way this has happened. But it's like my wife said, if I could just be home and take care of my family, provide for them, train my children so they would never have to see this courtroom like I have. It would be a great honor if I could -- I guess if I would just be at home and be able to take care of them. And I will say that this -- as far as for myself, this will never happen again. Thank you.

THE COURT: Thank you, Mr. Toews.

The Court has to consider three factors in sentencing the defendant under the laws in the State of Wisconsin. I have to consider the seriousness or gravity of the offense, Mr. Toews' character and rehabilitative needs, whether there's a need to protect the public. I have to also consider any aggravating mitigating circumstances. Probation is the preferred disposition in every criminal case unless confinement is necessary to protect the public, unless the offender is in need of treatment which is available only in the structure of a correctional institution, or if placing the defendant on probation would unduly depreciate the seriousness of the offense.

Other factors that the Court is obligated to consider include the defendant's personality and character, his culpability, his demeanor, his education,

background and record, his remorse, repentance and cooperation, if any is shown; statements, comments and recommendations regarding all interested parties and persons; rehabilitative needs of the victim; the information supplied in the Presentence Investigative Report and the COMPAS risk assessment, including the COMPAS risk assessment tool. And the weight that is given to each of these factors lies solely within the sound discretion of the trial court judge.

Leslie Toews is here to be sentenced for -- or after having pled guilty to third-degree sexual assault as a Class G felony. Under Wisconsin law, that provides for potential fines of up to $25,000 and a potential prison term of up to ten years. That was part of a plea agreement that was struck between the defendant and the prosecution because the defendant had originally been charged with second-degree sexual assault of a child under 16 years of age, which under Wisconsin law is a Class C felony, punishable by a fine of up to $100,000 and imprisonment in the state correctional facility for up to 40 years.

So Mr. Toews is here on a very serious matter before the Court, a matter that is not only a felony, but that the underlying penalties for which prescribed by law could include incarceration for a prolonged period. It's

also serious and grave when you look at the facts that were pled to to underpin his plea to the amended charge and to sentence him this afternoon.

By that, I mean that this was not a singular or isolated incident involving inappropriate sexual contact between the defendant and [redacted]. According to the information provided to the Court, there were multiple assaults that occurred for this young girl to endure that happened on almost a weekly basis for the better part of a half a year or more. So if the State had really wanted to charge the full extent of the gravity or seriousness of this situation, they could have charged, theoretically, dozens of counts of second-degree sexual assault of a child, which would have likely resulted in this man being confined for the balance of his natural life. That ought to give us some appreciation for how serious this case is and how serious the defendant's conduct was that has led him to be before the Court this afternoon.

It's also very serious, and there are clearly aggravating circumstances here in that the victim was the defendant's [redacted], who she trusted and who her family trusted. My heart breaks every time that I see children who are victimized, it's rarely by strangers. It's almost always by trusted members of the family who are

allowed access to children because they're not perceived to be a threat to their safety or their welfare, and so moms and dads don't have a problem with uncles or grandpas or others having unsupervised access to vulnerable children. And the defendant took advantage of that. He took advantage of that repeatedly.

And I was struck by one of the very first things that [redacted] said when she began her comments to the Court this afternoon, something to the extent or to the effect that a child would not have had the strength to do that or to come here, but now that she's a young adult, she has mustered the strength to come here.

I want to remind her and everyone here, even at 13 she had the strength to put an end to this, not him. She was the one who finally said no and made enough of a stink about it that he knew that this could not go on or he would be essentially caught. She is stronger than I think she imagines. She's an articulate, intelligent, strong young lady, and she will not be defined by what happened to her, and she should not be. She's a survivor. She is a warrior, in this Court's mind.

What the defendant has done has torn this family. It has separated loved ones from loved ones. It has caused people to drawn lines in the sand, it has caused family and friends to blame this child as though

she were somehow responsible for this. She is somehow, in their eyes, a Lolita that couldn't be stopped, and nothing could be farther from the truth. She was the one that put a stop to this. Thank God she did, because the defendant was not going to. He had groomed her, he had repeatedly assaulted her, and I have very little doubt that this would have continued had she not put a stop to it.

As Mr. O'Boyle indicated, if Mr. Toews was the kind of upstanding person that he and his family try to portray himself to be, if what he said or what his family said had any kernel of truth, he would have rebuffed this, he would have stopped this, this would have never happened. None of this would have ever happened if, in fact, as he alleged this child's hormones were somehow out of control, he would have said something to her and very shortly thereafter to her mother or her father or his wife. But he didn't. This was clearly sexually motivated.

