

JOURNAL OF THE SENATE (January 23, 1973)

STATE OF WISCONSIN

Senate Journal

Eighty-First Regular Session

TUESDAY, January 23, 1973.

10:00 A.M.

The senate met.

The senate was called to order by the President of the senate.

Prayer was offered by the Reverend Clarence Koch, Associate Pastor of St. Raphael Cathedral, Madison.

The senate remained standing and recited the pledge of allegiance to the flag of the United States of America.

LEAVE OF ABSENCE

By request of Senator Johnson, with unanimous consent, Senator Petri was granted a leave of absence for the balance of the week.

The roll was called and the following senators answered to their names:

Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Steinhilber, Swan J.D., Swan M., Theno, Thompson and Whittow -- 31.

Absent -- None.

Absent with leave -- Senators Kendziorski and Petri -- 2.

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BILLS INTRODUCED

Read first time and referred:

Senate Bill 79

Relating to exemption from sales tax of enuresis alarms.

By Senators Risser and Keppler, by request of Roland O. Sprecher, Madison.

To the joint survey committee on Tax Exemptions.

Senate Bill 80

Relating to sales and use tax exemption for pollution control devices.

By Senator Lorge, Roseleip and Devitt.

To joint survey committee on Tax Exemptions.

Senate Bill 81

Relating to special registration fees for truck tractors and semitrailers used by nonprofit corporations.

By Senators Lorge and LaFave.

To committee on Transportation.

Senate Bill 82

Relating to register of deeds' fees.

By Senator Hollander, cosponsored by Representatives Molinaro and Lewis.

To committee on Governmental and Veterans' Affairs.

Senate Bill 83

Relating to interim expenses of legislators.

By Senator Hollander, cosponsored by Representatives Molinaro and Lewis.

To joint committee on Finance.

Senate Bill 84

Relating to payment of expenses for actions involving persons confined to certain state institutions.

By Senator Hollander, cosponsored by Representative Lewis.

To committee on Judiciary and Insurance.

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By request of Senator LaFave, with unanimous consent, **Senate Joint Resolution 15** was withdrawn from the committee on Judiciary and Insurance and referred to the Joint Survey Committee on Retirement Systems.

COMMITTEE REPORTS

The committee on Committees reports and recommends:

The appointment of Wayne Whittow to the Legislative Programs Study Committee to succeed Senator Mark Lipscomb, which is listed on page 73 of the Senate Journal of January 16, 1973, was made in error.

By the passage of Chapter 215, Laws of 1971, the section of the Wisconsin Statutes pertaining to the Legislative Programs Study Committee was repealed. Therefore, the Legislative Programs Study Committee has been abolished.

GERALD D. LORGE

Chairman

REUBEN LAFAVE

RAYMOND C. JOHNSON

The committee on Agriculture and Rural Development reports and recommends:

Senate Bill 20

Relating to humane officers.

Passage; Ayes, 4; Noes, 0.

WALTER JOHN CHILSEN

Chairman



PETITIONS AND COMMUNICATIONS

Senate Petition 4

A petition signed by 25 residents of Dane County and members of the Farm Bureau stating that they believe that the personal property tax on livestock and inventories should be abolished.

By Senator McKenna.

Read and referred to committee on Agriculture and Rural Development.

Senate Petition 5

A petition signed by 28 residents of Dane County opposing any mandatory requirement that each county must adopt the county assessor system.

By Senator McKenna.

Read and referred to committee on Governmental and Veterans' Affairs.

Senate Petition 6

A petition signed by 30 residents of Dane County favoring a constitutional amendment which would allow agricultural and underdeveloped lands to be assessed for tax purposes on the basis of their current use without consideration of any higher potential use.

By Senator McKenna.

Read and referred to committee on Agriculture and Rural Development.

Senate Petition 7

A Petition by Miss Gladys Walsh questioning the constitutionality of the merger of higher education in the state of Wisconsin.

By Senator Hollander.

Read and referred to committee on Health, Education and Welfare.

EXECUTIVE COMMUNICATIONS

January 23, 1973.

To the Honorable, the Legislature:

I have the honor to report to you the pardons and commutations of sentence granted by me as Governor during a term beginning the first Monday in January 1971 and ending the second Wednesday in January, 1973, with reasons therefore, as required by Article V, Sections 6, of the Wisconsin Constitution.

Upon due applications executive clemency was granted to the following persons:

1. Stephen M. Albertson, who was convicted on January 9, 1970, in the County Court for Portage County of the crime of possession of marijuana and sentenced to two years probation, the first three months in Portage County Jail under the Huber Law. Mr. Albertson was granted a full pardon based on the newly revised marijuana laws and his excellent conduct.
2. Y.C. Armstrong, who was convicted on August 7, 1964, in the Circuit Court for Milwaukee County of the crime of first degree murder and was sentenced to life imprisonment. Mr. Armstrong was granted a commutation of sentence based on his diligent effort to gain education and insight into his problem and his excellent conduct and to make him eligible for appearance before the Parole Board.
3. Huseyin Barboff, who was convicted on November 24, 1970, in the County Court for Milwaukee County of the crime of armed robbery and sentenced to 10 years in the Wisconsin State Prison. Mr. Barboff's sentence was commuted to five years based on the circumstances surrounding the offense and his good conduct.
4. Randy E. Becker, who was convicted on October 2, 1969, in the Circuit Court for Milwaukee County of the crime of possession of marijuana and sentenced to five years. His sentence was stayed and he was placed on three years probation the first six months to be served in the county jail under the Huber Law. Mr. Becker's sentence was commuted to one year based on the revised marijuana laws and his record of rehabilitation.

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5. Felix Bendler, who was convicted on May 15, 1970, in the Circuit Court for Milwaukee County of the crime of sale of marijuana and sentenced to 2-4 years. Mr. Bendler was granted a conditional pardon based on the fact that he was to be deported to a country he had left as age 3.

6. Theaster Beverly, who was convicted on December 3, 1966, in the Circuit Court for Milwaukee County of the crime of first degree murder and armed robbery and sentenced to life imprisonment plus 30 years consecutive. Mr. Beverly was granted a commutation of sentence to 30 years concurrent with his life sentence based on a recommendation by the Division of Corrections.

7. Walter J. Birk, who was convicted on July 20, 1962, for the crime of operating a motor vehicle without owner's consent and sentenced to 3 years in the Wisconsin State Reformatory. On November 1, 1965, Mr. Birk was also sentenced to 2 counts of forgery (uttering) and sentenced to 9 years for the first count and 5 years for the second count to be served concurrently. Mr. Birk was granted a conditional pardon; the condition being that for a period of three years he not commit any offense against the criminal laws of the State of Wisconsin. This conditional pardon was based on his record of rehabilitation and responsible citizenship.

