

**SUPERIOR COURT
OF THE
DISTRICT OF COLUMBIA**

2002 FEB 8 3 41

THE UNITED STATES OF AMERICA : Criminal Case No. F-4057-01

v. : Judge Kramer

Ingmar Guandaque : Sentencing Date: February 8, 2002

MEMORANDUM IN AID OF SENTENCING

The United States submits the following Memorandum in Aid of Sentencing in the instant case. Attached as exhibits to this memorandum are victim impact statements from Ms. Halle Shilling and Ms. Christy Wiegand. Ms. Shilling was the victim of the assault on May 14, 2001, and Ms. Wiegand was the victim of the July 1, 2001, assault. The United States does not believe that the defendant should receive a sentence under the Youth Rehabilitation Act. Regardless of whether a Youth Act or adult sentence is imposed, The United States submits that a substantial period of incarceration is warranted for these offenses.

On May 15, 2001, Halle R. Shilling was jogging in Rock Creek Park in the District of Columbia. She began jogging at the Pierce Mill parking lot and jogged North on the trail along Beach Drive, NW. Shilling saw the defendant sitting on the curb on the West side of the Broad Branch Parking lot. He then began running behind her. Defendant continued behind Shilling and grabbed her from behind. Shilling's words

We wrestled and it became clear he was physically attacking me I twisted around, in the ensuing moment, and realized my attacker was the young male I had noticed watching me in the parking lot. When I had twisted around I saw that

he had a small knife in his hand.

Shilling reported that defendant brandished a knife, that he grabbed her around the neck, and that he eventually pulled her to the ground where her walk-man and headphones fell off. In the words of Shilling,

I used my hands to try and block his arms from encircling me and I began screaming as loud as I could. We continued to wrestle, he shushed me, I continued to scream knowing that the cars driving on Beech Drive - at this point across the creek and well hidden from view by the tress - were drowning out my voice.

The Defendant bit her when she pushed his face with her hand. Defendant fled the scene leaving Shilling's walkman behind.

On July 1, 2001, at approximately 7:30 pm, Christie Wiegand was jogging in Rock Creek Park in the District of Columbia. Wiegand was jogging along Beach Drive. As she ran, she saw defendant standing next to the trail. He then began running behind her. As she reached the crest of the hill near Grove 10, defendant grabbed her from behind. Defendant pulled her off the trail and the two rolled down the hill into a ravine. Once again, defendant wielded a knife, this time holding it to Wiegand's chin, covered her mouth because she was screaming, and told her to be quiet. Wiegand recalls:

My attacker was extremely strong, and his hand cutting off my air and the knife at my throat I didn't feel I could struggle for very long. Until that day, I never realized how quickly someone with the advantage of surprise and a weapon can put a person in a position of total isolation and helplessness.

She continued to struggle and ran from defendant when she felt him begin to lose his grip.

Defendant was arrested a short time later by United States Park Police Officers.

At the request of this court, a Youth Rehabilitation Act Study was prepared. Despite the recommendations that a Youth Act Sentence be imposed, the government opposes such a

sentence. The Committee found that the defendant was only marginally suited for a Youth Act Sentence. The report concludes that the defendant may act out impulsively and may have trouble controlling his anger. The report also found that defendant has significant drug issues. The report asserts major concerns about the defendant's in the follow areas: judgement; problem solving; and emotional self-control. The report asserts moderate concerns about the defendant's following areas: integrity; motivation; community resources; dependability; following rules and regulations; acceptance of criticism; interpersonal behavior; and chemical dependency. In short, defendant has numerous difficulties in adhering his conduct to law and relating with other people.

Contrary to favoring a Youth Act Sentence where some of defendant's problems could be addressed, defendant's own behavior suggests that he would not benefit from programs under the Youth Rehabilitation Act. First, defendant committed both of these crimes while on release in an Attempted Burglary case. That fact suggests that he is not amenable to supervision even when imposed by a court. Second, and most importantly, The United States submits that the defendant has not accepted full responsibility for his conduct in this case. In a debriefing the defendant represented that his attacks in May and July were both motivated by the simple desire to obtain a Walkman Radio. Indeed, both Shilling and Wiegand were wearing similar Walkman Radios when they were attacked. In his statement to the Youth Act Committee, defendant changed that story to the extent that he claimed that a need for money to pay his rent motivated the two attacks.

