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DISTRICT II

September 23 2026

To:

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Circuit Court Judge
Electronic Notice

Jeffrey W. Jensen
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Sherry Coykendall
Clerk of Circuit Court
Washington County Courthouse
Electronic Notice

Kathleen E. Wood
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You are hereby notified that the Court has entered the following opinion and order:

2025AP2104-CR

State of Wisconsin v. Christopher William Johnson
(L.C. #2022CF407)

Before Lazar, P.J., Grogan, and LoCoco, 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).

Christopher William Johnson appeals from a circuit court judgment of conviction and order denying his postconviction motion for resentencing. Based upon our review of the briefs and Record, we conclude at conference that this case is appropriate for summary disposition. See WIS. STAT. RULE 809.21 (2023-24).¹ For the following reasons, we affirm.

¹ All references to the Wisconsin Statutes are to the 2023-24 version.

On July 6, 2022, police received a tip that suspected child pornography had been uploaded at two locations, leading them to Johnson.² A search of Johnson’s phone revealed child pornography, images of his minor stepdaughters that were zoomed in on their clothed genital areas, and images and videos of someone getting in and out of a shower. Police discovered Johnson had installed a hidden camera in the bathroom that one of his minor stepdaughters used and had been filming her there. Johnson ultimately pled guilty to two counts of possession of an intimate representation of a victim under 18, two counts of possession of child pornography, and invasion of privacy using a surveillance device with a victim under 18. The circuit court sentenced Johnson to 11.5 years of initial confinement and 22 years of extended supervision.

On appeal, Johnson argues the circuit court relied on an improper sentencing factor when it stated, “I think the 11 and a half years is a fair amount in terms of punishment. It also essentially will take back the time that you took from this family.” Johnson says this refers to a comment made at sentencing by his former wife, M.L.³ that Johnson “took ten years from my and my daughters’ lives. His sentence should reflect this.” In Johnson’s view, M.L.’s comment “makes no sense” and so represents an improper sentencing factor.

“We will not disturb a sentencing decision unless the circuit court erroneously exercised its discretion[,]” which it does if it “actually relies on clearly irrelevant or improper factors” in

² The facts in this order are taken from the criminal complaint filed against Johnson. At the plea hearing on March 8, 2023, Johnson agreed the facts supporting probable cause in the complaint were “basically true and correct” and consented to their use as a factual basis for his plea.

³ We refer to this individual using initials to protect her privacy. See WIS. STAT. RULE 809.19(1)(g).

sentencing a defendant. *State v. Williams*, 2018 WI 59, ¶45, 381 Wis. 2d 661, 912 N.W.2d 373 (quoting *State v. Alexander*, 2015 WI 6, ¶¶16-17, 360 Wis. 2d 292, 858 N.W.2d 662). Johnson bears the burden of proving, by clear and convincing evidence, both the existence of an improper factor in the circuit court's sentencing decision and the court's actual reliance on that factor. *Williams*, 381 Wis. 2d 661, ¶45.

The parties disagree on whether Johnson has proven that the circuit court actually relied on M.L.'s statement. We need not resolve this dispute because even if we assume the court actually relied on the statement, it was not an irrelevant or improper factor. We agree with the State that M.L.'s comment is not difficult to understand; she wanted the court to know that she and her daughters had built relationships of trust and love with Johnson over a ten-year period and that Johnson's criminal actions had destroyed those relationships. A victim's description of how a crime affected her life and the lives of her family members bears directly upon one of the subjects a circuit court must consider at sentencing, namely the gravity of the offense. *State v. Gallion*, 2004 WI 42, ¶65, 270 Wis. 2d 535, 678 N.W.2d 197. The circuit court was therefore entitled to take M.L.'s narrative into account in fashioning a prison sentence for Johnson.

Johnson argues a one-year-for-one-year rule produces an unreasonable result: a shorter or longer sentence depending on whether Johnson committed his crimes earlier or later in his marriage. But this argument wrongly assumes too many facts. We cannot speculate as to how M.L. might have described the impact on her family if Johnson had filmed his stepdaughter one year into his marriage, much less how the circuit court might have weighed any such statement. The court never announced any broad and inflexible rule extending beyond the particular facts of this case. Only one sentencing transcript is before this court, and it is sufficient for us to determine that it reflects a proper exercise of discretion by the circuit court.

Therefore,

IT IS ORDERED that the judgment and order of the circuit court are summarily affirmed.

See 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