

Should officials have seen that Jeffrey L. Dahmer was a mass murderer waiting to explode? In 1988, he was convicted of molesting a 13-year-old boy, whose brother later was killed by Dahmer. He admitted then he had problems, but claimed that his arrest had "jolted" him into better behavior. The judge sentenced him to a year in the House of Correction. Could a dozen or more of Dahmer's victims been saved if he spent more time in jail. Did Dahmer merely get ...

A Slap on the Wrist?

You Be the Judge.

Here's the complete transcript from the 1988 case against Dahmer.

State of Wisconsin (Plaintiff) vs.
Jeffrey L. Dahmer (Defendant)

Case No. F-882515

CHARGE: Second Degree Sexual Assault
Contributing to the Delinquency of a Child
for Immoral Purposes.

SENTENCING held in the above-entitled matter on the 23rd day of May, 1989, before the Honorable William D. Gertner, Circuit Judge, presiding.

APPEARANCES:

Gale Shelton, Assistant District Attorney, appearing for the State of Wisconsin.
Gerald P. Boyle, appearing on behalf of the Defendant.
Defendant present in court.

TRANSCRIPT OF PROCEEDINGS

THE CLERK: State of Wisconsin versus Jeffrey Lionel Dahmer, F-882515, charged with second degree sexual assault and enticing a child for immoral purposes. It's here for sentencing.

MS. SHELTON: Gale Shelton appearing for the State.

MR. BOYLE: Attorney Gerald P. Boyle appears on behalf of Mr. Dahmer. He's present here in his own person.

THE COURT: I've provided counsel with copies of the pre-sentence report, and I have two pages to go on Dr. Lof's report if I may complete that before I hear from you.

MR. BOYLE: Surely.

THE COURT: All right, I'll hear from the State.

MS. SHELTON: Judge, I've read the pre-sentence report, and there are a number of things that I want to say. I would indicate that my very strong recommendation to the Court, based on what I view is just a deeply disturbing picture that is presented by this pre-sentence and the psychological [reports] and the offense itself. I'm making a recommendation to the Court that you impose a prison sentence on Mr. Dahmer on one of the charges, and I think it should be a fairly substantial prison sentence for approximately five to six years, and you also impose consecutive probation on the second offense.

My reason for making that recommendation is basi-

cally two-fold. I, first, make it based on the extremely serious nature of this offense for a number of reasons that I will detail.

And, secondly, because in my judgment it is absolutely crystal clear that the prognosis for treatment of Mr. Dahmer within the community is extremely bleak, and the reality is that treatment within the community is just plain not going to work. That's absolutely clear from every single professional who has looked at Mr. Dahmer, and the reality is that his track record exhibits that he is very likely to re-offend.

First, with regard to the serious nature of the offense, I will just note in passing Mr. Dahmer's perception that what he did wrong here was choosing too young a victim and that that's all he did wrong is part of the problem.

Secondly, with regard to his prognosis for treatment in the community, once again Mr. Dahmer's insight on what the nature of his problem is is wrong. His treatment needs go far beyond his alcohol problems; and once again his perception of what he did wrong is just completely off base.

First of all, I want to talk about the nature of the offense. This was just an extremely serious crime. I talked quite a bit to the victim in this offense, the Laocian 13-year-old Somsack. He's a very down-to-earth and nice young man. He's intelligent, he's soft spoken, he's very earnest, and he also does not look like an adult.

I am absolutely convinced that Mr. Dahmer preyed on Mr. Somsack because he looked like a soft-spoken young man who could be easily victimized and because he was close to the school where he is a student and because Mr. Dahmer accurately picked his victim and thought that this was somebody that he could prey on.

The victim's account is very believable about what Mr. Dahmer did to try to lure him into the home. First of all, contrary to Mr. Dahmer's assertion that had the victim been an adult, and, therefore, there would have been nothing, had the victim been an adult, therefore, in Mr. Dahmer's view he would have done nothing wrong and I disagree.

He tricked this victim into coming into his home. He didn't say to the young man that he wanted to take some sexually explicit photographs of him. Instead, he preyed on his sympathy by telling him that he had been trying to - that he wanted to try out a new can-

Tell It To The Parole Officer

Jeffrey L. Dahmer's pathetic life documented on 81 pages of probation reports. The following are excerpts from the agent's notes from her meetings with Dahmer.

April 12, 1990

Client (Dahmer) was receptive to discussing sexual feelings. Client bought computer but admitted is using this as a crutch to keep himself busy and not think about what happened. Client states has no friends and has isolated himself from society. Client drinks alone and this is when problems arise and his behavior changes. Agent told client to first work on alcohol issues and then we will begin to discuss sexual tendencies. Client felt more comfortable now he knew he was not being judged for his sexual purposes. Client stated would be more comfortable talking about his feelings now.

April 27, 1990

Client has been looking for furnished apartment but unable to find any in his budget limits. Client has no furniture. Client also has problems managing money. Told client should look at unfurnished places and check out thrift stores for used furniture. Also told client should buy one item a week for house. Client seems to get discouraged easily. Does not want to solve own problems. Looks for others to help him.

May 29, 1990

Client looked bad today. Usually has a neat appearance but was unkempt and unshaven today. Client was ripped off at his apartment on Friday. Took his watch, \$300, all his clothes. Told client he needs to move out of that area. Client very upset about what happened. Told client there really is nothing he can do about it except learn from his mistake and try to find a better area to live in.

