he has paid
2 all of his restitution and so forth or at least
3 most of it.

4 I don't want to put it in terms of
5 giving him another chance, but I really think
6 these recommendations are excessively harsh given
7 his age and what happened and what has happened
8 since, and the court has to take all of that into
9 consideration, and I would suggest perhaps some
10 jail time as much as he has some difficulty with
11 probation. I don't know that this appears to be
12 a situation where he was so out of control in
13 observing the rules that there is just no way
14 probation could work. It would seem that it was
15 working except for some misunderstanding. I'm
16 very certain that Mr. Peterson, given the
17 relaxation of the rules and what he had been
18 allowed to do already, did not believe that
19 having a few strictly platonic, friendly contacts
20 with somebody who was 16 would result in him
21 getting revoked from either probation or the
22 deferred prosecution agreement.

23 Certainly now being a convicted felon
24 having sat the imposed and stayed jail sentence
25 for the theft, 90 days, I think it would be good

1 reason to believe that he could follow not just
2 almost all of the rules that he would have on
3 probation but all of them, and I would urge the
4 court to do just that. I don't believe this is
5 some kind of evil, dangerous person. It is
6 basically a kid who is in the process of growing
7 up and except for a couple breaking of rules that
8 didn't involve crimes or hurting anybody, he has
9 been behaving himself and been a productive
10 member ever since August of 2000. That is two
11 years. I think he should receive some
12 consideration for that. I don't see that prison
13 does him or anybody else any good. That
14 concludes my remarks, Your Honor.

15 THE COURT: Mr. Peterson, anything
16 that you want to say or any reason why the court
17 should not impose sentence at this time?

18 THE DEFENDANT: I'm really ashamed of
19 what happened; and if I could take it all back,
20 it definitely wouldn't have happened. That's it.
21 Thank you, Your Honor.

22 THE COURT: Thank you. Does the
23 district attorney have any rebuttal?

24 MS. JOHNSTON: No.

25 THE COURT: I believe Robert is

1 correct when he says that if he could take it all
2 back, he would. Largely because now he is
3 sitting here. I have read the presentence report
4 that was prepared. I find it quite thorough. I
5 have listened to the testimony, the offer of
6 proof and I have heard the arguments of the
7 victims. We do have to be clear that what the
8 court is sentencing the defendant on is a second
9 degree sexual assault of a child 948.02(2)
10 violation. Not the original charges that were
11 filed in this case which was the second degree
12 sexual intercourse without consent by use of
13 threat or force, which is a more serious crime
14 under Wisconsin law.

15 The crime that we are dealing with
16 here today essentially amounts to what many
17 people in the past used to call statutory rape
18 defined under Wisconsin law as having sexual
19 intercourse with a person who has not attained
20 the age of 16 years. It does not involve any
21 requirement to show force or threat or use of
22 force. I think that has to be clear here.

23 I note the presentence makes some
24 comments as to members of Mr. Peterson's family
25 not believing that he is guilty of the crime

1 because they don't believe that he forcibly raped
2 JKR. Well, he didn't have to forcibly to be
3 charged with this crime. What he has to do is
4 that as a person considered by the law to be an
5 adult to be someone who has taken advantage of a
6 juvenile sexually. He has done that.
7 Unquestionably. There is no question about that
8 aspect of what happened here today. He did do
9 that. Whether or not it was by force or
10 whatever, is irrelevant.

11 It should also be noted, however, that
12 the Wisconsin legislature in its infinite wisdom
13 when they created 948.02 of the statutes gave it
14 the same potential penalty structure as a
15 forceable rape, a class BC felony with the same
16 maximum penalty structure available to the court,
17 which I believe is 20 years in the state prison
18 system. So the legislature when it created this
19 statute was of the opinion that the actions of a
20 person like Mr. Peterson is taking advantage
21 sexually of a juvenile was as serious as a
22 forceable rape of another person.

23 Now, the district attorney has recited
24 correctly three primary factors that a judge is
25 to consider when a judge is imposing sentence.

1 mandatory release date to parole eligibility.
2 Parole eligibility determined on his adjustment,
3 I guess, to whatever the court does today.

4 I'm not satisfied that he has learned
5 anything from the treatment that he was involved
6 in while on probation in the other case. He
7 continues, in my opinion, to put children, to put
8 young women at risk. I'm satisfied he is in need
9 of insensitive treatment, and I'm satisfied that
10 that treatment is for all practical purposes for
11 Mr. Peterson only available in the Wisconsin
12 State Prison system. The fact that he has not
13 been remorseful and makes light of this offense
14 is just something that the court finds
15 incomprehensible. He is not remorseful for the
16 crime nor is he any more remorseful to what he
17 has done to this victim.

18 The court is satisfied that it hopes
19 that Mr. Peterson will have an ample amount of
20 time to complete the sex offender treatment
21 program under the facilities of the Wisconsin
22 Department of Corrections. Therefore, it is the
23 order of this court that the defendant be
24 sentenced to the Wisconsin State Prison system
25 for a period of eight years. That as an

Dear Toni,

This is Robert Peterson's old roommate Cassie Cypher.

Robert told me that I had to be moved out by Monday, January 7th, because you told him that since I was 17½ I couldn't live there.

Robert told me that he talked to you on Friday, January 4th.

I just want to clarify that in a three day period of time it is hard to find a new place to move into, and is extremely short notice.

Most of my belongings are still at his house. In most occasions, if a person has to move out of their home they are renting they are given two weeks to get things situated. I still don't have a permanent address. I am staying with my parents. I've lived at Roberts since September 2001.



I don't think it was fair to me to have to up and move. It was okayed by his last probation officer. And also, my boyfriend, Kyle Trudell lives there, and now that makes it difficult for us, because I can't go over there to see him. I am sorry for being angry, but I stand up for myself, and what I believe is right and wrong, and I believe that giving someone three days to move out and find a new place to live is wrong. Please notify me if you would like to talk.

Cassandra A Cypher

Cassie Cypher
706 E Broadway
Medford, WI

744/51