8. Ernest Boone, who was convicted on August 16, 1966, in the Circuit Court for Milwaukee County of the crime of first degree murder and sentenced to life imprisonments. Mr. Boone was granted a commutation of sentence to 50 years based upon his excellent conduct while incarcerated and to make him eligible for appearance before the Parole Board.

9. Columbus Boston, who was convicted on June 30, 1966, in the Circuit Court for Milwaukee County of the crime of sexual intercourse with a child and was sentenced to 5 years in the Wisconsin State Reformatory. Mr. Boston was granted a full pardon based on his outstanding rehabilitation and public service efforts since his release from incarceration.

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10. John Boston, who was convicted on October 11, 1958, in the Municipal Court for Milwaukee County of the crime of sexual intercourse with a child and was sentenced to an indeterminate term of not more than 30 years. Mr. Boston was granted a full pardon based on his outstanding rehabilitation and public service efforts since his release from incarceration.

11. Michael Breslan, who was convicted on February 9, 1962, in the Circuit Court for Milwaukee County of the crime of robbery and was sentenced to an indeterminate term of not more than 30 years. Mr. Breslan was granted a full pardon based on his rehabilitation and stability since his release.

12. Rogelio Buhat, who was convicted on September 3, 1965, in the Circuit Court for Marquette County of the crime of first degree murder and was sentenced to life imprisonment. Mr. Buhat was granted a commutation of sentence based on the fact that he wished to be deported upon his release and to make him eligible for appearance before the Parole Board.

13. Harvey L. Burt, who was convicted on May 18, 1949, in the Municipal Court for Milwaukee County for the crime of assault with intent to rob (unarmed) and was sentenced to not less than one year nor more than 15 months. Mr. Burt was granted a full pardon as a result of his outstanding rehabilitation for the past 21 years.

14. Dennis Butterfield, who was convicted on June 29, 1965, in the Circuit Court for Milwaukee County of the crime of forgery (2 counts) and burglary and was sentenced to 4 years and 4 years concurrent. Mr. Butterfield was granted a full pardon based on his excellent adjustment and no subsequent felony convictions.

15. Carlos M. Camara, who was convicted on March 9, 1963, in the Circuit Court for Milwaukee County of the crime of violation of the uniform narcotic act and was sentenced to 2-9 years. In addition, Carlos M. Camara, who was convicted on December 31, 1968, in the Circuit Court for Milwaukee County for the crime of possession of heroin and was sentenced to 2-7 years. Mr. Camara was granted a commutation of sentence to time served based on his participation in programs offered at the institution and his employment with a Community Action Agency in Michigan.

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16. John H. Carroll, who was convicted on February 15, 1971, in the County Court for Dane County for the crime of petty theft and was given a \$50 fine plus court costs. Mr. Carroll was granted a conditional pardon; the condition being that he is not convicted of any criminal offense for the next 3 years. The conditional pardon was granted based on Mr. Carroll's otherwise clear record, the unusual nature of the crime, and the fact that he had paid his fine and court costs and has therefore been discharged.

17. Ernesto G. Chacon, who was convicted on March 11, 1970, in the County Court for Milwaukee County of the crime of criminal damage to property and disorderly conduct and sentenced to two 90-day terms to be served consecutively in the Milwaukee House of Corrections. Mr. Chacon was granted a conditional pardon; the condition being that he not be convicted of any criminal offense within the next six months. Mr. Chacon's conditional pardon was based on his valuable service to his community as the Director of the Latin American Union for Civil Rights.

18. Eugene Chaney, who was convicted on September 4, 1969, in the Circuit Court for Milwaukee County of the crime of burglary and was sentenced to 7 years. In addition, Eugene Chaney, who was convicted on May 21, 1971, in the Circuit Court for Milwaukee County for the crime of burglary and was sentenced to 3 years consecutive to the above-mentioned offense. Mr. Chaney was granted a commutation of sentence based on a recommendation by the Division of Corrections.

19. Daniel Collins, who was convicted on September 9, 1969, in the Circuit Court for St. Croix County for the crime of possession of marijuana for smoking purposes and was sentenced to 5 years. Mr. Collins was granted a full pardon based on his early discharge from supervision and in keeping with legislative intent with regard to the new marijuana laws.

20. Fernando Colon, who was convicted on November 13, 1970, in the Circuit Court for Milwaukee County for the crime of possession of marijuana and sentenced to 6 years. Mr. Colon was granted a commutation of sentence to 2 years as a result of the revised marijuana laws and on the recommendation of the Division of Corrections.

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21. Duane Craig, who was convicted on June 4, 1965, in the Circuit Court for Clark County for the crime of misappropriation of funds and was sentenced to 4 years. In addition, Duane Craig, who was convicted on July 18, 1966, in the Circuit Court for Barron County of the crime of selling mortgaged property, desertion and worthless checks (2 counts) and sentenced to a total term of 2 years to be served consecutively with his previous sentence. Duane Craig was granted a full pardon based on a recommendation by the Division of Corrections.

22. Marcella M. Dammer, who was convicted on November 22, 1954, in the Circuit Court for Milwaukee County of the crime of assault and robbery (armed), and was sentenced to not less than 3 years nor more than 4 years. Mrs. Dammer was granted a full pardon on the recommendation of the Division of Corrections.

23. David R. Davies, who was convicted on August 16, 1963, in the County Court for Dane County of the crime of arson and was convicted on August 8, 1967 in the County Court for Milwaukee County for the crime of lewd and lascivious behavior and received a suspended sentence. Mr. Davies was granted a full pardon based on his exemplary record and outstanding academic achievements since his probation.

24. Joe Davis, who was convicted on February 27, 1969, in the Circuit Court for Milwaukee County for the crime of first degree murder and was sentenced to life imprisonment. Mr. Davis was granted a commutation of sentence to 50 years based on a recommendation by the Division of Corrections.

25. Jimmie Davison, who was convicted on July 23, 1959, in the Circuit Court for Milwaukee County for the crime of first degree murder and was sentenced to life imprisonment. Mr. Davis was granted a commutation of sentence to 50 years based on a recommendation by the Division of Corrections.

(See page 262)

26. Lloyd Eternicka, who was convicted on April 15, 1970, in the County Court for the crime of burglary (4 counts) and theft and was sentenced to 3 years on each count of burglary to be served consecutively and 6 months in the county jail for theft to be served concurrently. Mr. Eternicka was granted a commutation of sentence to 3 years on each count of burglary to be served concurrently based on the recommendation of the sentencing judge.

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27. Ronald Flottmeier, who was convicted on August 22, 1958, in the Circuit Court for LaCrosse County for the crime of burglary and was sentenced to 5 years. In addition, Ronald Flottmeier, who was convicted on December 30, 1960, in the Circuit Court for LaCrosse County of the crime of burglary and was sentenced to 5 years concurrent with the above-mentioned offense. Mr. Flottmeier was granted a full pardon based on the recommendation by the Division of Corrections.