June 11, 1990

Client still appears to be very depressed. Client has problem with sexual identity. Client states he knows he prefers male partners but client feels guilty about this. Client stated at this time he is not involved in any sexual activities. Told client of the problems that can arise if he is not careful about his sexual preferences. Client states he knows and at this point in time plans to remain soli-

bate. Told client he should contact gay rights organization if he needs to talk about his feelings.

June 25, 1990

Client states been very busy. Told client he has to work on finding another apartment. Client stated due to long hours has not had the chance. Told client he should look anyway. Asked client about sexual behavior. Client denied any involvement...but is so tired from the long hours right now he has no desires. Client reminded of the consequences that will happen if there is any acting out. Agent will consider home visit but client lives in very bad area. If agent does home visit will require another agent to go with.

July 6, 1990

Client's appearance has gone way down since moved on own. Client depressed, talked about suicide. Gave client info on food banks, free meals.

July 9, 1990

Client stated fell downstairs and injured self and that's why he woke up late. Client has cut down on overtime. Client was told to move because of the bad area. Client came at 1:45 p.m. Looks very rough. Brought camera in to try to sell it to agent. Client has severe financial problems. States had to borrow \$300 to pay rent. Asked client what he is doing with money. Client makes decent salary. Client states has lots of hospital bills. Told client to bring in all bills: next appointment. Will try to work out plan. Client depressed. Gave client a list of food pantries and free meal sites. Told client has responsibility to look these places up. Agent believes client is blowing money but not sure on what. Client appears defensive if questioned where his money goes. Asked client if he is involved with someone or picking up guys. Client states no. Client's falling downstairs may have been another assault on him.

August 13, 1990

Client again discussed the only way he can see out is to "jump from a tall building." Talked with client stating suicide is not the way out. Most of the client's problems are monetary. Told client to think about Chapter 13 or 11 [bankruptcy] and contact an attorney. Client stated he will think about it.

August 27, 1990

Client continues to complain about how miserable his life is. Agent tried to point out the positive things in his life but client is unwilling to accept them. Client's attitude may be due to his being on probation, although he complies with

You Be the Judge.

era, and that he asked a number of other people, and they were all refusing him, and with this victim, this nice young man, would he be willing to let the boy or let the defendant take some photos of him, and the victim indicates that he then thought there was nothing inappropriate going on.

It wasn't until the boy had been lured into the house under this false representation that Mr. Dahmer revealed his true intentions and started having the boy remove his clothing, and unzipping the boy's pants and taking the boy's penis out of his pants. So the defendant tricked this young man. So it is not a situation as Mr. Dahmer would have us believe where had he not misjudged the boy's age that, therefore, there would have been nothing wrong because what he did was very wrong. He tricked this boy. He played on his sympathy, and he misrepresented what his intentions were.

Furthermore, Somsack indicated to me, and I believe him on this, that the defendant asked him what grade he was in, and that Mr. Somsack told him that he was a freshman. So, Mr. Dahmer knew full well he was not dealing with a consenting adult. He instead was tricking a person who he knew was a child.

In addition, Mr. Dahmer, as is consistent throughout both his prior offenses and these offenses, minimizes terribly what occurred within that house. Mr. Dahmer indicates that any drugs that ended up in Somsack's body were inadvertent and were the result of some residue left in a coffee cup of the defendant's, and that is refuted by the physical/physiological impact that these drugs had on the boy and the medical reports.

The boy indicated that within a short time of taking — of drinking the coffee that he immediately felt very woozy, and it's really a miracle that he made it out of there. Somsack doesn't even remember the walk home. But his family members, who saw him when he walked in the house, could tell immediately that something was wrong. He was bumping into furniture. He was incoherent, and he basically passed out; and it was when his family was completely unable to arouse him that he was taken to the hospital. The medical reports reflect as well that he was virtually nonverbal when he came into the hospital, that his gait was unsteady, and the medical reports reflect a diagnosis of acute ingestion.

THE COURT: Of what?

MS. SHELTON: That medical diagnosis is consistent with what Somsack himself said that, first of all, the defendant didn't merely offer him a cup of coffee but repeatedly entreated him to keep drinking more and more; and Somsack is a very polite young man, and when this adult kept urging him to drink more of the coffee, the boy did so.

It's also consistent — the medical diagnosis is also consistent with Somsack's observations of the defendant deliberately pouring this white substance into the coffee cup. So Mr. Dahmer's minimization and denial of what the physiological impact — and the medical records reflect — which corroborate the victim's view: Mr. Dahmer's version is simply not the truth, and that gives me a great deal of concern about his insight into his problems and his ability to work on those problems within an out-patient setting within a community setting.

With regard to the prognosis for treatment within the community, I have seldom seen such a bleak portrait for the prospects for that treatment within the community. It is clear that Mr. Dahmer has no insight into his problems. His last offenses — his last offense

involving a lewd and lascivious behavior, involved children again. Once again, he didn't engage in sexual conduct with adults, but again subjected children to his sexual acting out; and once again Mr. Dahmer's view of that particular offense is that he did nothing wrong.

THE COURT: He was just urinating.

THE DEFENDANT: Right.

