

Analysis of Court Watch MKE's Reckless Driving Case Observations June 2024 - April 30, 2026

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*Judges issued more lenient sentences than the State recommended **52%** of the time. Compared to **72%** since the inception of Court Watch.*



About 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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Introduction

Since April 2024, Enough is Enough (ENE) has tracked more than 2,400 cases involving Fleeing or Eluding an Officer (FEO) and Recklessly Endangering Safety (RES)—serious offenses that represent a significant subset of the reckless driving problem affecting our community. This report examines sentencing outcomes and other significant data about these cases across consecutive five- and six-month reporting periods beginning in June 2024.

The data are collected through ENE’s Court Watch Program, a volunteer-driven initiative that observes court proceedings, reviews case records and criminal histories, and supports victims and community members through Community Impact Statements submitted to the court. By monitoring sentencing trends and outcomes, ENE seeks to better understand how the criminal justice system responds to these offenses and how sentencing practices may influence accountability, deterrence, recidivism, and public safety.

ENE recognizes the challenging responsibility judges face in balancing the unique facts of each case, the circumstances of the defendant, and the interests of justice. We encourage sentencing decisions that prioritize public safety while utilizing the full range of tools available under Wisconsin law to promote accountability, rehabilitation, and deterrence. We also acknowledge efforts by members of the judiciary, including educational sentencing components such as victim-impact essays and attendance at vehicular homicide hearings, which help offenders better understand the real-world consequences of reckless driving.

This report also includes expanded analysis of prosecutorial and court-system performance, including case processing times and operational efficiency. Timely case resolution is important for victims, defendants, taxpayers, and the community. Extended delays can leave defendants without meaningful intervention or support services while awaiting disposition, increase opportunities for reoffending, and create additional costs for taxpayers when defendants are detained pending resolution. By collecting and sharing these data, ENE hopes to contribute to informed discussions about opportunities to improve outcomes, efficiency, and public safety throughout the justice system.

Key Findings

1. **Open Fleeing Case Inventory Drops Below 2025 Highs, While New Cases per Month at an All time Low since Measuring:** The number of open felony fleeing cases measures substantially below the peak inventory levels observed in 2025, suggesting continued progress in reducing the overall volume of fleeing cases moving through the criminal justice system. At the same time, new case filings during the first four months of 2026 reached their lowest levels since tracking began and represent a downward trend since 2025. Together, these trends suggest that **improvements in court operations are occurring alongside a reduction in the overall volume of fleeing and reckless driving cases entering the system.** (See *Appendix: Total Docket of Reckless Driving and Cases*)
2. **Sentences More Lenient than DA Recommendation 52% of the Time:** Judicial sentences continue to be more lenient than the State's (DA) recommendations, though **the gap is narrowing - 52% compared to 72% reported in November of 2024.** (See *Key Measures and Sentencing Patterns by Judge*)
3. **Sentences Increased Significantly During Current Reporting Period But Remain Substantially Lower Than the Statutory Maximums:** The median prison sentence imposed by judges increased substantially during the current reporting period, rising from **24 months to 36 months** across all fleeing-related cases—a **50% increase** compared to the previous six-month period. During the same time, median prosecutor recommendations declined slightly from **48 months to 42 months**, suggesting the increase was driven primarily by judicial sentencing decisions rather than more aggressive charging or sentencing requests by prosecutors. (See *Median Sentences and Statutory Maximums*)
4. **Most Repeat Felons Received Prison Sentences, but One in Five Was Granted Probation:** Of the **160 repeat felons sentenced during this reporting period, 32 offenders (20%) received probation rather than a prison sentence**, despite having prior felony convictions. Half of those probationers (**15**) were ordered to serve an upfront period of confinement ("condition time") in the House of Correction, while **17 offenders received straight probation with no condition time imposed.** (See *Probation and Condition Time*)
5. **Significant Incarceration Exposure "left on the table" via Dismissed but Read-In Charges:** In nearly 19% of fleeing cases observed, much incarceration exposure was bargained away via the DA's agreement to dismiss and read in charges (DRI). (See *Prosecution Observations - Dismissed but Read-in for Sentencing*)

Key Measures

Except where otherwise noted, % are the calculation of the total cases sentenced.

	11/1/25- 4/30/26 (6 months)	5/1/25- 10/31/25 (6 months)	12/1/24- 4/30/25 (5 months)	6/24/24- 11/30/24 (5 months)
Cases observed	671	614	351	215
Cases sentenced (% of monitored/attended)	266 (40%)	335 (55%)	174 (50%)	109 (51%)
# of presiding judges *	16	17	16	14
# of presiding judges with 5 or more cases *	9	12	9	8
Sentences more lenient than DA recommendation- all judges*	136 / 51%	185 / 55%	110 / 65%	70 / 69%
Sentences more lenient than DA recommendation - judges w/5 or more cases*	128 / 52%	180 / 55%	109 / 68%	66 / 72%
Cases for defendants with previous convictions of any kind	192 / 72%	262 / 78%	137 / 79%	75 / 69%
Cases for defendants with previous felony convictions	160 / 60%	214 / 64%	101 / 58%	N/A
Cases with charges in addition to Fleeing and RES (guns, drugs, other)	175 / 66%	231 / 69%		
Cases sentenced with other cases for same defendant (global sentence)	52 / 20%	83 / 25%		
Multiple fleeing cases -same defendant^	15 cases (7 defendants)	42 cases (21 defendants)		
Cases with fleeing and/or RES offenses dismissed and read in (DRI)	103 / 39%	141 / 42%		
Cases granted probation rather than incarceration	107 / 40%	141 / 42%	85 / 49%	38 / 35%
Cases granted probation with up front condition time (% of total probation cases)	53/ 50%	78 / 55%		
Cases for <i>defendants</i> with prior felonies granted probation. (% of total granted probation)	32 / 30%	60 / 42%	33 / 39%	N/A
Cases with Injuries	44/17%	60/18%		
Cases with Property Damage	132/50%	174/52%		