28. Richard H. Frederickson, who was convicted on December 7, 1965, in the County Court for Dane County for the crime of grand theft, and was sentenced to two years probation. Mr. Frederickson was granted a full pardon based on his restitution of the money involved and his favorable rehabilitation.

29. Robert Furdek, who was convicted on November 25, 1968, in the Circuit Court for Milwaukee County for the crime of burglary (party to a crime) and was sentenced to 5 years. In addition, Robert Furdek, who was convicted on December 6, 1946, in the Circuit Court for Milwaukee County for the crime of larceny, assault and armed robbery and was sentenced to 3 years on each conviction. Mr. Furdek was granted a conditional pardon; the condition being that he not be convicted of any subsequent crimes for one year. This conditional pardon was based on the excellent adjustment Mr. Furdek achieved while under supervision.

30. Lillian Gelhaar, who was convicted on February 10, 1967, in the Circuit Court for Milwaukee County of the crime of first degree murder and was sentenced to life imprisonment. Mrs. Gelhaar was granted a commutation of sentence to 50 years based on her adjustment since incarceration and to make her eligible for appearance before the Parole Board.

31. Diane Gershman, who was convicted on March 5, 1970, in the County Court for Dane County of the crime of shoplifting and was sentenced to a \$50 fine. Ms. Gershman was granted a full pardon based on no prior or subsequent record.

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32. Richard E. Green, who was convicted on April 18, 1966, in the County Court for Milwaukee County of lewd and lascivious behavior, and was sentenced to 1 year probation plus costs. In addition, Mr. Green was convicted on December 19, 1966, in the Circuit Court for Milwaukee County of the crime of sexual intercourse with a child and was sentenced to 2 years probation plus costs to be served concurrently. Mr. Green was granted a full pardon based on his important service to his community through his activities and gainful employment with the Commando I project in Milwaukee.

33. Ali Gurtunca, who was convicted on March 26, 1957, in the Municipal Court for Milwaukee County of the crime of theft and was sentenced to 2 years. Mr. Guntunca was granted a full pardon based on his lack of subsequent convictions and his contribution to his community.

34. Milton Habeck, who was convicted on June 4, 1963, in the County Court for Shawano County of the crime of first degree murder (2 counts) and was sentenced to 2 terms of life imprisonment. Mr. Habeck was granted a commutation of sentence to 50 years on each count based on a recommendation by the Division of Corrections.

35. Gordon Hanna, who was convicted on June 10, 1968, in the Circuit Court for Milwaukee County of the crime of bribery and was sentenced to 2 years. Mr. Hanna was granted a full pardon based on his lack of prior or subsequent convictions.

36. Ronald J. Hannes, who was convicted on December 17, 1963, in the County Court for Kenosha County for the crime of conspiring to commit theft and was sentenced to 2 years probation and restitution. Mr. Hannes was granted a full pardon based on his lack of subsequent felony convictions.

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37. Robert Harms, who was convicted on December 29, 1969, in the Circuit Court for Grant County of the crime of possession of marijuana and was sentenced to 2 years. In addition, Robert Harms, who was convicted on December 30, 1969, in the County Court for Dane County of the crime of grand theft and was sentenced to 1 year. Mr. Harms was granted a conditional pardon; the condition being that he not be convicted of any further felonies for a period of 3 years. This conditional pardon was based on the revised marijuana laws and his adjustment since his conviction.
38. Roger Haugen, who was convicted on August 1, 1969, in the Circuit Court for Milwaukee County of the crime of burglary and sentenced to 4 years at the Wisconsin State Reformatory; his sentence was stayed and he was then placed on 3 years probation. On March 23, 1971, Mr. Haugen's probation was revoked and his original sentence was placed in effect to be served concurrent with another sentence. Mr. Haugen was granted a commutation of sentence based on a recommendation by the Division of Corrections.
39. Marvene Hawthorne, who was convicted on June 10, 1952, in the Municipal Court for Milwaukee County of the crimes of second degree murder and four counts of assault and robbery (armed) and was sentenced to a total of 75 years. Mr. Hawthorne was granted a conditional pardon; the condition being that he fulfill his parole obligations for the next 10 years. The pardon was based on the fact that Mr. Hawthorne has not received any subsequent convictions and he has been gainfully employed since his parole.
40. Daniel J. Higgins, who was convicted on April 30, 1957, in the Circuit Court for Jefferson County of the crime of 9 counts of breaking and entering and one count of operating a motor vehicle without owner's consent and was sentenced to not more than 4 years on each count to run concurrently. Mr. Higgins was granted a full pardon based on his excellent rehabilitation.
41. Lester H. Holley, who was convicted on June 8, 1970, in the Circuit Court for Milwaukee County of the crimes of possession of narcotic drug, possession of heroin and burglary. Mr. Holley was given two 6-year sentences and one 5-year sentence all to run concurrent. Mr. Holley's sentence was commuted based upon a recommendation from the sentencing judge that he become eligible to participate in the federal rehabilitation program in Lexington, Kentucky.

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42. William B. Horst, who was convicted on June 12, 1944, in the Municipal Court for Milwaukee County of the crime of larceny of person and larceny of auto and was sentenced to 3 years probation; the probation was subsequently revoked and he was sentenced on September 22, 1944 to one to 5 years. Mr. Horst was granted a full pardon based on a recommendation from the Division of Corrections.

43. John Huwiler, who was convicted on August 8, 1968, in the County Court for Door County of the crime of use of marijuana for smoking purposes and was sentenced to one year. Mr. Huwiler was granted a full pardon based on the revised marijuana laws and his good adjustment since his conviction.

44. Robert L. Ische, who was convicted on November 22, 1961, in the County Court of Waukesha County for the crime of burglary and was sentenced to 3 years probation with restitution. In addition, Mr. Ische was sentenced on September 1, 1964, in the County Court for Waukesha County of the crime of 2 counts of burglary and was sentenced to 2 years probation and restitution; the probation was revoked and on September 14, 1964, Mr. Ische was sentenced to 4 months in the Waukesha County jail. Mr. Ische was granted a full pardon based on the recommendation of the Division of Corrections.

45. Robert Johnston, who was convicted on March 1, 1968, in the Circuit Court for Milwaukee County for the crime of theft and was sentenced to 3 years. Mr. Johnston was granted a full pardon based on his contribution as a member of his community.

46. James M. Kary, who was convicted on November 17, 1959, in the Municipal Court for Brown County for the crime of 7 counts of burglary and was sentenced to a total of 15 years. Mr. Kary was granted a full pardon based on a recommendation from the Division of Corrections.

47. Cabet Kaye (a/k/a/ Andrew Harvath). who was convicted on February 19, 1939, in the Circuit Court for Milwaukee County of the crime of burglary (2 counts) and was sentenced to 2 years on each count to be served concurrently. Mr. Kaye was granted a full pardon based on his excellent rehabilitation and his service to the community.

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48. Erwin Keepman, who was convicted on March 21, 1966, in the Circuit Court for Waukesha County of the crime of burglary and was sentenced to 2 years. Mr. Keepman was granted a full pardon based on his lack of prior or subsequent felony convictions.

49. Richard Keepman, who was convicted on March 21, 1966 in the Circuit Court for Waukesha County of the crime of burglary and sentenced to 3 years. Mr. Keepman was granted a full pardon based on a recommendation by the Division of Corrections.

50. Robert Kenney, who was convicted on December 10, 1964, in the County Court for Chippewa County of the crime of entered vehicle and theft and was sentenced to 30 days in jail and 2 years. Mr. Kenney was granted a full pardon based on a recommendation by the Division of Corrections.

51. Daniel H. Konieczka, who was convicted on December 28, 1970, in the Circuit Court for Milwaukee County of the crime of homicide by intoxicated use of vehicle and sentenced to 3 years. Mr. Konieczka was granted a commutation of sentence to 18 months based on a recommendation from the Division of Corrections.

52. Robert Kramer, who was convicted on January 31, 1968, in the Circuit Court for Milwaukee County of the crime of armed robbery (3 counts) and was sentenced to 15 years on each count to be served consecutively. Mr. Kramer was granted a commutation of sentence to 15 years on each count to be served concurrently based on his adjustment since incarceration and his good conduct.

53. Henry Kranich, who was convicted on November 17, 1967, in the Circuit Court for Milwaukee County of the crime of operating an automobile without owner's consent and was sentenced to 3 years. In addition, Henry Kranich, who was convicted of February 3, 1971, in the County Court for Waukesha County of the crime of worthless checks and was sentenced to 2 years to be served consecutive to his previous conviction. Mr. Kranich was granted a conditional pardon; the condition being that Mr. Kranich receive an honorable discharge from one of the military services of the United States.

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54. Robert A. Kressel, who was convicted on September 26, 1962, in the County Court for Kenosha County of the crime of indecent behavior with a child (4 counts) and was sentenced to 10 years. Mr. Kressel was granted a full pardon based on his lack of convictions prior and subsequent to this crime and upon a recommendation from the Division of Corrections.

55. Robert Krull, who was convicted on May 21, 1964, in the County Court for Outagamie County of the crime of operating a motor vehicle without owner's consent and sentenced to 2 years. In addition, Robert Krull, who was convicted on October 28, 1966, in the Circuit Court for Outagamie County for the crime of attempted armed burglary and was sentenced to 3 years. Mr. Krull was granted a full pardon based on the recommendation by the Division of Corrections.

56. Dennis C. LaBrosse, who was convicted on December 18, 1959, in the Superior Court for Dane County of the crime of burglary (3 counts) and was sentenced to 1 year on each count to run concurrent. In addition, Mr. LaBrosse was convicted on the 14th day of August, 1961, in the Superior Court for Dane County of burglary (6 counts) and 1 count of operating a motor vehicle without owner's consent (each to run concurrent). Also, on November 6, 1964, in the Circuit Court for Dane County, Mr. LaBrosse was convicted of the crime of burglary and was sentenced to a term of 4 years to run concurrent with prior convictions. Mr. LaBrosse was granted a conditional pardon; the condition being that he not be convicted of any criminal offenses for a period of one year. This conditional pardon was based on Mr. LaBrosse's marked effort towards rehabilitation.

57. Sidney Litsky, who was convicted on December 5, 1961, in the Municipal Court for Milwaukee County of the crime of robbery (armed and concealing identity) and was sentenced to 30 years. In addition, Sidney Litsky, who was convicted on December 5, 1961, in the Municipal Court for Milwaukee County of the crime of theft and sentenced to 5 years concurrent. Mr. Litsky was granted a commutation of sentence to a term of 18 years from 30 years. This commutation was based on a recommendation by the Division of Corrections.

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58. Raymond A. Lorberter, who was convicted on March 16, 1966, for the crime of armed robbery and was sentenced to 5 years. Mr. Lorberter was granted a full pardon based on his exemplary rehabilitation.

59. Robert W. Lucynski, who was convicted on November 21, 1968, in the Circuit Court for Milwaukee County for the crime of first degree murder and was sentenced to life imprisonment. Mr. Lucynski was granted a commutation of sentence to 50 years based on his excellent adjustment while incarcerated and to make him eligible for appearance before the Parole Board.

60. Richard Marciniak, who was convicted on January 24, 1968, in the Circuit Court for Milwaukee County of the crimes of burglary (2 counts) and burglary (repeater) and was sentenced to 3 terms of 10 years each to be served consecutively. In addition, Richard Marciniak was convicted on March 25, 1970, in the Circuit Court for Milwaukee County of the crime of burglary (2 counts) and sentenced to 5 years and 10 years consecutive to each other and prior convictions. Mr. Marciniak was granted a commutation of sentence to a term of 5 years and 10 years to be served concurrent to each other and to prior convictions. The commutation of sentence was based on a recommendation by the Division of Corrections.

Henry Martin (See page 263)

61. Darrell McCabe, who was convicted on November 1, 1963, in the County Court for Marathon County of the crime of sexual intercourse with a child (2 counts) and sentenced to a \$1,000 fine for count one and two year probation term for count two; probation was revoked and the sentence was effected in May 11, 1965. Mr. McCabe was granted a full pardon based on a recommendation by the Division of Corrections.

62. Leon McClatchey, who was convicted on April 2, 1970, in the Circuit Court for Milwaukee County for the sale of marijuana and the possession of a narcotic drug and was sentenced to 2-5 years for the sale of marijuana and 5 years concurrent for the possession of a narcotic drug. Mr. McClatchey was granted a commutation of sentence to no more than 5 years for the sale of marijuana, thereby making him immediately eligible for parole consideration.

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63. Lee McGowan, who was convicted on September 9, 1963, in the Circuit Court for Milwaukee County of the crime of first degree murder and was sentenced to life imprisonment. Mr. McGowan was granted a commutation of sentence to 50 years based on a recommendation by the Division of Corrections.

64. Harold McLaughlin, who was convicted on November 30, 1964, in the Circuit Court for Ozaukee County of the crimes of abduction and first degree murder and was sentenced to a term of 15 years plus life imprisonment. Mr. McLaughlin was granted a commutation of sentence to 50 years based on a recommendation by the Division of Corrections.

