

**Battling Reckless Driving in Milwaukee: Analysis of Court
Watch MKE's Reckless Driving Case Observations in
Milwaukee County Court - Key Findings
January 20, 2025**



Enough is Enough ~ A Legacy for Erin (ENE) was established as a 501c3 to address reckless driving, after Erin Mogensen was killed by a reckless driver fleeing police in a high-speed car crash, in November 2023. ENE believes that criminals convicted of reckless driving need to be held accountable for their actions, as do district attorneys and the judges who preside over these cases, in order for reckless driving to be reduced in Milwaukee County.

The Court Watch Program is a critical component of the ENE organization. Its purpose is to *Monitor* Milwaukee County reckless driving court case proceedings, *Record* the sentences metered out in those cases and *Report* on the sentencing patterns of the judges presiding over those cases.

The Court Watch Program has sixteen trained volunteers that attend reckless driving court proceedings. An average of three volunteers attends each case. The volunteers monitor and record case proceedings primarily for the plea/sentencing phase of reckless driving cases. As a matter of being present in the court, many other phases of cases are observed, including status appearances, probation hearings, jury trials and sentencings. Only cases that have proceeded to sentencing are included in Court Watch reporting. Data is collected and preserved on a spreadsheet. Defendant criminal history is researched via CCAP (Wisconsin Circuit Court Access Program) with adult recidivist criminal activity/convictions noted. Victims are offered support and individualized Community Impact Statements are submitted to the court for the judges' consideration prior to sentencing.

Case Data

For cases monitored between June 24, 2024 and November 30, 2024

~14 Presiding Judges were observed, 8 had 5 or more sentencing cases

~215 cases monitored/attended

~109 cases went to sentencing with observations reflected in this report

Of the 109 cases:

- 16 cases were Flee/Elude only.
- 28 cases were Flee/Elude and Reckless Endangering Safety (RES)
- 58 cases were Flee/Elude, RES and other, i.e. drugs, weapons, armed robbery, auto theft, bail jumping, resisting an officer etc.
- 7 cases were vehicular homicide

~Many cases involve victim injury and property damage

~Approximately **50% of the cases recorded involve defendants with previous convictions.**

Key Facts:

- Per the Legislative Reference Bureau document “Felonies in the 2023–24 Wisconsin Statutes”, “***A felony is a crime punishable by imprisonment in a state prison, generally for a term of more than one year.*** “
- Under Wisconsin law, every crime has a maximum sentence; few have minimum mandatory sentences. Senate Bill 514 (passed March 27, 2023) introduced minimum sentences for certain fleeing cases.
- Sentences may include incarceration, extended supervision, probation, treatment, restitution, or a combination of these.
- Multiple charges result in multiple sentences, which can be applied concurrently or consecutively.
- Prosecuting attorneys present sentencing recommendations to judges based on an assessment of various factors of the case, but judges are not obligated to follow these recommendations.

Key Sentencing Findings: (All Judges as a group; case count excludes 7 homicides)

- Sentencing patterns differ *significantly* between judges, even for similar cases.
- Judges vary in how closely they adhere to prosecuting attorneys’ recommendations:
 - **More lenient sentences were issued in 69% of cases.**
 - Tougher sentences were issued in 8% of cases.
 - Sentences matching the State Prosecutor’s recommendations occurred in 23% of cases.
- **35% of cases resulted in probation** or House of Corrections rather than incarceration in a prison.
- Of those issued probation, **61% involved defendants with prior convictions.**
- Judges frequently applied concurrent sentences, reducing the total length of incarceration.
- Fines (not restitution) were rarely, if ever, imposed as part of sentencing.

Sentencing Patterns: (By individual Judge)

*Judges with less than 5 sentencing cases are grouped as part of the overall trend of the felony courts. (K. Ashley, Gansner, Havas, Yang, Kiefer, Yamahiro)

Judge	agree with the state	tougher than the state	more lenient than the state	total	%agree	%tougher	% more lenient
Childs	0	0	5	5	0%	0%	100%
Shelton	0	2	20	22	0%	9%	91%
Ramos	1	0	7	8	13%	0%	88%
Davila	1	1	13	15	7%	7%	87%
Kegel	3	0	4	7	43%	0%	57%
Van Grunsven	4	2	8	14	29%	14%	57%
Richards	7	0	7	14	50%	0%	50%
Fragoso	3	2	2	7	43%	29%	29%
Subtotal	19	7	66	92	21%	8%	72%
Judges with < 5 cases *	4	2	4	10	40%	20%	40%
Total	23	9	70	102	23%	9%	69%

Key Findings and Recommendations:

♥ **Tougher Sentencing:** Judges should use statutory guidelines and sentencing recommendations to impose penalties that act as both specific and general deterrents, signaling that reckless driving will no longer be tolerated in the community.

♥ **Reduce Dismissals:** The District Attorney's office should stop dismissing fleeing and RES charges as part of plea negotiations with defendants.

♥ **Focus on Community Protection:** The ongoing safety of the community must remain central to sentencing decisions.

Closing

This report reflects Enough is Enough's ongoing commitment to reducing reckless driving and advocating for accountability within Milwaukee County's justice system. Through monitoring, data collection, and public awareness, the Court Watch Program aims to bring meaningful change to the judicial process. [Join us!](#)

Enough is Enough ~ A Legacy for Erin is a 501(c)(3) founded by the family and friends of Erin Mogensen, who, along with her unborn child, was tragically killed on November 2, 2023, by a serial felon fleeing police. Our mission is to eliminate reckless driving that results in injury and loss of innocent life throughout the State of Wisconsin.

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