



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS

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Denise Rotheimer
25421 W. Rockford Street
Ingleside, IL 60041

Chicago
May 2, 2003

Re: Laura Diane Horner
in relation to
Denise Rotheimer
No. 03 CI 1154

Dear Ms. Rotheimer:

We have concluded our inquiry into your complaint regarding Ms. Laura D. Horner and we have determined that additional action by this office is unwarranted.

Ms. Horner was the prosecutor assigned to handle the State's case against Mr. Michael Desario. Your daughter was Mr. Desario's victim. You complained that Ms. Horner failed to inform you of your right to present a victim impact statement at Mr. Desario's sentencing hearing. Furthermore, you alleged that Ms. Horner violated your rights as a victim when she negotiated a plea agreement with Mr. Desario without informing you of the terms of the agreement.

Ms. Horner explained to us that the State's Attorney's Office in Lake County has a court ~~* advocate who meets with the victims of crimes and their families to inform them of their rights.~~ According to Ms. Horner, although a couple of meetings were set up for you and your daughter to meet with the County's court advocate, the appointments were not kept. She said that when you did meet with the court advocate, the court advocate did inform you of your and your daughter's rights as victims. As it appears the testimony would be conflicting regarding what you were advised by Ms. Horner and representatives of her office, we would not be able to meet our burden of proving by clear and convincing evidence that you were not advised, either by Ms. Horner or other representatives of her office, of your rights under the Illinois Rights of Crime Victims and Witnesses Act.

Ms. Horner told us that she discussed with you various aspects of the State's case against Mr. Desario on a number of occasions, in person and by telephone. You acknowledged speaking with Ms. Horner about the case. We recognize that you believe that Ms. Horner should have informed you of any plea agreements between the State and Mr. Desario. However, Illinois law provides that the victims of crimes be consulted before the State's Attorney's Office makes a plea offer only when practical and only when requested in writing by the victim. Ms. Horner



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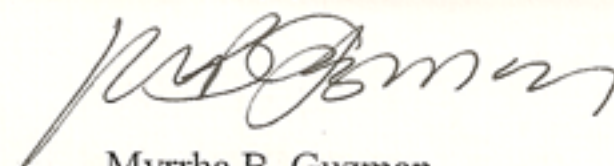
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said that based on her experience, Mr. Desario's criminal history and your input, she negotiated a plea with Mr. Desario. Based on the information we have in our possession, we have determined that we would not be able to prove that Ms. Horner's decision to agree to a negotiated plea with the terms outlined by her at the sentencing hearing, instead of going to trial, was unreasonable.

While we understand your frustration, we note that the Judge allowed you to make a statement on your daughter's behalf before finalizing Mr. Desario's sentence. Based on the reasons above, we have determined that a formal disciplinary prosecution of Ms. Horner would not be successful. Accordingly, we are closing our file in this matter.

Thank you for bringing your concerns to our attention.

Very truly yours,


Myrrha B. Guzman
Counsel

MBG:cp
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* Assistant State's Attorney Horner cancelled the meetings with Denise Rotheimer and the advocate