



GUIDE TO WRITING CASE SUMMARIES

Case summaries are one to two paragraph descriptions of cases that WATCH publishes in its newsletter. Case summaries are used to give readers a glimpse into the kinds of cases we monitor and the types of outcomes we see. Case summaries can also be included in grant applications, end-of-year and other reports, as well as included in your agency speaking engagements and other community education activities.

These short but powerful summaries provide interesting insight into the adjudication of cases, particularly for those who have no experience with courtroom proceedings. They can also highlight gaps in the system. The following case summary, published in the Summer 2005 issue of WATCH's newsletter the *WATCH Post*, is typical of the case summaries we publish.

Henry James Richardson, 46, was charged with felony 2nd degree assault, felony terroristic threats, and felony prohibited person in possession of a firearm for an armed assault on his wife and 12-year-old stepdaughter. At the time, Richardson was on probation for a 2001 felony 3rd degree assault and a 2003 felony driving while intoxicated. Despite 16 years of criminal offenses, including countless misdemeanors and four felonies involving drugs, alcohol, or domestic violence, Richardson has never received significant time in prison. Richardson pleaded guilty and, despite his persistent requests for probation rather than prison and claims that he has changed his life, Judge Jack Nordby sentenced him to 60 months in prison. Elizabeth Cutter was the prosecutor (filling in for Krista Bettinger), and Elizabeth Hughes was the defense attorney.

This guidebook is a "how to" guide on writing case summaries. We have provided a specific format, along with step-by-step instructions in the hopes that you, or a volunteer or intern, will be able to simply "fill in the blanks" with your case information. Not every WATCH case summary follows the exact format we are suggesting. However, we provide the format to make it easier for folks who may be new to this type of writing and/or prefer very specific instruction.

CHOOSING CASES TO SUMMARIZE

Typically, WATCH summarizes cases that we are familiar with through our court monitoring work. You will need to choose cases that fit your specific needs.

The following criteria may guide you in choosing cases to summarize:

- ✓ Cases that were handled particularly well
- ✓ Particularly egregious cases (in terms of both crime and outcome)
- ✓ Cases that include unusual provisions or case law
- ✓ High profile cases that may have been covered by the media
- ✓ Cases in which the defendant is a chronic offender

In addition, if you are a court monitoring organization you may want to choose cases that:

- ✓ You have monitored or are familiar with
- ✓ Represent the different types of charges you monitor

WATCH chooses only closed cases (cases that have been resolved through a plea, dismissal, or trial). This is important to ensure you have access to complete information and to prevent a claim of undue influence that could become grounds for a mistrial or appeal.¹

To gather information for case summaries, start by reading the relevant case information, including criminal complaints or police reports, court information,² monitors' notes (if applicable), and any news coverage of the case. This will be more information than you will include in your case summary (remember, these are short) but you will want to have as much background on the case as you can before you start writing.

Your summary should include only public information, that is, information that is part of the public record. Sharing anecdotal or "inside" information may violate state or federal confidentiality laws, strain relationships with those who have shared it, or put a victim at risk, and should be avoided.

¹ WATCH does not contact criminal justice personnel in order to influence the outcome of a hearing or case. We wait until after cases have been closed or resolved at the District Court level prior to offering feedback or analysis. WATCH would only intervene on an active case if a monitor identified an administrative error (e.g., the bail amount ordered in open court was not the bail amount entered into the public record) or if we felt there was a safety issue or concern (e.g., our monitors witnessed the defendant threaten the victim in the hallway or on the elevator).

² Minnesota court records are made available to the public via the Minnesota Court Information System (MNCIS). Through MNCIS, WATCH can access a defendant's criminal history, hearing dates, and sentencing information.

WRITING YOUR SUMMARY

Each case summary should include basic information about the defendant, the crime, the outcome, and the court personnel involved. In this section we will take an in-depth look at each of these parts and offer suggestions on how to summarize them. Depending on the severity of the crime and the defendant's criminal history, some cases are more challenging to summarize than others.

Let's start by taking a look at the following example.