THE COURT: I mean I remember the statement.

MS. SHELTON: I know, and he indicated at one point in the pre-sentence that what he did was — there was nothing wrong with what he did, and what he did was very wrong. To indecently expose himself in front of young kids is very upsetting to young children and for him to say as an adult that he did nothing wrong is extremely disturbing.

The other concern I have is that during the entire time that he was in therapy for that lewd and lascivious behavior, he went through the motions and he on the surface cooperated in terms of showing up for the appointments, just as he has shown up for the appointments at WCS, and he gives as a kind of a facade a very cooperative and receptive appearance. But anything that goes below the surface indicates the deep-seated anger and deep-seated psychological problems that he has, that he's apparently completely unwilling or incapable of dealing with.

The report from Dr. Baker, who saw him during that period of time, is that the defendant couldn't have been less cooperative, that he didn't delve into his problems at all, that he denied that he had a problem. He said that he felt it was an unnecessary expense, that he didn't benefit from any treatment, and there's absolutely nothing that's happened since then that indicates any change in attitude.

That same opinion of Dr. Baker is shared in the report from Dr. Lodi as well as the report that's attached to the pre-sentence from Dr. Goldfarb. The other strain that is constant throughout the reports of all the psychologicals is the strong predominance of anger, and resistance, and evasiveness that Mr. Dahmer has displayed, and also his willingness to be very manipulative. The reality is that in my judgment Mr. Dahmer has done nothing that will change that approach, and the other reality is that the extent to which Mr. Dahmer is ever willing to be cooperative always turns on the extent to which it costs him nothing. When it is a matter of showing up at WCS and when it's a matter of showing up at his job, which don't really have any psychological costs to him, he can go through the motions and do those things. But when it's anything more probing than that, the defendant's defenses are raised and becomes extremely hostile and extremely resistant and extremely defensive and unresponsive to any type of treatment.

I think that given those two factors, the extremely serious nature of the offense and particularly this extreme minimization of his participation and his responsibility for what he did wrong, coupled with the second factor of the prognosis for treatment within the community being so bleak, particularly given his unwillingness to cooperate, and the extreme emotional instability and serious disturbance which all of the doctors who have talked to Mr. Dahmer state in very strong terms, and his lack of motivation to do anything to change, I think will lead to only one reality and that is the protection of the community, and the only hope for treatment for Mr. Dahmer has to occur within a prison setting; and I would make that recommendation to the Court on one of the charges.

THE COURT: Thank you, Mr. Boyle.

MR. BOYLE: Well, first of all, I don't know who Dr. Baker is. I think it might be Dr. Rosen.

MS. SHELTON: That's correct. I misspoke.

You Be the Judge.

MR. BOYLE: Number two, it seems to me if I can take these point by point, I understand that certain people have to go to prison, but I don't think that they should be considered people for prison because when they were under some kind of Court-ordered doctor's care on a disorderly conduct charge and felt they hadn't done anything wrong, that that's indicative that forever more they are going to be a danger to society. So with all due respect to counsel, I'd ask the Court not to put too much weight on the history of Mr. Dahmer with Dr. Rosen.

THE COURT: Except, Mr. Boyle, except as it relates to the protection of the community if he doesn't respond to treatment within the community.

MR. BOYLE: I understand. I don't mean to minimize that, Judge. But you know when we come in here on these very bad cases, we have enough problems on the case that we don't want to resurrect something that happened with a Dr. Rosen on a disorderly conduct case in a paragraph and a half where it is said that he didn't cooperate with Dr. Rosen who called him a schizoid personality, which I don't think we have here anyway; and that Dr. Rosen said he needed intensive treatment. He needs to be hospitalized.

Now, hospitalized by Dr. Rosen seems to me a little bit different than being incarcerated. It seems to me, Judge, if I may just take a moment or two of your time, years ago when you and I were both prosecutors, these kinds of things were extremely abhorrent. When a case would come in with an adult doing something with a child or youngster, my first reaction was just virtually nausea until I started to realize these are sick people; and in those days you kind of looked upon them -- at least I came to look at them as very sick people who needed some pity. But then you had to decide what was the best thing for them, and sometimes incarceration was the only way. And to protect themselves and society, at least at that time we had -- and I'm sure it was true when you were in there -- the sex deviant sentencing where a person was found to either be a sex deviant, and he would be, in fact, hospitalized and stay there until he was at least hopefully cured or he would go to prison because he wasn't a sex deviant.

In other words he wasn't sick at all. He was just an anti-social human being and they would go to prison; and then there were the kind of people where when you looked at them, they were just -- they were very sad kind of human beings who did something very very bad, and then you tried to determine, well is this person -- are we going to benefit by putting this person in Waupun, or do we put a real hammer over their head and tell them, hey, next time you step out of line you're going to Waupun. But we're going to give you a chance out in the community and you better follow all these stringent rules or else.

Now to listen to counsel here, I would have thought, if I was an observer walking in here for the first time hearing the story, I would have thought this man sitting here sitting next to me had a history of doing these things time and time again. The reality of it is, as bad as it was, the best evidence before you, Your Honor, is it happened on one occasion. Now, what else do we know?