He came forward to try to once again get back into the good graces of his faith community, and even when he came forward, his descriptions were outright lies. He downplayed this to where it bore very little resemblance to what actually occurred here. Well this was maybe a one-time thing, maybe a couple times, and all

I did was touch her top area. That's absolutely not true. We know that there were multiple assaults that included not only touching of her breasts, but touching of her vaginal area, skin to skin repeatedly, sometimes in the presence of his own minor children. The only person who exhibited any sense of decency was [redacted] to try to turn her body to shield the children from what was happening to her.

This was classic grooming. [redacted] described this to a "T" and I found her statement very credible that this began with her being lavished with attention, special treatment, progressing to either lewd comments or lewd jokes to test the waters to see how she would react, how far he could get her to go. And then it progressed from there to hugging, and very shortly thereafter, inappropriate sexual contact or sexual touching.

It wasn't -- his conduct wasn't limited to just the sexual touching, it included humiliation, degradation, pulling a vulnerable young preteen or early teen girl's pants down for the purpose of humiliating and degrading her. This would not have been possible, but for the fact of the trust position that the defendant was in, and in this Court's opinion, in this particular faith community, the undying emphasis that children are to respect adults unquestioned. You do not question

authority, you do not question adults, children are better to be seen than heard. You just put up and you go along with it.

Thank God she had the courage to come forward eventually despite all of these overwhelming odds, she finally mustered the courage to come forward and tell her mom. She carried this dark secret with her for years. It tore her up emotionally, psychologically, physically to where she couldn't endure it anymore, contemplated suicide, didn't think life was worth living, didn't understand who she could trust or if she could ever trust again, after having been abused by a trusted family member. It is amazing that [redacted] is here and is doing as well as she is and has had the courage to see this through. Bless her for that.

You have the defendant's uncle coming in here, having the audacity to blame this young lady for what occurred. I hope he was listening when Leslie's attorney said, rightfully so, you don't have relations with people unless you have express permission or consent to do that, period. Nobody in word, act or deed gave Leslie Toews permission or consent to do what he did with [redacted]. That was simply an act of selfish gratitude (sic) for which this young lady has suffered along with her family for the better part of a decade or more, and as counsel

have indicated, both counsel, he alone bears the responsibility for that.

This defendant has shown very little, if any remorse towards the victim. His concerns are understandably for the welfare of his family. I didn't hear any concerns from him or his family concerning the welfare of this young lady or her family. That's unfortunate. That shows a total lack of insight. It shows a significant lack of acceptance of responsibility by the defendant, which indicates that he has a lot of work to do to try to figure out why and how this happened and to ensure that this never happens again to another child, because [redacted] didn't ask for a pound of flesh today. She said Judge, I just want to make sure somebody else doesn't have to go through what I and my family went through. That's her only hope and prayer. That's not asking too much.

To the defendant's credit, he does not have any record that the Court is aware of. He's been a hard-working member of the community, member of the Mennonite community, been part of a farming operation for his life that has probably gone on for generations. And many people depend on him, and he is loved by many people. He is loved by those in the room, and I'm sure many others. He's indicated he would like to try to get through this

with as little damage to his family as possible. While that's understandable, that's not what the law provides.

The author of this report, which is lengthy and detailed, concludes that the gravity of the offense or offenses here is great. This is a man in his mid-30's who took sexual advantage of a child who was only 13, and my guess is that was a pretty naive 13-year old, given the upbringing that she had. The sexual assaults were repeated, they were not isolated, and as Mr. O'Boyle highlighted, when the defendant was confronted with his conduct initially by Ms. Dexter, and even as late as his comments to the PSI author, Agent Kunz, tried to place at the very least half blame on the victim saying she didn't resist, she didn't say no, and the way that she dressed and came on to me made her at least partly to blame. That shows a tremendous lack of insight, lack of sensitivity, and is very concerning to the Court.

Because the truth of the matter is, [redacted] did try to say no. She may not have mustered the words, but her body language, everything she did to try to fight him off made it crystal clear he was crossing boundaries that she was not comfortable with, did not invite, and despite her best efforts, she was overpowered repeatedly as the defendant continued to have his way with her.

Frankly, it doesn't matter what a woman wears,

let alone a child, on whether or not it's open season on her sexually. It's not. People may disagree with women's modesty or what they wear. It is never tantamount to permission or consent to have sexual relations with them, especially under these circumstances.

The agent goes on to conclude, given all of these facts and circumstances, there is a need to protect the public. The defendant is not able to understand or articulate why he did what he did, and until this is addressed, there is a risk of possibly him engaging in similar behaviors that would cause similar harm to others in the future, and he must be held accountable for his actions.

Regarding his rehabilitative needs, the agent concludes it's quite evident that the defendant is in need of sex offender treatment because of his lack of insight, minimizing and lying about the extent of his behaviors, blaming the victim all show that he has very little insight into what caused him to act out in the way that he did. Succinctly put, he told the agent me and my wife were having intimacy issues because of her recent surgery, and then he put it on this child, that he could not resist the temptation. That's all he could come up with for an explanation. That speaks volumes, in this

Court's opinion, about this significant need for rehabilitation.