Jorge Daniel Morales-Mulato, 34, was charged with two counts of first degree criminal sexual conduct for assaulting his girlfriend's 11-year-old daughter. Morales-Mulato had been dating the victim's mother for a year-and-a-half when the victim told her mother about the abuse. The victim said the abuse began when she was 10-years-old and continued for nine months. Morales-Mulato initially admitted to the victim's mother and to police that he had assaulted the child and begged the mother for her forgiveness, but pleaded not guilty at arraignment and requested a jury trial. Morales-Mulato was found guilty of two counts of first degree criminal sexual conduct at trial and was sentenced by Judge Robert Blaeser to 216 months in prison with credit for 246 days served, an upward departure from the sentencing guidelines. Blaeser also ordered him to register as a sex offender. Theresa Froehlke was the prosecuting attorney and Somah Yarney the defense attorney.

This summary has four key elements that we recommend be included in every case summary.

1. Defendant details and case data

Jorge Daniel Morales-Mulato, 34, was charged with two counts of first degree criminal sexual conduct for assaulting his girlfriend's 11-year-old daughter.

2. Description of the crime

Morales-Mulato had been dating the victim's mother for a year-and-a-half when the victim told her mother about the abuse. The victim said the abuse began when she was 10-years-old and continued for nine months. Morales-Mulato initially admitted to the victim's mother and to police that he had assaulted the child and begged the mother for her forgiveness, but pleaded not guilty at arraignment and requested a jury trial.

3. Case outcome

Morales-Mulato was found guilty of two counts of first degree criminal sexual conduct at trial and was sentenced by Judge Robert Blaeser to 216 months in prison with credit for 246 days served, an upward departure from the sentencing guidelines. Blaeser also ordered him to register as a sex offender.

4. Court personnel (if not listed previously)

Theresa Froehlke was the prosecuting attorney and Somah Yarney the defense attorney.

In the following section, we examine three WATCH case summaries, using the four elements outlined above. We will use these three cases throughout the rest of the guidebook.

Willie James Richardson, 43, was charged with first degree criminal sexual conduct for raping his 18-year-old stepdaughter. He was also charged with second degree assault for beating her with a baseball bat. Richardson had a criminal history of fifth degree assault, including several domestic assault charges. The defense tried to discredit the victim because she waited 37 hours to report the assaults; the prosecution said the victim waited because she was fearful of retribution. According to a later aggravated witness tampering criminal complaint, Richardson and his wife, the victim's mother, conspired to have the victim killed. Richardson was found guilty of two counts of first degree criminal sexual conduct and one count of second degree assault in December. Sentencing is scheduled for late January. Cara Neville was the judge, Martha Holton-Dimick was the prosecutor, and Jill Waite was the defense attorney.

Jason Molacek, 19, was charged with second degree murder for shooting his mother, who died two months after the assault. Molacek, known to have recurrent thoughts of killing his parents, had a history of mental health problems and substance abuse. After a court trial before a judge, Molacek's 25 ½ year prison sentence was stayed under the following conditions: cooperate with in-patient psychiatric treatment, report to his probation officer every six months, and remain law abiding. At the sentencing in December, his family voiced its support for treatment outside of prison. Jack Nordby was the judge, David Genrich was the prosecutor, and Mark Cosimini was the defense attorney.

David Eichholz, 49, was charged with third and fourth degree criminal sexual conduct for raping his developmentally disabled 30-year-old daughter when she visited for Christmas. Eichholz, who had no criminal history in Hennepin County, was later charged with fourth degree criminal sexual conduct against a different developmentally disabled daughter. He was found guilty of both charges of criminal sexual conduct with the first daughter in December and sentenced in January to 48 months in prison. A pre-trial hearing in the second case is set for March. Lajune Lange was the judge, Marlene Senechal was the prosecutor, and Tina Hudak-Appleby was the defense attorney.

We chose to review these cases because they required extensive editing (there was limited space in the newsletter in which they were published). You can find the full text from the criminal complaint in the appendix.

CASE SUMMARY ELEMENTS

1: Defendant details and case data

The first sentence or two of your case summary is relatively easy to write. You will need to include, in order, the defendant's name, age, the crime that was charged, and the defendant's relationship to the victim. Below is the defendant and case data for the three cases we have chosen.

Willie James Richardson, 43, was charged with first degree criminal sexual conduct for raping his 18-year-old stepdaughter. He was also charged with second degree assault for beating her with a baseball bat.

Jason Molacek, 19, was charged with second degree murder for shooting his mother, who died two months after the assault.