65. Vivian McLin (Moore), who was convicted on January 3, 1969, in the Circuit Court for Milwaukee County of the crime of possession of marijuana and was sentenced to 3 years. Mrs. Moore was granted a full pardon based on the revised marijuana laws and her good adjustment since her conviction.

66. George Mikula, who was convicted on February 19, 1965, in the Circuit Court for Milwaukee County of the crime of false swearing and conspiracy and was sentenced to 5 years. Mr. Mikula was granted a full pardon based on no prior or subsequent convictions and his activity with veterans groups.

67. Jacob R. Moreland, who was convicted on December 3, 1957 in the Municipal Court for Milwaukee County of the crime of robbery and was sentenced to 5 years. In addition, on January 24, 1969, Mr. Moreland was convicted in the Municipal Court for Milwaukee County of the crime of rape and was sentenced to 30 years. Also, on August 15, 1969, in the County Court for Milwaukee County, Mr. Moreland was convicted of criminal damage to property and was sentenced to a \$50 fine plus costs. Mr. Moreland was granted a conditional pardon; the condition being that he fulfill his parole obligations through his mandatory release date of April 4, 1976. This conditional pardon was granted upon recommendation by the Division of Corrections.

68. Thomas C. Morris, who was convicted on May 9, 1964, in the Circuit Court for Milwaukee County of the crime of first degree murder and attempted murder and was sentenced to a life imprisonment and 30 years to be served consecutively. Mr. Morris was granted a commutation of sentence to 30 years concurrent with his life sentence based on a recommendation from the Division of Corrections.

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Norman Mineau (See page 263)

69. Harry Mueller, who was convicted on December 23, 1969, in the Circuit Court for Milwaukee County for the crime of use of marijuana and was sentenced to 4 years. Mr. Mueller received a commutation of sentence to 2 years based on the revised marijuana laws, his good conduct and rehabilitative efforts.

70. Randy D. Nelson, who was convicted on June 16, 1969, in the Circuit Court for Rock County of the crime of burglary and sentenced to 2 years probation. Mr. Nelson was granted a full pardon based on his youth at the time of the conviction and his exemplary rehabilitation since.

71. O.D. Nickols, who was convicted on May 25, 1966, in the Circuit Court for Milwaukee County of the crime of first degree murder and was sentenced to life imprisonment. Mr. Nickols was granted a commutation of sentence to 50 years based on a recommendation by the Division of Corrections.

72. Julius F. Nowak, who was convicted on April 15, 1968, in the Municipal Court for Milwaukee County of the crime of assault and robbery (unarmed) and was sentenced to 2 years probation. Mr. Nowak was granted a full pardon based on his 23 years without a criminal offense.

73. Jewell Oezer (a/k/a/ Joseph Oezer), who was convicted on October 4, 1969, in the County Court for Racine County for the crime of statutory rape and was sentenced to 2 years probation. Mr. Oezer was granted a full pardon based on the favorable evaluations by the prosecuting district attorney and judge.

74. Larry O'Flanagan, who was convicted on October 14, 1970, in the County Court for Rusk County of the crime of sale of mortgaged property and was sentenced to 2 years. Mr. O'Flanagan was granted a commutation of sentence to 1 year 8 months based on his desire to attend school immediately upon his release and his good adjustment in the institution.

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75. Henry Openorth, who was convicted on December 22, 1953, in The Municipal Court for Milwaukee County of the crime of taking indecent liberties with a minor and was sentenced to 2 years. Mr. Openorth was granted a full pardon based on his lack of prior or subsequent felony convictions.

76. Dean Orn, who was convicted on August 19, 1971, in the County Court for Barron County of the crime of non-support and sentenced to 2 years. Mr. Orn was granted a commutation of sentence to 1 year based on a job opportunity which would enable him to make his support payments and his adjustment while incarcerated.

77. Duane Pavelka, who was convicted on December 7, 1970, in the County Court for Dodge County of the crime of battery to a police officer and was sentenced to 2 years. Mr. Pavelka was granted a full pardon based on a recommendation by the Division of Corrections.

78. Frederick G. Pershonok, who was convicted on July 7, 1965, in the County Court for Milwaukee County of the crime of receiving stolen property and was sentenced to \$100 fine plus court costs. Mr. Pershonok was granted a full pardon based on his lack of prior and subsequent convictions and his successful rehabilitation.

79. Owano Perigino, who was convicted on December 2, 1955, in the Municipal Court for Milwaukee County of the crime of carnal knowledge and abuse and was sentenced to not less than 1 year nor more than 5 years. Mr. Perigino was granted a full pardon based on his successful rehabilitation and based on a recommendation by the Division of Corrections.

80. Forrest Perkins, who was convicted on July 30, 1949, in the County Court for Marinette County of the crime of larceny and was sentenced to 2 years. Mr. Perkins was granted a full pardon based on his lack of prior or subsequent felony convictions and his successful rehabilitation.

81. Scott L. Poulter, who was convicted on January 6, 1969, in the Circuit Court for Milwaukee County of the crime of second degree murder (amended) and was sentenced to 5-25 years. Mr. Poulter's sentence was commuted to not less than 5 nor more than 15 years. Mr. Poulter was granted this commutation as a result of his excellent adjustment at the institution.

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82. Herbert Powless, who was convicted on July 6, 1970, in the Circuit Court for Milwaukee County of the crime of attempted aggravated battery and was sentenced to 2-1/2 years. Mr. Powless was granted a conditional pardon; the condition being that he fulfill his parole obligations. This conditional pardon was based on his work in the community.

83. Jose Puente, who was convicted on March 11, 1970, in the County Court for Milwaukee County of the crime of criminal damage to property and disorderly conduct and was sentenced to two 90-day terms in the Milwaukee House of Corrections. Mr. Puente was granted a conditional pardon; the condition being that he not be convicted of any further violations within the next 6 months. This conditional pardon was based on his exemplary citizenship and his community activities.

84. Gerald Rauch, who was convicted on April 30, 1969, in the Circuit Court for Milwaukee County of the crime of abandonment and was sentenced to 2 years. In addition, Gerald Rauch, who was convicted on September 29, 1970, of the crime of issuance of worthless checks (3 counts) and was sentenced to 2 terms of 1 year each concurrent to each other and 1 term of 1 year to be served consecutively. Also, Gerald Rauch, who was convicted on November 15, 1971, in the County Court for Dodge County, of the crime of escape and was sentenced to 1 year consecutive to his other terms. Mr. Rauch was granted a commutation of sentence for the charge of abandonment from 2 years concurrent with the sentences received on 29 September 1970. This commutation of sentence was based on a recommendation by the Division of Corrections.

