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A 40-year-old Saukville man with a criminal past was sentenced to 10 years in prison Tuesday for selling cocaine and possessing a gun.

Frederick Baker, who pleaded guilty to felony counts of manufacturing/delivering cocaine, possession with intent to deliver cocaine and being a felon in possession of a firearm, was also sentenced to five years extended supervision.

Ozaukee County Circuit Judge Paul Malloy chose the middle ground between a sentencing recommendation from the writer of a presentence report that Malloy said was too lenient and one from the district attorney's office that he said was too harsh.

Assistant District Attorney Jeffrey Sisley argued for a 15-year prison sentence followed by 15 years extended supervision and probation.

The presentence report recommended a four to five-year prison sentence followed by three to four years of extended supervision.

Before sentencing Baker, Malloy questioned Sisley about an "inference" in the state's case that Baker was a relatively powerful, mid-level drug dealer.

"It seems the meat is missing from the bones when it comes to this inference," Malloy said. "How did the (drug unit) arrive at that conclusion?"

Sisley said that the characterization of Baker was based on reports drug-unit officers received from their sources.

"If I had evidence that Mr. Baker was a larger-scale drug dealer, I'd be more inclined to agree with the state's recommendation, but I think it's speculative and I can't sentence someone based on speculation," Malloy said.

According to the criminal complaint, Baker was arrested after selling $1,300 worth of cocaine to undercover officers on five occasions in April.

When authorities searched his home in the 600 block of North Dries Street, they found cocaine packaged for resale, marijuana and a loaded .45-caliber handgun, the complaint states.

Baker told authorities he regularly bought cocaine in Milwaukee and sold it in the Saukville area to pay bills, according to the complaint.

According to court records, Baker was convicted of one felony count of possession with intent to deliver marijuana in Milwaukee County in 1994.

“This is a man who needs to go to prison,” Sisley said during Tuesday’s sentencing hearing.

Referring to the presentence report’s sentencing recommendation, he said, “The state doesn’t believe that’s sufficient. The message needs to be sent that if you decide you are going to sell cocaine in this community, you should go to prison for a long time.”

Baker told Malloy he is a good person, the father of a 15-year-old daughter and a talented chef who made bad decisions following the breakup of his marriage.

“I’m very good at what I do and plan to become an executive chef,” he said. “I have employers just waiting for me.”

Malloy gave Baker credit for his stable work history but said he couldn’t overlook the seriousness of selling drugs.

“We have a huge problem in this community involving controlled substances and it’s increasing,” he said. “It’s not just cocaine. Heroin and pain medications are flooding this community.

“The disturbing thing is the drug dealer never gives a rip where his drugs end up. If they end up in the hands of a 15-year-old, that’s not his problem.”