



Justice Dane County Style

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[Related Article](#)

Facts behind Channel 27's Coverage Correction (Speed Facts)

Summary of what the surviving passenger really said about the speed of Adam Raisbeck's vehicle at the time of the crash:

- First statements to police and hospital staff (during his extended stay): claims he was **asleep at the time of crash**
- No change until over two years later when he had a personal injury claim against Raisbeck: **tells DA's Office speed was 70 mph**
- **Signs hand-written statement claiming he told detective speed was 85 mph** (not 120 mph as detective claimed in her 1-21-04 report)
- **Claims changed speed story due to dreams he started having 6-months after the accident** (Detective Report of 1-21-04, Page 2)
- DA's Office, via **DDA Timothy Verhoff** on February 18, 2005, in a dispute with defense counsel, **belittles the credibility of the surviving passenger as "a guy who first says he was sleeping and then says up to 120 mph and makes differing statements."** (2-18-05 Tr. pg. 15)

The Remainder of this page provides the details of Channel 27's coverage correction as well as the detailed facts....

The difficulty of justice being done in Dane County could hardly be better illustrated than by what occurred in the Channel 27 news story of Wednesday, March 9, 2005. Channel 27 ran a 6:00 PM feature where former state school Superintendent John Benson was interviewed about his claims to the District Attorney's Office overseeing a miscarriage of justice in the Raisbeck matter. The piece was fair and even handed toward the sentiments of John Benson.

Toward the DA's Office misconduct involved and the role that Dane County judges have played in allowing it to flourish, we believe that an objective person (comparing the piece which can still be found on Channel 27's website to the information contained within this Justice Dane County Style website) would agree that much was "soft-pedaled." The flavor and the extent of the misconduct does not come through. Neither does the role that the Dane County courts have played in allowing this misconduct to flourish.

In light that this is Channel 27's first piece on the matter, their soft-pedaling is understandable, and one can see why they may want to do a more thorough investigation prior to going further with stronger content. Fair enough. But compare this attitude of caution and fairness toward the DA's Office and Dane County courts to that given to Adam Raisbeck.

The piece that ran on the 6:00 PM news which was reflected in the article that Channel 27 initially put on their website asserted, **"the case file includes testimony from a witness who believes**

Raisbeck was driving more than 100 mph at the time of the crash.” In the news piece this was proclaimed as a document was scanned by the camera showing the claim of a 120 mph figure

Important Note: If the Channel 27 Reporter and camera would have scanned further down this same page they would have realized that the **surviving passenger’s changed story regarding the speed of the vehicle occurred after “he began having dreams.... approximately 6-months after the accident.”** (Detective Report of 1-21-04, page 2).

The problem with this, which unfortunately has now been heard by literally thousands of people and has undoubtedly affected their judgment to what is going on in the Raisbeck case, is that it is inaccurate and extraordinarily unfair to Adam Raisbeck. The real information was provided to Channel 27 and they have now changed their website. The current version (as of March 11, 2005) asserts **“The case file includes a statement to police from a witness who believed Raisbeck was driving more than 100 miles per hour at the time of the crash. But that witness later revised his estimate of the speed to 85. In January, an accident reconstruction expert hired by the prosecution pegged the car’s crash speed at no more than 76 miles per hour.”**

We believe that anybody would agree—mighty big difference. But even the changed version hardly does justice to the actual facts which are contained in this Justice Dane County Style website related to the fraudulent warrant and recounted below:

1. The surviving passenger (the witness Channel 27 is referring to) told the officers who came upon the scene of the accident and hospital staff during his extended stay that he was asleep at the time of the accident.
2. At some point, this surviving passenger retained a personal injury attorney whereby he had incentive to change his version because a conviction of Adam Raisbeck would strongly bolster his civil case.
3. Roughly 30 months after the accident, the DA’s Office provided a detective’s report to Raisbeck’s defense claiming that this surviving passenger was now asserting that the speed of the vehicle was 120 mph at the time of the crash.
4. The surviving passenger’s mother has signed an affidavit where she has asserted that, even though she had numerous discussions with her son (who lived with her), she was never aware that her son had claimed that Raisbeck was driving in excess of the speed limit on the night of the accident.
5. The surviving passenger has provided a hand-written statement where he disputes the detective’s claim that he placed the figure at 120 mph. He claims he told her the figure was 85 mph.
6. The DA’s Office has admitted that the first time they ever spoke with the surviving passenger about his change of memory, he told them that the speed at the time of the accident was 70 mph.
7. The DA’s Office, despite numerous representations to having turned over all evidence to which the defense was entitled, withheld this fact for months until the eve of Raisbeck’s then-scheduled trial of May 24, 2004. And this information was provided begrudgingly and only after considerable efforts on the part of Raisbeck’s defense counsel.

8. The DA's Office escaped sanction for the withholding of the 70 mph figure because Judge Moeser, on October 21, 2004, ruled that **"I think any reading of that (the 120 mph claim), in context, it's clear that there was a mistake made. Nobody ever said that somebody was going 120 mph and meant it."** (10-21-04 Tr. pg. 138-139).
9. After Raisbeck's defense contended that it believes the 120 mph figure was meant by the state as an attempt to win the case without needing to use an accident reconstruction expert (and thereby convince Raisbeck to plead), **the DA's Office via DDA Timothy Verhoff on February 18, 2005 disputed this, belittling the credibility of the surviving passenger as "a guy who first says he was sleeping and then says up to 120 mph and makes differing statements."** (2-18-05 Tr. pg. 15)
10. As mentioned by Channel 27's corrected version, the state's theory of prosecution is that the speed of the vehicle at the time of the crash at the high-end was possibly 76 mph. The piece doesn't reflect that the utilization of the same expert's numbers, when plugged into another speed calculation formally used by the DA's Office former expert, produces a speed estimate between 62 and 69 mph.
11. While it is understandable that Channel 27 may not have gotten the details exactly right and may not have possibly understood what all the details were, and maybe even now doesn't quite grasp all the details, wouldn't any fair minded person agree that what they did was extraordinarily unjust and unfair to Adam Raisbeck? Why wasn't Adam Raisbeck entitled to the same degree of caution that was afforded to the DA's Office and Dane County judges?

The answers to all of the above are why this website is so necessary. It is about time that somebody, someplace, begins speaking up for the Adam Raisbecks of the world, especially in Dane County!!!