85. Eugene Rice, who was convicted on January 14, 1950, in the Municipal Court for Waukesha County of the crime of assault with intent to rob (2 counts) and was sentenced to 3 years. In addition, Eugene Rice, who was convicted on January 16, 1950, in the Municipal Court for Milwaukee County of the crime of assault with intent to rob (2 counts) and was sentenced to 3 years. Also, Eugene Rice, who was convicted on January 14, 1950, in the County Court for Washington County of the crime of assault with intent to rob and was sentenced to 3 years. Mr. Rice was granted a full pardon based on his contribution as a member of his community and no subsequent felony convictions.

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86. Lloyd Rice, who was convicted on June 23, 1967, in the County Court for Kenosha County of the crime of first degree murder and was sentenced to life imprisonment. Mr. Rice was granted a commutation of sentence to 50 years based on his excellent adjustment while incarcerated and to make him eligible for appearance before the Parole Board.

87. Richard Ringelstetter, who was convicted on October 30, 1968, in the County Court for Sauk County of the crime of possession of marijuana and was sentenced to 4 years. Mr. Ringelstetter was granted a full pardon based on a recommendation by the Division of Corrections.

88. Richard Roberts, who was convicted on August 29, 1967, in the Circuit Court for Columbia County of the crimes of armed burglary and first degree murder and was sentenced to 5 years concurrent with a life imprisonment term. Mr. Roberts was granted a commutation of sentence to 50 years based on his excellent adjustment since incarceration and to make him eligible for appearance before the Parole Board.

89. Angel Rodriquez, who as convicted on December 30, 1955, in the District Court for Milwaukee County of the crime of carnal knowledge and abuse and was sentenced to 2 years, which was subsequently suspended, and he was placed on 2 years probation. Mr. Rodriquez was granted a full pardon based on his lack of convictions prior and subsequent and his exemplary rehabilitation.

90. Gerald Russell, who was convicted on April 4, 1966, in the County Court for Dane County of the crime of robbery and was sentenced to 2 years. Mr. Russell was granted a full pardon based on a recommendation by the Division of Corrections.

91. Gerald Rymer, who was convicted on February 14, 1956 in the Municipal Court for Fond du Lac County of the crimes of adultery and larceny and was sentenced to 3 and 4 years. Mr. Rymer was granted a full pardon based on a recommendation by the Division of Corrections.

92. Roy Sanders, who was convicted on February 21, 1969, in the Municipal Court for Milwaukee County of the crimes of first degree murder (2 counts) and injury by conduct regardless of life and

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sentenced to 2 terms of life imprisonment to be served concurrently and 10 years to be served consecutively. Mr. Sangers was granted a commutation of sentence to 10 years concurrently based on a recommendation by the Division of Corrections.

93. Richard Sass, who was convicted on January 3, 1950, in the Municipal Court for Milwaukee County of the crimes of burglary and sentenced to 1 year. Mr. Sass was granted a full pardon based on his lack of any subsequent felony convictions.

94. James Sassi, who was convicted on September 28, 1948, in the Municipal Court for Milwaukee County of the crime of carnal knowledge and abuse and was sentenced to 2 years. Mr. Sassi was granted a full pardon based on his lack of any subsequent felony convictions.

95. Vernon Schilling, who was convicted on February 20, 1957, in the Circuit Court for Washington County of the crime of armed robbery (5 counts) and was sentenced to 5 terms of 20 years each to be served concurrently. Mr. Schilling was granted a full pardon based on his satisfactory parole adjustment and his continued employment.

96. William Schirm, who was convicted on December 17, 1962, in the County Court for LaCrosse County of the crime of burglary and was sentenced to 3 years. Mr. Schirm was granted a full pardon based on his lack of any subsequent felony convictions.

97. Terry Schmechel, who was convicted on January 19, 1959, in the Municipal Court for Milwaukee County of the crime of attempted burglary and was sentenced to 1 year. In addition, Terry Schmechel, who was convicted on September 13, 1971, in the Municipal Court for Milwaukee County of the crime of permitting minors to enter Class B premises and was sentenced to a \$25 fine. Mr. Schmechel was granted a full pardon based on his youth at the time of the first offense.

98. James R. Schultz, who was convicted on June 11, 1966, in the Circuit Court for Milwaukee County of the crime of first degree murder and was sentenced to life imprisonment. Mr. Schultz was granted a commutation of sentence to a term of 35 years on the recommendation of the Division of Corrections.

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99. Coleman Schwamp, who was convicted on December 5, 1942, in the Circuit Court for Waupaca County of the crime of larceny, and was sentenced to 12 to 15 months. Mr. Schwamp was granted a full pardon based on his lack of any subsequent felony convictions.

100. Randy Scott, who was convicted on February 19, 1971, in the Circuit Court for Milwaukee County of the crime of sale of marijuana (2 counts) and was sentenced to 2 terms of 5 years each to be served concurrently. Mr. Scott was granted a commutation of sentence to two terms of not less than one nor more than 5 years to be served concurrently based on a recommendation by the Division of Corrections.

101. Daniel Seaman, who was convicted on August 8, 1968, in the County Court for Washburn County of the crime of burglary (4 counts) and was sentenced to 5 years. Mr. Seaman was granted a full pardon based on a recommendation by the Division of Corrections.

102. Richard Sessions, who was convicted on April 24, 1953, in the County Court for Eau Claire County of the crime of breaking and entering and was sentenced to 2 years. Mr. Sessions was granted a pardon based on a recommendation by the Division of Corrections.

103. Kenneth R. Shaw, who was convicted on October 1, 1968, in the County Court for Dodge County of the crime of burglary (4 counts) and issuing worthless checks (2 counts), and was sentenced to a total of 10 years. Mr. Shaw was granted a commutation of sentence to a total of 8 years thereby making him eligible for an appearance before the parole board.

104. Jack Simanson, who was convicted on October 16, 1951, in the Municipal Court for Milwaukee County of the crime of attempted burglary and was sentenced to 1 year. In addition, Jack Simanson, who was convicted on September 21, 1954, in the Municipal Court for Milwaukee County of the crime of forgery and was sentenced to 1 year. Also, Jack Simanson, who was convicted on November 3, 1956, in the Municipal Court for Milwaukee

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County of the crimes of forgery (2 counts) and forgery & uttering and was sentenced to 6 years each count to be served concurrently. Mr. Simanson was granted a full pardon based on a recommendation by the Division of Corrections.

105. Thomas Simpson, who was convicted on February 13, 1965, in the County Court for Milwaukee County of the crime of first degree murder and was sentenced to life imprisonment. Mr. Smith was granted a commutation of sentence to 50 years based on a recommendation by the Division of Corrections.

106. Andy V. Smith, who was convicted on November 4, 1966, in the County Court for Racine County of the Crime of first degree murder and was sentenced to life imprisonment. Mr. Smith was granted a commutation of sentence to 50 years based on a recommendation by the Division of Corrections.

