

October 6, 2005

Mr. Michael Waller
State's Attorney
The Nineteenth Juicial Circuit Court of Lake County Illinois
18 N. County Street
Waukegan, IL 60085

Dear Mr. Waller,

My name is Denise Rotheimer and as you know, I have filed a complaint with the A.R.D.C. regarding the unfair treatment that I received from your office as a witness of a violent crime and that investigation is still pending.

As I explained to your receptionist over the telephone this morning, I contacted the National Center for Missing and Exploited Children to ask them why Pedophiles are treated with more respect for their dignity than victims and witnesses who file the police report? Unfortunately, once the victim or the witness who files the report has no choice but to go through the criminal justice process, and receive representation from the State's Attorney's Office. The reason why I am saying this is unfortunate is because the State's Attorney's Office does not guarantee that the victim or witness will be informed of their rights, under the Victims and Witnesses of Violent Crimes Act, and, based on my experience, find themselves powerless because they are not treated with the same respect for their dignity as the defendant is. But rather comes to realize that the defendant is repeatedly asked if he or she was informed of their rights and then a full disclosure of their rights is given to them at the sentencing hearing. Mr. Waller why does the State ensure the proper treatment for the respect of the defendant's dignity and, secondly, why does the State propose the minimum prison sentence in a case whereby a defendant is convicted of a class X Felony charge, or in my case it was a "Predatory Criminal Sexual Assault of a child" when he or she pleads guilty?

If the State does not implement its Laws to protect the victims, then how are the People of the State of Illinois protected by the Laws should they become a victim? Under the Scope of the Act of the Victims and Witnesses of Violent Crimes Act states: Any act of omission or commission by any law enforcement officer or State's Attorney, by the Attorney General, Prison Review Board, Department of Corrections, Department of Human Services, or other State agency, or private entity under contract pursuant to Section 8, or by any employee of any State agency or private entity under contract pursuant to Section 8 acting in good faith in rendering crime victim's assistance or otherwise enforcing this Act shall not impose civil liability upon the individual or entity or his or her supervisor or employer. Mr. Waller, how does the victim's rights' Act protect the rights of the victim if the victim's rights' act does not grant any person a cause of action for damages or attorney's fees should their rights be neglected or abused?

"Deception is not knowing you are being betrayed. Knowledge is power!"

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If you look at the statistics from R.A.I.N.N.'s website (www.rainn.org), the National Crime Victimization Survey concluded that only about 40% of rapes sexual assaults were reported to law enforcement in 2003. This was mainly due to the fact that victims have a belief that rape and sexual assaults are a private or personal matter and they fear reprisal from the assailant.

Additionally, the study indicates that rapists are more likely to be serial criminals than serial rapists. In one study, 46% of rapists who were released from prison were rearrested within three years of their release for another crime - 18.6% for a violent offense, 14.8% for a property offense, 11.2% for a drug offense and 20.5% for a public-order offense. In retrospect 61% of rapes/sexual assaults are not reported to the police. Those rapists, of course never serve a day in prison. (2003 NCVS). If the rape is reported to police, there is a 50.8% chance that an arrest will be made. If an arrest is made, there is an 80% chance of prosecution. If there is a prosecution, there is a 58% chance of a felony conviction. If there is a felony conviction, there is a 69% chance the convict will spend time in jail.

So, even in the 39% of attacks that are reported to police, there is only a 16.3% chance the rapist will end up in prison. Factoring in unreported rapes, about 6% of rapists - 1 out of 16 - will ever spend a day in jail. **15 out of 16 will walk free.**

Mr. Waller, do you realize that in my case, or as the State named it, "The People of the State of Illinois v.s. Michael Desario" that I had to fight for a longer prison sentence because Laura Horner, the Assistant State's Attorney entered into an agreement with the defense attorney to offer the minimum sentence without my knowledge or consent? I had to ask the bailiff if I could let the Judge know that I disagreed with Ms. Horner's plea to counter her decision. Thankfully, the Judge allowed me the opportunity to explain why I disagreed with Ms. Horner and consequently sentenced the defendant to one and a half years longer. However, if I had known of my rights under the Victims and Witnesses of Violent Crimes Act, I could have made a victim impact statement and informed the Judge of all the facts of the case, which could have possibly shown cause to sentence the defendant to both class x felony charges and the seven counts of sexual assault. "The People of the State of Illinois don't win when the victims lose!" Remember it's our children who live in this society and are being put at risk. We should always be treated with respect for our dignity and be guaranteed a copy of our rights. That is why I propose to amend the Victims and Witnesses Act by requiring the State's Attorney Office to receive a signed receipt of disclosure from the victim or witness that he or she has received a copy of his or her rights prior to going through the criminal justice process. Please refer to a copy of the House Bill HB3896 attached.

Mr. Waller as I look closer at the statistics of violent crimes that are committed against our children in society I realize where a lot of the fault in a broken society lies; which raises my next question. If we know that Predators who sexually assault and rape children are the highest risk of repeat offenders, then why are they offered the minimum prison sentence for a first offense?

