

Drug dealer gets 12 years in Fredonia man's death

Written by BILL SCHANEN IV

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Judge departs from prosecutor's recommendation after family of overdose victim calls for harsher sentence

Overcome by emotion but articulate, relatives and friends of Tyler Bares made their case in an Ozaukee County courtroom Monday.

The five-year prison sentence recommended by prosecutors, they said, was not nearly enough of a punishment for Mack E. Scott, the Milwaukee drug dealer who sold the 26-year-old Fredonia man a deadly dose of heroin and cocaine in May 2013.



Mack Scott



Tyler Bares

"Tyler was a really great person who made a really bad decision, and he paid the ultimate price," Bares' mother Tracy Jeske told Judge Paul Malloy. "Now it's time for Mack Scott to pay the price."

Bares, a 2005 graduate of Ozaukee High School, died from a combination of heroin, cocaine and alcohol on May 9.

"Mack Scott sentenced me to a lifetime of grief," Jeske said. "This (drug dealing) is an epidemic, and a harsh sentence is the first step in letting people know this won't be tolerated."

Malloy sentenced Scott, who pleaded no contest to first-degree reckless homicide in January for delivering the drugs that caused Bares' death, to 12 years in prison followed by eight years of extended supervision.

Assistant District Attorney Jeffrey Sisley had argued for five years in prison and five years of extended supervision on the homicide conviction, plus an additional four years behind bars for three drug-related crimes stemming from a Milwaukee County case that was consolidated with the Ozaukee homicide case, for a total of nine years in prison.

Malloy sentenced Scott to four years in prison for the Milwaukee County crimes, but the sentence is to be served at the same time Scott is in prison for Bares' death, so it will not extend the 12 years.

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"I could have been OK with the recommendation of the state, but then I read the presentence investigation and found indications of drug dealing," Malloy told Scott. "You gambled and you lost."

Friends and relatives of Bares, who had a degree in electrical management distribution and worked at Charter Steel in Saukville, filled half of the courtroom for Monday's hearing. Those who spoke during the sentencing told Malloy of a productive young man who was a cherished member of a close family and a loyal friend.

Talking about a mother's natural instinct to protect her children from the dangers of the world as they grow up, Jeske said, "As a parent, you can't protect them from the Mack Scotts of the world.

"Mack Scott is an evil person with no remorse. Tyler contributed to society. Mack Scott is a menace to society."

Jeske also alluded to a 2007 Milwaukee County case that charged Scott with possessing a large amount of cocaine for the purpose of selling it. That case was dismissed, and local prosecutors said they don't know why.

"If Milwaukee County would have done its job years ago, maybe, just maybe ... Tyler would still be here," Jeske said.

Sisley noted that drug users make the choice to engage in dangerous behavior, but those choices are facilitated by dealers.

"Tyler did make a choice to use heroin, but that choice (was possible) because this defendant is a drug dealer," he said.

Although Scott wrote a letter expressing remorse for his crimes, Sisley questioned whether he is truly sorry for his role in Bares' death. He noted that in May 2013 when it became apparent that something had happened to Bares, Scott sent a text message to a friend of Bares who helped facilitate the drug deal that read, "If something happened, you don't know me."

And even after Bares' death, Scott didn't stop dealing drugs, Sisley said. When authorities searched his apartment 13 days later, they found heroin, cocaine and marijuana.

But Scott's lawyer, Robert Wells, said his client is not without redeeming qualities. A good father and a coach, Scott attended vocational school in the hopes of finding a good job. But unsuccessful in that pursuit, he became a drug user and a dealer, he said.

Wells noted that Scott did not solicit Bares' drug business.

"My client did not come to Ozaukee County to sell drugs," he said. "(Bares' friend) brought Mr. Bares to Milwaukee to buy drugs."

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According to authorities, Bares was at a Milwaukee Brewers game with relatives and friends the night before his death when he sent several text messages to his friend about buying drugs. In a message recovered from his phone, Bares texted, "I want hard and boii," references, authorities said, to crack cocaine and heroin.

Later that night, at about 9 p.m., Bares texted someone he called Kool, which is one of Scott's aliases.

Bares' cousin told authorities that they left the baseball game during the seventh inning and he dropped Bares off at a fast food restaurant on Silver Spring Drive in Milwaukee to meet friends. His cousin told authorities he didn't stay because he knew drugs would be involved, according to the criminal complaint.

Bares' friend told investigators that on the night of May 8, he, his girlfriend and Bares drove to West Leon Terrace and West Sheridan Avenue in Milwaukee and parked behind a Ford Explorer driven by Scott. He said he purchased \$250 of cocaine and \$150 of heroin from Scott, the complaint states.

Bares' friend said the group drove to Sheboygan County, smoking crack on the way to another friend's house, where they smoked more crack.

"How can somebody who has all these friends and a close family go to a baseball game, enthusiastically seek out heroin and cocaine and be dead the next day?" Malloy asked during Monday's sentencing.

The judge said he was also perplexed by the role drugs played in Scott's life.

"There were really two different Mack Scotts — one who went by the name Kool, and one who coached kids in a basketball league," Malloy said.

"In terms of human misery, I can't think of anything worse than being addicted to heroin or oxycodone," he said, referring to the narcotic pain medication that can lead to heroin addiction.

"If I had a choice of being addicted to heroin or having cancer, I think I'd chose cancer because I'd have a better chance of surviving it."