107. Lowell Smout, who was convicted on February 20, 1963, in the County Court for Rock County of the crime of fornication and was sentenced to \$100 fine plus costs or 3 months in the county jail. In addition, Lowell Smout, who was convicted on November 19, 1964, of the crime of false information to a police officer and was sentenced to \$200 fine. Mr. Smout was granted a full pardon based on the fact that he was serving in the State of Florida as a police officer since 1967 and because of a newly enacted law by the Florida Legislature, became ineligible to continue serving as such because of his felony conviction.

108. Joseph Soulier, who was convicted on September 22, 1961, in the Circuit Court for Door County of the crimes of burglary (6 counts) and theft and was sentenced to 2-1/2 years on each county to be served concurrently. Mr. Soulier was granted a full pardon based on a recommendation by the Division of Corrections.

109. Rhoda Sponseller (Clifford), who was convicted on August 15, 1969, in the County Court for Richland County of the crime of contributing to the delinquency of a minor and lewd & lascivious behavior and was sentenced to 2 years probation on each count to be served concurrently. Mrs. Clifford was granted a full pardon based on a recommendation by the Division of Corrections.

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110. Robert A Sprang, who was convicted on January 7, 1970, in the Circuit Court for Milwaukee County for the crime of possession of marijuana and was placed on one year probation which was subsequently revoked and a 4-year sentence was effected. Mr. Sprang was granted a full pardon based on a recommendation by the Division of Corrections.

111. James Sturz, who was convicted on March 24, 1971, in the County Court for Eau Claire County for the crime of non-support of children and was sentenced to 2 years. Mr. Sturz was granted a commutation of sentence to time served based on the circumstances involved and his good adjustment.

112. William H. Tabor (a/k/a William H. Davis), who was convicted on October 8, 1965, in the Circuit Court for Milwaukee County of the crime of forgery and was sentenced to 3 years, 360 days; he was placed on 4 years probation which was later revoked. Mr. Tabor was granted a full pardon based on his rehabilitation.

113. Owen Thompson, who was convicted on June 17, 1966, in the Circuit Court for Milwaukee County of the crime of first degree murder and was sentenced to life imprisonment. Mr. Thompson was granted a commutation of sentence to 50 years based on his activities since his incarceration and to make him eligible for appearance before the Parole Board.

114. David Trombi, who was convicted on March 1, 1968, in the County Court for Shawano County of the crime of theft and was sentenced to one year probation. Mr. Trombi was granted a full pardon based on a recommendation by the Division of Corrections.

115. Robert Turnpaugh, Jr., who was convicted on May 10, 1971, in the Circuit Court for Milwaukee County of the crime of possession of narcotic drug and was sentenced to an indeterminate term of 2-1/2 years. Mr Turnpaugh was granted a commutation of sentence to a term of 2 years to make him eligible for an appearance before the Parole Board.

116. Daniel Urman, who was convicted on September 29, 1970, in the Circuit Court for Milwaukee County of the crimes of rape and burglary and was sentenced to 15 years for rape and 5 years for burglary to be served concurrently. Mr. Urman's 15-year sentence was subsequently reduced to 8 years. Mr. Urman's sentence was commuted to 5 years based on his strong efforts toward his adjustment.

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117. Vern V. Valleau, who was convicted on April 23, 1970, in the Circuit Court for Milwaukee County of the crime of possession of heroin and forgery (uttering) and was sentenced to 4 years on each count to be served concurrently. Mr. Valleau was granted a commutation of sentence to 2 years for the charge of possession of heroin based on the recommendation of the Division of Corrections.

118. Robert Van Ermen, who was convicted on August 22, 1961, in the Circuit Court for Sheboygan County of the crime of first degree murder and was sentenced to life imprisonment. Mr. Van Ermen was granted a commutation of sentence to 50 years because of his excellent adjustment in the institution, to make him eligible to participate in a work release program and to make him eligible for appearance before the Parole Board.

119. Charles Verace, who was convicted on March 4, 1953, in the Municipal Court for Milwaukee County of the crime of assault and unarmed robbery and was sentenced to 3 years probation. Mr. Verace was granted a full pardon based on a recommendation by the Division of Corrections.

120. Herman Virgil, who was convicted on March 28, 1960, in the Municipal Court for Milwaukee County of the crime of rape and was sentenced to 30 years. Mr. Virgil was granted a conditional pardon; the condition being that Mr. Virgil fulfill his parole obligations through his mandatory release date. Mr. Virgil was granted this conditional pardon based on his rehabilitation since the offense.

121. Peter Volpendesta, who was convicted on January 18, 1967 in the Circuit Court for Kenosha County of the crime of perjury and was sentenced to two years probation. Mr. Volpendesta was granted a full pardon based on his lack of any felony convictions.

122. Wallace Waite, who was convicted on January 23, 1965, in the Circuit Court for Milwaukee County of the crime of conspiracy to commit the crime of sale of marijuana and was sentenced to 7 years. In addition, Wallace Waite, who was convicted on October 21, 1970, in the Circuit Court of Milwaukee County of the crimes of possession of dangerous drugs and was sentenced to 2 years and 1 year, both consecutive to his prior sentence. Mr. Waite was granted a commutation of sentence to 2 years and 1 year concurrent instead of consecutive. This grant was based on the revised drug laws.

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123. Nelson Waugh, who was convicted on July 2, 1968, in the County Court for Dane County of the crime of injury by conduct regardless of life and was sentenced to 3 years probation. Mr. Waugh was granted a conditional pardon; the condition being that he not be convicted of any further felony convictions for the next 3 years. Mr. Waugh was granted this conditional pardon based on his rehabilitation since his conviction.

124. John Webster, who was convicted on June 1, 1964, in the County Court for Rock County of the crime of first degree murder and was sentenced to life imprisonment. Mr. Webster was granted a commutation of sentence to 50 years based on a recommendation by the Division of Corrections.

125. Willie M. White, who was convicted on September 28, 1968, in the Circuit Court for Milwaukee County for the crime of first degree murder and was sentenced to life imprisonment. Mr. White was granted a commutation of sentence to 35 years based on a recommendation by the Division of Corrections.

126. Clyde Williams, who was convicted on January 7, 1946, in the County Court for Polk County of the crime of embezzlement and was sentenced to 3 years probation. Mr. Williams was granted a full pardon based on a recommendation by the Division of Corrections.

127. J.D. Williamson, who was convicted on January 22, 1965, in the Circuit Court for Milwaukee County of the crime of first degree murder and was sentenced to life imprisonment. Mr. Williamson's sentence was commuted to 50 years based on his adjustment while incarcerated and to make him eligible for appearance before the Parole Board.

