



OFFICE OF DISTRICT ATTORNEY SUZANNE VALDEZ

# ANNUAL REPORT

2021



# Reducing the criminal justice footprint

It's hard to believe my first year in office has passed. Throughout 2021, the Douglas County District Attorney's Office has worked to reduce the criminal justice footprint for all, increase office transparency and ensure justice for all communities.

Since the Douglas County District Court resumed jury trials in April, this office has seen convictions for cases that include gun violence, crimes against children and sexual assaults. We have sought justice and supported victims who endured trauma.

But we also have pursued alternatives to incarceration for many, actively participating in both Drug Court and Behavioral Health Court and pursuing a Restorative Justice program. We take a holistic approach to everyone who comes through the criminal justice system. Our robust diversion and pretrial release programs keep people out of jail.

As public servants, the District Attorney's Office must work in transparency. Shortly after I took office, I initiated an effort to create a data dashboard, which launched in September. In addition to providing this data to the public, we will examine this information internally to better understand our impact on the criminal justice system.

We also hired a public information officer – a first for the DA's Office. The PIO helps to provide information about the activities of the DA's Office through media releases, social media and public outreach. Follow us on Facebook, Twitter and Instagram at @dgcoksda.



Obviously the work of this office is ongoing, and in 2022 we continue to face cases that are important to this community. We are committed to serving Douglas County and pursuing justice for both victims and defendants.

I hope you will find this annual report a helpful snapshot of the work of our skilled, compassionate and dedicated team of administrative staff, trial assistants, victim witness coordinators and attorneys.

I am honored to serve Douglas County to help create a safe and just community for all.

**Suzanne Valdez, Douglas County District Attorney**



## OUR MISSION: A safe and just community

### OUR CORE VALUES:

- Public safety
- Justice for all communities/equity & inclusion
- Compassion & empathy
- Protecting children and investing in our future
- Reducing the criminal justice footprint
- Transparency & accountability
- Dignity & humility
- Recognizing humanity of all parties
- Recognizing crime's impacts are broad & generational



Photo by Earl Richardson

**District Attorney Suzanne Valdez and Deputy District Attorney Joshua Seiden**

### OUR VISION:

The Douglas County District Attorney's Office is committed to the fair and equitable administration of justice for victims and defendants. As public servants, we work in transparency and seek accountability from the community. We will explore alternatives to incarceration when appropriate and favor a holistic approach for vulnerable populations entering the criminal justice system.



**Valdez joined Assistant District Attorney Brian Deiter and Specialty Courts Coordinator Annie Curtis as well as members and participants of the Douglas County Drug Court at the Douglas County Recovery Walk in South Park.**



## New restorative justice program aims to heal harm from crimes

The Douglas County District Attorney's Office is working with local nonprofit Building Peace Inc. to establish a Restorative Justice program.

In restorative justice programs, a trained facilitator convenes the offender with a victim or victims to talk about the act and how it affected the victim and the community. Through this process, the offender is held accountable for their actions and makes amends so the victims can begin healing.

"The community benefits, the victim benefits, and the offender benefits," Valdez said. "It's win-win-win."

While the DA's Office and Building Peace are working out details of how the program will be implemented, Valdez said she would

like to start with juvenile offenders. Because restorative justice has a high success rate of reducing recidivism, Valdez believes the program can also reduce the high school-to-prison pipeline. Additionally, the goal is to identify potential cases for restorative justice before charging.

Lyle Seger, founding organizer of Building Peace, said that nearly 290 other communities across the United States have implemented restorative justice programs. Seger and others from his organization, in conjunction with the DA's Office, held an informational session in November and plan to train members of the community as restorative justice facilitators. More information will be provided on that training when it becomes available.

## Dashboard provides data to public

Data on criminal cases handled by the Douglas County District Attorney's Office are now available through an easy-to-use dashboard, found at [dgco-da.org](http://dgco-da.org). DA Suzanne Valdez initiated the project as part of

her commitment to transparency and accountability. "In addition to providing this data to the public, we will examine this information internally to better understand our impact on the criminal justice system," Valdez said.



**Leonidas, a registered therapy dog, is a regular member of the Behavioral Health Court team.**

## Alternatives to Incarceration

The DA's Office takes a holistic approach to everyone who comes through the criminal justice system, considering each case individually to ensure that, when appropriate, defendants are held accountable but also receive services that meet their situation and needs.

