

**CLIENT SPECIFIC PLAN**

**FOR**

**TRACEY MUTZ**

**SUBMITTED TO:  
THE HONORABLE LEE E. WELLS  
CIRCUIT COURT MILWAUKEE COUNTY  
BRANCH 35  
MILWAUKEE, WISCONSIN**

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ROBIN SHELOW

ATTORNEY AT LAW

116 East Pleasant Street

Milwaukee, WI 53212

414-263-4488

May 11, 1993

The Honorable Judge Lee E. Wells  
Circuit Court Branch 35  
Safety Building  
821 West State Street  
Milwaukee, WI 53233

RE: Tracey Mutz

Case No. F-923863

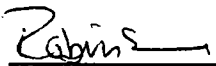
Dear Judge Wells:

I am enclosing a copy of a Client Specific Plan prepared by Ms. Deborah Gardner, M.S. W. on behalf of Tracey Mutz.

If there is any additional information needed prior to the May 14, 1993 sentencing, please let us know.

Thank you for your consideration of this document.

Very truly yours,

  
Robin Shellow  
Attorney At Law

Rs/am

Enc.

cc: A.D.A. Karine Moreno-Taxman

## Social History

Tracey Lynn Mutz was born 1/30/72 in Milwaukee. She is the fourth and last child in her family. Her parents are Timothy and Geraldine Scholler Mutz. Siblings are Michele, Tammy and Timothy, Jr. (See genogram for ages and marriages, births and deaths.)

Tracey's childhood to age 13 was spent in the Milwaukee and Port Washington area. The family moved four times during this period, and Tracey attended five different public schools. She was held back in kindergarten and was assessed for special education classes both in Port Washington and Milwaukee. She remained in special ed classes throughout her 11 years in school. Comments from specialists who tested and evaluated Tracey every three years are similar: Generally, Tracey was shy and non-verbal in classroom or large-group settings but did far better in one-on-one situations; she was eager to please her teachers and was cooperative; most students avoided interactions with her or made fun of her weight problem; she had a problem with self-image; she was not a behavior problem; she did not appear to have many friends. (See school records for supporting documentation.)

When the Mutz family lived in Milwaukee, Tim Mutz, a high school graduate and Air Force and Vietnam veteran, worked for A.O. Smith. He reports he was a supervisor by the time he left employment there and earned more than \$70,000 per year. Disturbed

by increasing violence, deteriorating neighborhoods, and his children's poor performances in Milwaukee public schools, Tim and Geraldine Mutz decided to move to a small town in northern Wisconsin, to make a "fresh start". They chose Pembine, a small (population 100), unincorporated community near Iron Mountain, three and one-half hours north of Milwaukee. They moved into a small house, Tim leased a gas station, and they tried to make a new life. Not surprisingly, the problems that plagued the Mutz family in Milwaukee followed them to Pembine.

The Mutzes are an alcoholic family. Tim Mutz, Tracey's father, admits to starting drinking at an early age, about 14. He drank in the Air Force and he admits drinking on the job at A. O. Smith. He was an abusive father and husband with what he describes as a "short fuse," who physically and emotionally abused his entire family. As a father, he was violent and "nasty" and says the physical abuse of his children "was so bad they could have turned me in for child abuse." His children report their home life was scary. Tammy Wishman, Tracey's sister, says she and her sisters frequently hid in their room, hoping to avoid their father. Tracey says he threw tools at them, called her "bitch" and "stupid" and "no good" and made her feel worthless. She says her mother was unable to protect the children, fearing for her own safety. Tracey appears to have been the target of their father's anger frequently, with multiple family members, including Tim Mutz, using the term "scapegoat" to describe Tracey's role in the family.

In 1968 and again in 1980, Tim Mutz entered DePaul for inpatient and later outpatient

treatment for his alcoholism. The Mutz family completed the Family Recovery Group program, and this program appears to have had some impact on the family. All children independently remember the satisfaction of confronting their father regarding his drinking and its effect on them as a family in a planned meeting at DePaul. The effect of alcoholism on the Mutz family indeed was significant.

