



**Confidential Defense Map for
Nicholas J. Kowals (Nick)**
from DefenseMap.com

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Questions should be submitted to Info@DefenseMap.com.

Adult case

- a. **Case Description:** Trying to shorten incarceration (by sentence reduction, parole, pardon, clemency, compassionate release, etc.).
- b. **Conviction(s) in this case:** Murder.
Client's position on the conviction(s): I admit I am guilty of the crime(s) I was convicted of. (Client's full explanation is at Section 3.b below.)
- c. **Current representation?:** No.
- d. **Funds to hire an attorney?:** No.
- e. **Sentence:** 55 years (about 27 years with good time credit and 6 months credit for education credits).
- f. **Time served so far:** About 12 years, 4 months.
- g. **Projected/expected release date on this case:** February 1, 2037.
- h. **Completed appeal in this case?:** Yes. It was a weak appeal (no real issues) that raised only my lack of intent to cause a death. But I had made statements that night showing I was a drunken ass who didn't care (or at least acted like he didn't care) about a decent guy I'd beaten up in a tavern fight. The Court of Appeals didn't have any more concern for me than the police, prosecutor, judge, or jury did, and I don't blame any of them.
- i. **Other proceedings challenging the conviction or sentence?:** No.
- j. **Important dates:**
 - i. **Arrest:** February 1, 2010.
 - ii. **Trial:** September 2, 2011.
 - iii. **Plea of guilty:** None.
 - iv. **Sentencing:** November 12, 2011.
 - v. **Direct appeal decision:** August 4, 2013.
 - vi. **Any later filings and decisions:** None.
- k. **Other recent contacts with court, prosecutor, or other officials about this case?:** Yes. I have written on a couple occasions to the prosecutor on my own about a sentence modification, but nothing came of it.

Flags

Important notes to client on use of this Defense Map and these 7 Flags.

- ✓ The following 7 Flags may help you and your attorney in deciding on the best steps to take. But, the entire report is important, so read it all carefully. Take notes for your next discussion with your attorney.
- ✓ You can log back on as often as you want to add more information.
- ✓ Clients can often help their cases by considering any personal changes they'd like to make in their lives. Even one positive change can help many cases.

1. Case descriptors from client

1. **Guilt or innocence in fact** ([Section 3, p. 5](#)): Completely guilty.
2. **Current representation** (Face sheet c): No attorney currently.
3. **Funds for counsel** (Face sheet d): Has no funds for counsel.
4. **Projected/expected release date** (Face sheet j): February 1, 2037.
5. **Time served already** (Face sheet h): About 12 years, 4 months.
6. **Trial?** ([Section 3, p. 5](#)): Had a trial .
7. **Client testified?** ([Section 3, p. 5](#)): No.

2. Additional errors cited ([Section 3, p. 5](#)).

3. Past/other cases:

- **Past arrests and charges** ([Section 4, p. 6](#)): Prior record disclosed.
- **Other important legal cases** ([Section 5, p. 6](#)): Other important legal cases disclosed.

4. Physical health ([Section 7, p. 7](#)): Significant health issue disclosed.

5. Outlook and functioning:

1. **Childhood years** ([Section 13, p. 9](#)): 16 childhood assets reported as either partly or completely missing, and 33 childhood challenges disclosed. The client's responses show an Adverse Childhood Experience (ACE) score of 8 out of 10.
2. **Adult years** ([Section 15, p. 12](#)): 2 of 14 important life assets either missing or partially missing.
3. **Addictive patterns** 1 possible issue(s) disclosed.
 - a. **Use of alcohol** ([Section 16, p. 13](#)): 26 significant responses, a serious indication (2 out of 2) of a possible alcohol issue.
4. **Counseling history** ([Section 20, p. 14](#)): Counseling history disclosed.

6. The client reports a wish to make changes in these 3 areas of life ([Section 22, p. 16](#)):

1. **Relationships** (details on p. 16).
2. **Education** (details on p. 16).
3. **Work/work skills** (details on p. 16).

7. Character and mitigation evidence ([Section 23, p. 17](#)).

Action ideas of attorney and client after reading this Flags page:

NOTE: Special attention may be warranted for the information summarized in Flags 5 and 6 above. Useful options may include (a) an addiction evaluation, (b) a counseling/therapy evaluation, and (c) any other course of action counsel and client think could be helpful.

Summary of Sections

Part A: Legal

1. What's most on client's mind ([p. 5](#)).
2. Client's safety/Emergency needs ([p. 5](#)).
3. Case details ([p. 5](#)).
4. Other criminal cases/arrests ([p. 6](#)).
5. Other important legal cases ([p. 6](#)).

Part B: Basic Profile

6. Military service ([p. 7](#)).
7. Physical health ([p. 7](#)).
8. Family and other important relationships ([p. 7](#)).
9. Education ([p. 8](#)).
10. Employment ([p. 8](#)).
11. Use of free time ([p. 8](#)).

Part C: Personal Challenges

12. PTSD/Repeating bad memories or nightmares ([p. 9](#)).
13. Childhood years ([p. 9](#)).
14. One or more controlling or hurtful partners ([p. 12](#)).
15. Adult years ([p. 12](#)).

Part D: Addictive Patterns

16. Use of alcohol ([p. 13](#)).
17. Use of drugs (other than alcohol) ([p. 13](#)).
18. Other abuse or addiction issues ([p. 13](#)).