David Eichholz, 49, was charged with third and fourth degree criminal sexual conduct for raping his developmentally disabled 30-year-old daughter when she visited for Christmas. Eichholz, who had no criminal history in Hennepin County, was later charged with fourth degree criminal sexual conduct against a different developmentally disabled daughter.

2: Description of the crime

At WATCH our goal is to limit the case description to five or six sentences depending on the space in our newsletter. The information to include varies but at minimum you want a basic description of the crime that occurred. You may find it relevant to include a past criminal history, how the police became involved, and the impact on the victim or her family. Except in the case of murder, WATCH does not publish the names of victims. We will either refer to the relationship of the victim to the defendant or use initials.

A common mistake in writing this section is including too much information. As stated previously, this is a challenge with cases that include multiple crimes, those that occurred over a long period of time (such as ongoing child sexual abuse), or cases that include multiple victims. You may find yourself trying to reduce three pages of information to just four sentences. Police reports may also include very specific details and legal and medical jargon that, while necessary to obtaining a conviction, are not necessary for your summary. Your job is to organize and translate the case information so it is easy for readers to understand.

Let's take a look at an example. The following is a Hennepin County criminal complaint written verbatim:

Hopkins police officers were dispatched to a known residence on the report that a woman was threatened with a knife by her intoxicated husband. Upon arrival, officers spoke with AK, who stated her husband, Michael Kite, Defendant herein,

was angry with her. He had been drinking and began accusing her of stealing his false teeth. Defendant grabbed a scissors with a black handle and approached her. Defendant stood in front of her and lifted the scissors over his head. Defendant told her he was going to stab her stating, "I'm going to fucking stab you. Do you want to die?" Defendant brought the scissors down with a stabbing motion toward AK's face. AK was able to run from the apartment and she called the police. Officers apprehended the defendant in his apartment lying on the bed. Officers located a pair of scissors with a black handle and 5½-inch blade on the floor next to the bed. After receiving the appropriate constitutional warning, the Defendant admitted he had picked up a pair of scissors but claimed he threatened to slit his own wrists and commit suicide.

There are many details in this description that are unnecessary in a case summary. We do not need a description of the scissors or where they were found. Nor do we need to know that the defendant was found lying on the bed or that he was read his Miranda rights. It is important to reference that the defendant was intoxicated at the time and, although not necessary, intriguing to note that the fight started over a missing pair of dentures. Lastly, many police reports include quotes with profanity. WATCH has made an editorial choice to either not include profanity or to edit it accordingly. The following is how WATCH summarized the case:

*Michael Kite, 47, was charged with felony terroristic threats for threatening to kill his wife, AK, with a pair of scissors. Kite, intoxicated at the time, accused AK of stealing his false teeth. An argument ensued and Kite grabbed a pair of scissors and brandished them over AK's head stating, "I'm going to f**ing stab you! Do you want to die?" Kite, who was arrested at the scene, told police that he was threatening to harm himself with the scissors, not AK.*

Not everyone would choose exactly the same information to include as we did. For example, if cases in your jurisdiction are often dismissed for lack of evidence, you may find it valuable to note the description and location of the weapon. This would show that the police were doing a thorough job in documenting the facts of this case.

The following are the incident descriptions of the three cases we reviewed previously.³

Richardson had a criminal history of fifth degree assault, including several domestic assault charges. The defense tried to discredit the victim because she waited 37 hours to report the assaults; the prosecution said the victim waited because she was fearful of retribution. According to a later aggravated witness tampering criminal complaint, Richardson and his wife, the victim's mother, conspired to have the victim killed.

³ A description of the crime committed by David Eichholz against his developmentally disabled daughter is not included. The crime was brought to the attention of authorities by the staff at the assisted living facility at which she resided. That information certainly could have been included, however.

Molacek, known to have recurrent thoughts of killing his parents, had a history of mental health problems and substance abuse.

If you struggle with creating concise descriptions, start by writing out a complete description of the events without thinking about the word count. Read through your description and begin deleting irrelevant details and exchanging police or medical jargon with terms that will be understandable to your readers. Ask a co-worker to read through it and tell you what they think happened based on what you have written. Ask for their feedback on what could be deleted or re-worded.

3: Case outcome

Your next one or two sentences should include the outcome of each charge and the sentence imposed, including any probationary conditions ordered by the court. You may want to consider including additional information, such as:

- Compelling comments from any victim impact statements given
- Statements made by court personnel, or any other issues related to demeanor, especially if unusual or strongly positive or negative
- Compelling comments made by the defendant

The following are case outcome descriptions from our three sample cases:

Richardson was found guilty of two counts of first degree criminal sexual conduct and one count of second degree assault in December. Sentencing is scheduled for late January.

After a court trial before a judge, Molacek's 25½ year prison sentence was stayed under the following conditions: cooperate with in-patient psychiatric treatment, report to his probation officer every six months, and remain law abiding. At the sentencing in December, his family voiced its support for treatment outside of prison.

Eichholz was found guilty of both charges of criminal sexual conduct with the first daughter in December and sentenced in January to 48 months in prison. A pre-trial hearing in the second case is set for March.

Again, depending on your needs you may find it relevant to include different information. Sometimes conditions of probation are too lengthy to mention. In the Molacek case we felt they were important to note. Also, in high profile cases we may write a case summary prior to sentencing, particularly if people are following the case. You may want to wait until after sentencing to write your summary.

4: Court personnel

The final sentence of all WATCH case summaries includes the name of the court personnel involved.

Jack Nordby was the judge, David Genrich was the prosecutor, and Mark Cosimini was the defense attorney.

Some organizations worry that court personnel will become angry if their names and decisions are made public (or *more* public since the information is already part of the public record). Including this information is standard practice at WATCH since our belief is that the system should be transparent. We don't editorialize in our case summaries, allowing readers to draw their own conclusions about the handling of the case.

If you choose to identify justice system members, you should do it consistently in all cases. Otherwise, you will continually face the decision of what names to publish when, and run the risk of letting relationships with justice system members (positive or negative) influence you decision. If you consistently publish all names, it raises your credibility, as you will be seen as reporting on what you see, not pointing out flaws of your critics and highlighting successes of your supporters. Since this information is public record there is no legal reason why the names can't be published in your newsletter, report, or website.

If you do choose to include names you should, at minimum, include the name of the judge, prosecuting attorney, and defense attorney (all three should be present at every case). You could also consider including names of clerks, deputies/bailiffs, probation officers, or court reporters if you felt it was useful and/or appropriate.

Finally, any attempts you make to improve the functioning of your courts could be met with anger or backlash. If you have serious concerns about this and the impact it may have on your agency you may want to reconsider this as an approach.⁴

LONGER CASE SUMMARIES

Typically, WATCH does not editorialize in its case summaries. The cases speak for themselves and we want readers to draw their own conclusions. Sometimes, however, we do break our own rules and write longer summaries. When a case summary is written as an update to a previously published chronology,⁵ we may offer additional commentary. The following is an example of a longer summary with commentary.

⁴ WATCH's *Developing a Court Monitoring Program* manual has advice and suggestions on dealing with backlash. Visit <http://www.watchmn.org/training> to order a copy.

⁵ Chronologies are written accounts of an offender's life of crime that WATCH publishes in its newsletter.

Charles Edward Kennedy

WATCH published a chronology of domestic abuser and convicted sex offender Charles Edward Kennedy in the Spring 2005 WATCH Post⁶. This article summarizes his most recent involvement with the justice system.

Kennedy's criminal history includes 20 years of escalating domestic violence and sexual assaults against at least 13 women and children. Kennedy's intimidation of his victims was relentless, contacting and threatening them from jail, kidnapping one from her bus stop, and physically and sexually assaulting his victim's children. In 1995, Kennedy raped the 13-year-old daughter of his girlfriend as the child slept in her room with her baby half-brother, Kennedy's biological son. While out on bail for that case, Kennedy sexually assaulted the same girl again. During the trial, prosecutors brought into evidence the 1991 rape of another girlfriend's 14-year-old daughter.

As a registered sex offender Kennedy is required to keep his current address on file with county probation. At an appointment with his probation officer on July 13, 2006, Kennedy completed a change of information card updating his address. On August 30, officers paid a visit to the address to verify that Kennedy lived there and found that he did not.