***Includes Substitute judges** - Cases heard by substitute judges are aggregated and reported as a single judge in both the table above and the Individual Judge Table (and are therefore included in the totals for judges with five or more cases).

^ **Multi cases** (more than one fleeing case) were reported independently in the previous reporting period but are included in the total 262 cases in the most recent time period.

Sentencing Patterns by Judge

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

	11/1/25-4/30/26		5/1/25 - 10/31/25		12/1/24 - 4/30/25		6/24/24 - 11/30/24	
Judge	Total # of cases observed	% More lenient than DA rec	Total # of cases observed	% More lenient than DA rec	Total # of cases observed	% More lenient than DA rec	Total # of cases observed	% More lenient than DA rec
Kegel	8	88%	14	93%	9	78%	7	57%
Davila	49	76%	35	51%	27	59%	15	87%
Wall	18	67%	16	56%				
Havas	5	60%						
Substitute Judges*	15	60%						
Fragoso	55	56%	48	63%	28	79%	7	29%
Richards	40	45%	58	45%	22	68%	14	50%
Yang	29	38%	28	39%	12	58%		
Sosnay	10	0%	9	44%				
Kiefer	17	0%	21	19%				
Ramos			38	76%	16	75%	8	88%
Van Grunsven			22	68%	12	92%	14	57%
Shelton			26	62%	30	57%	22	91%
Ashley			10	50%	5	60%		
Childs							5	100%
Subtotal	246	52%	325	55%	161	68%	92	72%
Judges with < 5 cases	20	40%	10	50%	9	11%	10	40%
Total	266	51%	335	55%	170	65%	102	69%

*Substitute judges - see note above

For the current reporting period, judges with 5 or more cases ruled equal to DAs' recommended sentences in 38% (94) of cases and tougher than the DA on 10% (24) of cases. This is a slight improvement when compared to the previous reporting period, in which they ruled equal to DAs' recommendations 36% of the time and tougher 9% of the time respectively.

Median Sentences and Statutory Maximums– Excluding Probation Cases

The tables below compare the median prison sentences recommended by prosecutors (DAs) with the median prison sentences imposed by judges. Results are shown for all defendants and, separately, for repeat felony offenders.

The analysis focuses *only on the incarceration portion of sentences* and compares the current reporting period with the previous period. Extended supervision is not included, nor are cases resulting in probation or stayed prison sentences. Cases resulting in probation are analyzed in another section.

For context, the statutory maximum incarceration ranges for the primary offenses are included in the tables. Categories that include “other” offenses (such as firearms or drug charges) may carry *substantially higher* statutory maximum penalties.

- **Fleeing (FEO):** 36–120 months (up to 180 months if the offense caused a death)
- **Resisting/Obstructing (RES), 1st/2nd offense:** 60–90 months

Median Sentences (Excluding Probation) All Cases/Defendants (in Months)							
	11/1/2025-4/30/2026				5/1/2025 - 10/31/2025		
Offense Combination Category	# of Cases	MEDIAN Prosecutor Rec.	MEDIAN Judge Sentence	Stat. max FEO/RES ranges	# of Cases	MEDIAN Prosecutor Rec.	MEDIAN Judge Sentence
Flee Only	8	12	11	36-120	12	30	21
Flee/other	25	36	18	36-120+	N/A	N/A	N/A
Flee/RES	23	24	24	96-210	27	36	21
Flee/RES/other	104	48	42	96-210+	155	48	24
Total	160	42	36		194	48	24

Median Sentences (Excluding Probation) Repeat Felons							
	11/1/2025-4/30/2026				5/1/2025 - 10/31/2025		
Offense Combination Category	# of Cases	MEDIAN Prosecutor Rec.	MEDIAN Judge Sentence	Stat. max FEO/RES ranges	# of Cases	MEDIAN Prosecutor Rec.	MEDIAN Judge Sentence
Flee Only	4	12	10	36-120	9	24	24
Flee/other	24	36	18	36-120+	N/A	N/A	N/A
Flee/RES	17	24	24	96-210	23	36	24
Flee/RES/other	84	54	48	96-210+	122	54	24
Total	129	48	36		154	48	24

Key Finding: Prison Sentences Increased Significantly During Current Reporting Period

The median prison sentence imposed by judges increased during the current reporting period, rising from **24 months to 36 months** across all fleeing-related cases—a **50% increase** compared to the previous six-month period. During the same time, median prosecutor recommendations declined slightly from **48 months to 42 months**, suggesting the increase was driven primarily by judicial sentencing decisions rather than more aggressive charging or sentencing requests by prosecutors.