Part E: Personal Functioning

19. Mood and functioning issues ([p. 14](#)).
20. Counseling history ([p. 14](#)).

Part F: Life Patterns and Character and Mitigation Evidence

21. Client today ([p. 14](#)).
22. Client's thoughts on the future ([p. 16](#)).
23. Character and mitigation evidence ([p. 17](#)).

Sections

Part A: Legal

1. What's most on client's mind ([Up to Flags Page](#))

I think most about my son and bringing the power of Alcoholics Anonymous, Narcotics Anonymous, and the 12 Steps to fellow inmates.

My son Nick Jr. is an absolutely amazing person, and I would like to play as much of a role in his life as possible. His mother is very good at keeping us in touch, and I draw a lot of happiness out of relating with my son. I owe him so much coming out of this terrible mistake of mine. I would like to pay back this debt as fully as possible—by getting out and being the best hands-on dad possible.

2. Client's safety/Emergency needs ([Up to Flags Page](#))

- a. **Client's sense of personal safety:** Completely safe. Prison is never 100%, but I have a very supportive network here (staff and fellow inmates). I'm okay.
- b. **Emergency needs?:** No.

3. Case details ([Up to Flags Page](#))

- a. **The charge(s):** I was convicted of beating a man up in a stupid tavern fight (one that I was mostly responsible for) and causing his death. Everything I did was with my fists, but I caused the death of a very, very decent man. And for no useful reason whatsoever.
- b. **Client's position on the conviction(s), underlying causes, and any co-defendants:** I admit I am guilty of the crime(s) I was convicted of. While I did not intend for this man to die, I understand the law is that I am responsible for the natural and foreseeable consequences of my behavior. I was the one who was drunk, who provoked this fight, and who landed of the blows that killed this man.

I was a selfish young man acting foolishly. Some words were exchanged about a basketball game on the television, and I turned it into a reason to try to prove my manhood.

This was all my fault, 100%, though it took about 4 years and my immersion in AA to accept this.

- c. **Co-defendants?:** No.
- d. **Contributing factors:** My selfish personality and my alcohol abuse.

I would say that even when this happened, I was devastated by what I had done. But I was not big enough or clear enough in my thinking to be able to face that. So I was living a selfish life with one selfish choice after another.
- e. **Other people involved?:** No.
- f. **Gun or other weapon involved?:** No.
- g. **Violence involved?:** Yes. I was (and remain) a very strong person, and my victim was no match for what I could do to him. In a way, this was more violent than if someone had used a gun – just selfishly beating up someone. I was drunk and do not have a perfect recollection of what happened. But I could not dispute the accounts of onlookers who said that I must have struck Mr. Penrod 10 or 12 times, mostly to his head.
- h. **Any victims:** Yes. Mr. Gary Penrod wasn't guilty of anything but being out with some friends to enjoy an evening. I found out later that he was 25 years old, a very good son and employee, a great friend to many people, and an overall very good man.
- i. **Interaction/statements with law enforcement:** I was surly but cooperative.
- j. **Client discussions with others about the events?:** Yes. This was many years ago, and I long ago gave up pretending I wasn't responsible for this. So, I have talked about this to many, many people, including here in prison in trying to reach inmates with drug and alcohol problems. I have no secrets about this.
- k. **Pled guilty instead of going to trial?:** No.
- l. **Defense theory of the case:** My attorney tried to argue to the jury that I did not intend anyone to die. Which was true. But, as I understand the law, I was responsible for "the natural and foreseeable

consequences" of my behavior. Plus, I came off as such a jerk, I think the jury would've wanted to convict me under any circumstances.

- m. **Belief about reasons for guilty verdict:** Well, I did physically cause this poor man's death, and I was just as unsympathetic a person as you could imagine. I think the jury could even pick up my attorney had trouble relating with me. I think I would've voted for my conviction if I had a vote.
- n. **Client testified?:** No. My attorney thought that I would come off poorly (I think he was right), and the argument about my not wishing this poor man to have died was just as strong without my testimony.
- o. **An illegal sentence or illegal sentencing procedure?:** No.
- p. **Records in client's possession:** My family and I have all of these records.
- q. **Documents with client:**
 - i. The charge and all pleadings.
 - ii. All court rulings.
 - iii. I think all the correspondence between the attorneys. This included an offer by the prosecution that I plead to voluntary manslaughter and agree to a 20-year sentence. But I refused this deal over my attorney's recommendation that I take it.
 - iv. The pathology report and autopsy showing the case fo death.
 - v. The PSR.
 - vi. The trial transcripts.
 - vii. The briefs on appeal.
- r. **Other information about case or sentences?:** Yes. It was all due to my arrogance and selfish personality, but I also think the 20-year-old/manslaughter deal that I turned down would've been more than fair to me. I would be out by now. And I think it fit the facts of the case. But I have no one to blame but myself for not taking that deal.

4. **Other criminal cases/arrests** ([Up to Flags Page](#))

- a. **Juvenile cases:** 4. I think there were four of these. They were all cases of being a minor in possession of alcohol.
- b. **Other adult cases:** 1.
Details: I had one DWI charge and conviction – and it was about one year before this fight that resulted in my current sentence. I got a \$300 fine, a 90-day license suspension, and a suspended 180-day sentence.
- c. **Any other arrests?:** No.
- d. **Other live cases?:** No.
- e. **Most shocking/difficult aspects of any (and all) arrests and detentions:** Seeing the young, lost, and crazy young inmates who come here and are very hard to interest in doing anything to help themselves. But I draw a lot of meaning out of trying to reach them.