Alternatives offer meaningful access to appropriate services and treatment and the opportunity for a second chance. The DA's office works with the District Court, Criminal Justice Services, defense attorneys, local law enforcement, DCCCA, Bert Nash Community Mental Health Center and other community-based treatment providers.

In addition to a robust diversion program, alternatives include Behavioral Health Court and Drug Court. All are structured to promote accountability while reducing recidivism.

## Position focuses on public info

As part of her efforts toward transparency, Valdez created a public information officer position with a focus on regular communication with Douglas County.

Communication efforts are ongoing and include regular updates on social media. Follow @DGCOKSDA on Facebook and Twitter.



## Special Victims Unit launched to focus on crimes against intimate partners, children

As part of the victim-focused approach, the District Attorney's Office formed a Special Victims Unit to focus on crimes against intimate partners or with child victims.

Attorneys and victim/witness coordinators in the SVU take a trauma-informed approach in their work, which requires a lot of trust-building.

"We spend a lot of time listening, ensuring we show no judgment or blame," Valdez said. "Survivors guide us through what they want to see happen. They are the experts on their own lives." Training in trauma responses is vital because symptoms of trauma can include the survivor recanting or trying to keep the perpetrator from getting into trou-

ble. Often, the survivor will need more time to think about how they want to proceed in the case.

Assistant District Attorney Samantha Wagner is also part of the SVU and handles domestic violence cases.

The Lawrence Police Department also formed an SVU recently and the two units work closely.

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### Victim-witness support

The Victim-Witness program of the Douglas County District Attorney's Office was designed to create a more trauma-informed, compassionate and inclusive response for victims and witnesses involved with the criminal justice system.

This team works to ensure that victims and witnesses are not further victimized in the wake of a crime as cases move through the criminal justice system. Coordinators act as liaisons between law enforcement, prosecutors, community resources, families, criminal justice system representatives, employers and schools.

This victim-centered approach acknowledges that the impacts of crime are broad, and no one "wins" in criminal proceedings. Our coordinators offer victims information about options available to them and support them throughout the legal process, even attending court proceedings with them to offer information and reassurance.

### Mediation efforts beginning

The Douglas County District Attorney's Office began using mediation in October as an alternative method of dispute resolution, which is geared toward resolving matters short of trial.

So far, Retired Johnson County District Judge Kevin Moriarty has mediated more than a dozen criminal matters in Douglas County, including the Albert Wilson case. **(see page 5)**

"Retired Judge Moriarty's extensive trauma-informed training helps all parties feel heard and valued," Valdez said. "He seeks out collateral information about the parties and consults with survivors as well as loved ones of the defendants in an effort to gain a greater understanding of the overall situation. This special emphasis on the human elements at play – as opposed to simply trying to broker a deal – is a value shared by this office and one that is imperative to the success of the mediation process."



## Office resolves key inherited cases

DA Valdez inherited many cases from the previous administration, including several that had been granted retrial or were under judicial review for retrial. Among those that were resolved within Valdez's first year in office:

### **Sarah Gonzales-McLinn**

In May – after months of research and negotiation – Valdez and post-conviction counsel Jonathan Sternberg reached a settlement that reduced Gonzales-McLinn's mandatory prison time by half. After being fully advised of all options, Gonzales-McLinn accepted. As a result, Judge Amy Hanley resentenced her to a hard 25 years in state prison.

Gonzales-McLinn was convicted in 2015 of first-degree murder in the 2014 killing of local business owner Harold "Hal" Sasko and received a "hard 50" sentence. Before trial, then-District Attorney Charles Branson offered Gonzales-McLinn's attorney Carl Cornwell a plea deal in which the State would agree not to seek a "hard 50" sentence if Gonzales-McLinn pleaded guilty to first-degree murder and did not seek a departure sentence. Gonzales-McLinn ultimately rejected this offer and the case proceeded to a jury trial.

In 2019, Gonzales-McLinn filed a petition under K.S.A. 60-1507, Kansas' habeas corpus statute arguing that she was entitled to a new trial for five reasons. Judge Hanley summarily denied three reasons but heard evidence and argument on the remaining claims in December 2019 and February 2020.

The first claim was that Gonzales-McLinn's trial counsel was ineffective because he did not fully advise her regarding the State's hard 25 plea offer. The second claim was that her trial counsel was ineffective for pursuing a defense of mental disease or defect because of Dissociative Identity Disorder

rather than arguing battered women's syndrome as a defense. The State opposed both of these claims.

While these claims were pending, Valdez and Sternberg negotiated the settlement. Under the settlement, the State conceded that Gonzales-McLinn's trial counsel was ineffective for failing to adequately advise her about the hard 25 plea offer. In exchange, Gonzales-McLinn dropped her remaining habeas claim. The parties stipulated that the appropriate relief for this claim was to resentence Gonzales-McLinn as though she had accepted the initial plea offer.

### **Albert N. Wilson**

DA Valdez announced on Dec. 22 that she was dropping rape charges against Albert N. Wilson, who had been granted a new trial after a 2019 conviction. The decision hinged on completion of a restorative justice session between Wilson and the survivor.

After a new trial was granted in April, Valdez, Deputy District Attorney Joshua Seiden and members of our Special Victims Unit evaluated the court's ruling and other relevant materials in the case. At all times, Valdez made clear this Office's commitment to pursuing equal and equitable justice for all affected parties in all cases.

As time passed and negotiations continued, it became increasingly clear that absent a creative, non-standard resolution, this matter was destined to be retried. In keeping with this Office's trauma-informed approach to criminal prosecution, we sought the survivor's input and gauged her expectations and objectives. She wanted to address Wilson directly and to convey to him the impact this entire experience has had on her.

The DA's Office has recently engaged in a number



of criminal case mediations, facilitated by Retired District Judge Kevin Moriarty. Additionally, we are in the process of developing a restorative justice component to function alongside our existing Alternatives to Incarceration programming. The survivor's wishes in the Albert Wilson case aligned with these initiatives, but there were many moving parts. Valdez suggested restorative justice to the survivor – assuming it could be accomplished – and she was supportive.

In December 2021, Retired Judge Kevin Moriarty facilitated the restorative justice session between the survivor and Mr. Wilson.

#### **Rontarus Washington Jr.**

In her first year in office, DA Valdez endeavored to bring swift justice in the death of Justina Altamirano Mosso. Unfortunately, after years of delay after delay, swift justice came and went before she ever set foot in the DA's Office. Because of these delays, as well as a meticulous assessment of potential outcomes and adverse impacts of proceeding with the retrial, Valdez announced in December 2021 that she would cease prosecution of Rontarus Washington Jr.

Ms. Mosso was killed in November 2014. In September 2019, Washington was tried by a jury on charges of murder in the first degree and aggravated burglary. After a four-week trial, the jury was unable to reach a verdict and a mistrial was declared. The case was scheduled to be retried.

The retrial was scheduled to commence on July 18, 2022 – 2,811 days after Ms. Mosso's death and 1,019 days after Washington's first trial ended. Since Valdez became district attorney in January 2021, there have been 14 hearings held on pretrial issues that are far afield of the case in chief. The degree to which this matter has been permitted to languish calls into question the integrity of the criminal justice system.

Present circumstances precluded the State from providing a voice for Ms. Mosso, her family, and for the Hispanic community in Lawrence who knew and loved her. A particular legal maxim holds true: Justice delayed is justice denied.

## **2021 jury trial convictions include:**

**ROBERT BROTHERS:** Guilty of felony interference with a police officer and misdemeanor assault with a domestic violence designation and sentenced to seven months in the Kansas Department of Corrections and one month in the Douglas County Correctional Facility.

**MICHAEL HORMELL:** Guilty of aggravated robbery and attempted voluntary manslaughter and sentenced to 18 years in prison. Charges stemmed from an incident Jan. 26, 2018, in which Hormell and a co-conspirator set up a fake drug deal with the intent of robbing the victim. The victim resisted and was shot in the chest by Hormell.

**ERICK OGWANGI:** Guilty of rape and sentenced to 147 months in prison. The charge stemmed from an incident early Jan. 27, 2017, in which Ogwangi forced himself on a woman who was staying in his home. He was convicted for assaulting the woman under circumstances when she was overcome by force or fear.

**SHAWN O'BRIEN:** Guilty of three felony counts of aggravated liberties with a child and five misdemeanor counts of sexual battery and to life in prison with no possibility of parole for 25 years for each felony count and 12 months in Douglas County Jail for each of five misdemeanor counts of sexual battery. The felony charges stemmed from multiple incidents in O'Brien's home in which he touched a girl younger than 14 under her clothes on her chest and inside her underpants, while claiming to give her a massage. The sexual battery convictions involved inappropriate touching of massage clients at his place of business and at the University of Kansas, where he was under contract with the women's soccer team.



**Douglas County District Attorney Suzanne Valdez** (she/her) has been an attorney for 25 years. She has served as a special prosecutor for seven years in Wyandotte County, Kansas, handling several high level felony prosecutions. She is the co-author of the book *Prosecutorial Ethics Third Edition*. She does not shy away from holistic approaches to prosecution, cultural and gender inclusion, and the need for better public health and safety surrounding violent crimes, such as sexual assault, intimate partner violence, and stalking.



Valdez chaired the Kansas Crime Victims Compensation Board for nine years, a position to which she was appointed by two different Kansas Attorneys General and twice confirmed by the Kansas Senate. In that role, she participated in providing funds to assist the survivors of violent crimes, observing firsthand the often devastating impacts of such violence inflicted by

perpetrators on the lives of victims and their families. In 2013-2018, Valdez served on the Douglas County CASA (Court Appointed Special Advocates for Children) Board.

In 1996 after graduating from the KU School of Law, Valdez began her legal career with Kansas Legal Services in Kansas City, Kansas, representing clients in divorce, protection from abuse cases, and minor criminal defense matters.

When she joined the KU School of Law faculty in 1999, she supervised legal interns in the Douglas County Legal Society, representing clients in family law and landlord-tenant disputes, and defending juvenile and criminal cases.

In 2008, Suzanne served as a Pro Tem District Judge in Douglas County, presiding over the county's juvenile offender docket and post-divorce motions docket for approximately seven months.

Suzanne Valdez and her family are long-time residents of Douglas County and live in Lawrence. Valdez is originally from Arizona, where her parents still reside.

**Andrew Putnam**, investigator, joined the DA's Office in June 2021. He earned a bachelor of science in criminal justice from Washburn University. Andrew has a Bischon-mix dog named Toby and enjoys fly fishing.

and a cat, Opie. Annie spends most of her time outside the office getting her daughter to all her activities, but she also enjoys board games and collects glass art and Tiffany lamps.

**Catherine (Cathy) Reyes**, senior trial assistant, joined the DA's Office in May 1985. She left in August 1991 and returned in November 1992.

**Annie Curtis** (she/her), specialty court coordinator, joined the DA's Office in January 2017. She earned an associate degree in business from Highland Community College. Annie and her husband, Kirk, have three sons, Bryce, Kaleb and Sheldon; a daughter, Kaley; a daughter-in-law, Christina; and grandson, Ronin. They also have a dog, Chloe,



**Brian Deiter**, assistant district attorney, joined the DA's Office in June 2020 as an intern and became an ADA in August 2021. He previously was a judicial intern for a judge in the U.S. District Court for the District of Kansas. He earned a bachelor's degree in international business from Wichita State University and a J.D. from Washburn University.



**Christen Secret Cockerham**, assistant district attorney, joined the DA's Office in May 2021. She previously worked at a public defender for the Northeast Kansas Conflicts Office.



She earned bachelor of art degrees in Spanish and criminal justice and a J.D., all from Washburn University. Outside of work, Christen enjoys making wood flower arrangements.





**Cynthia (Cia) Kay Heubner** (she/her), legal intern, joined the DA's Office in May 2021. She has a bachelor's degree in criminology with a minor in computer science from Kansas State University and is a 3L at Washburn University School of Law. She and her husband, Zevonne Huebner, have two German Shepherd-mix rescue dogs – Skylar and Doug. Cia enjoys singing, playing the guitar and board games. She is self-proclaimed huge fan of Rick Astley.

**David Greenwald** (he/him), senior assistant district attorney, joined the DA's Office in June 2021. David previously worked in at the Johnson County DA's office, specializing in DUI and traffic fatality cases.



From 2017-2019, he worked in the Wyandotte County DA's office with a focus on gang and violent crime prosecution. He earned bachelor's degrees in history and political science from the University of Kansas and a J.D. from the University of Miami. Outside of work, David loves cooking, sports and traveling.

