

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

Branch 17

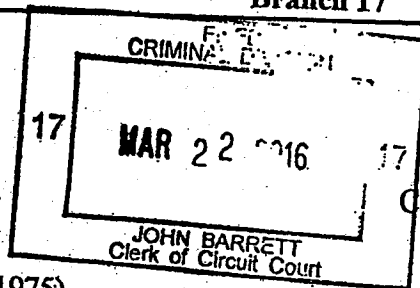
State of Wisconsin,

Plaintiff

v.

Quinten R Cherry (DOB: 02/23/1975),

Defendant



Case No. 2013CF005721

**ORDER CLARIFYING SENTENCES IMPOSED ON MARCH 14, 2016**

On February 13, 2014, the State filed the first information in this case charging the Defendant with six counts.

On June 6, 2014, the State filed an amended information in this case charging the Defendant with seven counts.

On November 25, 2015, the State filed a second amended information in this case charging the Defendant with seven counts (adding a penalty enhancer to the seventh count).

On November 30, 2015, the State filed a third amended information in this case charging the Defendant with four counts, and the Defendant pleaded guilty to these four counts.<sup>1</sup>

On March 14, 2016, the Court sentenced the Defendant in the four counts to which he pleaded guilty in this case. However, during the sentencing hearing, the Court mistakenly referred to these four charges by the

<sup>1</sup> Count 1 (felon in possession of a firearm) of the second amended information became Count 1 of the third amended information (but now as a party to a crime), and the Defendant pleaded guilty to Count 1 of the third amended information. Count 2 (felon in possession of a firearm) of the second amended information was read-in for sentencing as part of the plea negotiations, Count 3 (possession with intent to deliver cocaine) of the second amended information became Count 2 of the third amended information, and the Defendant pleaded guilty to Count 2 of the third amended information. Count 4 (possession with intent to deliver THC) of the second amended information became Count 3 of the third amended information, and the Defendant pleaded guilty to Count 3 of the third amended information. Count 5 (possession with intent to deliver MDMA) of the second amended information became Count 4 of the third amended information, and the Defendant pleaded guilty to Count 4 of the third amended information. Counts 6 (keeping a drug house) and 7 (possession with intent to deliver BZP) were both read-in for sentencing as part of the plea negotiations.

count numbers listed for them in the second amended information rather than the count numbers listed for them in the third amended information.

Therefore, the Court issues this order for the sole purpose of clarifying the sentencing record as it relates to the appropriate count numbers and information. The Court does not make any changes to the substance of the four sentences it imposed in this case on March 14, 2016. The substance of the four sentences imposed on March 14, 2016, and the reasons for them given by the Court that day, remain the same.

**THEREFORE, IT IS HEREBY ORDERED** that the sentence the Court referred to during the sentencing hearing as the sentence for Count 1 for felon in possession of a firearm applies to Count 1 of the third amended information, and the judgment of conviction shall reflect this.

**IT IS ALSO ORDERED** that the sentence the Court referred to during the sentencing hearing as the sentence for Count 3 for possession of cocaine with intent to deliver it applies to Count 2 of the third amended information, and the judgment of conviction shall reflect this.

**IT IS ALSO ORDERED** that the sentence the Court referred to during the sentencing hearing as the sentence for Count 4 for possession with intent to deliver THC applies to Count 3 of the third amended information, and the judgment of conviction shall reflect this.

**IT IS ALSO ORDERED** that the sentence the Court referred to during the sentencing hearing as the sentence for Count 5 for possession with intent to deliver MDMA applies to Count 4 of the third amended information, and the judgment of conviction shall reflect this.

Dated March 21, 2016, in Milwaukee, Wisconsin



*Carolina Maria Stark*  
Hon. Carolina Maria Stark

State of Wisconsin, Plaintiff,  
-vs-

Amended

FILED  
CRIMINAL DIVISION

Quinten R. Cherry, Defendant

Written Explanation of  
Determinate Sentence

MAR 14 2016

(DOB: 02/23/1975)

Case No. 13CF5721

JOHN BARRETT  
Clerk of Circuit Court

The total length of your sentence for:		Years	Months	The total length of your sentence for:		Years	Months
Count 1	Your initial term of confinement in prison	10	—	Count 3	Your initial term of confinement in prison	15	—
	The time you will serve on extended supervision	5	0		The time you will serve on extended supervision	10	—
	<input checked="" type="checkbox"/> Concurrent <input checked="" type="checkbox"/> Consecutive to: <u>any other cases</u>				<input checked="" type="checkbox"/> Concurrent <input checked="" type="checkbox"/> Consecutive to: <u>any other cases</u>		
Count 4	Your initial term of confinement in prison	12	—	Count 5	Your initial term of confinement in prison	12	—
	The time you will serve on extended supervision	6	—		The time you will serve on extended supervision	6	—
	<input checked="" type="checkbox"/> Concurrent <input checked="" type="checkbox"/> Consecutive to: <u>any other cases</u>				<input checked="" type="checkbox"/> Concurrent <input checked="" type="checkbox"/> Consecutive to: <u>any other cases</u>		
	<input checked="" type="checkbox"/> Concurrent <input checked="" type="checkbox"/> Consecutive to: <u>any other cases</u>				<input checked="" type="checkbox"/> Concurrent <input checked="" type="checkbox"/> Consecutive to: <u>any other cases</u>		

**Extended Confinement ("bad time")**

The time you are confined in prison can be extended if you violate any prison regulation or if you refuse or neglect to perform required or assigned duties. If your time in prison is extended under this "bad time" provision, you could be required to serve up to the total length of your sentence in prison. The penalties which can be imposed by the Department of Corrections are 10 days for the first offense; 20 days for the second offense; 40 days for the third and each subsequent offense.

In addition, if you are placed in adjustment, program, or controlled segregation status, your term of confinement can be extended by a number of days equal to 50% of the number of days which you spend in adjustment, program, or controlled segregation status.

Finally, if while you are in prison you file a lawsuit which the court finds to be filed for a malicious purpose, or solely to harass the party against which it is filed, or if you testify falsely or otherwise knowingly offer false evidence or provide false information to the court in that lawsuit, the court can order that your term of confinement be extended up to the total length of your sentence.

While you are on extended supervision, you will be subject to certain conditions. If you violate any of these conditions, you may be returned to prison to serve not more than the time remaining on your sentence. The time remaining on your sentence is the total length of your sentence less any time served in custody.

**Challenge Incarceration Program/Substance Abuse Program**

You  are  are not eligible for the Challenge Incarceration Program ("Boot Camp").  
 You  are  are not eligible for the Substance Abuse Program.

If you are placed in and successfully complete the Challenge Incarceration Program or the Substance Abuse Program, as determined by the Department, the court shall modify your sentence in the following manner:

1. You will be released to extended supervision within 30 days after the court is notified that you have successfully completed the Program.
2. The unserved confinement portion of your sentence will be added to the extended supervision portion of your sentence. The total length of your sentence does not change.

Copy of this form given to defendant.