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128. John M. Wilson, who was convicted on December 1, 1937, in the Municipal Court for Milwaukee County of the charge of burglary and was sentenced to 3 years probation and costs. On February 13, 1938, his probation was revoked and he was sentenced to 1-2 years. Mr. Wilson was granted a full pardon based on his exemplary rehabilitation since 1939.

129. Bernard Wood, who was convicted on July 7, 1970, in the County Court for Milwaukee County for the possession of marijuana and the sale of marijuana and was sentenced to 2-6 years for the possession of marijuana and 5 years concurrent for the sale of marijuana. Mr. Wood was granted a commutation of sentence to 3 years for the sale of marijuana based on the revised marijuana laws.

130. Dennis E. Wright, who was convicted on June 22, 1965, in the County Court for Milwaukee County for the crime of disorderly conduct and minor loitering in a class B licensed premises and was sentenced to a suspended sentence and fined \$25. Mr. Wright was granted a full pardon based on his rehabilitation and to help him gain employment as a police officer.

131. James E. Yri, who was convicted on April 26, 1968, in the County Court for Barron County for the crimes of burglary (6 counts) and receiving stolen property and was sentenced to a total of 10 years. Mr. Yri was granted a commutation of sentence to a total of 10 years; thereby making him eligible for parole at an earlier period of time.

132. Todd Zeuske, who was convicted on June 22, 1970, in the County Court for Shawano County for the crime of burglary and was sentenced to 18 months probation. Mr. Zeuske was granted a conditional pardon; the condition being that he not receive any further felony convictions for the next 2 years. Mr. Zeuske was granted this conditional pardon based on a recommendation by the Division of Corrections.

133. Melvin Ziegenbein, who was convicted on October 11, 1956, in the Municipal Court for Outagamie County of the crime of larceny (2 counts) and was sentenced to 1 year and 1 year consecutive. Mr. Ziegenbein was granted a full pardon based on his lack of subsequent felony convictions.

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**State of Wisconsin
Office of the Governor**

January 18, 1973

**Mr. Thomas Hanson
Assembly Chief Clerk
220 West, State Capitol
Madison, Wisconsin**

**Mr. William P. Nugent
Senate Chief Clerk
243 South, State Capitol
Madison, Wisconsin**

Dear Sirs:

I respectfully request permission to address a joint session of the State Legislature on Thursday, February 1, 1973, at 10:30 A.M., to deliver the budget message.

**Sincerely,
PATRICK J. LUCEY
Governor**

By request of Senator Johnson, with unanimous consent, the Governor's request was granted and the chair was directed to appoint the members to escort the Governor to the Assembly Chamber.

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Rufus Alexander Ferguson, Univeristy of Wisconsin senior from Miami, Florida, will graduate this year after 3 highly exciting and productive years with the University of Wisconsin football team, and

Whereas, Rufus, "The Roadrunner", is surely one of the greatest players ever to do battle on the Camp Randall gridiron, scoring more touchdowns in his career and gaining more yardage in a single season than any other player in Wisconsin history; and

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Whereas, Rufus Ferguson was named to the All-Big Ten First Team in both 1971 and 1972 and equally important, the All-Big Ten Academic Team in both years; and

Whereas, Rufus was an inspiration to the team, his infectious enthusiasm and spirit of determination being a critical factor in many Wisconsin victories; and

Whereas, he was chosen by his colleagues as most valuable player on the squad during his senior year; now, therefore, The Members of the Wisconsin Legislature, on the motion of Senator Johnson and Representative Shabaz, under Joint Rule 26, commend Rufus Alexander Ferguson for his fine performance both on and off the field, thank him on behalf of the people of Wisconsin for a great four years at the University and wish him the greatest continued success in the future.

Read and adopted.

Rufus Alexander Ferguson, being present in the chambers, the chair appointed Senators Hollander, Johnson and Risser to escort him to the podium where he addressed the Senate.

Senator J. D. Swan called the chair's attention to the fact that Representative Mielke's name was inadvertently omitted on the printed copy of **Senate Bill 75** and that steps be taken to correct this.

Senator Johnson moved that is as much as a week having elapsed that **Senate Resolution 7**, which had been under advisement by the chair, was before us and should be acted on.

The chair ruled the motion out of order.

Senator Johnson moved that the question be placed before the Senate.

Senator Risser raised the point of order that under rule 89, under the last adopted rules, this motion was out of order.

The chair took this point of order under advisement.

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Senator Johnson moved that this question be placed before the Senate.

Senator Risser raised the point of order that the motion was out of order.

The chair took the point of order under advisement.

Senator Johnson raised the point of order that the Senate was operating with no rules as the rules had not been adopted.

The chair did not rule on this point of order.

Senator Risser raised the point of order that the Senate was operating by precedent on the last adopted Senate rules adopted in 1969.

The chair did not rule on this point of order.

Senator Knowles raised the point of order that according to Section 576 of Masons Manual: 1. When the presiding officer attempts to thwart the purpose of his office the power resides in the house to pass him by and proceed to action otherwise....

The chair did not rule on this point of order.

By request of Senator Risser, with unanimous consent, the Senate recessed until 11:55 A.M.

10:40 A.M.

RECESS

11:55 A.M.

The senate reconvened.

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By request of Senator Johnson, with unanimous consent, he withdrew all his motions and points of order on **Senate Resolution 7**.

By request of Senator Risser, with unanimous consent, he withdrew all his points of order on **Senate Resolution 7**.

By request of Senator Whittow, with unanimous consent, **Senate Bill 73** was withdrawn from the committee on Governmental and Veterans' Affairs and referred to the committee on Health, Education and Welfare.

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Herman J. Setz of Lake Mills has recently celebrated his 100th birthday; and,

Whereas, he is a life long resident of Wisconsin, having been born in a log cabin between Lake Mills and Waterloo in 1873; and,

Whereas, he has served rural Wisconsin well as a local pharmacist and small businessman and added much color to community life as an avid baseball player and golfer; and,

Whereas, few of us are afforded the opportunity to celebrate such a majority in years of service to our community; now,

Therefore, the members of the Wisconsin Legislature, on the motion of Senator McKenna and Representative Wackett, under joint rule 26, do congratulate Herman J. Setz upon the celebration of his 100th birthday and welcome him as a member of Wisconsin's century club, and wish him continued happiness and good health.

Read and adopted.

Upon motion of Senator Johnson the senate adjourned until Wednesday, January 24, at 9:00 A.M.

12:05 P.M.

INTRODUCTION OF GUESTS

Senator J. D. Swan introduced Mr. and Mrs. Dale Worden and their sons, Brent, Duane, and Clint of Janesville, Wisconsin.

Senator Risser introduced Edgar Dennis of Chillicothe, Wisconsin and Mrs. Charlene Heffernan of Madison, Wisconsin.