We know pretty well that since that time in September of last year, he has been functioning in this society without any intense kind of psychological or alcoholic help, and he hasn't done anything like it again. So, something is happening in his head to hopefully squirrel away without having the kind of intense treatment that even Dr. Rosen recognized a couple -- three years ago that he needed, and it seems to me,

and I may misread Lodi, and I may misread Goldfarb, but I certainly don't glean from them that they're telling this Court there's no alternative but putting this person in a prison setting.

As a matter of fact, with all due respect to counsel, the opposite is true. They are recognizing what I am saying to Your Honor, and that is we have a sick man here who hopefully, with the right kind of structure and the right kind of treatment, which could very well include in-house or out-of-house alcoholic treatment, that he be given an opportunity of trying it outside the prison walls.

Now, no matter what you do, some day Jeffrey Dahmer is going to leave prison and be back in society. And it is my belief, Judge, as a novice observer of the prison system, that the kinds of things that Jeff Dahmer needs are more available through the Probation Department with a very long period of probation with clearly some jail time to see whether or not this man can function. So we don't have, what, another incident of this nature.

Now, let's look at the sexual assault.

Whether he thought the boy was thirteen or thirty, as far as I'm concerned, doesn't matter. The fact that he tricked him into coming into his apartment I seriously doubt if there's ever been a male who's engaged in a homosexual act with a youngster that hasn't tricked him. That's the way they do it. They trick them one way or the other.

So he brought the boy up. He didn't -- he didn't, in fact, perform an act of sexual intercourse. What he did was he did something very bad. He gave the boy something to drink. He doesn't quite understand, although he is admitting to the fact that he was responsible for what happened to the boy, but he doesn't quite understand, nor do I, why he has to admit something that because of his state of mind at the time, which I think was intoxication, based upon everything that I've been able to glean, that can remember unilaterally trying to intoxicate the youngster. He'll accept the responsibility that he did it, and he has expressed over and over again in his pre-sentence report how bad he feels that what he did to this youngster was done and hopefully that it won't affect the youngster in life.

Now, that's a real emotion, Judge. That's a real statement he has made saying I was wrong. But the reality of it is, while accepting a responsibility and while pleading to these charges, and while saying, listen, I don't remember that as being part of the thing I was trying to do, although I'll accept the responsibility, I submit to you that this is a young man who has a very serious problem in life.

First of all, he's alcoholic. Secondly, he's homosexual.

THE COURT: He doesn't think he's alcoholic.

MR. BOYLE: Well, I think he'll tell you differently.

THE COURT: I don't see any reason to believe he's homosexual.

MR. BOYLE: He certainly in the report from the doctor indicates that he's having an awful lot of problems with his sexuality.

THE COURT: Oh, yes. But I just wonder.

MR. BOYLE: And he has --

THE COURT: I wonder if it's pedophilia rather than homosexuality.

MR. BOYLE: I don't think he's been diagnosed by Lodi or Goldfarb as pedophilic.

THE COURT: I'm just saying.

MR. BOYLE: Let's assume he is; and when I say homosexual, I say he has homosexuality problems. He's very alone in the world, Your Honor. That's clear. He really is monastic and spartan the way he con-

most things he always complains about how many things he has to do [to comply].

September 26, 1990

Client stated two men stopped him asking for some money. When he told them no they told him they had guns in their pockets and for him to give them his wallet. Client stated he gave it to them and they took \$10 and his bus pass and gave the wallet back to him. Client stated he reported it to the police. He said the reason he missed his session was because they took his pass and money. This is the third time client has been robbed. Told client at next appointment we will discuss his moving out of the area.

October 8, 1990

Client's appearance was much better. Client was clean and presentable. Told client he should move out but client states he is locked into a lease until next May.

October 23, 1990

Client's attitude is still very negative. Client refuses to look at positive side of his life. Client is a chronic complainer. Explained to client he needs to prioritize his "wants", spending money only on what is needed versus what he wants. Client also gets angry at people who make a lot of money saying why are they so lucky and he "hates" them for having so much. Client is very materialistic and told client there are many people who make less than he and are happy with their life.

November 5, 1990

Client is thinking about filing bankruptcy on his bills, most are medical. Told client to call a few lawyers to check their prices. Client also stated his grandmother called his job looking for him to see how he was. Client stated that made him feel as if someone cared. Client also stated he has become adjusted to being alone and not doing anything or have outside activities. Also told client this was not a good idea. Client stated he doesn't want to go places and meet people.

December 5, 1990

Client had wallet stolen again when he was at the store on Monday. Client only lost \$4 and state ID. This time. Again discussed with him his moving out of the area. Client's excuse is won't be able to until gets his tax refund back. Client talked about mother. Hasn't spoken or written to her in five years. Asked client if he was angry at her. Client stated "not that he knew," just hasn't made the effort. Discussed with client his sending her Xmas card saying hi.

You Be the Judge.

December 17, 1990

Client states he has no current difficulties other than money. Client still shows signs of inappropriate spending. Client wants to buy \$400 security system. Spoke with client again about moving out of area. Client states he knows he should move but does nothing to do it. Client denies any drinking and states he can handle it over holidays. Client said father and brother are coming back here for Xmas to be with their grandmother. Client stated he is uncomfortable around his family because (1) his father is controlling (2) he has nothing in common with his brother who attends college and (3) he is "embarrassed" about his offense. Client did state his family was supportive of him but he still feels uncomfortable around them.