5. **Other important legal cases** ([Up to Flags Page](#))

- a. **Any other legal cases now?:** No.
- b. **Past legal cases?:** Yes. My wife divorced me about 3 years after my arrest. But the divorce was friendly, and she has kept Nick Jr. and me connected.

Notes:

Part B: Basic Profile

6. Military service ([Up to Flags Page](#))

None.

7. Physical health ([Up to Flags Page](#))

- a. **Overall health:** Good (2 out of 2).
- b. **History of head injury?:** Yes. I used to brawl some when I was a bad drunk and was knocked out maybe 5-8 times. I don't think I have problems from this, but I don't know.
- c. **History of losing consciousness?:** Yes. See above.
- d. **Diagnosed with brain injury or disease?:** No.
- e. **Other serious physical problems or disabilities?:** No.
- f. **Major surgeries?:** No.
- g. **Currently on medications?:** No.
- h. **Medical condition making incarceration dangerous?:** No.
- i. **Other important medical information?:** No.

8. Family and other important relationships ([Up to Flags Page](#))

- a. **Currently married?:** No.
Currently in a committed or long-term relationship?: No.
- b. **Married before?:** Yes. Sherry was a wonderful and did the best she could with me. We were married for about 4 years in all. We have Nick Jr. together, and she has been a great supporter of my relationship with him, for which I am extremely grateful.

She works in accounts payable at the Saint Joseph Medical Center. She is engaged to a very nice man who I understand is very good to her and to Nick Jr.

- c. **Children:** 1. Nick Jr. is 14 years old, and he is just amazing. He is caring, kind, and intelligent. I have not asked for his forgiveness, though I have apologized to him for what I did to his childhood by this crime, my drinking, and so on. We speak on the phone every week, and I mail him two letters a week. From everything I know, he is a wonderful friend to his classmates, always looking out for what he can do for others, and a great comfort and help to his mother.

He is many of the things I wish I had been.

- d. **Most positive and supportive people in client's life:** On the inside, I have a group of about six inmates who are as dedicated as I am to sobriety and self-improvement. We meet in one form or another several times a week, and every day I see most of them at least briefly. We are in promoting 12-Step meetings, and trying to get more inmates interested in their sobriety, spirituality, and service to others.

I'm proud to say our group was responsible for starting P.U.T.S. (Prisoners Using The Steps). This was our response to noticing that while many inmates go to recovery classes and AA and NA meetings, almost none of them seemed to know or use the Steps. After we heard some talks from RecoverySpeakers.com, we decided we needed to challenge ourselves, other inmates, our instructors and volunteers, and everyone to get this actual recovery going here.

Thanks to this P.U.T.S. effort, we finally have prisoners actual using the Steps.

There are also several staff members I think highly of, along with some volunteers. Sergeant Reynolds is a longtime friend, I'm proud to say. He comments often about how, "This place won't be the same when you get out, Kowals."

There are several regular volunteers here who are important to me, mostly connected to 12-Step meetings.

On the outside, my Uncle Richard, Aunt Louise, and brother Mark rank almost as high in importance as Nick Jr. and Sherry.

- e. **Current unhealthy or hurtful relationships?:** No.
- f. **Other impactful people in client's life currently?:** Yes. There may be as many as 200 inmates here who look up to me and look to me for guidance. We could talk about this sometime. I certainly draw a great deal of strength from them, as it is in serving others that I maintain my own sobriety and continuing growth.

9. **Education** ([Up to Flags Page](#))

- a. **Currently in school?:** No.
- b. **Extent/description of education:** I dropped out of school in the 10th grade after a very short and poor high school performance. I didn't go back to school until I went to prison. Here I have had a great deal of success with education, and I've learned to love learning and reading. I got my GED and then a bachelors degree in liberal studies (with Highest Honors). I've concentrated in classes on psychology, addictions, recovery, writing, literature, and accounting.
- c. **Success in school:** A lot (2 out of 2). All of this came in prison.

10. **Employment** ([Up to Flags Page](#))

- a. **Employed?:** Yes. I have almost had a position created for me here at the prison. I help with the 12-Step recovery programs, the different meetings, the literature we use, the podcasts and audios we tap into, and encouraging sponsorships by inmates with established periods of sobriety.

Before I took this position, 12-Step offerings in the prison were very hit-and-miss. For a while, no such programming or other recovery education was offered until the inmate had less than 24 months before release. This was really quite a crazy idea because we have a great deal of drug and alcohol use in all of our presents. (Certainly drugs are probably more available here than they are on the outside. And we have many, many overdoses all the time, some of them fatal.) I led a group of inmates to educate the institution that we need to offer recovery education, meetings, and encouragement from the minute an inmate arrives here, and I have been working with Sergeant Reynolds and others for the past 5 years and doing what I can to make this a national model.

In the past I was a tutor, sanitation worker, and Hospice companion for dying inmates. But my present job really takes all of my time.

- b. **Prior work experience:** On the outside I used to work in construction and RV assembly. I didn't dislike that work, but on the outside someday I hope to work in the field of addictions and sobriety.
- c. **Any other important information about employment or work history?:** Yes. I really like my work.

11. **Use of free time** ([Up to Flags Page](#))

- a. **Currently:** Believe it or not, I don't have a lot of free time once you calculate the contact that I try to have with this many fellow inmates on addiction issues. I consider this work a major part of the amends that I owe Mr. Penrod and his family and all of society. But with over 3/4 of our inmates arriving with some form of these issues, there is almost no end to the good we can do.
- b. **Consequences from ways client has used free time:** Everything is made possible by this way of using our spare time. Most people don't know that Bill W. and Dr. Bob (the founders of AA and the 12 Steps) found each other because the only way they could stay sober was to help someone else stay sober.

