

NEWS ALERT: For Immediate Release

Mothers On a Mission to Stop Violence

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“Crime Victims’ Rights are not a legitimate claim of entitlement,” argues Kevin Berrill, attorney for Defendants Lake County State ’s Attorney and former Assistant State ’s Attorney, Laura Horner.

“Victims of violent crime are often railroaded by an adversarial system whereby prosecutors merely seek to obtain convictions through inappropriate plea deals and deprive victims of their rights,” say victim advocates

Ingleside, IL –Defendants Lake County State 's Attorney Michael J. Waller and former Assistant State 's Attorney, Laura Horner, through their attorney filed a motion to dismiss the complaint file by Plaintiffs Jasmine Jimenez and her mother, Denise Rotheimer to declare Crime Victims’ Rights laws unconstitutional. "For a state law to create a property interest, the law must provide for a legitimate claim of entitlement. There is no property interest in the crime victims' rights asserted by Plaintiffs [Jimenez and Rotheimer] ... Illinois law recognizes certain rights of crime victims, and those rights should be honored. However, the Illinois Constitution and the Rights of Crime Victims and Witnesses Act do not create a property interest such that constitutional due process protection is warranted," says Kevin Berrill, Defendant’s Attorney

In 2003 and 2009, Defendants Waller and Horner deprived Plaintiffs of their rights on the assumption that they are immune from state action under the Eleventh Amendment. Defendants Waller and Horner, through their attorney, believe victims of violent crime are not ENTITLED to the protection of their fundamental right to due process and equal protection of the laws as guaranteed by the Fourteenth Amendment because CRIME VICTIMS' RIGHTS are not a legitimate claim of entitlement.

Plaintiffs Jimenez and Rotheimer will file their response to Defendants’ motion to dismiss by October 31, 2011. “Although prosecutors preyed on my ignorance and excluded me from participating in the prosecution of my rapists’ case, I will fight to ensure that victims’ rights are enforceable and that no other victim will become further victimized by a system that is meant to protect us,” says Plaintiff Jasmine Jimenez.

“My daughter and I filed a complaint in federal court, not to seek monetary relief, but to request the Federal judge to declare unconstitutional the provisions under state laws that deprive victims of their fundamental right to due process and equal protection of the laws,” says Plaintiff, Denise Rotheimer.