The trend is particularly noteworthy among the most serious cases. In fleeing cases combined with RES and additional offenses (**Flee/RES/Other**), which comprise nearly two-thirds of all sentenced cases, the median judicial sentence increased from **24 months to 42 months** while prosecutor recommendations remained unchanged at **48 months**. This reduced the sentencing gap between prosecutors and judges from 24 months to just 6 months.

Among **repeat felony offenders**, the pattern is even more pronounced. The median judicial sentence increased from **24 months to 36 months**, while median prosecutor recommendations remained stable at **48 months**. For repeat offenders convicted of Flee/RES/Other combinations, judges doubled the median prison sentence from **24 months to 48 months**, matching nearly 90% of the prosecutors' median recommendation of 54 months.

The overall sentencing data suggest that judges imposed meaningfully longer incarceration terms during the current reporting period, especially for repeat offenders and offenders charged with multiple serious offenses. While prosecutor recommendations remained relatively stable, judicial sentences increased enough to reduce the historical gap between what prosecutors sought and what courts imposed. If sustained, this trend would represent a significant shift toward stronger sentencing outcomes for fleeing-related offenses and may enhance both accountability and deterrence objectives.

Probation and Condition Time for Repeat Felons

Key Finding: Most Repeat Felons Received Prison Sentences, but One in Five Was Granted Probation. Of the **160 cases for repeat felons sentenced during the reporting period**, **32 offenders (20%) received probation rather than a prison sentence**, despite having prior felony convictions. Half of those probationers (**15**) were ordered to serve an upfront period of confinement ("condition time") in the House of Correction, while **17 offenders received straight probation with no condition time imposed**.

Because Enough Is Enough advocates that repeat felons who commit violent offenses should not be granted probation, these cases warrant particular attention. While Wisconsin courts generally view probation as the primary sentencing option when appropriate, the continued use of probation for repeat felony offenders remains a significant policy concern.

The tables below reflect the distribution of these cases by Offense Combination Category and Judge and compare the number of cases where the DA also recommended probation.

Probation With Up Front Condition Time for Repeat Felons by Judge (count of cases)					
	Offense Combination Category				
<i>Judge</i>	Flee Only	Flee/Other	Flee/RES	Flee/RES/Other	Total
Fragoso-23, Jorge	1	1		3	5
Richards-30, Jonathan		1	2	1	4
Davila-01, Jack L		2			2
Berrios-Schroeder-13, Ana				1	1
Gansner-46, Anderson M		1			1
Kiefer-29, Rebecca A.	1				1
Yang-47, Kristy		1			1
Total	2	6	2	5	15
Prosecutor Recommended		2	1		3

Probation With No Condition Time for Repeat Felons (count of cases)					
	Offense Combination Category				
<i>Judge</i>	Flee Only	Flee/Other	Flee/RES	Flee/RES/Other	Total
Davila-01, Jack L		1	5	5	11
Richards-30, Jonathan	1	1		1	3
Fragoso-23, Jorge	1	1			2
Kegel-03, Katie B				1	1
Total	2	3	5	7	17
Prosecutor Recommended	2			1	3

Sentenced Probation ranged 12-66 months.

Prosecutor Recommended Probation ranged 24-60 months.

Of the remaining 75 cases granted probation, 38 (51%) included up front condition time; the prosecution recommended probation in 44 of the 75 cases with up front condition time recommended in 27 cases. Condition time and probation lengths granted by the judge were .3-12 months and 12-66 months respectively.

ENE Recommendations

1. Eliminate DRI charges and “Up to the Court” Recommendations

The District Attorney’s Office should stop dismissing fleeing and resisting (RES) charges as part of plea negotiations. Doing so would reinforce that these offenses are unacceptable and carry non-negotiable consequences. Given that nearly two-thirds of these cases also involve guns, drugs, or other felony charges—many of which are likewise dismissed—Wisconsin should complement truth-in-sentencing with *“truth-in-charging.”* Alternatively, judges should consider rejecting plea agreements that dismiss fleeing or RES charges, as Judge Borowski recently did in a homicide case.

Although judges are increasingly following prosecutorial recommendations, prosecutors should avoid leaving any part of a sentence “up to the court.” Judges are free to reject either side’s recommendation, but when prosecutors make no recommendation, they forfeit an opportunity to advocate for accountability and leave the outcome solely in the judge’s hands. (See

2. Align Sentencing Recommendations More Closely with Statutory Guidelines

As judicial adoption of prosecution sentencing recommendations has increased, sentencing recommendations should more consistently reflect the intent of Wisconsin’s statutory sentencing framework. Current data suggest that recommended and imposed sentences frequently fall below the midpoint of available statutory ranges, particularly in felony fleeing and Recklessly Endangering Safety (RES) cases.

Enough Is Enough recommends that prosecutors and judges evaluate sentencing terms by felony level and use the statutory sentencing ranges as a meaningful benchmark. While every case should continue to be assessed on its individual facts and circumstances, the median sentence should trend toward the midpoint of the applicable statutory range rather than consistently clustering near the lower end.

3. Reduce Repeated Reschedules

Particularly in older pending cases, limiting the number of times a case is rescheduled after it reaches the plea/sentencing phase, represents one of the greatest opportunities to further improve court efficiency, accelerate case resolution, and deliver more timely justice for victims, defendants, and the community. (See *Court Operations and Efficiency*)

4. Continue to Prioritize Community Protection Through Accountability, Deterrence and Prevention

The ongoing safety of the community **must** remain central to sentencing decisions.