It is a story worth telling over and over in our prisons.

Notes:

Part C: Personal Challenges

12. PTSD/Repeating bad memories or nightmares ([Up to Flags Page](#))

- a. **PTSD?:** No issue indicated.
- b. **Most shocking or upsetting experience:** The most shocking thing I have experienced, without a doubt, was taking this poor man's life.

I can't undo this terrible reality, but I continue to live with it and take responsibility for it by the good that I can be to others and by the direct amends I made to his family about a year ago (and was blessed to have them accept). Otherwise, I have no doubt I would still be having nightmares and terrible daily memories of what I did.

I can't say that it is ever completely out of my consciousness that I did this terrible thing. But as long as I have a way to serve, I am not haunted by what I did.

13. Childhood years ([Up to Flags Page](#))

- a. **Client most wants understood about childhood:** A lot of people would say that I had a bad childhood, but I would say that I had a "good enough childhood." None of my circumstances (including imprisonment) came about because of my childhood. It was an alcoholic and chaotic childhood, but I think it was good enough that I should have risen above my problems much sooner.

Childhood assets. Regarding 17 possible important childhood assets, the client reported the following:

- **Present in client's childhood:**
 1. **Other loving family members.** Several of these family members, including my aunt and uncle were the biggest reason my life didn't go even worse than it did. Several times I went to their homes for an escape and didn't go home for several weeks. I was lucky to have them.
- **Somewhat present in client's childhood:**
 1. **All my basic needs.** Both of my parents were bad alcoholics, and they would often lose their jobs. There were many times we didn't have enough food or the lights went out or we were kicked out of whatever house we were renting. But we got along.
 2. **A loving mother who stayed in my life.** Being a practicing alcoholic, my mother did the best she could. She never outright abandoned us, but she didn't exactly stay in our lives either. She was only partially present and in the role of a mother. But I'm sure she meant to do well. About two years ago she stopped drinking, but I would not say she's sober. She deals with a lot of guilt and isn't yet open to any of the spiritual messages I try to give her.
 3. **A loving father who stayed in my life.** Like my mother, my father gave what he could. His drinking limited this. He was gone from the home many times for long periods of time, but he never completely abandoned us. He died only about five years ago, and he never got into recovery. He was a hard person to reach.
 4. **A lot of admiration from my family and others important to me.** There was a little bit of this, but not a lot. I think my parents struggled so much to get what they needed there was nothing left for them to offer us in terms of admiration.
 5. **A family that took my concerns and wishes seriously.** I think my parents would have WANTED to do this. They just had too many deficits themselves to pull it off. But I guess I want to believe they meant well.
 6. **Adults who responded to my mistakes and misbehavior with positive correction instead of punishment.** The whippings and such were more or less common back then. Probably today they would not be thought acceptable. But we were OK. We certainly didn't "talk things out" or have Mr. Rogers-type discipline.
 7. **A lot of encouragement to do well in school.** There wasn't much said about this, but I certainly felt they liked it on the few occasions when they saw me having better grades rather than worse ones.
 8. **Good friends almost all the time.** I had close friends from some sports activities and neighborhood stuff. They weren't always the healthiest kids to be around, but it was good to know them, and a few have done well.
- **Missing in client's childhood:**
 1. **Parents who stayed happily together.** The fighting and violence between them was

- finally too much, and they separated and divorced about two years before my arrest.
2. **Peace within my family as a whole.** Peace was definitely not our strong suit at the Kowals home. There was a lot of fighting, a lot of physical violence, and a lot of hurtful emotional and verbal abuse.
 3. **A family that was able to have disagreements but then peacefully settle them.** I think we tried to love each other. But with the alcohol and violence, things never did really peacefully settle down.
 4. **A consistently safe home life.** I think most experts would say that our home was highly unsafe, certainly emotionally unsafe. (We even had a CPS investigation once about this.) Given that I find prison a much more predictable and safe place than home, I guess I would have to agree.
 5. **Consistency in the admiration and encouragement I received.** It just wasn't there. My parents didn't have enough of their own needs met to be able to offer this to us. I got some of this from my aunt and uncle, for sure.
 6. **A family where I could talk about things that hurt or scared me.** I always felt if I threw one more need into the middle of our family, it might explode. So I kept a lot locked up inside myself.
 7. **An overall good experience with school.** I would take responsibility for this. I just did not apply myself in school or see the importance of doing well.
 8. **The feeling that I would have a good future.** I don't recall ever thinking about this. In fact, it always struck me as funny (and even nerdy) when I heard some kid talking about what he wanted to be when he grew up. In retrospect, of course, I can see that kind of thinking about one's future as important, but it just wasn't part of what our life was about. Funny, today I'm finally, gratefully one of those nerds.

c. Childhood challenges:

i. Family structure during my childhood:

1. My father's death. This was technically during my childhood. I almost 18 at the time.
2. Unsafe or unhealthy people brought into our home or family life. The unsafe and unhealthy person in my life was brought there by ME. And to him, I was exposed to probably 20 or 30 other very dangerous people.

ii. Childhood attack or physical abuse (other than sexual):

1. Hit or physically attacked.
2. Threatened with being hit, physically attacked, or injured.
3. A crime against me.
4. Physical abuse by a family member.
5. Violent physical punishment.

iii. Childhood emotional or verbal mistreatment or abuse:

1. A lot of hurtful criticism/put-downs from my father.
2. Yelled at often.
3. Made to feel unwanted in the family.
4. Any other emotional abuse by a family member.
5. Emotional (including verbal/spoken) abuse by someone outside my family.

iv. Family members' functioning during my childhood:

1. A family member with mental problems. I loved them, but I think both of my parents had mental problems. Alcoholism, we are taught, is itself a form of mental illness. But my parents also had problems with rage, an inability to control their emotions, and the like.
2. A family member with trouble controlling his/her anger.
3. Alcohol or drug abuse by a member of the family. Both of my parents drank amazing amounts. My dad could easily drink 2 quarts of whiskey a day. My mom could drink close to a quart of vodka a day.
4. Arrest or incarceration of one or more family members. I think my dad was arrested more than a dozen times. These were for public intoxication, assault, and even a drunken burglary once. I didn't know the details of all of the arrests.

v. Functioning of the family during my childhood:

1. Times of homelessness.
2. Times of living in an unfit home.
3. Times without enough food.

4. A legal case or investigation over how I (or another child) was being treated. This was the Child Protective Services case when someone anonymously turned our family in because my parents had been drinking and fighting for over a week, and some neighbors found Mark and me a couple blocks away crying.
 5. Physical violence between my parents.
 6. Repeated conflict or loud arguments between my parents.
 7. Repeated conflict or loud arguments between people I lived with.
 8. Scary behavior by someone in my family. "Scary" is an interesting word. This captures my childhood. Again, my decisions and mistakes were my decisions and mistakes, so I don't blame my circumstances on this. But, yes, I'd say our home life was defined by being scared.
- vi. **As a child, seeing something very upsetting or frightening:**
1. Seeing or hearing a serious accident or injury to someone.
 2. Seeing or hearing someone attacked.
 3. Seeing or hearing someone beaten.
 4. Seeing or hearing a violent fight.
 5. Seeing or hearing someone threatened.
- vii. **As a child, feeling responsible for something bad that happened:**
1. Feeling that an accident, death, or other sad or scary event was my fault.
 2. Feeling that I was supposed to stop or fix some problem in my family. This was always a heavy burden for Mark and me.
- viii. **Other childhood issues:**
1. Doing things with a gang or hanging out with a gang.
 2. Alcohol use. LOTS of this starting at about 13.
- d. **Relationship with father (while growing up):** Poor (0 out of 2). I'd like to be able to say it was better than this. But it just wasn't. I keep wanting to say he wanted to do better.
- Relationship with father (today):** My father is not living. My dad died of congestive heart failure a few years after I went to prison. We didn't have much of a relationship even then. I had become sober, and I tried to talk to him about such things. But between the very difficult history between us and our different opinions about drinking and spirituality, there just didn't seem to be anything for us to build on.
- e. **Relationship with mother (while growing up):** Fair (1 out of 2).
- Relationship with mother (today):** Good (2 out of 2). It isn't perfect, but we talk. I think she feels too guilty about our upbringing to do any counseling or 4th Step work ("a searching and fearless inventory" of herself), even though I have told her that she is forgiven for everything.
- But she takes my calls and my letters--and even sends one a couple times a year.
- f. **Raised at any time by anyone other than mother or father?:** Yes. I lived with my aunt and uncle on several occasions. This helped a lot.
- g. **Any other serious difficulties in childhood?:** No.
- h. **ACE (Adverse Childhood Experience) Score:** 8 out of 10. The client answered Yes to the following standardized questions.
1. **Did a parent or other adult often either: Swear at you, insult you, put you down, or humiliate you? OR act in a way that made you afraid you might be physically hurt?**
 2. **Did a parent or other adult in the household either: Often push, grab, slap, or throw something at you? OR ever hit you so hard that you had marks or were injured?**
 3. **Did you often feel either: That no one in your family loved you or thought you were important or special? OR that your family didn't look out for each other, feel close to each other, or support each other?**
 4. **Did you often feel either: That you had no one to protect you, had to wear dirty clothes, or didn't have enough to eat? OR that your parents were too drunk or high to take care of you or take you to the doctor if you needed it?**
 5. **Were your parents ever separated, apart, or divorced?**
 6. **Was your mother or stepmother either: Often pushed, grabbed, slapped, or had something thrown at her? Or sometimes kicked, bitten, hit with a fist, or hit with something hard?**
 7. **Did you ever live with anyone who was a problem drinker or alcoholic or someone who used**

drugs?

8. Was a household member depressed or mentally ill, OR did a household member ever attempt suicide?

Note: The ACE Questionnaire is credited with establishing the strong link between traumas in childhood and chronic disease and life difficulties in adulthood. The higher the ACE score, the greater incidence of a broad range of adult challenges. See [History and Significance of ACE Questionnaire](#).

- i. **Any connection between childhood problems and legal problems (including this case)?**: I'm not sure. I want to be fair to my parents here.

My mistakes have been my mistakes. But I think any expert looking in on our family would say there is a connection between the problems in my upbringing and what happened to my life. But I made my decisions, including the more recent ones to try to make a celebration out of my life.

So, sure, I had problems in my childhood that contributed to all of this. But I am getting control over all of those things by accepting full responsibility for everything, including my decisions and what I am going to do with what was handed to me.

14. One or more controlling or hurtful partners ([Up to Flags Page](#))

- a. **Any current involvement with a controlling or hurtful partner?**: No.
b. **Past controlling/hurtful relationships?**: No.

