

1     STATE OF WISCONSIN                     CIRCUIT COURT                     GREEN LAKE COUNTY

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2     State of Wisconsin,  
3                     Plaintiff,

4     v.

Case No. 20-CF-62

5     Timothy L. Jones,  
6                     Defendant.

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7                             TRANSCRIPT OF PROCEEDINGS had in the above-entitled  
8 matter, Re-Sentencing Hearing, held at the Courthouse in Green  
9 Lake County, Wisconsin, on May 2, 2022, before the Honorable  
10 Mark T. Slate, Judge, commencing at 1:02 p.m.

11  
12                                     A P P E A R A N C E S

13  
14 For State of Wisconsin:                             Gerise Laspisa  
15   District Attorney

16 For Timothy L. Jones:                             Cassandra Van Gompel  
17   Attorney at Law

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25 Reported by: Karen Blair, RPR, CRR

1 P R O C E E D I N G S

2 THE COURT: Court will call 20-CF-62, State of  
3 Wisconsin versus Timothy Jones. State appears by District  
4 Attorney Gerise Laspisa; Mr. Jones appears by Zoom, in custody.  
5 Attorney Cassandra Van Gompel also appears by Zoom.

6 Mr. Jones, can you see and hear me clearly?

7 TIMTOHY JONES: Yes, sir.

8 THE COURT: Do you have any objection to holding  
9 this hearing by Zoom?

10 TIMTOHY JONES: No, sir.

11 THE COURT: By doing so, you are giving up your  
12 right to appear in front of me in person at this hearing. Do  
13 you understand that?

14 TIMTOHY JONES: Yes, sir.

15 THE COURT: You're also giving up your right to be  
16 next to your attorney at this hearing; do you understand that?

17 TIMTOHY JONES: Yes, sir.

18 THE COURT: I do have the ability to put you and  
19 your attorney into a breakout room if you need to discuss  
20 anything privately with her; you just need to let me know you  
21 want to do that. Do you understand that?

22 TIMTOHY JONES: Yes, sir.

23 THE COURT: This is on a post-conviction motion for  
24 resentencing. The sentence the Court had given was  
25 inappropriate due to the length of the extended supervision.

1 The Court had ordered five years of extended supervision and  
2 the law only allows three years of extended supervision.  
3 Pursuant to case law the Court is required to then resentence.  
4 Attorney Van Gompel, are we going to do the resentencing here  
5 today?

6 MS. VAN GOMPEL: We are. I did send a sentencing  
7 letter that we would like the Court to review before  
8 pronouncing sentence. I believe that was submitted today.

9 MS. LASPISA: I haven't seen it. If I can have a  
10 moment to read it, maybe?

11 THE COURT: Yeah, I haven't seen it either.

12 Mr. Jones, do you have any objection to doing the  
13 sentencing here today?

14 TIMTOHY JONES: No, sir.

15 THE COURT: So let's take a minute. It's short.  
16 Has the State had a chance to review it?

17 MS. LASPISA: I have, yes.

18 THE COURT: Other than the parties, is there  
19 anybody here who wishes to address the Court regarding  
20 sentencing?

21 Hearing nothing, are we in compliance with all  
22 victim/witness rights?

23 MS. LASPISA: Your Honor, we did mail the notice of  
24 hearing for today's date and sent the information for the Zoom  
25 for this hearing, so I do believe that we are in compliance.

1 THE COURT: I will note that there is -- other than  
2 the parties, there is nobody on Zoom.

3 What does the State have to say concerning  
4 sentencing?

5 MS. LASPISA: Well, the original -- the offer that  
6 was a joint recommendation between defendant's previous counsel  
7 and myself, other than the over -- illegal extended  
8 supervision, was for five years of initial confinement, five  
9 years of extended supervision -- which is obviously not -- why  
10 we are here, concurrent to the revocation sentence that he  
11 received; no contact with the victim, the victim's residence,  
12 or the victim's family; absolute sobriety; restitution, we  
13 didn't get any so that was off the table; assessments, and  
14 follow any recommendations.

15 In looking at the sentence that the Court imposed,  
16 obviously, as the Court has just stated, there are -- five  
17 years of extended supervision was too much. He was convicted  
18 on count one, which was an H felony, and I believe that the  
19 maximum extended supervision for that would be three years.  
20 And count two is an I felony. I think maximum extended  
21 supervision is two years. I believe I am bound to stand by the  
22 original offer, which was for a concurrent sentence. I'm going  
23 to ask that the Court impose the five years of initial  
24 confinement, but instead of the -- the five years of extended  
25 supervision I'm going to ask for three years on count one, two

1 years on count two, and I'm going to ask for all of the same  
2 conditions that were agreed upon for the joint recommendation  
3 between myself and previous defense counsel.

4 I make those recommendations based upon the  
5 defendant's prior record, the facts in this case -- notably, he  
6 was revoked -- he had just been released from a prison sentence  
7 on two counts of attempted first degree intentional homicide  
8 endangering safety by use of a dangerous weapon, and felon in  
9 possession of a firearm convictions from a 1991 case out of  
10 Dane County, and it was a very short time thereafter that he  
11 committed the offenses for which he pled guilty and we are here  
12 today.

13 He also had a second degree reckless injury  
14 repeater charge in 1991, in a separate case, in Dane County.  
15 He has many other prior convictions from 1989, 1988, '87, so  
16 they are dated, but he was in prison for a number of years and  
17 that's why we don't have any more recent convictions.

18 Aggravating nature of this offense is that he was  
19 released to his extended supervision/parol for the '91  
20 convictions and within a very short time committed the violent  
21 offenses that he is now here before the Court today on  
22 sentencing. So I am going to ask that really, other than the  
23 extended supervision, that I will stand by my previous offer of  
24 the five years of initial confinement but modify the  
25 recommendation for the extended supervision to be the three for

1 the first count and two for the second count. Thank you.

