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DISTRICT III

April 21, 2026

To:

Hon. J. Michael Bitney
Circuit Court Judge
Electronic Notice

Sharon Millermon
Clerk of Circuit Court
Barron County Justice Center
Electronic Notice

Frederick A. Bechtold
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Michael C. Sanders
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You are hereby notified that the Court has entered the following opinion and order:

2023AP784-CR State of Wisconsin v. Jimmy J. Sekola (L. C. No. 2021CF34)

Before Stark, P.J., Hruz, and Gill, JJ.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Jimmy Sekola appeals from a judgment convicting him of first-degree sexual assault of a child under the age of 13 and second-degree sexual assault of a child and from an order denying his postconviction motion for sentence modification. The sole issue on appeal is whether the circuit court erroneously exercised its discretion by denying Sekola's postconviction claim that the consecutive sentences imposed by the court were unduly harsh.[1] Based upon our review of

[1] Sekola does not challenge, and we therefore need not discuss, the circuit court's exercise of discretion with respect to its consideration of the standard sentencing factors at his original sentencing hearing.

the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).[2] We affirm.

Sekola's postconviction motion alleged that his sentences were unduly harsh because their combined period of 25 years of initial confinement exceeded Sekola's remaining life expectancy of about 17 years. Sekola pointed out that he was 66 years old at the time of sentencing and would be 91 years old when released to extended supervision.

A circuit court has the inherent power to modify a sentence based upon its subsequent determination that the sentence was unduly harsh or unconscionable. ***State v. Grindemann***, 2002 WI App 106, ¶21, 255 Wis. 2d 632, 648 N.W.2d 507. A sentence may be considered unduly harsh or unconscionable, however, only when it is "so excessive and unusual and so disproportionate to the offense committed as to shock public sentiment and violate the judgment of reasonable people concerning what is right and proper under the circumstances." ***Id.***, ¶31 (citation omitted). There is a presumption that a sentence "well within the limits of the maximum sentence" is not unduly harsh. ***Id.***, ¶¶31-32 (citation omitted).

We review a circuit court's determination that its sentence was not unduly harsh under the erroneous exercise of discretion standard. ***Id.***, ¶30. We will not set aside a court's discretionary decision so long as the record demonstrates that the court discussed and applied the proper legal standard to the facts of the case to reach a reasonable result. ***Id.***

[2] All references to the Wisconsin Statutes are to the 2023-24 version.

Here, the circuit court noted that, taking into account an additional read-in offense he committed against a third child, Sekola's crimes involved multiple victims ranging in age from about four years old to their teens. The assaults involved a breach of trust that destroyed the innocence of children, who could suffer emotional and psychological trauma for the rest of their lives. The conduct was not an isolated incident, but rather it continued over of a period of nearly two decades.

The circuit court further observed that Sekola showed a "total lack of insight" both as to why he had committed the assaults and the impact the assaults had upon the victims. The court reasoned that Sekola's stated belief that he did not need treatment, along with his lack of remorse and lack of motivation to address his pedophilia, substance abuse issues, or criminal thinking, meant that his rehabilitative needs would require long-term services in a confined setting.

Although the circuit court acknowledged that it could take Sekola's age into account when sentencing him, the court correctly noted that case law did not require the court to do so. *See* ***State v. Stenzel***, 2004 WI App 181, ¶20, 276 Wis. 2d 224, 688 N.W.2d 20. In any event, despite the probability that Sekola would die in prison, the court did not view the combined initial confinement period as an actual life sentence and did not consider Sekola's age to be a significant sentencing factor in this case. Given the other factors it discussed, the court concluded it was very unlikely the consecutive sentences it imposed would shock the public conscience or be regarded as "way above what would be considered reasonable."

The circuit court's discussion amply demonstrates that it applied the proper legal standard to the facts of record. We are further satisfied that the court's decision was reasonable. In addition to the factors discussed by the court, we note that the 25 years of initial confinement

imposed was well under half of the maximum initial confinement time available for the 2 offenses of conviction and less than a quarter of the initial confinement time Sekola faced before the read-in offense was dismissed. *See* WIS. STAT. §§ 973.01(2)(b)1. (providing a maximum initial confinement term of 40 years for a Class B felony), and (2)(b)3. (providing a maximum initial confinement term of 25 years for a Class C felony). Moreover, to the extent the court considered Sekola's age, it could reasonably conclude under the facts in this case that a person who commits serious felonies later in life, or has evaded justice for many years, should not receive a shorter sentence than someone who committed the same offenses at an earlier age or was prosecuted more promptly. In sum, the severity of the offenses entirely warranted the length of the sentences imposed as punishment, even if that means Sekola spends the rest of his life in prison.

Upon the foregoing,

IT IS ORDERED that the judgment of conviction and postconviction order are summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals