

**Analysis of Court Watch MKE's Reckless Driving Case
Observations June 24, 2024 - April 30, 2025
Key Findings
Published June 30, 2025**



Introduction

Since June 24, 2024, Enough is Enough (ENE) has actively attended and monitored over 500 criminal cases involving suspects charged with fleeing or eluding law enforcement. This report presents a comparative analysis of two consecutive five-month periods, focusing specifically on the subset of these cases that resulted in sentencing.

Between December 1, 2024, and April 30, 2025, ENE monitored 351 cases, 174 of which resulted in sentencing. This data is compared to the prior period—from June 24, 2024, to November 30, 2024—during which ENE monitored 215 cases, with 109 resulting in sentencing.

The background, context, and methodology supporting this analysis are detailed in ENE’s first Court Watch report, <https://ene4erin.org/court-watch-analysis-of-109-cases/> published in January 2025, along with a summary of key findings at ene4erin.org/court-watch-key-findings both available on our website ene4erin.org

ENE is committed to tracking and reporting sentencing patterns in these cases because of their direct impact on community safety and the risk of repeat offenses. Our ongoing observations show that holding offenders accountable through appropriate sentencing is essential for reducing the incidence of reckless driving and its devastating impact on innocent lives. We believe progress depends on court outcomes aligning more closely with the recommendations of the State statutes and District Attorney, ensuring that sentences reflect the seriousness of the crimes committed to better protect the public.

Case Data

	June 24, 2024 - November 30, 2024	December 1, 2024 - April 30, 2025
Cases monitored/attended	215	351
Cases completed (sentenced)	109	174
# of presiding Judges/	14	16
# of Judges with 5 or more sentencing cases	8	9
Cases involving defendants with previous convictions*	69%	79%

*Reported previously as “approximately 50%”

Breakdown by Case Type

Cases selected must include a charge of flee/eluding an officer as one of the counts. Other relevant charges in the cases are tracked, especially 1st or 2nd degree reckless endangering safety (RES). The remaining charges are grouped together in categories including vehicular homicide.

	June 24, 2024 - November 30, 2024		December 1, 2024 - April 30, 2025	
Flee/Elude only	16	15%	28	16%
Flee/Elude and Reckless Endangering Safety (RES)	28	26%	39	22%
Flee/Elude, RES and other*	58	53%	103	59%
Homicide	7	6%	4	3%
Total	109		174	

* includes charges for drugs, weapons, armed robbery, auto theft, bail jumping, resisting an officer, etc.

Key Facts (see last report)

Key Sentencing Findings:

- Sentencing patterns continue to differ *significantly* between judges, even for similar cases.
- The judge's sentences remain far apart from the DA/State's recommendation.

	6/24/24 - 11/30/24 (102 cases)	12/1/24 - 4/30/25 (174 cases)	Change
More lenient sentences issued- all judges	69%	65%	4% Better
More lenient sentences issued - judges with > 5 cases*	72%	68%	4% Better
Cases granted Probation or House of Corrections rather than incarceration	35%	49%	Worse
Of those issued probation, <i>defendants</i> with prior convictions	61%	70%	Worse
Of those issued probation, <i>defendants</i> with prior felonies (1 or more)	N/A	39%	
Concurrent sentences	N/A	40%	

*This number trends even lower, when we look at cases after our *January 20, 2025* report release date - **more lenient sentences 64% of the time (improved 8%!)**.

Sentencing Patterns by Individual Judge

Although significantly more cases are reported in the more recent 5 month time period, the distribution of the types of cases and amount of cases per judge are mostly similar.

Not all of the same judges are measured in both time periods. Seven judges are in both, having 5 or more cases to measure. Homicide cases are reported separately, ruled by different courts and judges.

Findings are ranked by most to least lenient for the current report period.