Kennedy was arrested for the violation, and Judge Patricia Belois set bail at \$25,000. At his first appearance before Judge John McShane, Kennedy, who is remarried to a woman with children, said that he was living with his father since he knew he couldn't live with his wife. He also told Judge McShane that he intends to go to sex offender treatment, something he has not yet done although it is a condition of his probation. Judge McShane reduced bail to \$5,000 stating, "Mr. Kennedy, I'm taking a big chance on you, partner. If anything happens between now and the next appearance, you'll be in deep weeds."

Kennedy made bail and is out of custody. His next hearing is set for November 27, 2006. Kennedy continues to use the system and its players to his advantage and without consequence. We hope that he gets no more second chances or lectures on life in the "weeds".

Since that update (and as of this writing) Kennedy has continued his life of crime. The most recent account includes a two-year probation sentence in another county, violation of an order for protection, and failure to register as a sex offender.

⁶ Available at <http://watchmn.org/PDF/newsletterS05.pdf>.

CONCLUSION

Case summaries are an excellent tool for educating your community about the inner workings of the court system. You can use them to address problems as well as things that are working well with your criminal justice system. We hope the tips in this guidebook will help you to take this idea and make it your own.

NEED HELP?

Contact WATCH for help writing your case summaries or for information on improving your courts response to domestic violence, sexual assault and child abuse and neglect.

APPENDIX Criminal Complaints

Willie James RichardsonCriminal Complaint

On January 12, 2004, Minneapolis police responded to 2900 4th Street North, Minneapolis, Hennepin County pursuant to a call regarding a sexual assault. Upon their arrival, officers spoke with a known adult female, L.L.L. Officers immediately observed that L.L.L.'s left eye was swollen and discolored and that she had a large closed cut above her right eyelid. L.L.L. told officers that on the evening of January 10, 2004, she had been at her home, located at 3952 30th Avenue South, Minneapolis, Hennepin County, with her stepfather, the Defendant, Willie James Richardson and two of his friends. L.L.L. reported that everyone was consuming alcohol and that the Defendant became extremely intoxicated. At approximately 4:00 am on January 11th, the Defendant asked L.L.L. to go upstairs with him so they could talk. When they reached the Defendant's bedroom, the Defendant locked the bedroom door and started striking L.L.L. and demanding that she take off all of her clothes. The Defendant also took out a silver colored aluminum baseball bat with black grips from nearby the dresser.

At this point, L.L.L. was very much afraid for her safety and took off all of her clothes. The Defendant then struck L.L.L. several times with the baseball bat, leaving bruises on the back of her right upper thigh, buttocks and on her lower legs. The Defendant then began kissing L.L.L. all over her body. The Defendant then got a condom and placed it on his penis. After several minutes of intercourse, the Defendant took the condom off and told L.L.L. "I want to have your baby." The Defendant then continued to have sexual intercourse with L.L.L., eventually ejaculating two or three times inside of her. After this, the Defendant took L.L.L. into the bathroom where he ordered her to shower and "wash it good." At this time, the Defendant punched L.L.L. several times in the face, causing the injuries observed by officers. Officers transported L.L.L. to Hennepin County Medical Center (HCMC) where she underwent a sexual assault examination. Samples were taken from L.L.L. and are being processed.

On January 14, 2004, your Complainant executed a search warrant at the Defendant's home and recovered a baseball bat matching the description provided by L.L.L. Your Complainant also observed blood droplets in the bathroom, which were photographed and collected. On the same day, your Complainant interviewed the Defendant. After waving his Miranda rights, the Defendant admitted being home with L.L.L. on the early morning of January 11th. The Defendant stated that L.L.L. was flirting with his friends and was being disrespectful. The Defendant admitted to hitting L.L.L., but said that he hit her in the kitchen. The Defendant said he saw L.L.L. have sex with three men on that date, but then changed his story and said she only had sex with one man. Later, the Defendant said that he might have had sex with L.L.L., but that he didn't remember, due to being extremely intoxicated. The Defendant is in custody.