Three of the four children have problems with drinking. Michelle Mutz Ruiz was treated twice for substance abuse. She reports she has been off drugs since 1984, although she admits to some alcohol intake. By report, Tim Mutz also is alcoholic. And Tracey Mutz admits to alcohol abuse.

Alcohol continues to be a problem for Tim and Geraldine Mutz. Tim has had a succession of jobs in Pembine, losing some of them through layoffs and others because of his drinking, per report. He and Geraldine currently live in the same small house, supported by Tim's occasional jobs, Geraldine's SSI and money contributed by Michelle and Henry Ruiz, who share the house the with Mutzes. And although Tim says he is now okay, he continues to drink and have problems because of his drinking.

Tracey says she began drinking in Pembine at about age 14 for several reasons: Life in Pembine was boring with nothing to do; life at home was miserable; she had few friends; she was involved in no extracurricular activities. When asked about this, she said the family lived several miles from school and there was no public transportation and she had no friends to pick her up or drop her off like other students her age. She

didn't have a single date in high school. She spent her free time at home. Her mother does say Tracey was a wonderful support and helper to her grandmother prior to her death in 1980. And she also babysat for her sisters' children. All speak warmly of her help.

Warren Dykstra, Tracey's special education teacher for five years in Pembine, speaks positively of Tracey during these years. He says Tracey was a hard worker, an extremely good student in her special ed classes with a unique sense of humor. He says she was studious, shy and did nice work. She worked above her abilities, he says, and surprised him with the quality of her work. He made a number of home visits, noted the lack of parental support for Tracey, and observed lots of problems in the Mutz home. He said the Mutz family was well-known in Pembine, and "for the wrong reasons." He noted Tracey often was harassed outside of school both because she was fat and because of her family's reputation.

After 11th grade, Tracey left Pembine and moved to Milwaukee. She stayed with an aunt for several months, working at a fast food restaurant, and resisted any pleas to return to Pembine to finish high school. Both her parents and Mr. Dykstra did try to convince her to return but she said she felt *worthless* at home and wanted a new life in Milwaukee.

After a falling out with her aunt, she moved in with a friend. She held several low-paying jobs, one at Summerfest and several factory jobs through a temporary agency,

and when she could find no job, she applied for General Assistance. She began associating with a hard-drinking crowd, going to bars, drinking almost daily, occasionally drinking to the point of passing out. Through Deshia Boulden, her roommate, she met her first boyfriend, Rodney. And through him she met Keith Reed, the father of her baby.

Keith Reed is an African-American male in his 20s, a high school graduate and son of two Chicago public school teachers. Keith completed two years of technical college and plans to obtain a four-year degree. When he met Tracey Mutz he was working as a laborer in a leather company in Milwaukee. They lived together during the winter of 1990. In February 1991, Keith Reed was shot in the back in a drive-by shooting. His assailant has never been apprehended. Keith spent ten weeks at Froedtert Hospital. Tracey visited him every day. Keith moved back to Chicago after his hospitalization to his parents' home in order to continue with his rehabilitative therapy. He does report after he was released and prior to his move to Chicago that Tracey was helpful and tried to assist with his care.

When Tracey was more than eight months pregnant, she was raped. She recounts the incident with shame, saying it made her feel like a *sleaze* and a *low life*, both terms the rapist used. She says she was in her room asleep when her roommate's cousin, a friend of Keith Reed, entered and threatened her life. He then raped her and left. Asked why she never reported the incident to anyone, she said she didn't think anyone would believe her. She says she continues to have nightmares regarding the

rape. One week later, Tracey gave birth to Keith Reed Jr. at Sinai Samaritan Medical Center on August 22, 1991.

Tracey delivered Keith Jr. with only hospital staff present. No one was with her during delivery. Keith Sr. did not see his son for more than four months. She had not told her family of her pregnancy until about her sixth month, believing her parents would judge her harshly. Indeed, her mother says she wasn't thrilled about the pregnancy but once the baby was born the family accepted and welcomed Keith Jr. as a new grandchild. Tracey said she never considered the idea of an abortion and her baby provided her with someone to make her feel *needed* and *worthwhile*.