	6/24/24 - 11/30/24		12/1/24 - 4/30/25		Change
Judge	total cases measured**	% more lenient	total cases measured**	% more lenient	from last report
Van Grunsven	14	57%	12	92%	35% more lenient
Fragoso	7	29%	28	79%	50% more lenient
Kegel	7	57%	9	78%	21% more lenient
Ramos	8	88%	16	75%	13% less lenient
Richards	14	50%	22	68%	18% more lenient
Ashley*	0	N/A	5	60%	N/A*
Davila	15	87%	27	59%	28% less lenient
Yang*	0	N/A	12	58%	N/A
Shelton	22	91%	30	57%	34% less lenient
Childs*	5	100%	N/A	N/A	N/A
Subtotal	92	72%	161	68%	4% less lenient
Judges with < 5 cases	10	40%	9	11%	32% less lenient
Grand Total	102	69%	170	65%	4% less lenient

* New in rotation, rotated to a new division or not enough cases to measure in the first round

** Does not include homicides

Homicide Cases

During the reporting period, four homicide cases were heard by Judges Havas, Wagner, and Swanson. Due to the limited number of cases per judge, these cases are not included in the comparative data for the period.

- **Case Details:**

- Two cases involved **vehicular homicide while fleeing**, and two involved **fleeing with gunfire resulting in death**.
- These incidents resulted in **five fatalities** and **two injuries**.
- Victims ranged in age from **16 to 50 years old**.
- Victims remembered: **Jason Stark, Noe Barron Garcia, Shyir McCoy, Zakirah Burris, and Andrea Sanders**.

- **Judicial Outcomes:**

- Judges followed **State sentencing recommendations** in all cases (with the State deferring to the court in two instances).
- **Sentences** ranged from **14 to 25 years** of incarceration, with **8 to 15 years** of extended supervision.
- All defendants had **prior convictions**.
- Two of the defendants were **16 years old** at the time of the offense.
- Two defendants lacked valid driver's licenses and/or were operating **stolen vehicles** during the crimes.

Key Findings, Recommendations and Observations

From the previous report, these continue:

♥ *Tougher Sentencing:* Judges and DAs should use statutory guidelines, at a minimum for fleeing and reckless endangering safety, to impose penalties that act as both specific and general deterrents, signaling that reckless driving will no longer be tolerated in the community. (See Appendix)

♥ *Reduce Dismissed Charges:* The District Attorney's office should **stop** dismissing fleeing and RES charges as part of plea negotiations with defendants. (See Appendix)

(New) This period, 91 charges of fleeing, 1st and/or 2nd degree reckless endangering safety were dismissed across 84 cases.

♥ *Improve Court Efficiency*

- **(New)** Reduce the rate of reschedules and time to close cases benefitting all parties - victims, defendants, attorney backlog (see Appendix - Case inventory and Completion rates).

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

- Reduce leniency scores
- **(New) No probation** for repeat offenders
- **(New) No probation** for new crimes committed while awaiting trial or on probation
- **(New) Incarceration** (>1 year) for flee/elude charges (see Appendix - Statutory Max)
- **(New) Incorporate more consideration/consequence for victims and property damage** whether or not the victim is present in court.

Appendix - New Items

Probation and Defendants with previous convictions

In the current reporting period, probation rather than incarceration was granted in 49% (85) of the cases. In those cases, 70% (58) were repeat offenders having some previous felony or non-felony conviction; 39% (34) were repeat felons. Our repeat offender data does not include juvenile records. These data do not indicate instances where “condition time” was required as a part of probation. Condition time is confinement at the House of Correction (HOC) served at the beginning and as part of probation. We have observed condition time as a part of STAYED sentences more recently with judges’ rulings in lengths of one (1) month - 9 months. We intend to track and study this feature of sentencing in more detail to report out in our next update.

Case Inventory and Completion Rates

We have kept an inventory of fleeing cases since Court Watch began. Our initial count provided over 800 open cases. At the end of May, 2025, that count was 969 open cases, suggesting either a drastic increase in recorded cases, or an extreme delay in closing them. On average, for 2024, there were 64 new cases involving fleeing filed monthly. For the first 5 months of 2025, the average number of new case filings has risen slightly to 68.

Victim Injury and Property Damage

Victim Injury and Property Damage is routinely minimized when cases are presented to the court. Some victims of these crimes are never identified, nor quantified unless they self-report or are part of the resulting “scene” where police describe them in the criminal complaint. Restitution requests are rare and typically are limited to an insurance deductible or the interpreted ability of the defendant to pay. Victims have the option of civil court, which is just another stress filled nuisance to deal with for something they likely never invited to happen. Recently, we began tracking if cases include either injury to someone other than the perpetrator, or property damage to someone else's property (to include damage to a stolen vehicle). This information is obtained from the criminal complaint, or tracked when heard in court. Therefore, our numbers and data are estimates and likely low. In 65 of the 174 cases (37%) tracked for this period, property damage was

noted; injuries were noted in 21 (12%) of the cases, and both property damage and injury noted in 6 cases. In our next reporting period we will further examine this by-product to help hit home to the judges that there are innocent victims in almost every one of these types of crimes.

Dismissed but Read in for sentencing

As stated in our previous report:

Many charges are dismissed but “read in for sentencing” as part of plea bargaining (an offer usually made by the DA’s office but could come from the defense/defendant). We have heard judges explain that a dismissed count cannot be counted as convicted for future cases, but they can consider that count in their overall sentence. It is not apparent to us how a judge incorporates the extra sentencing time for the dismissed but read in charges. **We strongly advocate for the District Attorney’s office to stop dismissing the flee/elude and reckless endangering safety (RES) charges as a part of their plea bargains, or find another way to keep a record and emphasis of the problem.**

In this reporting period: 91 charges of fleeing, 1st and/or 2nd degree reckless endangering safety were dismissed across 84 cases.

Offense Combination Category	Charge: Flee/Elude Officer	Charge Recklessly Endangering Safety - 1st Degree	Charge Recklessly Endangering Safety - 2nd Degree	Total
Flee Only	2			2
Flee/RES	14	2	14	30
Flee/RES/other	40	3	14	57
Homicide	1	1		2
Grand Total	57	6	28	91

(NEW) Very often, guns and drug charges, having the same gravity of consequence on public safety, suffer the same fate (dismissed/read in charges to facilitate a plea bargain). For our next reporting period, we will track how often this occurs and report its significance.

Mandatory Minimum Cases

Since the passage of Senate Bill 514, on 3/27/24, requiring a mandatory minimum sentence for charges for great bodily harm or death, we have monitored 14 cases, 4 involving death, 5 have been resolved in sentencing. By our next report, we will have enough data to evaluate trends and findings related to this important bill passage.

Statutory Max

Over 12 months of observing reckless driving cases, collecting data, and analyzing sentencing trends, we have found that Milwaukee County judges *rarely impose the full sentences authorized by Wisconsin's Legislature* – the statutory maximum – for reckless driving-related offenses. In fact, we observed this in very few cases. This is both troubling and perplexing.

At a time when Milwaukee County and the City of Milwaukee are experiencing record – and rising – levels of reckless driving incidents, and when citizens have clearly demanded stronger community protections, why are our elected judges not using their most potent deterrent – long prison sentences? As imperfect as incarceration may be, it remains one of the most direct tools available to discourage future offenses. Judge Swanson, when ruling on a horrific vehicular homicide case committed by a 13 year old, was quoted as saying,

“We under-invest in our youth, both in terms of education and in terms of corrections. Those systems are not where they should be, but they’re the only systems the court can rely upon in my carrying out my duties and responsibilities.”

David Swanson

Milwaukee County Circuit Judge - Milwaukee Journal Sentinel - 06/21/2025

To send an unequivocal message that reckless driving will no longer be tolerated, we propose that – for at least the next two years – judges adopt the statutory maximum incarceration guideline as the *default starting point* for all flee/elude charges. While mitigating factors may, in rare cases, justify a modest reduction, most sentences should reach or approach the maximum during this two-year “campaign.”

Such an approach would create a powerful deterrent effect – something sorely missing under current practices – as word of the new sentencing standards spreads throughout the community. Let’s try it and see if it works. **In the face of a widely acknowledged reckless driving crisis, the real question is: *Why wouldn't we take this step?***

About US

The Court Watch Program is a critical pillar of the Enough is Enough (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 community volunteers that attend reckless driving court proceedings. 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.

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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