- **No probation** for repeat felons.
- **No probation** for defendants who commit new crimes while awaiting adjudication.
- **Increase consideration** of victim and community harm in sentencing, **including property damage, economic costs, emotional trauma, and public safety risks,**

to reinforce accountability for fleeing, reckless driving, and related offenses—even when victims are not present in court.

- More creative/alternate sentencing, especially for **first time offenders** such as attending a vehicular homicide hearing, impact panel or targeted community service toward improving the reckless driving problem.
- Create and follow a guideline of **graduated sentences for repeaters** - similar to the guidelines for OWI repeaters.

Appendix: Supporting Data and Analysis for Key Findings and Key Measures

Total Docket of Reckless Driving Cases:

Open Fleeing Case Inventory as of the last day of the month:

April 2026	October 2025	May 2025	April 2024
912	990	969	800+

Average New Fleeing Case Filings per month by year we have tracked:

- **2024** - 64 (highest months: May - 79 cases, September - 71 cases)
- **2025** - 67 (highest months: April - 89 cases, September - 79 cases)
- **2026** Through April - 60 (highest month: March - 71 cases)

Court Watch Observations Over Time:

	11/1/25- 4/30/26 (6 months)	5/1/25- 10/31/25 (6 months)	12/1/24- 4/30/25 (5 months)	6/24/24- 11/30/24 (5 months)
Cases Monitored	671	614	351	215
Cases sentenced (% of Monitored)	266 (40%)	335 (55%)	174 (50%)	109 (51%)

During the current reporting period 11/1/2025-4/30/2026:

- # of Cases Monitored - 671
- # / % cases attended - 505 / 75%
- # / % cases completed - 323 / 48%
- # / % cases rescheduled - 347 / 52%

Court Watch monitored a record 671 cases involving fleeing charges during the current reporting period, a continued increase in the volume of cases monitored through courtroom observation, Zoom attendance, and post-sentencing data collection. Despite the increase in monitoring activity, the percentage of cases reaching sentencing during the reporting period declined compared to previous periods. This finding is contrary (or perhaps lagging) to conclusions that court operations are closing the gap in open case inventory.

Of the 671 cases selected for monitoring, Court Watch attended 505 scheduled plea or sentencing hearings. However, plea or sentencing occurred as scheduled in only 323 cases (48%), while 347 cases (52%) were rescheduled to a future date. This represents a lower case-completion rate than observed in prior reporting periods, where approximately 50–55% of monitored cases reached sentencing. Of the 323 completed cases, 47 postponed sentencing to a later date leaving 266 cases reported.

Several factors may have contributed to the decline in sentencing completions. Court Watch observed an increase in cases where defendants entered pleas but sentencing was deferred to a later hearing date. In addition, two judges were on extended medical leave during the reporting period, requiring substitute judicial coverage and potentially contributing to scheduling disruptions. The high rate of continuances is consistent with broader findings in this report showing that rescheduled hearings remain a significant factor affecting court efficiency and case aging.

Distribution of Sentenced Cases by Offense Combination Category:

Cases selected for observation by Court Watch must include a charge of flee/eluding an officer as one of the counts. Other relevant charges - 1st or 2nd degree recklessly endangering safety (RES) and their disposition are recorded. The remaining charges are indicated as “Other”; all contributing to the way the case is categorized.

Offense Combination Category	11/1/25- 4/30/26		5/1/25- 10/31/25		12/1/24- 4/30/25		6/24/24- 11/30/24	
Flee/Elude Only	35	13%	58	17%	28	16%	16	15%
Flee/Other* ^	46	17%						
Flee/Elude & Recklessly Endangering Safety (RES)	50	19%	53	16%	39	22%	28	26%
Flee/Elude, RES and Other*	135	51%	224	67%	103	59%	58	53%
Homicide**	N/A	N/A	N/A	N/A	4	3%	7	6%
Total	266		335		174		109	

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

^ New category (Flee/Other) to capture cases with a fleeing charge & NO RES 1 / 2 but other charges - guns, drugs, obstruction. These cases would have previously been classified as Flee/RES/Other. The previous data was not reclassified.

**Homicide cases are now summarized in a separate section of the report

Cases including “other charges”(drugs, weapons, armed robbery, auto theft, bail jumping, resisting an officer, etc.) continue to make up 2/3rds of the cases we see.

Multi-Cases & Multiple Charges (FEO, RES1, RES2) :

Multiple cases of fleeing were NOT included in the totals and calculations for previous reporting periods. They ARE included in this report with a comparison to previous periods. There were a total of 15 separate cases (of the 266 total) with at least one fleeing charge. The cases involved 7 defendants (more than one case for some defendants). In the previous reporting period, there were 42 cases involving 21 defendants which were NOT included in the total 335 cases reported.

There were three (3) instances where the same case contained multiple charges for flee/elude, RES1 or RES 2. Our current data collection only allows for one instance of each charge per case. The additional charges would have been treated/reported like other additional charges such as guns and drugs.

Prosecutor Observations (New):

Court Watch measures judicial sentencing decisions in comparison to the District Attorney's sentencing recommendations. Since the inception of Court Watch and this reporting tool, a growing percentage of judicial sentences have aligned with the recommendations made by the District Attorney's Office. This increased level of consistency may reflect greater agreement among criminal justice stakeholders regarding the appropriate resolution of fleeing and related offenses.