In an attempt to foster a relationship between Keith and his son, Tracey took the baby to Chicago about once or twice a month to visit. Each time, she and the baby stayed with Keith and his family, who accepted Tracey and the baby well, according to Keith. Tracey and the baby received AFDC benefits and she was on the WIC program. It might be noted the WIC program did not suggest parenting classes for Tracey when she applied for benefits, and she was not referred for parenting classes through Sinai Samaritan, even though she was in their High Risk Pregnancy program. She and her sister Tammy Wishman did plan to attend parenting classes at Journey House during the fall of 1992, apparently recognizing their own needs. In a conversation with Keith Reed Sr., he said he did wish to recognize his son and assist with financial responsibilities. He was scheduled for an adjudication of paternity in November, 1992. He also planned to move back to Milwaukee to assist in the rearing of Keith Jr.

After the baby's death, Keith paid for a headstone.

Although Tracey quit drinking in her third month of pregnancy she began again in January, 1992. She drank more and more, often half a pint per day of alcohol. Her family attempted to intervene and help her see what was happening to her. Tammy threatened to put her in DePaul for treatment. In August, 1992, Tracey slit her wrists in an attempt to end her life. Again, Tammy asked her to seek treatment. Tracey refused to acknowledge her problem. For a complete report, see AODA assessment by Edward M. Rubin, Psy.D.

In the time since her arrest in October, 1992, Tracey has made several significant and positive changes in her life. First, she has admitted to her alcoholism. It should be noted she downplayed alcohol problems when assessed by Suzanne Lisowski, consulting psychologist, in January of 1993. This is behavior typical of alcoholics who tend to deny or misreport the extent of their drinking to themselves and others. She attends AA classes twice a month at the House of Correction. She believes the intense exploration of her family's alcoholism -- a result of this client specific plan -- has been instrumental in breaking the barriers of her denial. At the request of this writer, Tim Mutz confronted and challenged Tracey at the House of Correction in April, 1993 concerning her drinking. Tracey say, "I've got a problem. I need help."

She is working voluntarily at the House of Correction as a kitchen helper.

And she has used her time at the House of Correction to reconsider and rebuild a

positive relationship with her parents. She writes and calls them frequently, and she reports a better relationship with them.

## Sentencing Proposal

The preparation and presentation of a Client Specific Plan to the court is not intended to depreciate the seriousness of the offense conduct. Rather, it is intended to provide the court with a sentence which is punitive, socially constructive, and rehabilitative. After reviewing Tracey's social history of physical, sexual and emotional abuse and her family's social history, the following sentencing proposal is respectfully submitted for the court's consideration:

A lengthy period of probation with the following conditions:

1. Long-term inpatient alcohol treatment
2. Residence with her sister, Tammy Wishman, with electronic monitoring
3. Compliance with a Third Party Community Monitor
4. Obtaining a high school diploma
5. Counseling
6. Application for SSI benefits
7. DVR evaluation after treatment of alcoholism
8. Long-term involvement with Alcoholics Anonymous

### A Period of Long-Term Conditional Probation

Our recommendation includes that Ms. Mutz be placed on a lengthy period of conditional probation for a significant period of time. We would call to the attention of

the court that there is a great deal of support for sentences less than those solely reliant on incarceration when appropriate.

For example, the American Bar Association's sentencing standards call for the least restrictive sentence that will serve to deter the defendant and protect society. (ABA standards for Criminal Justice, Ch. 18, Standard 18-2.0 (1982). See also Karl Menninger, "The Right to the Least Restrictive Presumption Against Incarceration," 7 Hofstra L. Rev. 407 (1979). Consistent with this preference for the least restrictive alternative, the ABA Standards state that judicial consideration of sentencing alternatives "should begin with the assumption that a non-incarcerative sentencing alternative is to be preferred unless persuasive reasons exist to the contrary," (ABA Standards at 19-74). The standards provide a comprehensive list of reasons why probation is preferable to imprisonment in appropriate cases:

- a. It maximizes the liberty of the individual while vindicating the authority of the court.
- b. It eases the reintegration of the offender into the community
- c. It minimizes the hidden cost that imprisonment places on the family of the offender, in the form of both reduced income and separation and
- d. It is the most economic form of correctional supervision.