15. Adult years ([Up to Flags Page](#))

- a. **Current life assets. Among 14 possible important life assets, the client reported the following:**

• **Definitely present today:**

1. Good physical health.
2. Safety in all parts of my life.
3. Good peace of mind/freedom from worry most of the time.
4. A lot of joy/happiness.
5. At least 3 good and helpful friends I can call on anytime.
6. Work I like.
7. Volunteer work I like.
8. A lot of purpose in my life/a feeling that my life matters to others.
9. A good balance between work, rest, and play.
10. A safe place to live--without fear of losing it.
11. Good feelings and trust for police and other authorities.
12. A spiritual life I'm happy with.

• **Somewhat present today:**

1. A loving and helpful family life. Prison isn't exactly a "loving and helpful family," but I have found a sort of family here in the opportunity to relate with good people and try to help people in need.
2. Enough money/financial security.

• **Missing today:** 0.

- b. **Client describes his/her problems in adult life:** As I said before, I had many problems in my life as a young adult due primarily to my alcohol abuse, immaturity, and selfishness. I had a beautiful wife and son, and I threw it all the way – all in the course of killing an innocent man. It was shameful.

But today, I think I can say I am one of the most fortunate people I know. I have a great deal of purpose and hope. I'm not sure anyone could ask for more, and I certainly don't feel I deserve more.

Part D: Addictive Patterns

16. Use of alcohol ([Up to Flags Page](#))

a. Significant responses regarding use of alcohol:

1. I've sometimes had more to drink than I initially set out to drink.
2. I drink more than people whose drinking doesn't seem to cause problems in their lives.
3. Drinking has caused a problem in some area of my life.
4. I've sometimes felt I needed to cut down on my drinking.
5. I've sometimes felt guilty about my drinking.
6. A friend or family member has worried or complained about my drinking.
7. When thinking about giving up drinking, I've thought that I'd really miss it.
8. I've planned things around whether (or how much) I would be able to drink.
9. I've felt uncomfortable in some places where I couldn't drink.
10. I've made promises to others about controlling or cutting down on my drinking.
11. I've had trouble quitting or cutting down on my drinking.
12. I've often used alcohol more than twice a week.
13. I've often had more than 6 drinks in a day.
14. I've tried to keep people from knowing about how much I drink.
15. I've used drinking to deal with difficult feelings.
16. I have one or more blood relatives with alcohol or drug problems.
17. I've been arrested for something when I've been drinking.
18. I've had physical problems from drinking the day before.
19. I've regretted afterwards things I've said or done when drinking.
20. My drinking has caused problems between a family member (or friend) and me.
21. I've sometimes felt angry or annoyed by people criticizing or commenting on my drinking.
22. I've been to counseling or treatment for alcohol or drugs.
23. A professional has told me I may have a problem with drinking.
24. I plan to use help to stay sober (A.A., other recovery fellowship, treatment, or something else).
25. I've spoken to someone for advice or help about my drinking.
26. I've attended one or more meetings of A.A. (Alcoholics Anonymous) or N.A. (Narcotics Anonymous).

b. Last used alcohol: More than 10 years ago.

c. Any connection between alcohol and legal problems (including this case)?: Yes. There is a total connection. Even back then when I was such an ass, I wouldn't have wanted to cause anyone's death.

d. Client's belief about having a problem with alcohol: Yes. There is no doubt about this.

17. Use of drugs (other than alcohol) ([Up to Flags Page](#))

a. Significant drug responses: None.

b. Reflections on drug use: Drugs (other than alcohol) just haven't been my problem.

c. Client's belief about having a problem with drugs: No.

d. Any connection between drugs and legal problems (including this case)?: No.

18. Other abuse or addiction issues ([Up to Flags Page](#))

a. Other addictive patterns or harmful habits?: No.

Notes:

Part E: Personal Functioning

19. Mood and functioning issues ([Up to Flags Page](#))

- I. **Past suicide attempts:** No.
- II. **The client's responses don't include indications of the following in the last 12 months:**
 - a. **Thoughts of hurting myself** (0 out of 9).
 - b. **Depression** (0 out of 13).
 - c. **Thoughts of hurting others** (0 out of 8).
 - d. **More anger than most people seem to have** (0 out of 9).
 - e. **Dependence/Codependence** (0 out of 13).
- III. **Significant responses were given for the following possible mood and functioning issues in the last 12 months:**
 - a. **Other mood or functioning issue:** None.

20. Counseling history ([Up to Flags Page](#))

- a. **In counseling currently?:** No.
- b. **Using medications currently for mental or emotional issues?:** No.
- c. **Used medications in past for mental or emotional issues?:** No.
- d. **Prior counseling/therapy?:** Yes. Really the only counseling I've had was some referrals in the first few years of incarceration when I was angry, blaming, and out of control. I had about 4 appointments, and they may have helped at least in the sense of hearing one more voice talking to me about the drinking in my past.
- e. **Participation in recovery or survivor groups?:** Yes. AA is a way of life for me now, and I even attend NA meeting, though I have no drug issue.