As this trend continues, an important question for policymakers and community members is whether current sentencing recommendations are achieving the desired balance between accountability, deterrence, rehabilitation, and public safety. While greater alignment between prosecutors and judges can contribute to consistency and predictability in sentencing outcomes, it is also valuable to continually evaluate whether those outcomes are effectively reducing repeat offending and deterring dangerous behavior within the community.

This section presents data related to prosecutorial sentencing recommendations. Just as Court Watch recognizes the important role judges play in evaluating each case and imposing sentence, we also recognize the critical responsibility of the District Attorney's Office to thoroughly review the facts, appropriately charge offenses, fairly resolve cases, and advocate for outcomes that promote justice, accountability, and public safety. Ongoing evaluation of sentencing recommendations and outcomes can help identify opportunities to strengthen community safety while ensuring fair and consistent treatment within the criminal justice system.

This section examines data related to the range of recommendations prosecutors made in non-probation cases, the volume of dismissed and read-in charges, as well as the number of times the recommendation was left up to the judge.

Recommendation Ranges by Offense Categories Excluding Probation Cases Compared to Statutory Maximums:

All Offenders					
Offense Combination Category	# of Cases	Statutory Allowances (months)	MIN of Prosecutor Recommended Total - IN (months)	MEDIAN of Prosecutor Recommended Total - IN (months)	MAX of Prosecutor Recommended Total - IN (months)
Flee Only	15	36-120	6	12	24
Flee/Other	35	36-120	12	24	270
Flee/RES	41	96-210	6	24	60
Flee/RES/Other	125	96-210	5	48	480
Total	216		5	36	480

Repeat Felons					
Offense Combination Category	# of Cases	Statutory Allowances (months)	MIN of Prosecutor Recommended Total - IN (months)	MEDIAN of Prosecutor Recommended Total - IN (months)	MAX of Prosecutor Recommended Total - IN (months)
Flee Only	6	36-120	12	12	12
Flee/other	31	36-120	12	27	270
Flee/RES	23	96-210	6	24	60
Flee/RES/other	94	96-210	5	48	420
Total	154		5	36	420

Statutory Maximum prison sentences (incarceration portion) for Fleeing (felony class E-H) range 36-120 months (180 for causing death - felony Class D); and RES 1st/2nd (felony classes F&G) range 60-90 months of incarceration. The statutory allowances above would be higher for categories including "other" charges. See the Glossary - State Legislature Maximum Sentences for Felony Reckless Driving-Related Offenses for more information.

Dismissed but Read-in for Sentencing:

During this reporting period there were 107 charges across 103 cases that were dismissed but read-in (DRI) as part of a plea bargain. Four cases had more than one charge dismissed. The table below shows the charges that were dismissed but read-in for sentencing purposes by category; then breaks down each charge that was dismissed.

Offense Combination Category	Total # cases sentenced	# Cases with DRI charges	Charge FEO DRI	Charge RES1 DRI	Charge RES2 DRI
Flee Only	35	0	0	N/A	N/A
Flee/Other	46	3	3	0	N/A
Flee/RES	50	25	12	0	14
Flee/RES/Other	135	75	54	8	16
Total	266	103	69	8	30

This period reflects a *very minor decrease* (39% down from 42% in the previous reporting period) of cases with DRI charges. **The District Attorney's office should STOP dismissing fleeing and RES charges as part of plea negotiations** with defendants in order to send a message that fleeing and recklessly endangering safety is *unacceptable* and consequences for such behavior are *non-negotiable*.

"Up to the Court" Recommendations:

The following data reflects the number of cases where prosecutors left the sentencing decision, most often incarceration, up to the court rather than suggesting a specific amount of time or place for serving such sentence.

Offense Combination Category	Total # of Cases	Recommendation Left Up to the Court	% of Total Cases
Flee Only	35	10	29%
Flee/Other	46	9	20%
Flee/RES	50	7	14%
Flee/RES/other	135	13	10%
Grand Total	266	39	14%

Court Operations and Efficiency (NEW)

From the outset of Court Watch, one of the most consistent observations was the slow and often inefficient operation of the court system. Court calendars routinely scheduled large numbers of cases at the same time, with limited courtroom resources, attorneys, and support personnel competing for availability. Prosecutors and defense attorneys, often managing staffing shortages, were frequently assigned to multiple courtrooms simultaneously, creating delays that affected everyone involved. Victims, defendants, and their families were often required to take time away from work, school, and family responsibilities only to spend hours waiting for hearings that were postponed or rescheduled. These experiences highlighted not only operational inefficiencies, but also the significant personal, emotional, and financial burdens imposed by prolonged case processing.

Recognizing the importance of moving beyond anecdotal observations, Enough Is Enough began systematically collecting court data to better understand the factors contributing to delay and to measure progress over time. The court system plays a critical role in delivering timely justice. When cases remain unresolved for extended periods, witnesses become more difficult to locate, victims and families struggle to achieve closure, and defendants often remain in legal limbo with little guidance while awaiting adjudication. Extended delays can also increase the likelihood of additional criminal activity, create employment instability, and erode public confidence in the justice system. Timely case resolution benefits all parties and strengthens community trust in the administration of justice.