1. Long-Term Inpatient Alcohol Treatment

Per the recommendation of Dr. Rubin in his May 5, 1993 assessment letter and in light of all reports that Tracey responds well to structure and order, a long-term residential treatment center is suggested. With a diagnosis of Alcohol Dependence, Tracey is

clearly eligible for SSI and T19 benefits. It is respectfully recommended that Tracey be placed at Meta House or Crossroads Recovery Center.

2. Residential Placement With Tammy Wishman

Tracey's sister, Tammy has agreed to allow Tracey to live with her and her family. It is respectfully recommended that the use of the electronic bracelet be implemented to deter Tracey from continued drinking. It also serves as a continual reminder that her conduct on the night of the offense cannot be excused, despite her many problems and that she is being punished.

3. Compliance With a Third Party Community Monitor

In proposing a Client Specific Plan such as this to the court, we often seek to enlist the assistance of responsible and respected members of the community to help the offender comply with her conditions of sentence. We have found community monitoring to be of special value since it is frequently the monitor who initially becomes aware of potential problems and impediments to successful compliance with and completion of the sentence. In such instances, the monitor and the offender cooperatively can seek to identify resources and work toward solutions.

When enlisting the services of individuals to serve as community monitors, we fully apprise them of both the nature of the offense and their responsibilities. These responsibilities include:

- a. Development and implementation of a schedule of contacts with the

offender and agencies contained in a Plan to monitor the offender's compliance with the Plan and address potential problems. At a minimum, such contacts with the offender should include at least one in-person contact per month and three telephone contacts per month.

- b. Advocacy for the offender to ensure that she does, in fact, receive the services offered by each resource, as detailed in the Plan.
- c. Provision of assistance with transportation when necessary.
- d. Reporting to the court or Probation Department significant incidents that may impact to preclude successful completion of the plan.
- e. Submission of regular, periodic reports to the court, if required, detailing the offender's activities and progress in each component of the Plan.

Milwaukee Council on Alcoholism and Drug Abuse has been approached and has agreed to provide a Third Party Community Monitor for Ms. Mutz.

#### 4. Obtaining a High School Diploma

Multi -Cultural Community High School is an alternative high school that has been in existence for more than 25 years. It is free and available to any student who wishes to complete his or her secondary education. Its small classes and multiple locations throughout the city make it an attractive and viable option for Ms. Mutz. As noted in all school reports, Tracey succeeds in small- group learning situations. Its nurturing environment makes Multi-Cultural an ideal choice for someone with Tracey's learning disabilities.

#### 5. Counseling

Free or low-cost counseling is available through Family Service of Milwaukee. Interns

and externs in the Family Therapy Training Institute provide an excellent, long-term therapeutic environment for the resolution of individual and / or family issues using a systemic approach.

Sexuality education is the cornerstone of Planned Parenthood's mission. It is clear that the community has an interest in preventing another pregnancy until Tracey has complied with all of the steps outlined in this proposal. This writer has discussed with Tracey the use of Norplant and other pregnancy prevention options. She recognizes many of the offense characteristics were as a result of her serious problems and that until she has resolved these problems, another pregnancy is contrary to public and self interest.

6. Application for SSI benefits.

With a diagnosis of Alcohol Dependence, SSI benefits are likely and will pay for the above suggested treatment.

7. DVR Evaluation After Treatment of Alcoholism

DVR's mission is to assist persons with a substantial handicap to obtain appropriate employment. Ms. Mutz will qualify for DVR assistance based on her alcohol dependence. Based on her past work at fast food establishments, at Summerfest and currently at the House of Correction, Tracey expresses an interest in food preparation. However, in light of her obesity problem, a food - related job should be seen as only

one option in a broad range of potential employment opportunities.

8. Long-term Involvement With Alcoholics Anonymous

The value of Alcoholics Anonymous as a continuing deterrent is evident after many years of success. Typically, each new AA member has a sponsor who assists in preventing a relapse. This monitoring is essential for Tracey because of her shyness and social isolation.