Jason Molacek

Criminal Complaint

On June 11, 2003, at approximately 2.45pm, C.K.M, a known adult female, arrived home from work and entered her residence located in the City of Maple Grove, Hennepin County, Minnesota. C.K.M. lives with R.L.M, a known adult male and C.K.M.'s husband, and with Jason Leonard Molacek, Defendant herein and C.K.M.'s son. R.L.M. was not home at the time C.K.M. returned from work. When C.K.M. entered the residence, she was confronted by Defendant. Defendant was holding a loaded .30-06 hunting rifle. Defendant chambered a round and fired a shot at C.K.M. from close range. The shot entered C.K.M.'s abdomen, exited her body, went through her right arm, and then exited her body again. C.K.M fell to the floor and began pleading with Defendant to call 911.

Defendant ultimately called 911, and Maple Grove police officers responded to the scene. Defendant was located outside the residence still in possession of the rifle. Defendant was disarmed and taken into custody. Responding officers spoke to C.K.M. as she received medical attention. C.K.M. gave an account of events consistent with the above.

On a subsequent taped, Miranda-prefaced statement, Defendant told your Complainant that he got up from bed on the day of the offense after his parents had left for work. Defendant stated that throughout the day he prepared to kill his mother and father upon their return home from work and then flee the residence. Defendant collected the money he could find in the house and filled a bag with clothing and food. Defendant broke the lock on a box he knew to contain a Ruger handgun, removed the handgun, and attempted to find ammunition. Unable to find ammunition for the handgun, Defendant took a crowbar and forced open a locked gun cabinet in the residence and removed the .30-06 hunting rifle. Defendant located ammunition for the rifle, loaded it, and waited for his mother to return home from work. Defendant had planned to kill his mother and father, and then use his parents' car to flee the scene. Defendant decided to call 911 after hearing C.K.M. pleading for help. Defendant stated that he had thoughts of killing his parents in the past. At the time of this offense, Defendant was taking several prescribed medications for mental health purposes. Defendant also stated he smoked marijuana on the day of this offense.

Maple Grove police officers secured the crime scene and obtained a search warrant for the residence. Pursuant to the warrant, officers discovered evidence consistent with the above account, including evidence consistent with discharge of one round from the rifle, evidence of forced entry into the gun box that contained the Ruger handgun, evidence of forced entry into the gun cabinet that had contained the rifle, and a bag packed with clothing and food items. C.K.M. is currently hospitalized with several internal injuries and breathing with the assistance of a ventilator. Her prognosis is uncertain. All of the above event took place in Hennepin County, Minnesota. Defendant is currently in custody.

David Eichholz

Criminal Complaint

On December 26, 2003, a Hennepin County Medical Center SARS nurse, C.N., reported to Champlin police that she had just examined a vulnerable adult, D.M.E., date of birth 8/7/73, who had possibly been sexually assaulted. The nurse reported that, when asked if she had sex this weekend, D.M.E. indicated yes. Scientific testing later revealed the presence of semen in the panties worn by D.M.E. at or just before the time of the exam.

Champlin officers also spoke with M.R., the adult caretaker of D.M.E. M.R. reported that she is employed by Mount Olive Rolling Acres, the assisted-living facility where D.M.E. resides. M.R. reported that D.M.E. is profoundly mentally retarded and has the mind of a two-year-old. She explained that D.M.E. had visited her family for a couple of days over Christmas at 7020 115½ Avenue, Champlin, Hennepin County, Minnesota. D.M.E. was returned to Mount Olive Rolling Acres by her mother and father on December 26th, a day earlier than planned or scheduled. Upon her return, D.M.E. appeared to be very agitated and was acting unusually. Specifically, D.M.E. made spontaneous comments to the effect of, “he stick it in my mouth,” and she would then point to her vagina. M.R. reported that D.M.E. had exhibited similar behavioral problems after visiting her parents’ house in the past. Based on those past incidents, D.M.E.’s psychiatrist had advised staff to take D.M.E. for a sexual assault exam should she display similar behavioral problems following future visits to her parents’ home.

On March 1, 2004, Champlin officers obtained a search warrant for a DNA sample from D.M.E.’s father, Defendant David Lawrence Eichholz. A DNA sample was collected from the Defendant on March 2, 2004. DNA testing conducted by the Minnesota Bureau of Criminal Apprehension later revealed that the Defendant’s DNA was a match for the semen found in victim D.M.E.’s panties. In separate statements, victim D.M.E.’s parents, including the Defendant, admitted that no other males had access to D.M.E. during her visit with them. The Defendant denied sexually assaulting victim D.M.E. Defendant is presently in custody.