Part F: Life Patterns and Character and Mitigation Evidence

21. Client today ([Up to Flags Page](#))

- a. **Best things in client's life today:** 1. My relationship with my son and, if possible, the chance to be out and with him and helping him.
2.. My recovery, helping others' recovery, trying to make this a better offering to young and new inmates.
- b. **Hardest or most challenging things in client's life today:** Wishing to help my son and my mom but being limited in that because of this sentence.
- c. **Worst events during incarceration:** This is hard to say, as I always want to believe we can turn things that happen to us toward something good. I will need to think about this.
- d. **Spiritual or religious aspects of client's life:** I'm highly spiritual. This is important because AA and NA really are spiritual programs.
- e. **Jobs and job training while incarcerated:** 1. January 17, 2012-November 1, 2013; Medical and Hospice Companion. This is trained companionship service to disabled inmates and simultaneous training in medical safety. This involved being matched one-on-one with various disabled inmates (inmates with cancer, strokes, Alzheimer's, Lewy Body, other dementias, and recovery from surgeries). Then 2-4 hours a week I got classes on this health care. I was always rated "Superior/Highest" and was taken off only because the prison worries about burnout in this field (especially when one of our "Charges" passes away or must go into lockdown care).
2. November 1, 2013-February 29, 2015; GED tutoring. I tutored hundreds of inmates in Math, English, and Writing for their GED examinations. I loved this work and still get letters of thanks from inmates I helped. I was always rated "Superior/Highest."
3. March 1, 2015-January 15, 2021; Inmate Recovery Instruction Aide. After helping to convince the administration that we need more 12-Step meetings and instruction, I was asked to assume this new position to help with this instruction. We made our program into a national model. Among

other things, we implemented (a) use of podcasts, videos, and audios of recovery speakers from RecoverySpeakers.com and elsewhere, (b) actual use of the 12 Steps instead of just reading them at the start of meetings and then ignoring them, (c) the extension of recovery services to (c) getting recovery services to inmates as soon as possible following thither arrival and regardless of how much time is left on their sentences, and (d) encouragement of AA and NA sponsor relationships between inmates. Again, I was always rated "Superior/Highest."

4. January 16, 2021-present; Inmate recovery Instruction Co-Director. This same work but with expanded responsibilities to schedule volunteers, set up Zoom meetings and talks, and addressing the overdose crisis in the institution.

f. Classes/education while incarcerated: 1. "Introduction to The 7 Habits of Highly Effective People," March 14, 2012-September 1, 2014; 32 classes of 2 hours each. Certificate dated September 1, 2014. This was an amazing class that helped me to know I'm in charge of my destiny (Habit 1: "Be Proactive") right on through the rest. I use every one of these every day and love to share them with anyone else who's interested.

2. "Clean and Sober 101," March 1, 2014-August 30, 2014; 16 classes on how being clean and sober is a product of wise decisions every day. Certificate dated August 30, 2014. This was an excellent list of 20 wise decisions the clean and sober person can make every day from actually knowing and using the Steps, to teaching the Steps and sponsoring others, to choosing friends and surroundings wisely, to just plain stopping and reaching out for help at the moment relapse becomes thinkable—and much more. Maybe the most powerful experience in my life, because this prison (like all of them) is also full of drugs and alcohol.

3. "12 Steps and You," September 9, 2014-January 30, 2016; 60 weekly classes on "why the Steps actually work—if we just work them" (our slogan). Certificate dated January 30, 2016. Truly powerful. What I liked best is that we were able to confront ourselves and others on how so many people had been going to NA/AA meetings, but never knew the Steps. We challenged ourselves and became people in real recovery. I'd say every one of us who stayed in the program knew the Steps and, most important, USED THEM EVERY DAY. Where we once thought we were in recovery but actually were sleepwalking through meetings because we didn't know the Steps, we became, like Step 12 says, people who "practice these principles in all our affairs."

4. "Surviving and Thriving," December 15, 2015-June 1, 2017; 75 weekly classes on rising above abuse and family chaos of all kinds, including by putting one's recovery to a good use like helping others. Certificate dated June 1, 2017. The instructors were outside volunteers from our community college and were amazing. So many of us for the first time were able to face terrible things that had happened to us and stop being victims.

5. "Relationships and Their Effects," March 1, 2016-January 31, 2020; weekly classes on how we're all affected more than we realize by who we hang with AND who we avoid. The slogan was, "You're the average of the 5 people you spend the most time with," and this really hit home to all of us.

6. "Clean and Sober 2.0," December 1, 2019-present; I've been co-teaching the 101 classes with the instructors. It's been an amazing experience to be this help to others. I've probably helped to teach over 400 fellows.

g. Counseling, drug/alcohol recovery fellowship, religious groups, and other personal growth while incarcerated: Hundreds of AA meetings, several dozen NA meetings, many "Speaker Meetings" where I was the presenter, instructor at hundreds of recovery classes, and more. I can give you a separate schedule of all these.

h. Other measures at self-improvement during incarceration: I've taken virtually every class, program, and volunteer activity available to me. Again, I have a separate document with all these that I will give you.

i. Rules/conduct violations during this incarceration: I had 7 violations, all in the first year of my arrival. And then nothing since then.

1. December 24, 2011; Disobeying an order (to exit my cell); Admitted the violation; 30 days extra cleaning work.

2. January 1, 2012; Continuing to argue after being ordered to stop; Admitted violation; Written warning.

3. March 30, 2012; Missing count; Denied violation and found guilty of lesser charge of not advising of referral to infirmary; Written warning.

4. July 2, 2012; Missing count; Denied violation (based on following an officer's order) and found

Not guilty.

5. July 14, 2012; Unauthorized food in cell; Admitted; Written warning.

6. September 1, 2012; Unauthorized extra pillow in cell; Admitted; Written warning.

7. October 15, 2012; Missing count without excuse; Admitted (was playing basketball and lost track of time); 30 days extra cleaning work.

- j. **Assistance to the institution/facility during incarceration:** I would cite all my 12-Step work, sponsorship of probably 30 guys in recovery, and help in creating a national model of a prison recovery program.

The power of the P.U.T.S. program has surprised everyone. It's a simple way to change lives every day.