The aggravating factors that the agent commented upon included his relationship as the trusted [redacted]. He was to be there to protect her and nurture her. The number of times that the assaults occurred over months makes this case even more serious in the agent's opinion, and the Court could not agree more. The impact on the victim and her family was significant and remains significant and substantial.

She then says that these aggravating circumstances and factors, coupled with his minimization and dishonesty about refusing to fully own up to his conduct really could call out for a prison recommendation. She then goes on to conclude, however, because the defendant has no criminal history and has at least acknowledged some of his behavior, treatment in the community may be possible. She states the defendant supposedly stopped these behaviors on his own. I disagree with that.

[redacted] was the one that put the brakes on this, not Leslie. Also to his credit, this is an unusual case in that these assaults occurred over a decade ago, and not only does Mr. Toews not have a criminal history, to this Court's knowledge, there have been no other

reoffenses in that last decade's worth of time. There has been no similar conduct that has occurred since the conduct with [redacted]. And the Court has to consider that in fairness to Mr. Toews.

The agent then goes on to conclude given all the facts and circumstances, they're recommending that the Court either withhold or impose, but stay a prison term, put the defendant on probation for a lengthy period of time and impose a year in the county jail.

Considering all the facts and circumstances here, the Court having spent an inordinate amount of time reviewing, re-reviewing the file, including the Presentence Investigative Report and having listened very carefully, closely to all the statements made during the hearing this afternoon, the Court concludes that probation is not an appropriate sentence for Leslie Toews. It would, in this Court's opinion, substantially unduly depreciate the seriousness of the conduct that occurred here. It would also send the wrong message to this young lady, her family and others regarding the penalty that would befall on someone who takes advantage of a family minor on a repeated basis and then goes on to blame the victim.

It is also not lost on this Court that this county currently does not have a Huber program, which

means whoever gets placed on Huber gets a monitor, gets a bracelet and gets to go home. That would also unduly depreciate the seriousness of the conduct that has led to this conviction to simply allow Mr. Toews to be placed on a monitoring program. That, too, would seriously and substantially unduly depreciate the seriousness of these crimes, the gravity of the crimes and the substantial impact that it's had on the victim, her family and the defendant's own family and community.

For all of these reasons, it is the sentence of the Court that the defendant serve a term of confinement in the Wisconsin State Prison System totaling six years and six months, the initial confinement portion of which will be one year and six months, followed by five years and zero months of extended supervision.

Conditions of his extended supervision will be no contact with the victim or her family. He will not have any unsupervised contact with minor children under the age of 16 years outside of his immediate family. He is to undergo a sex offender evaluation and complete any and all recommended treatment, therapy or counseling for sex offenders. He will be required to register as a sex offender for a period of 15 years following the completion of his sentence. He will go through any and all other evaluations or assessments that may be ordered

by the Department of Corrections and then shall successfully complete all recommended treatment or therapy.

He will pay statutory costs, to include a DNA surcharge. He will be required to submit a DNA sample upon his being remanded into the custody of the Sheriff's Department of this county to await transport to Dodge Correctional. He is not entitled to any credit for time served.

His initial period of confinement, again, is one year and six months, or a total of 18 months. That, however, can be extended under certain terms and conditions if the defendant refuses or violates prison rules or regulations, refuses to perform assigned duties. It can also be extended if he engages in violent or disruptive conduct in prison that results in him being placed in segregation or controlled status. It can also be increased if he files malicious and harassing lawsuits against prison or other officials or assists others in so doing. And once he's released to extended supervision, if he violates the terms of the extended supervision that the Court has ordered or any other conditions imposed by him -- on him by the Department of Corrections, his extended supervision can be revoked and he can be returned to the state prison system to serve the balance

of the time remaining. He is not entitled to eligibility for the Challenge Incarceration Program, nor is he entitled to eligibility for the Substance Abuse Program.

Sentence will be executed forthwith. He is remanded into the custody of the Barron County Sheriff's Department to await transport to Dodge.

Mr. O'Boyle, anything further from the State?

MR. O'BOYLE: No, thank you.

THE COURT: Mr. Schlough?

MR. SCHLOUGH: No, Your Honor.

THE COURT: The defendant needs to execute the Voter Ineligibility Form. He also should be advised that he has the right to appeal the sentence of the Court. He has 20 days within which to violate his Notice of Intent to Appeal. If he fails to do that, he may waive rights to appeal the proceeding or the sentence that the Court has handed down this afternoon.

Madam Clerk, anything else for the record? I have the form. I will give that to him.

(Proceedings were concluded at 3:25 p.m.)