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Althea K. Welsh  
Senior Counsel  
Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois  
One Prudential Plaza  
130 East Randolph Drive  
Chicago, IL 60601-6219

March 28, 2003

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

Dear Ms. Welsh:

I am in receipt of your letter informing me of the communication from Ms. Rotheimer in which she alleges her rights under the Rights to Crime Victims and Witnesses Act, 725 ILCS 120, were not fulfilled. Some of the allegations are factually incorrect. I respond as follows:

1. Pursuant to the Rights to Crime Victims and Witnesses Act, 725 ILCS 120, I had numerous conversations with Ms. Rotheimer in regards to the Desario case. Both in person and by telephone, I explained the range of penalties, the process and procedures involved, and the nature of this case compared to other similarly charged cases. I also had a meeting with Ms. Rotheimer and her daughter, the victim of the case, discussing the strengths and weaknesses of the case, the range of penalties, and the realistic outcome. Based on my experience, and her input, it was decided that we were not going to reduce the charge against her daughter's assailant and Ms. Rotheimer was aware of, and present at, the sentencing of Mr. Desario.

2. A fully negotiated plea was entered by Mr. Desario to a sentence of 7 ½ years to be served at 85%. Despite the fact that there is no right to give a victim impact statement when the plea is fully negotiated, the judge allowed Ms. Rotheimer to approach the bench and make a statement regarding her feelings about the sentence and the offender.

**Felony Review Division**  
Robert H. Babcox  
Justice Center  
20. S. County Street  
Waukegan IL 60085  
(847) 360-5730  
Fax - (847) 263-6179

**Civil Division**  
18 N. County Street  
Waukegan IL 60085  
(847) 360-6878  
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**Child Support Enforcement**  
33 N. County Street  
Waukegan IL 60085  
(847) 360-6583  
Fax - (847) 360-1097

**Children's Advocacy Center**  
323 N. West Street  
Waukegan IL 60085  
(847) 360-6878  
Fax - (847) 360-6850

**Juvenile Trial Division**  
Robert W. Depke  
Juvenile Justice Complex  
24647 N. Milwaukee Avenue  
Vernon Hills IL 60061  
(847) 634-7667  
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3. It is understandable that Ms. Rotheimer is distraught about what happened to her daughter. However, a realistic sentence is based on the particular facts of the case, the defendant's criminal history, or absence of same (as was the case here), and sentences given to other defendants similarly situated. The Judge was fully informed of all the facts, and, in fact, recommended the 7 ½ year sentence. This is an excellent indicator of what the outcome would have been after a trial. It was my judgement that if we could obtain a sentence similar to that achieved after trial, avoiding the possibility of a not guilty verdict, and spare the 12 year old victim the trauma of having to relive her ordeal by testifying in court, such would be a desirable result.

I am sorry that Ms. Rotheimer is unhappy with the outcome of this case. All of Ms. Rotheimer's rights under the Rights to Crime Victims and Witnesses Act were respected and fulfilled..

Thank you for the opportunity to respond to the communication from Ms. Rotheimer.

Sincerely,

Laura D. Horner  
Assistant State's Attorney