

## Office of the Kane County State's Attorney



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### **WOMAN SENTENCED TO EIGHT YEARS IN PRISON FOR REFUSING TO PROTECT TODDLER IN OCTOBER 2010 BEATING CO-DEFENDANT ALREADY SERVING 15-YEAR PRISON TERM**

September 26, 2012

A former St. Charles woman will go to prison for refusing to protect her toddler daughter as her boyfriend severely beat the child in 2010 in a St. Charles hotel room.

Cathleen A. Koch, 30 (d.o.b. 1-13-1982), LKA of the 1500 block of East Main Street, St. Charles, today was sentenced by Circuit Judge Timothy Q. Sheldon to eight years in the Illinois Department of Corrections.

On July 5, 2012, Koch pleaded guilty to one count of aggravated domestic battery, a Class 2 felony, five counts of obstructing justice, each a Class 4 felony, and seven counts of child endangerment, each a Class A misdemeanor. In addition, Koch agreed that the actions that caused injury to her daughter were exceptionally brutal or heinous in nature and indicative of wanton cruelty.

The morning of Oct. 27, 2010, in a hotel room in the 1500 block of East Main Street, St. Charles, co-defendant James C. Cooper, 29 (d.o.b. 4-10-1983), most recently of the 1500 block of East Main Street, St. Charles, punched the 23-month-old girl 10 times and slammed her face first into a bed. The child immediately was unresponsive, not breathing and bleeding from her mouth. As a result of the battery, the child suffered severe and permanent brain injuries and broken bones. Koch was present in the room during the beating but refused to stop Cooper's actions and refused even to intervene on the child's behalf. Koch was not injured in the incident.

Koch was charged because she is legally responsible for the abusive acts of Cooper, her boyfriend. Illinois Appellate courts have held that a person aids another person in the commission of an offense where she has an affirmative duty to act to protect her child but chooses not to act.

After she called 911 to report the girl's injuries, Koch repeatedly lied to police about the cause of the child's injuries and Cooper's whereabouts, and provided other misleading and inaccurate information about Cooper.

On March 30, 2012, Cooper agreed with the Kane County State's Attorney to a sentence of 15 years in prison in exchange for a guilty plea to one count of aggravated battery to a child, a Class X felony. He is serving his sentence at Big Muddy Correctional Center.

During Koch's sentencing hearing, the state presented evidence that Koch, as a result of her six-month relationship with Cooper, repeatedly allowed the child to be in harm's way and refused to remove the child from danger despite her belief that Cooper represented a threat to both of them. The state also presented evidence that, as a result of the Oct. 27, 2010, abuse, the child, now four, is permanently handicapped, developmentally delayed, cannot feed herself and cannot run or hop.

Before he announced the sentence, Judge Sheldon noted that throughout the court proceedings, which date back nearly two years, and even in her statement today to the court, that Koch remained "I focused," showed little if any remorse for her role in her daughter's severe injuries and had not accepted responsibility for her role.

"It is unconscionable to this court that a loving parent wouldn't sacrifice everything to protect a child," Judge Sheldon said.

Koch was sentenced to eight years in prison on the domestic battery charge and one year in prison on the obstructing justice charges. The terms are to be served concurrently. Koch was sentenced to pay fines on the child endangerment charges.

According to Illinois law, Koch must serve at least 85 percent of the sentence. Koch receives credit for one day served in the Kane County jail.

Koch had been free on \$10,000 bond. Upon pronouncement of the sentence she was taken into custody.

"Despite Ms. Koch's protestations, the true victim in this case is the little girl. Ms. Koch's attempt to divert attention away from the child and upon herself as the victim is indefensible," Kane County State's Attorney Joe McMahon said. "Our office has been committed to justice for this child, who was repeatedly and so needlessly exposed to violence by the person who was legally responsible to protect her. Ms. Koch effectively abandoned her daughter when the child should have been able to trust that her mother would protect her.

"Although Ms. Koch ultimately did accept legal responsibility to the court for her refusal to protect her daughter from a violent man, we have maintained that justice in this case must include a significant prison term in part because of Ms. Koch's inexcusable transgression against her child and in part because not one among us should for a second believe that refusing to protect a young child – refusing to even attempt to protect a child – is tolerable. This sentence reflects the significance of Ms. Koch's inaction and the gravity of the injuries to the child.

"Thanks again to St. Charles Police Chief Jim Lamkin, St. Charles Police Cmdr. Jerry Gatlin, the entire St. Charles Police Department for its thorough investigation of this case, the Kane County Child Advocacy Center, and to Kane County Assistant State's Attorney Joseph Cullen and Debra Bree, for their hard work in prosecuting this case."