**Dillon Waugh**, information/media specialist, joined the DA's Office in March 2019. He previously worked at the University of Saint Mary. Dillon has a bachelor's degree in management information systems from Emporia State University. In his free time, Dillon is a record collector.



**Dorothy Kliem** (she/her), director of administration, joined the DA's Office in August 2010. She and her husband, Alex, have a daughter, Caitlynn, and two dogs, Daisy and Duke. She attended the University of Kansas.



**Grace Tran**, legal intern, joined the DA's Office in May 2021. She earned a bachelor's degree in women, gender and sexuality studies from the University of Kansas and expects to graduate with a J.D. from the KU School of Law in May 2022. She and her husband, Jason, have a cat named Louie, who is a tiny tortoise-shell kitty with a big personality. Grace enjoys baking and doing crossword puzzles. She is also a big fan of all things "Lord of the Rings."



**Grayson Kassius (Kass) Andersen**, legal intern, joined the DA's Office in May 2021. Kass earned a bachelor's degree from the University of Kansas and is studying for a J.D. at Washburn University School of Law. Kass has a Chihuahua named Drogo and a former alley cat named Mochi and enjoys collecting comics and playing video games. They are very involved in the LGBTQ+ community in Lawrence.



**Ivan Moya**, assistant district attorney, joined the DA's Office in August 2021. He earned bachelor of arts degrees in political science and mass media and a J.D., all from Washburn University. Ivan has a corgi/Chihuahua mix named Moshi and enjoys photography and hiking.



**Jill Jess** (she/her), public information officer, joined the DA's Office in April 2021. She earned a bachelor's degree in journalism from the University of Kansas. Jill was a newspaper editor for 18 years before working as director of news and media relations at KU, among other public relations roles. Jill has two children, Alida and Aidan, and three rescue dogs, Chewbacca, Panda and Luna. She enjoys community theater and Star Wars-related pop culture.



**Office dogs Bulleit, left, and Scout provide unofficial therapy to the entire team.**



**Jon Simpson**, assistant district attorney, joined the DA's Office on Jan. 11, 2021. He previously worked for the Kansas Attorney General's Office and the U.S. District Court of Kansas. He



earned a bachelor of arts degree in history with an English literature minor from Kansas State University and a J.D. from the University of Kansas. Jon has two dogs: Scout, an Irish-coated wheaten terrier, and Hamish, a wheaten terrier-poodle mix – or a whoodle. He also has several egg-laying chickens. Jon says he was nudged into studying law because his parents told him as a kid (likely jokingly) that that was the one career option they didn't want him to pursue. Plus a fortune cookie once promised: "You would make a good lawyer."

**Joshua Seiden**,

deputy district attorney, joined the DA's Office on Jan. 11, 2021. Josh previously worked in private practice. He earned a bachelor of arts



in political science from the University of Missouri-Kansas City and a J.D. from the University of Kansas. Josh has a dog.

**Katy Britton** (she/her), chief assistant district attorney, joined the DA's Office in 2007. She earned bachelor's degrees in journalism and history from the University of Kansas and a J.D. from the University of Nebraska. Katy has a dog and enjoys KU sports, youth sports and hiking.

**Kylee Tokoi**, intern for cases involving children in need of care, joined the DA's Office in May 2021. She previously worked at the Disability Rights Center of Kansas. Kylee earned a bachelor's degree in political science from Colorado State University and expects to graduate with a J.D. from Washburn University in May 2022.

**LaShane Cupil**, victim witness coordinator, joined the DA's Office in 2009.

**Lindsey Aduddell**, victim witness

coordinator, joined the DA's Office in July 2012. She is currently enrolled at Johnson County Community College, studying for an associate of arts degree with an emphasis on criminal justice. She has been married to her high school sweetheart for 14 years and has a son and a daughter. Lindsey also has two black labs – Tucker, 14 years, and Bulleit, 16 weeks (named after whiskey, not ammunition). She enjoys crafting, walking/running and volunteer work.

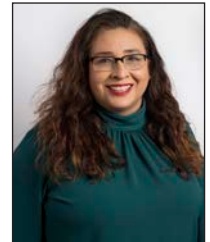


**Lyra Johnson**, trial assistant for cases involving children in need of care,

joined the DA's Office in March 2021. She earned a bachelor's degree from the University of Central Missouri and a paralegal certificate from Johnson County Community College. She is married and has a corgi named Ripley and a cat named Leela. In her spare time, she enjoys playing "The Sims."