Learn the Steps.

Use the Steps.

Share the Steps.

And talk about them everyday.

One of our members once counted the number of words in the 12 Steps. Oddly, there were only 200. And exactly 200. What a strangely round number, we thought. But we realized that was fewer words than in the hundreds of songs we all knew by heart. Why not learn THESE 200 life-giving words?

- k. **Living arrangement plans:** With my brother Mark Kowals, 1621 E. LaSalle Street, Des Moines, Iowa. I would pay him as soon as I had a job. This is only about 2 miles from where my son and his mother live, and only about 3 miles from where my sick mother lives.
- l. **Work plans:** I would take any job available to me, but my goal would be to apply to Oaklawn Mental Health Services and any other organization offering drug and alcohol counseling and support. I do have current jobs offers from Royal RV Construction, Ferrell Industries, Cross Home Renewals, and several other companies. None of these is beneath me, and I'll gladly accept any of these offers. But my ultimate goal is to use my difficult past and terrible mistakes to help others.
- m. **Other release resources:** AA, NA, counseling, and anything else my family, sponsor, or parole officer recommends. I'm open to all the help anyone thinks I need.
- n. **Special upcoming opportunities or circumstances:** My son is close to going into high school. He has worried about me enough, and he deserves my support. My mother has cancer and could use my help.
- o. **Client plans for more steps supporting release:** Believe it or not, my days and evenings are quite full. But I would add anything useful that comes along, whether it's something to help me directly or to help others.
- p. **Other important information about the relief sought:** I believe Mr. Penrod's family might well support this as well.

22. Client's thoughts on the future ([Up to Flags Page](#))

a. **Wish for changes in the following areas:**

1. **Relationships.** I would like to continue with my excellent relationships with my son and his mother, my mother, my brother, and my aunt and uncle. But I'd also like to connect with some of the teachers and coaches who tried to help me and are working with troubled kids now.
2. **Education.** I'd like to take college and professional classes in addictions and social work so that someday I can have the best job possible helping people.
3. **Work/work skills.** I want to get any license necessary to put my recovery skills to work for others. It may be a stretch, but I'd like to work with corrections organizations to pass our model recovery program to other institutions.

- b. **Client goals:** To be a great hands-on dad, a help to my mother, and a professional in the field of addiction services.

- c. **Specific things client thinks a judge would like to see 4 months from now:** I think a judge would want me to continue with my current recovery and work.

- d. **Something good the client can imagine coming from current challenges:** Indeed! There is a famous page in the AA Big Book: "There are no mistakes in God's world." So, it's all what you make of your circumstances. This is what Habit 1 of "The 7 Habits of Highly Effective People" teaches. So, yes, DEFINITELY!

And I think it's my absolute responsibility to make good come out of the terrible crime I committed.

23. **Character and mitigation evidence** ([Up to Flags Page](#))

- a. **Best accomplishments:** Without repeating what I've already written, I'd definitely point to P.U.T.S. and my other efforts to address my own alcoholism and set an example for others.
- b. **Personal strengths:** I have great energy and a strong desire to help people in need, especially young adults trying to overcome problems.
- c. **People client is currently helping (or who currently rely on client):** As I say, my son and my mother head this list. And I also like to think I can help many others with the example of my recovery.
- d. **Other people client has helped:** I was a jackass before prison, so I can't cite to much good in me from long ago. But I think what I've done since has been a lot better.
- e. **Client's Index of Supporters:**

1. **Richard and Laurie Williams:**

- a. **Relation to client:** My aunt and uncle.
- b. **Trustworthiness:** These are powerfully good people. They gave me sanctuary as I was growing up. My aunt is a middle school counselor, and my uncle is supervisor at Riverside Industries, a plastics manufacturing business. They both volunteer at their church and at Habitat for Humanity.
- c. **Contact information:** 515-532-8472.
- d. **Specific help:** They can give great guidance and encouragement, just as they have in all these years they've stayed in touch with me. They say they have an extra car I can borrow and use as much as I need. They want to offer financial as well as personal and spiritual assistance.

2. **Sgt. Reynolds:**

- a. **Relation to client:** Sgt. Reynolds has been in charge of recovery services at our facility and thus my supervisor for 6 years.
- b. **Trustworthiness:** Sgt. Reynolds is admired by everyone. He's an outstanding corrections official and also a volunteer fireman, a co-instructor at the parenting and co-parenting classes for the local courts, and a certified 7 Habits instructor. An amazing, amazing man.
- c. **Contact information:** Iowa State Penitentiary, 2111 330th Avenue, PO Box 316, Fort Madison, IA 52627.
- d. **Specific help:** Sgt. Reynolds has often said he wants to do anything he can to help me succeed on the outside. I hope to always know him.

3. **Mark Kowals:**

- a. **Relation to client:** Brother.
- b. **Trustworthiness:** Mark is a terrific guy who's worked exceptionally hard to overcome issues from our childhood. He's a Head Start instructor, which I think is so amazing given that he didn't get much of a good start to his own life.
- c. **Contact information:** 515-532-7722.
- d. **Specific help:** Mark wants me to live with him and wants to help me in any way he can.

4. **Sarah Kowals.:**

- a. **Relation to client:** Mother.
- b. **Trustworthiness:** My mom had many problems from her drinking and her own alcoholic family. But she has been a person of integrity at some other times when it's counted.
- c. **Contact information:** 515-950-8844.
- d. **Specific help:** My mom would always encourage me and give the best advice she could. I think she can support the rekindling of my hands-on relationship with Nick, Jr.