January 22, 1991

Client states new offenses won't occur because of the deterrent of jail. Client stated he doesn't want to go to jail. Client has admitted to sell he is gay. Told agent that's the way he is so "fuck it." Client appears to still be struggling with this. Client denies any involvement with others.

February 29, 1991

Client is again beginning to look disheveled. Client has not shaved and has dark circles under his eyes. Client states this has to do with his having the flu and working twelve hours last night. Again questioned client about drinking. Client stated too sick to drink.

March 25, 1991

Client stated he is still getting sick. Client stated he has been very tired and exhausted the last couple of weeks. Asked client if he was depressed. Client denied. Client stated he has not done anything but go to work and come home, staying in house till next workday. Client was happy his mother called him after having no contact with her for five years. Client said conversation went well. She knows he is gay and has no problem accepting it. Client said they will maintain their contact. Mother lives in California.

April 29, 1991

Client reported stating he is again having problems financially. Client stated he had to take things back to store to get money to come to office. Again told client he is not to buy anything for awhile. Also discussed client going to agency for bill management. Client stated will do but always complains but doesn't do things to change problem. Client continues to be morbid about problems. Doesn't want to

ducts the affairs of his life which is probably nobody's fault but his own. But, nonetheless, it's a reality, and I'm confident that when you've taken all of those forces and stresses together, there is a very semi-sick - I say semi because not - he hasn't manifested the sickness. We've done it on this occasion and a couple years ago on a disorderly conduct charge, and of course, the question's always asked this is the only time he's been caught. I submit to you since September of last year, Judge, there has been no such recurrence. WCS reports to me this morning, quote, Dear Judge Gardner, this letter is written to inform you of the above-named defendant's involvement with WCS. Since the last WCS letter dated 3-9, the defendant has again been fully compliant and has not missed any appointments. He continues to display a cooperative receptive attitude. Respectfully submitted, Carol Simon, WCS bail monitor.

It seems to me whatever positives Jeff Dahmer does are being turned to say, well, he's just functioning. He isn't really participating, and I submit to you, Your Honor, that the ends of justice can be served by the Court - and I told both Mr. Dahmer and his father, Lionel, came in from Ohio for the sentencing, that it's my belief that a lawyer who comes in and would ask in a situation like this for straight probation, is really doing a disservice for his client even if the Court was of a mind to grant it. It might destroy the credibility of what the lawyer says.

I think Mr. Dahmer may very well be benefited by the Court imposing a harsh prison sentence and to stay it and put him on a long extensive period of probation with some very stringent probation requirements both for his alcoholic and his sexual problems, with a clearcut understanding that if he falters in either of those things, the prison sentence will be imposed, and that there be some House of Correction Huber time so that he can hold onto the one thing that he has that is clear from this report and that is as it relates to his employer, Ambrosia.

He has a good work ethic which is very important for him to hang onto, and it seems to me both Dr. Goldfarb and Dr. Lodi, if they were here, neither of whom were selected by the defense to come into this courtroom and present written reports, but were here because Lodi - because that was the one that the District Attorney recommended we send Mr. Dahmer and he wasn't picked by me and, secondly, Dr. Goldfarb was clearly appointed by whoever was doing his pre-sentence.

THE COURT: I think Dr. Lodi particularly because the District Attorney and the Court, too, of course, has a high opinion of Dr. Lodi in psychosexual pathology.

MR. BOYLE: As do I. What I'm saying now is clear that I didn't select him to come in to give to you a favorable report, and my conclusion is, with all due respect, Your Honor, is that Lodi and Goldfarb would join in at least generically the kind of sentence structure that I'm suggesting to the Court.

We don't have a multiple offender here. I believe that he was caught before it got to the point where it would have gotten worse, which means that that's a blessing in disguise; and I submit to you as an officer of the Court as best I can, having had a lot of contact with this man since I was hired to represent him, that there has been no recurrence of this type of conduct.

So I would ask the Court to consider that which I have proffered here if the Court would be of a mind to not treat Mr. Dahmer as harsh as that which the State

is asking. Thank you, Your Honor.

THE COURT: Mr. Dahmer.

MR. BOYLE: Judge, may I ask his father if he has any remarks to make to His Honor this morning?

THE COURT: Certainly, if you just give us your name.

MR. LIONEL DAHMER: My name is Lionel Dahmer from Akron, Ohio, work for BPG Industries, research chemist.

THE COURT: You are father to Jeffrey?

MR. LIONEL DAHMER: Yes. Jeffrey's been living with my mother for about seven years, my 84-year-old mother in West Allis, and I've been through this ordeal with Jeff all the way; and I when I heard, with all due respect, I heard the presentation by Ms. Cassel (sic), I believe, I never met her. But it struck me - a couple of things struck me.

Some of the things certainly were true in my opinion she said. However, I agree with Mr. Boyle that when you come in, you hear that. I got the impression that we're real hopefully - totally hopeless case, you just put away and lock up, and as far as I can remember, I remember reading Dr. Lodi's report, and I do know that he suggested some type of intensive therapy after alcoholic detox, and he recommended to my best knowledge, he recommended strongly that this not be a prison situation.

THE COURT: Ju check just to make sure, but I remember Goldfarb phrased it that perhaps he could benefit from psychotherapy but after a period of incarceration; and Lodi I think was kind of general saying that he is the kind of person who could profit as I recall.

He says there's no question that Mr. Dahmer is in need of long-term psychological treatment. I believe he could profit from participation in a formal sexual offender treatment program designed to address the above issues. However, prior to this, he'd have to enter the in-patient. He doesn't say where that program should be administered.

MR. LIONEL DAHMER: That's true, yes.

THE COURT: And we have some really serious problems in this state in that respect also. We don't have a program in prison.

MR. LIONEL DAHMER: I talked with a Dr. Balzer who is certified to treat alcoholics in Ohio for about an hour on the phone. I've talked with Dr. Goldfarb and this Dr. Balzer in Ohio is of the firm opinion that an in-house treatment is the most effective. He feels that the alcohol problem has to be attacked first, and from my involvement, everything that Jeff has done it seems it's been in connection with alcohol; and this person recommends that the alcohol problem be treated first contrary to some psychologists who say it's just a symptom, and then get into the deep seated problems that exist.

I didn't intend to get up here with any prepared speech, and I do tend to ramble at times. I want to give - leave you with the impression that I'm behind Jeff whatever happens and intend to follow as I have been very closely and support him as much as I can.

THE COURT: Thank you, sir.

MS. SHELTON: Judge, if I may, I just want to indicate one thing. Just so it's clear, Dr. Lodi's report does not analyze prison versus out-patient therapy.

THE COURT: I mentioned that.

MS. SHELTON: Okay. It's clear I mean nobody would dispute that Mr. Dahmer needs treatment, and Dr. Lodi's opinion just doesn't say one way or the other whether he thinks that should happen in a prison setting or outside of prison. That's not an issue I'm sure he was asked to address or did. So I think we're all just speculating when we're guessing what Dr. Lodi

You Be the Judge.

would say if he were asked to render an opinion on that issue.

MR. BOYLE: I disagree, with all due respect, it seems to me it says I believe he could profit from participation in a formal sexual offender treatment program designed to address the above issues. However, prior to this, he would have to enter in-patient detoxification and treatment for alcohol problems such as DePaul Rehabilitation Hospital.

It seems to me Dr. Lodi understands the Criminal Justice System, that that would quite -- at least as far as I can see -- that he is thinking at least if he's given probation that would be one of the things he should do.

MS. SHELTON: Judge, I know that's not true. And the other thing is I know the Court knows this, that the Court needs to consider other factors than what Dr. Lodi does in terms of what psychological needs he has in terms of sexual deterrence and needs.

MR. BOYLE: Counsel's already argued to the Court.

THE COURT: Okay, I said to Mr. Dahmer two things that I didn't read in Dr. Lodi's report as indicating where treatment should take place, you know, or anything about whether there should be incarceration. He talks about supervision. He talks about programming, and the needs that Mr. Dahmer has.

But it seems to me he avoids being specific about where or in what setting that ought to occur. And Goldfarb likewise. But I think that that's typical. I think that they try not to invade the judge's province. They throw these things out, but we don't want to tell the judge what we think should be done. We can say the person needs treatment, but they don't give a specific recommendation as to ultimate disposition. I had mentioned the fact that, apparently, Mr. Dahmer doesn't think he's alcoholic. I don't know.

THE COURT: Would you like to make a statement to the Court, Mr. Dahmer, about yourself or about the sentencing?

THE DEFENDANT: Yes, I would, Your Honor.

THE COURT: If you'd like to address the Court.

THE DEFENDANT: I don't know how much weight you put on what I have to say. I am an alcoholic. Not the sort that has to have a drink every single day. But when I do drink, I go overboard and I imagine that labels me as being an alcoholic.

THE COURT: Not necessarily.

THE DEFENDANT: By definition.

THE COURT: Not necessarily. That's my point. Not necessarily. You may be. You may not be. My experience is that drinking lessens one's control. It lowers some of the inhibitions that we might have, the pressure we have in socially responsible way. Those things get lessened when you drink. It doesn't make you an alcoholic, but it may make you a criminal which is where you're at.

THE DEFENDANT: I've been a fairly regular drinker ever since I was in the Army for three years over to serve in Germany for three years.

THE COURT: As a medic.

THE DEFENDANT: Readily available over there.

THE COURT: You were a medic.

THE DEFENDANT: Yes.

THE COURT: I thought that was significant, too, Mr. Boyle.

THE DEFENDANT: The prosecution has raised very serious charges against me and I can understand why. What I've done is very serious. I never meant to give anyone the impression that I thought otherwise. I've never been in this position before.

Nothing this awful. This is a nightmare come true for me. If anything would shock me out of my past behavior patterns, it's this.

The one thing I have in my mind that is stable and that gives me some source of pride is my job. I've come very close to losing it because of my actions which I take full responsibility for. I'm the one to blame for all of this. What I've done has cut both ways. It's hurt the victim, and it's hurt me. It's a no-win situation.

All I can do is beg you please spare my job. Please give me a chance to show that I can -- that I can tread the straight and narrow and not get involved in any situation like this ever again. I would not only ask -- I beg you please don't destroy my life. I know I deserve a great deal of punishment. I'm not trying to elicit your sympathy. But I would ask you please don't wipe me out completely.

THE COURT: Do you have a sexual problem?

THE DEFENDANT: I have many problems, Your Honor.

THE COURT: Do you have a sexual problem?

THE DEFENDANT: And a sexual problem is definitely one of them. Definitely.

THE COURT: Is it a matter of preference -- sexual preference?

THE DEFENDANT: Yes. I am a homosexual. I admit that. It's not easy to admit.

THE COURT: Do you have relationships with adult males?

THE DEFENDANT: I have had in the past, not recently. This enticing a child was the climax of my idiocy. It's just -- it's going to destroy me, I'm afraid, this one incident. I don't know what in the world I was thinking when I did it. I know I was under the influence. As far as purposely drugging him, that was never my intention. I've been taking sleeping pills because I work third shift for several years now. I take quite a few of them because I built up a tolerance to them, and it was never my intention to purposely drug him. I wouldn't have offered him money if I had planned on drugging him. But, nevertheless, I'm not trying to excuse what I did.

THE COURT: You offered him the money to get him off the street. You can't drug him on the street.

THE DEFENDANT: I offer no excuses. I offer no defense. I realize I'm completely at your mercy. I do want help. I want to turn my life around despite what the prosecution has told you. She doesn't know me like I know myself. This one incident has jolted me like nothing else. I don't know what else to tell you. But other than I'm very sorry, and there's -- this is like nothing that's ever happened to me before, and it's my fault.

THE COURT: I suggest a couple things to you. First of all, Ms. Shelton may not know you, okay. But she may know you better than you know yourself because of her experience with persons in similar circumstances. Okay. And the concerns are obvious -- you know -- in some of the questions I've asked you. You're obviously conducting yourself in a manner that our society will not accept.

THE DEFENDANT: Yes.

THE COURT: I mean that's an absolute. So then I have to respond to how I think best not only for you and for your rehabilitation, but I have to be concerned about the protection of the community; and Ms. Shelton knows that a person in your circumstance, if you're just talking statistics, which Mr. Boyle would not talk, because you're an individual person. But looking at it statistically, you are a repeat offender. Not only because of the lewd and lascivious charge which I do not for a minute believe was just a matter of urinating and you don't believe it either; and I don't care what you tell the pre-sentence writer, but at least you ought to be honest with yourself.

try to work to change life. Other than financial client states no other difficulties.

May 13, 1991

Client stated called A.B.C. Budget, had appointment but missed. Told client to have new appointment by next report date. Client is a compulsive buyer and cannot manage money. Client stated he will call this week. Client noted in apartment complex man found strangled to death. Stated he and other residents were questioned by detectives if they had seen or heard anything. Client stated he knew nothing of it. Client stated no major problems. Continues to complain about everything. Stated grandmother ill and has gone there every day to help her out.

July 8, 1991

Client stated he is getting close to being fired from his job due to lateness, missing work. Informed client of the serious complications if he loses his job. Client has severe financial problems at this time. Client stated if he loses his job that would be a good reason to commit suicide.

July 16, 1991

Client called this morning upset due to the loss of his job on 7/14/91. Client stated went to grandmother's house, found out she was in the hospital. Client stated he went to see her and stayed the afternoon and evening. Client stated when he went home he overslept and went to work late. Client then stated he was fired from job. Client told agent over the phone he has been drinking beer since he was fired. Client will try to contact union rep. to see if they can help client get job back. Client stated he has not bathed or shaved last three days. Told client that makes no difference, he needs to report today so we can work out his problems.

July 18, 1991

Client reported in dirty clothes and unshaven. During interview, client kept yawning as if having a problem staying awake.

[This was the last report. Five days later Dahmer was arrested on suspicion of homicide.]

You Be the Judge.

And then we look at this. We look at the problem with alcohol. We look at the fact that probably you might get a little extra jolt from the porn, and also that you went through a treatment that was totally useless. Part of it was your fault.

THE DEFENDANT: Yes, it was all my fault.

THE COURT: And so — you know — how can a prosecutor sit here and say that she doesn't know you. She knows you.

THE DEFENDANT: I understand.

THE COURT: And sentencing from a judge's standpoint is almost always a no-win situation. I don't win anything in my sentencing. But I try to look at the needs of the community as well as your needs, and at the seriousness of the offense, and to protect the community; and I'm really concerned that unless there's some type of substantial change in yourself, that you are going to repeat, because it's a drive. It's almost a biological urge that you have.

THE DEFENDANT: Yes.

THE COURT: That you've got to learn to control. It may never go away, but your conduct has to change.

THE DEFENDANT: I can't stress it enough that I desperately want to change my conduct for the rest of my life. I imagine you may think I'm saying that just because I'm sitting here facing prison. I mean that sincerely that I do want to change. I would like to have some major changes in my life. But, hopefully, not so that it destroys my earning capability.

THE COURT: I suggest your earning capability is relatively minor right now. But how did you get the job with Ambrosia? Did you get it through a temporary service?

THE DEFENDANT: Yes, I did, Your Honor.

THE COURT: And eventually worked yourself into a full-time regular employee of Ambrosia.

THE DEFENDANT: Yes, Your Honor.

THE COURT: You're not working for the temporary service anymore?

THE DEFENDANT: No.

THE COURT: What are you doing?

THE DEFENDANT: I'm a mixer at Ambrosia.