**Mariana Nieto**, discovery coordinator, joined the DA's Office in July 2021. She previously worked in health care patient services. She has a bachelor of arts in Latin American Studies from the University of Kansas. Mariana has poodles and a cat and enjoys cooking, gardening and languages.



**Michelle Walter**, trial assistant, joined the DA's Office in 2018. Previously, she was a stay-at-home mom.

**Nicholas C. Vrana**, senior assistant district attorney, joined the DA's Office in March 2021. He previously worked at the Finney County Attorney's Office and Case Linden P.C. Nick earned a bachelor of arts in criminal justice and criminology from Buena Vista University and a J.D. from the University of Missouri-Kansas City. He has six dogs – George, Buddy, Dairy, Roscoe, Luci and Peanut – and three horses – Aztec, Olaf and Summer. In his spare time, he enjoys hunting, fishing and other outdoor activities and working on his classic cars.



**Pam Lawrence**, victim witness coordinator, joined the DA's Office in May 2013. She previously worked at the GaDuGi Care Center, now known as the Sexual Trauma and Abuse Care Center. Pam earned a bachelor's degree in social work with a minor in art history from the University of Kansas. Pam enjoys spending time with family and friends.



**Paula Bustamante** (she/her),

assistant district attorney, joined the DA's Office in August 2021. Paula earned a bachelor's degree from Creighton University and J.D. from the University of Kansas.



**Paula Wunder**, investigator, joined the DA's Office in July 2021

after a 23-year career with the Douglas County Sheriff's Office. She retired as a deputy. Paula attended Kansas State University and the Kansas Law Enforcement Training Center. She and her partner of 20 years, Shannon, have two sons, Sean and Conor. Paula has two dogs, Hank and Punky; one cat, Barney; and two horses, Jay and Jax. She enjoys spending time outside and photographing nature.



**Samantha Foster**, assistant district attorney, joined the DA's Office in April 2021.

She previously worked at Joseph Hollander & Craft. Samantha earned a bachelor's degree and a J.D., both from the University of Kansas. She is married and has two "bonus kids." Her family also includes two dogs, Huckleberry and Juniper; two rates, Daisy and Rosie; a hamster, Thor; and three horses, Carmel, Ringo and Flash. Samantha loves hiking and riding horses.



**Seth K. Brackman**, senior assistant

district attorney, joined the DA's office in May 2021. He has over 13 years' experience in litigation primarily focusing on criminal litigation.



He previously worked as a defense attorney in private practice as well as with the Kansas State Board of Indigents' Defense Services and as a prosecutor in both the City of Topeka and Shawnee County District Attorney's Office. Seth earned his bachelor of science degree in criminal justice with an emphasis on legal studies, associate of arts degree in paralegal studies, minor in Spanish, and obtained a legal certificate all from Missouri Western State College and a J.D. from Washburn University School. He enjoys volunteering on various boards, coaching his children, and refereeing both adult and high school soccer in his free time.

**Stephanie Howell** (she/her), trial assistant, joined the DA's Office in October 2021.

She earned a bachelor of science in journalism from the University of Kansas. Stephanie is married and enjoy traveling, attending concerts, cooking, watching KU basketball and spending time with family and friends.



**Stephanie Kinsley**, appellate trial assistant, joined the DA's Office in May 2017. She earned a bachelor of science in sociology from Emporia State University and previously worked as a victim witness coordinator in Linn County for 18 years.

**Ted Baird**, assistant district attorney, joined the DA's Office in 2019. He earned a J.D. in 1983 and previously worked as an ADA in Johnson County for 24 years as well as in Wyandotte County and Shawnee County and was an assistant to the Kansas Special Prosecutor's Office. He also spent two years in private practice.

**Vanessa Peda** (she/her), trial assistant, joined the DA's Office in July 2021. She earned a bachelor's degree in exercise science from the University of Kansas.

Vanessa has three cats – two black and one gray tabby. She loves to roller skate with her mom and enjoys spending time outdoors.



**Will Larchar**, assistant district attorney, joined the DA's Office in March 2021. He previously work at the Prosecutor's Office for the City of Topeka.

Will earned bachelor's degrees in psychology and criminology from the University of South Florida and a J.D. from the University of Kansas.





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