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October 29, 2007

Via Hand Delivery

Attorney Stephen A. Sargent
Office of the State Public Defender
Milwaukee Criminal Trial Office
819 North 6th Street, #908
Milwaukee, WI 53203-1606

Re: State of Wisconsin vs. Dimitrius Jackson
Case No. 07CF002571

Dear Mr. Sargent:

Please accept this as the State's Offer of Settlement in the above-referenced matter.

In Case No. 07CF002571, Mr. Jackson is charged with one count of Conspiracy to Commit Substantial Battery and one count of Solicitation to Commit Substantial Battery (Party to a Crime). These are both Class I felonies, each being punishable by a fine of not more than \$10,000 or imprisonment for not more than 3.5 years or both. Consequently, Mr. Jackson faces a potential maximum exposure of seven years imprisonment or a \$20,000 fine or both.

In exchange for his plea of guilty to Count One as charged in the Information, Solicitation to Commit Substantial Battery (Party to a Crime), the State will move to dismiss and read-in Count Two. Both parties will be free to argue regarding sentencing.

As you know, Milwaukee Police Department Incident 07-146-0013 involved allegations that Mr. Jackson had possession of a firearm at his residence at 822 North 3rd Street. Police also discovered marijuana at the residence. Of course, as a felon, Mr. Jackson is subject to the charge of Felon in Possession of a Firearm, a Class G felony punishable by a term of imprisonment of ten years or a \$25,000 fine or both. Mr. Jackson would also be subject to prosecution for Possession of Marijuana (2nd & Subsequent Offense), a Class I felony punishable by a fine of not more than \$10,000 or imprisonment for not more than 3.5 years or both. Finally, Mr. Jackson would be subject to potential federal prosecution for his possession of a firearm as a felon.

This negotiation is intended as a full and final settlement of all state charges that have been, or could have been, brought arising out of the investigation and arrest of Mr. Jackson as documented in Milwaukee Police Department Incident 07-146-0013. This includes the state charges identified in the previous paragraph. To the extent that any facts relating to Incident 07-146-0013 support federal charges, the State represents that it will recommend against any such charges to the United States Attorney's office.

In addition, the offer is based upon the following terms and conditions:

1. This offer is expressly conditioned upon Mr. Jackson's agreement to provide truthful testimony in connection with the prosecution of any individual who participated with him in matters directly or indirectly related to the facts alleged in the complaint filed in Case No. 07CF002571, including allegations of the Conspiracy to Commit Substantial Battery and the Solicitation to Commit Substantial Battery. This agreement extends to providing testimony before any court or tribunal in this county or other counties. Mr. Jackson further agrees to fully cooperate with the state in appearing at the offices of the prosecutor for such meetings as may be required to prepare for any hearing testimony. Of course, at any sentencing hearing to be held in this case, the State will recount to the court Mr. Jackson's cooperation so that this may be taken into account at sentencing.
2. Mr. Jackson agrees to appear at all court proceedings in Case No. 07CF002571.
3. Mr. Jackson agrees he will abide by all conditions of his bail, whether currently ordered or ordered by the court in the future.
4. Mr. Jackson agrees that he has not been and will not become involved in any further criminal conduct. For purposes of this paragraph, "criminal conduct" is defined as any activity in contravention of a criminal statute that rises to the level of probable cause supporting the issuance of a criminal complaint. It is immaterial whether or not criminal charges are actually filed.
5. This offer is made in reliance upon the accuracy of Mr. Jackson's criminal record as set forth below. The prosecution's obligation to make the recommendations at sentencing, as set forth in this letter, is contingent upon the accuracy of this criminal record. Mr. Jackson represents that his criminal record is no worse than as follows:

Date	Dispo Dt	Case Nbr	Agency	Charge	Rslt	Dispo Comments
8/1/1988	12/20/1991	2-812464	Milwaukee	POCS	Conv	7 mo. HOC
9/13/1989	12/20/1991	F-892875	West Allis	POCSWITD While Armed	Conv	3 yrs WSP
9/16/1989			MCS D	Fail to Appear		Turned over to court
10/8/1991			MCS D	Fail to Appear		Turned over to court
12/24/1991			Dodge Corr	Prison Intake		
12/3/1992			Dodge Corr	Release from Incarceration		
9/2/2005	4/11/2006	05CF005027	Milwaukee	Felon Possess Firearm	Conv	28 mo. I/S; 2 yrs prob.
5/28/2007			Milwaukee	VOP		
5/28/2007	6/15/2007		DOC	Hold-Felon Possess Firearm		
6/29/2007			Dodge Corr	Received - Dodge Correct'l		

6. Mr. Jackson must pay restitution in any amount as ordered by the court.
7. Mr. Jackson understands that the State may submit to the court a Crime Victim Impact Statement and that statement may include the victim's recommendation for punishment in this case. The victim may also make a statement at sentencing. The victim's opinions regarding sentencing will probably differ from the State's negotiated recommendation set forth above. The State may, and probably will, refer to the victim's statements and opinions at sentencing. Mr. Jackson acknowledges that references to these victim statements and opinions at sentencing are not a violation of this plea agreement.
8. This offer is accepted by Mr. Jackson's entry of a guilty plea. Mr. Jackson must plead guilty promptly before the trial court on or before October 30, 2007.

Attorney Stephen A. Sargent

August 14, 2007

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9. In the event that there is a breach of this agreement by Mr. Jackson under paragraphs 1, 2, 3 or 4 above, which breach occurs after he has entered a plea of guilty but before sentencing, the State of Wisconsin shall be relieved of the obligations, representations and promises made under this agreement. In other words, if after his guilty plea Mr. Jackson either (1) fails to honor the obligations set forth in paragraph 1 above; (2) fails to appear for his court appearances; (3) violates bail; or (4) involves himself in further criminal conduct rising to the level of probable cause, the State will be free to charge such additional matters as the facts may support in Milwaukee Police Department Incident 07-146-0013.

If you have questions about this offer, kindly contact me at 278-2178. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "B. Landgraf", written over the typed name.

Bruce J. Landgraf
Assistant District Attorney

BJL/bl