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Is victim number one just a standard that the state uses to serve justice in its next case for victim number two by convicting the convicted sex offender to a longer prison sentence? Why does the defendant have to commit this type of crime more than once to be treated as a criminal who is unfit to be released into society, instead of a first time offender? This is rape and sexual assault - these are violent crimes committed against innocent children - not misdemeanors or theft.

Please, draw your attention on the statistics that I pulled from the National Center for Missing and Exploited Children's website yesterday, 10/5/2005. I hope your office finds these statistics as disturbing as I have and prompts you to reconsider your strategy in prosecuting future cases.

The Challenge

- Most sex offenders are not in prison, and those who are tend to serve limited sentences.
- Most sex offenders are largely unknown to people in the community. (Anonymity)
- Sex offenders have a high risk of re-offending.
- While community supervision and oversight is widely recognized as essential, the system for providing such supervision is overwhelming.

Loopholes in Current State Programs

The wide disparity among the state programs in both registration and notification procedures permits sex offenders to "forum-shop," research which states have the least stringent laws, in order to live in communities with relative anonymity.

Do you recall the headlines in the News Sun last month on Wednesday, September 21, 2005? "Ex-media star gets probation in sex case." Robert Goldman, former Chicago television sports anchor was sentenced to jail, probation and registration as a sex offender. The Judge in the case stayed the six-month periodic imprisonment pending Goldman's successful completion of 30 months probation. Mr. Waller, I can't hold the State's Attorney's Office entirely responsible for the lack of public outrage that eliminates the push for legislation of stricter laws against perpetrators who commit violent crimes against children, when the people in society make comments to the media as though convicted sex offenders are merely decent husbands and good fathers who have "made a really bad mistake" and are being punished enough because the exposure of their private endeavors have already cost them their jobs. I quote: Amy Goldman said her husband "is the best father I could ever dream of for our children" and she expresses confidence he can complete sentencing requirements. His friend and fellow amateur baseball player, Daniel Spoleti of Oak Park, said Goldman "is a very decent and good man," and there has never been a problem involving Goldman and daughters of other players at games and social events.

Mr. Waller, we need to educate society on the definition of Pedophilia. Pedophilia is an abnormal condition in which an adult has sexual desires for children. A Pedophile is someone who has pedophilia. Anyone who sexually assaults, molests or rapes a child is a Pedophile.

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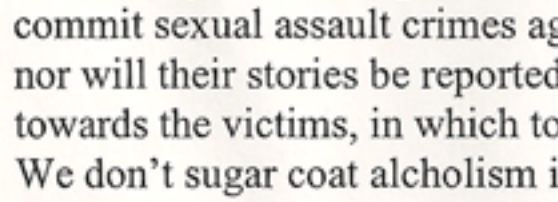
Wives, girlfriends, even husbands and boyfriends, including family members, lawyers, co-workers, friends and State's Attorney's Offices has to treat these types of sex offenders as Pedophiles and not as first time offenders or good "guys" and decent fathers. Otherwise, no one's child will ever be safe! If we can't discern who these monsters are by exposing the truth of their abnormal mental condition - then, how can we teach the children? We can't keep sending the message to society and our children that these acts of violence are personal and private matters, because the perpetrator is someone's father or someone's wife or someone's priest or someone's parents' best friend. Is that why 39% of the victims never tell - because of who they have to tell on? If a child's father beats his children because he is an alcoholic - doesn't society refer to that parent as an alcoholic? Alcoholism like Pedophilia is a disease. Pedophilia has nothing to do with the professional roles, financial or marital status, or gender, sexual orientation, religion, color or national origin of a person in society it deals with the abnormal condition in which adults have sexual desires for children.

- Approximately 70% of female rape victims and 74% male rape victims know their assailant. (2003 NCVS.)
- Approximately 50% of female victims and 44% of male victims are raped by a friend or acquaintance; 30% of female victims and 26% of male victims by a stranger. 12% of female victims and 30% of male victims by an intimate; 8% of female victims and less than 1% of male victims by another relative; but in less than 1% cases the relationship is unknown. (2003 NCVS.)

Is any one confused as to why the most common reason given by victims for not reporting these crimes are the belief that it is a private and personal matter and they fear reprisal from their assailant? When people say that these criminals are good and decent what are they saying to the victims? Where is the justice for the victims? Justice will come when the truth about Pedophilia is known. Its time to put the gloves on and take off the masks.

Mr. Waller, I want to know what can be done to educate society in which to legislate stricter laws and prevent the unfair treatment of victims. I want your office and our community to work together and send the message to people who commit or attempt to commit sexual assault crimes against children will no longer be prosecuted in the courts nor will their stories be reported in the media with the same leniency and lack of respect towards the victims, in which to cast light on their shame, as they have been in the past. We don't sugar coat alcoholism in this country any more, so lets not sugar coat pedophilia.

Respectfully,


Denise Rotheimer

Encls. Copy of House Bill HB3896

Copy of News Sun article

CC: People of the State of Illinois