THE COURT: Mixer? You mix the ingredients?

THE DEFENDANT: Right. Cocoa powder, sugar, vegetable oil.

THE COURT: Don't describe it. Some people can't handle that. Well, I can feel very justified in following the State's recommendation. As you can tell in my conversation, I thought the State's presentation was very persuasive. But I am going to opt to give you an opportunity in community.

THE DEFENDANT: Thank you.

THE COURT: Now, the way I'm going to do that is that I am going to impose a punishment factor in there. I want to see to it that you get some treatment for the alcohol problem which I think is a definite problem. But mainly I'm concerned about therapy, and I'm really concerned that we don't have a program in prison right now. I saw that some legislature just within the past week or so has suggested reinstating it. But we don't have it, and I could send you to prison, and you wouldn't get any treatment for the problem. You'd come out probably worse than you are right now.

But I want you to be aware of the fact that protection of the community is extremely high in my mind, and this is a very, very serious offense. This is the kind of thing that as Mr. Boyle said in the years past — you know — the prosecutor would just ask the judge to throw away the book, and the judge would just say ten and ten consecutive years and good bye, and when you are — wouldn't even be interested in talking to you about it. But, if there is an opportunity to salvage you, I want to make use of that opportunity.

On Count One, second degree sexual assault, I'll sentence the defendant to five years in Wisconsin State Prison System, reception center Dodge. I'm going to stay that sentence, place the defendant on probation for a period of five years to the State Department of Health and Social Services with the following conditions:

Number one, he'll spend one year in the Milwaukee County House of Correction under work release so that he can maintain his employment, \$50 victim/witness surcharge, and costs. It just seems to me terrible that I have to mention that on a serious matter like that I have to talk about surcharges, but the law requires it. Do you have some type of private insurance through your employment at Ambrosia?

THE DEFENDANT: It's Aetna. I don't know exactly what they cover.

MR. BOYLE: Both his father and I, if I may, Your Honor, have talked about the program if the Court entered a kind of sentence that I'm hearing

the Court enter that we are going to find out how he can go into DePaul either on in-patient or out-patient basis so as to accomplish some goals; and we'll have — because I'll report that back to the Court.

THE COURT: What I want is either in-patient or out-patient depending upon the evaluation and what the treatment facility deems is necessary or important for him, and he will be released from the House of Correction to attend, if it's in-patient just like work release or out-patient he'll be released to attend the out-patient sessions. It's a judgment I can't make, and you can work it out. But it's pretty clear that that has to be done.

MR. BOYLE: Yes.

THE COURT: Secondly, it's absolutely clear that he has to look at his anti-social and I call it psychosexual problems, because unless he comes to grips with them, and the first thing we look for is admission that they exist. I have not seen a case yet where anybody was successfully treated when they denied that they have a problem, and I suspect, and I imagine, the DA concurs with me. I suspect that was the problem the first time you went through.

THE DEFENDANT: It was, Your Honor.

THE COURT: And you know then it's just time, money, effort wasted, and you're going to wind up back, and you're going to do the sentence that I'm staying at the present time.

On Count Two, clerk, I'm going to sentence the defendant to three years in Wisconsin State Prison System consecutive to Count One. I'm going to stay it, and put him on five years concurrent probation. So I have eight years to sort of stiffen your will a little if you wish. Do you understand that?

THE CLERK: Victim/witness?

THE COURT: Victim/witness surcharge and costs on Count Two. Same conditions as on Count One.

THE CLERK: Except the one year.

THE COURT: That's right.

THE CLERK: Judge, to clarify it on the probation order and for the House of Correction, if he opts to go into DePaul for the 28-day or 30-day program, that's to be considered part of his sentence?

THE COURT: That's correct. He'll be serving a sentence as if he were getting work release. That's my intent.

MS. SHELTON: Judge, I would request the defendant be ordered to have no contact with juveniles, anyone under the age of 18, during the term of his probation. Hopefully, that will provide some measure of protection to the children.

THE COURT: It might be a little difficult for the Probation Department to supervise. Okay, but I think it's extremely important as part of the treatment that there be external controls on you so you can develop the internal ones. I'm opting as an additional probation so you have no contact with juveniles, anyone under 18 years of age. I do not want you present, okay, at places where such persons would ordinarily be found. You're not far, for instance, from the 27th Street School. I don't want you hanging around the playground. I don't want you hanging around parks, okay. You can take care of some adult activity and remove yourself from contact. That will probably help you also. But as far as I'm concerned, it's a Court order and if you violate, you could get your probation revoked.

THE DEFENDANT: That will be an order that will be followed completely.

THE CLERK: Is there a section in the Probation Department for —

THE COURT: Well, yes, they have. They'll refer him to a special agent. We're going to refer him to a special agent that deals in the area of sexual problems.

MR. BOYLE: Thank you, Your Honor.

THE COURT: I guess the only one we're going to find out from is Mr. Dahmer.

THE DEFENDANT: Thank you very much, Your Honor.

THE COURT: Gratitude is going to be shown by his conduct.

THE DEFENDANT: It will be shown, Your Honor.

MS. SHELTON: Thank you, Your Honor.

THE COURT: Thank you. Go over his post-conviction rights.

MR. BOYLE: Yes, I have signed.

(Proceedings concluded.)

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