The findings in this section provide evidence that meaningful progress is occurring. Average time to disposition for fleeing and reckless driving cases has declined substantially in recent reporting periods, reflecting improved efficiency in resolving newer cases. At the same time, *the total number of open felony fleeing cases has fallen below the peak levels observed in 2025, while new case filings during the first four months of 2026 reached their lowest levels since tracking began.* Together, these trends suggest that **improvements in court operations are occurring alongside a reduction in the overall volume of fleeing and reckless driving cases entering the system.**

However, the data also demonstrate that significant challenges remain. A relatively small number of older cases continue to age within the system, consuming disproportionate court resources and contributing to ongoing delays. Repeated reschedules remain common, and the strongest evidence indicates that defense-requested reschedules account for the majority of identifiable delays, while court congestion appears to play a secondary role. As a result, overall court efficiency is improving, but continued attention to the management of older and repeatedly continued cases will be necessary to achieve more timely resolution for all parties involved.

The data contained in the tables below support these conclusions.

Case Aging: Positive Trend, But Backlog Persists

The table below shows the average amount of time in months between the first filing and the closure of a case

Cases Initiated in year	Average months to close	# of Cases that remain open vs filed as of 4/30/26 (average age)
2023*	17.5	59 of 328 filed (35.5 months old)
2024*	11.17	172 of 776 filed (23.11 months old)
2025	7.27	337 of 812 filed (10 months old)

**Case status "Open" as of 4/29/2024 for first inventory - does not include cases initiated and closed before that date.*

There appears to be a trending reduction in time to disposition:

- 2025 cases are closing **58% faster** than 2023 cases.
- The decline from **17.5 months to 7.27 months** suggests significant improvements in case flow and disposition practices.

However, the open-case inventory tells a different story:

- Nearly **60 cases from 2023 remain unresolved after almost three years.**
- More than **230 cases filed in 2023-2024 remain open beyond two years on average.**
- Approximately **41% of the total cases for 2025 are open as of April 30, 2026**
- These older cases likely account for a disproportionate share of court resources and scheduling complexity; as they age, the average months to close will become longer presenting a more accurate picture of the true aging over time.

Reschedules and Reasons For Them:

Rescheduled plea/sentencing hearings are widespread and likely one of the primary contributors to prolonged case resolution times. Defense-requested delays appear to be the single largest driver of rescheduling activity. A small number of the reschedules are conducted before the hearing in collaboration with the court either in person or via email.

The tables below reflect the occurrences of cases that were scheduled for a plea/sentence or sentencing hearing and were rescheduled to a new date. For the current reporting period we began collecting reasons for the case reschedules. The reasons are grouped into categories aggregated below by the requesting party and sorted by volume.

Number of Times Cases Were Rescheduled - Closed Cases by Filing Date (year)								
Year of filing date	1	2	3	4	5	6	7	Total
2023*	64	29	18	6	4	2		123
2024*	179	81	51	12	3	3	1	330
2025	177	57	24	6	2			266
2026	3							3
Total	423	167	93	24	9	5	1	722

*2023 & 2024 numbers under reported due to only starting to collect data as of April 29, 2024 for open cases.

Most delayed cases are continued only once or twice:

- 59% had one continuance.
- 82% had one or two continuances.
- 18% experienced three or more continuances.

While the average case may not be repeatedly delayed, a smaller subset of cases appears to account for much of the extended case aging observed in the inventory.

Rescheduled Cases by Party 11/01/2025-4/30/2026		
Party	# of cases	% of total rescheduled cases
Defense*	240	70%
Court	62	18%
State	16	5%
State & Defense*	16	5%
All	14	4.0%
Total	347	52% of total cases selected

*The majority of defendants are represented by the State Public Defender's Office

- Seven out of every ten reschedules were requested by the defense.
- Even if every court-requested reschedule were eliminated, defense-requested continuances would still remain the dominant source of scheduling delays.
- Because most defendants are represented by the State Public Defender's Office, this data lends support to concerns that public defense capacity issues may be affecting case progression.

Reschedule Reasons by Party 11/01/2025-4/30/2026							
Reason Category	Rescheduled by						% of Total
	Court	Defense	All	State & Defense	State	Total	
Reason unspecified or stated "on the record"	2	83	1	6	2	94	27%
On going negotiations/Case in contest/trial posture	2	39		5		46	13%
Not ready to proceed/needs more time		33		2	3	38	11%
Court/parties unavailable	22	8				30	9%
Motion to withdraw/change of counsel		26				26	7%
In Trial	14	3			4	21	6%
Defendant has other/new cases		11	1	3		15	4%
Defendant not produced			14			14	4%
Court congestion	13					13	4%
Scheduling issue	3	6		1	2	12	3%
Court/parties unavailable due to illness		8			3	11	3%
Defendant non-appearance/bench warrant		10				10	3%
Case Adjourned for sentencing at a later date	3	3	1			7	2%
Defendant - personal/family issues		6				6	2%
Competency concerns for the defendant		4				4	1%
Total	59	240	17	17	14	347	
	17%	69%	5%	5%	4%		

- Attorney turnover and preparation delays appear to be important contributors to case aging.
- Court-related issues, especially scheduling/congestion, account for approximately 15% of continuances.
- The largest single category of rescheduled cases is "Unspecified/"On the Record" composing 27% of all reschedules; more than any other reason category.
- Without better documentation, nearly one-third of continuances cannot be analyzed for root causes.