However, in both attacks, defendant left the radios behind. The only communication he made with his victims was to instruct them to be silent; he never demanded money or anything

else form them. At best, his attempts to rob these victims were incompetent. At worse, he is not fully describing his intention in carrying out the attacks. In their impact statements, both victims express the view that they did not experience a simple robbery. In fact, Shilling states

Though my attacker has plead guilty to assault and attempted robbery, I reject outright the notion that he was out to rob me. He left my Walkman behind on the trail Again, I do not doubt for a minute that he purposefully stalked me as a hunter tracks his prey.

Echoing these sentiments, Wiegand writes

When my attacker dragged me into the ravine, holding a knife to my throat and covering my mouth, I thought and still think today that he was going to rape me or try to kill me I was . . . terrified by the knowledge that my life could have ended violently in a ravine in Rock Creek Park.

Defendant also steadfastly denies possessing a knife during his attacks. At one time defendant insisted that the victims may have mistaken his bracelet for a weapon. Given the level of certainty by victims attacked months apart who have never communicated with each other about this offense, defendant's assertions appear to the government to be ludicrous. In sum, The United States submits that a Youth Act Sentence is not appropriate for a defendant who has been dishonest about the reasons for, and the means by which, he committed his crimes.

In any event, a substantial period of incarceration is warranted in this case. Defendant has victimized two women who did nothing more than attempt to go running in one of the most beautiful settings in our city. In fact, defendant appears to have used Rock Creek Park as a hunting ground, waiting beside popular running trails; selecting victims and stalking them. Moreover, defendant calculated the locations in which he accosted these women. He maximized the isolation of the locations of both crimes, and in one case dragged his victim off of the trail and into a ravine.

Further, defendant poses a danger if released. There is no reason to believe that the defendant will cease this attacks on women if released to the community. Rock Creek Park alone could provide him with a constant stream of victims. Defendant does not appear remorseful for the terror he causes to his victims. He reports crouching down outside of the door of the residence where he committed his attempted burglary waiting to hear his victim's reactions. Defendant apparently expressed no remorse to the Youth Act Study writers in this case.

As the victim impact statements vividly point out, defendant has grievously harmed both women. Ms. Shilling states:

Since I was attacked, I find myself more often on a treadmill in a gym than outside and use running as a mere physical exercise instead of a way to unwind. I find it difficult, if not terrifying, to spend nights alone in my apartment. I do not hire workmen to come to my home for repairs, cable installation, etc., if I will be alone in the house when they are scheduled to arrive. Parking in my neighborhood is tight, and often means leaving your car a few blocks from your front door. After dark, this small detail of urban life fills me with an anxiety that I can hardly control.

Ms. Wiegand has suffered from similar anxiety stating:

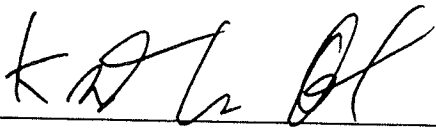
In the weeks following, I had great difficulty falling asleep. Every time I closed my eyes, I had graphic visions of him supervising me from behind For the first few months I didn't want to be left alone. Even now, five months later, I feel afraid and unsafe, and in places which before would not have made me nervous. For example, even in my own apartment I feel nervous when I open the door to a dark room. Similarly, in elevators, taxi cabs, parking garages, or walking home from the Van Ness Metro Station after work, I find myself looking for possible escape routes or weapons in which to defend myself I am oversensitive to sudden noises behind me. I do not trust men I don't know. I now feel that I cannot go running outside alone, anywhere, ever.

Thus, even though these two women struggled with the defendant and kept him from physically harming them, the psychological damage he has done lingers long after his arrest.

That harm should largely factor into the sentence imposed and militates in favor of a substantial period of incarceration. Ironically, even though The United States questions defendant's assertion that robbery solely motivated these attacks, one thing is undeniable: defendant has stolen something fundamental from both of his victims. He has robbed them of their sense of security in their own homes in their own city. That serious theft will likely be with them their entire lives.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been faxed to counsel for defendant, Gladys Joseph, Esq., Public Defenders Service, 633 Indiana Ave., N.W., Second Floor, Washington, DC, 20004, this 5th day of February 2002.



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