Homicide/Family Support Cases

During this reporting period, 8 homicide cases were heard by Judges Havas, Borowski, Crivello and Swanson. Due to the limited number of cases per judge and the nature and complexity of the felony class and sentences, these case results are not included in the comparative data for the period. Homicide is the ultimate result we are trying to deter when addressing fleeing and reckless driving in a preventive rather than reactive manner. *We remember every victim and their families who have needlessly suffered a loss of life, that, to quote Judge Swanson, “cannot be valued or quantified with a number” {of years in prison}.*

The Victims:

Anthony Higgins Jr., age 48, father, son, brother, friend. Anthony Higgins died on Oct. 24, roughly 16 months after he was paralyzed from the neck down as a bystander when 16 year old Jaylen Lock chose to flee the police. Judge Richards previously sentenced him to 7 years incarceration followed by 5 years extended supervision; eligible for programs after serving 4 years initial confinement. Judge Swanson granted a concurrent sentence of 5 years incarceration and 5 years extended supervision for the revised charge 2nd Degree Reckless Homicide.

David Gau, 93, of St Camillus Community Wauwatosa, was struck and killed while crossing a Wauwatosa street after investigators say he waited for traffic to clear and crossed safely. The defendant, Clay Schueffner, 24, was distracted by his phone and Snapchat while speeding, causing him to visually miss Gau and fatally hit him. Schueffner remained at the scene, cooperated with police. He pleaded no contest and was granted 4 years of probation by Judge Borowski.

Zarion Robinson, 1 year old, died from injuries after his mother’s car was taken without permission by Antwineesha Burse and crashed into a van. Investigators said Burse, 31 years old, was intoxicated and driving without a license. Taken to the hospital due to the crash, Burse was later charged but failed to show up for court – becoming one of "Wisconsin's Most Wanted" in 2024. She was arrested in December 2024, after 22 months, and remained in custody until January of 2026, when Judge Havas sentenced her to 12 years incarceration and 8 years extended supervision.

Keiarria Travis, 26, Keiarria was killed crossing the street by Shanton Lay, 34, who was knowingly driving on a revoked license due to a previous OWI. Lay left the scene while Keiarria was still fighting for her life. He turned himself in the next day. A charge Knowingly Operating While Revoked (Cause Death) was dismissed and read in. Lay pleaded guilty to Hit and Run-Involve Death; sentenced by Judge Crivello to 10 years incarceration and 8 years of extended supervision.

“Keiarria was more than just a talented artist — she was a daughter, a sister, a friend, and a dreamer who inspired everyone around her”.

Jaylen Sloan, 5 years old, was seriously injured in the crash and later died at a hospital. Jaylen's twin brother, who was also in the car, survived. The boys' dad, Christopher Sloan, 35, was driving drunk when he crashed into parked cars and a tree. Judge David Borowski sentenced Sloan to 16 years in prison and 10 years of extended supervision.

Isiah Balderas, 20 yrs old - son, brother, friend. He was riding his motorcycle with a friend when Anna Rena Lindsey, 54 years old, turned left in front of him, hit him and left the scene. Her charges included knowingly operating while revoked and hit and run. She was found guilty by a jury and sentenced to 15 years incarceration and 10 years extended supervision.

Clarence Bibbins, 60 years old grandfather of 10, killed by Antonio Marquis Willis, 19 years old, who crashed into him driving on a revoked license in a stolen Jeep. Willis was sentenced by Judge Borowski to 20 years incarceration and 12 years of extended supervision. Bibbins' daughter said the tragedy was "senseless".

James Stokes, 17, found dead in the rear cargo area of a stolen Kia after it had been taken to a city tow lot. The driver of the Kia, Javion Rainey, had been traveling at a high rate of speed before striking a curb & tree. The front passenger was ejected & hospitalized with serious head injuries. Witness video showed the injured driver leaving the scene on foot. Although the homicide charges were dismissed, he had multiple other cases in conjunction with this one. Judge Havas sentenced the defendant to over 25 years incarceration and 17 years extended supervision.

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 resulting in safer streets and communities for ALL.

About 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.

[Join us!](#) - use this link to sign up and get involved

Our other touchpoints:

ene4erin.org

ene4erin@gmail.com

[Facebook page](#)

[Facebook group](#)

Glossary/Explanation of Terms and Concepts

Case Aging - Average time to case completion (sentencing or dismissal) calculated as the difference between the filing date and sentencing date in months

Dismissed but Read in for Sentencing (DRI) -

Some charges are dismissed as part of plea negotiations but are “read in” for sentencing purposes. While these dismissed charges cannot be counted as “convictions” when referenced in future cases, judges may consider the underlying conduct when determining a sentence. It is unclear how, or to what extent, additional sentencing weight is attributed to these read-in charges, as judges do not specify or itemize any added time related to them.

Exposure - the amount of potential incarceration time associated with a particular felony class. See also below - *State Legislature Maximum Sentences for Felony Reckless Driving-Related Offenses*

Habitual Criminality Repeater is a type of modifier to a charge which can extend the sentence up to 4 years. This modifier is added when an offender has had multiple previous charges of the same nature, indicating recidivist behavior and ineffective previous penalties. Thirty eight (11%) of the 335 sentenced cases had the Habitual Criminality Repeater modifier on one or more charges; 5 of those cases were granted probation.

Jail vs House of Corrections(HOC) vs Prison - “where” a defendant spends time prior to or post conviction including:

Jail - Milwaukee County uses jail as a holding place for defendants who have been arrested and charged, and cannot post bail.

House of Corrections (HOC) a.k.a Community Reintegration Center (CRC) - houses

- defendants who have not concluded their case(s), have not posted bail/bond (overflow from CJF/jail)
- defendants who have been sentenced to up to 12 months incarceration
- defendants sentenced to probation beginning with condition time (up to 12 months)

Prison (State Correctional Facilities) hold ONLY defendants who have been convicted to a sentence of more than 12 months)

Probation/Extended Supervision - supervision by the Department of Corrections while the defendant resides in the community.

Judge Leniency; % More lenient than DA Recommendation - a simple comparison between what the prosecution recommended and what the judge granted - the same, less or more. Judge leniency is the percent of cases where the judge granted less than what the prosecution recommended.

Offense Combination Categories - Recorded cases for this report have been categorized for comparison purposes as follows:

- FLEE ONLY (FEO) - a charge of 346.04 - Flee/Elude an officer but no RES 1 or 2.
 - Felony levels range from D-H see ***State legislature maximum sentences for (felony) reckless driving-related offenses.***
- FLEE OTHER (new in 4.0 report) - a charge of 346.04 - Flee/Elude an officer but no RES 1 or 2 and Other charges (guns, drugs, auto theft/carjacking, armed robbery, bail jumping and others)
- FLEE/RES - charges of flee/elude and 1st or 2nd degree Reckless Endangering Safety
- FLEE/RES/OTHER Flee/elude and RES1/2 and Other charges (guns, drugs, auto theft/carjacking, armed robbery, bail jumping and others)

A handful of cases have multiple charges of fleeing or RES1/2 when there are multiple incidents and/or multiple victims.

State Legislature Maximum Sentences for Felony Reckless Driving-Related Offenses:Per the Legislative Reference Bureau document “Felonies in the 2023–24 Wisconsin Statutes”:

*“In Wisconsin, there are two types of crimes: felonies and misdemeanors. **A felony is a crime punishable by imprisonment in a state prison, generally for a term of more than one year. All other crimes are misdemeanors.....Most felonies are punishable by a fine as well as imprisonment.***

With only a handful of exceptions, Wisconsin has organized its felonies into a uniform penalty scheme, which is set forth in Wis. Stat. § 939.50 (3). Each felony is assigned to one of nine classes, and that assignment determines the penalties that apply. For each class, a maximum term of imprisonment is specified, and for seven of the classes, a maximum fine is also specified.”

Per state statutes - the max sentence allowed for each felony class is shown below.
(Table derived from cited sources.)

Felony Class	Maximum Imprisonment Term	Maximum Extended Supervision Term	Maximum Total Sentence	Maximum Fine
A	Life	n/a	Life	
B	40 years	20 years	60 years	
C	25 years	15 years	40 years	\$100,000
D	15 years	10 years	25 years	\$100,000
E	10 years	5 years	15 years	\$50,000
F	7.5 years	5 years	12.5 years	\$25,000
G	5 years	5 years	10 years	\$25,000
H	3 years	3 years	6 years	\$10,000
I	18 months	2 years	3.5 years	\$10,000

<https://www.stangllaw.com/blog/wisconsin-felony-classes-a-quick-guide>
<https://legis.wisconsin.gov/lrb/media/z5dh4yv1/statutory-felonies-94.pdf>

Felony offenses and their classes related to Fleeing and Recklessly Endangering Safety tracked by Court Watch are:

- Statute 346.04(3) - Vehicle Operator Flee/Elude Officer (FEO) **Felony D-I**
- Statute 941.30(1) - First Degree Recklessly Endangering Safety (RES1) **Felony F**
- Statute 941.30(2) - 2nd-Degree Recklessly Endangering Safety (RES2) **Felony G**

Total docket of reckless driving cases - The Court Watch process involves systematically identifying, monitoring, and documenting court cases that include a charge of fleeing or eluding law enforcement. Using Wisconsin Circuit Court Access (CCAP), a master inventory of cases is maintained by searching relevant class codes and confirming the presence of a fleeing charge (statute 346.04). Cases are tracked throughout multiple stages of the court process—often over a year or more—and updated as they are resolved or dismissed.

Cases selected for observation are identified from judges' dockets, with priority given to plea and sentencing hearings and those where we are supporting a victim's family. Over time, refinements to case selection and observation methods (including zoom) have increased our coverage and efficiency. Even so, the weekly case volume and persistent rescheduling by the court continues to challenge our limited team. Often a full morning or afternoon of scheduled cases results in very few, if any actually being heard to completion.

Victim Injury and Property Damage - Victim injury and property damage are frequently understated when cases are presented to the court. In many instances, victims are neither formally identified nor quantified unless they self-report or are documented as part of the incident scene in the criminal complaint. Restitution requests are uncommon and, when made, are typically limited to insurance deductibles or constrained by the court's assessment of the defendant's ability to pay. While victims may pursue civil remedies, doing so often imposes additional financial and emotional burdens for harms they did not invite.

Beginning May, 2025, Court Watch began systematically tracking whether cases involved injury to individuals other than the defendant and/or damage to property belonging to others, including stolen vehicles. This information was derived from criminal complaints and court observations; as such, the figures should be considered conservative estimates.

These figures underscore that innocent victims are present in a substantial majority of these offenses. Beyond physical injury and financial loss, victims and witnesses often experience lasting emotional and psychological impacts, including fear, trauma, and concern for their personal and family safety.