2 THE COURT: Attorney Van Gompel?

3 MS. VAN GOMPEL: I agree because it was a joint  
4 recommendation I think that we still need to ask for the five  
5 years of initial confinement to be concurrent with what the  
6 previous agreement previously was. However, even if it is a  
7 concurrent sentence which we're asking the Court to order,  
8 Mr. Jones would still serve additional time. He would be  
9 released from his other sentence in November of 2022 so he --  
10 it's not as if, if he gets a current sentence, that he's going  
11 to not serve any additional time on this case. There would  
12 still be time that he would need to serve.

13 Additionally, he is currently on the list for  
14 different programs in prison, including domestic violence, and  
15 AODA. He is currently working at the prison as a janitorial  
16 staff and, according to him, has no conduct reports at the  
17 prison. So Mr. Jones is not a problem as a prisoner. I don't  
18 think he's a risk to the community at this point because he is  
19 going to be in programming, he has time left to serve.

20 Mr. Jones has struggled with substance abuse for  
21 the majority of life. He has indicated that all of his cases  
22 are when he was under the influence and when he was much  
23 younger. As stated, the majority of his cases are quite dated  
24 and with age comes wisdom, as they say. And so Mr. Jones,  
25 while this event happened, it wasn't as if he was causing

1 problems in the prison when serving his other sentences.

2           Prior to his arrest in this case he was working at  
3 Richelieu, R-I-C-H-E-L-I-E-U, Food. He had been working there  
4 for a little over a year, in Beaver Dam. He was working as a  
5 line worker at NOF; he had just been upgraded. He has very  
6 supportive family. A Letter from his mother, there is other  
7 family members, including his sister. They indicated -- or  
8 Mr. Joan indicated that if he is drinking they definitely are  
9 not going to be supportive of him so it gives him, again, more  
10 reason to keep his sobriety. So Mr. Jones not a danger to the  
11 community. By allowing him to have this time in prison and  
12 getting into these programs he's not going to be a danger to  
13 society, and we would ask the Court to impose our requested  
14 sentence. Thank you.

15           THE COURT: Mr. Jones, anything you wish to tell  
16 the Court?

17           TIMTOHY JONES: Yes. First, I would like to  
18 apologize to the victim and the victim's family. I take  
19 complete and full responsibility for my actions and for the  
20 horrible choices that I made during the time that I was out.  
21 In the future, I plan to surround myself in healthier  
22 environments like family and friends who want to see me do  
23 better in life. Again, I made some really bad choices, and I  
24 take complete and full responsibility for them. Thank you.

25           THE COURT: One of the things the Court has to look

1 at is the protection of the public, the severity of the  
2 offense, and the character of the offender. With regards to  
3 the character of the offender the defendant has a lengthy  
4 criminal history who has spent a lot of time in prison.  
5 Shortly after getting out of prison is when this incident  
6 occurred. He was drinking. Drinking to the point where he  
7 puked on himself and the victim was trying to clean him up in  
8 this particular case. And although it's easy to say that he's  
9 not a harm to society if he's not drinking, he has shown that  
10 he cannot control his drinking and that when he starts to  
11 drink, he becomes a very different person.

12           Specifically in this case, the victim tried to  
13 leave for her safety. The defendant barricaded her in the  
14 residence and refused to allow her to leave; mentioned that he  
15 had a gun and he wasn't afraid to use it. I -- I can't imagine  
16 what being in that position is, with an intoxicated person  
17 who's not allowing you to leave when you want to leave, and  
18 then mentions that they have a gun. It would scare, I think,  
19 most people.

20           In this particular case, however, the defendant --  
21 no doubt probably for the amount of alcohol he drank -- had to  
22 use the restroom at which point the victim was able to escape  
23 out of the house and get away and went back to Markesan. As I  
24 had mentioned previously at the last sentence, no doubt she  
25 thought that she had he escaped a very deadly and dangerous



1 situation. But. The defendant tracked her all the way back to  
2 Markesan and broke into her house. She said something to the  
3 effect of -- I don't remember if it was, "Get out of my house,"  
4 or, "You have to leave," or something to that effect, and he  
5 wouldn't. There was then an altercation in which the defendant  
6 grabbed the victim's neck and attempted to choke her. He then  
7 got into a fight and ended up hitting the victim. Whether it  
8 was intentional or not -- if memory serves me right he was  
9 trying to hit somebody else and missed, once again no doubt  
10 probably due to the amount of alcohol he had drank, and ended  
11 up punching the victim.

12           It is clear to this Court that society needs to be  
13 protected from him. As much as he may say that he has learned  
14 the lessons, the best prediction of future activity is a  
15 person's past actions. He drinks to the point of intoxication  
16 and does not only dangerous things, he threatens people. The  
17 Court does believe that prison is appropriate in this  
18 particular case.

19           The Court's general policy -- I tell people I'm not  
20 beholden to it, but my general policy is if the crimes occur at  
21 the same date and time then those crimes should be concurrent  
22 to each other. I equate this to somebody who breaks into a  
23 house and steals a gun and damages a window. You can be  
24 charged with burglary, you know, theft, criminal damage to  
25 property. Those are all the same incident, but different

1 crimes because of the different elements. But if there are  
2 crimes at different times in different places, then those  
3 sentences should not be run concurrent to each other because if  
4 you commit separate crimes you have to pay the penalty for each  
5 of those. So the Court does believe that the sentences in this  
6 particular case should be concurrent to each other but  
7 consecutive to any other sentences he might currently be  
8 serving. To do otherwise would diminish in the severity of  
9 this particular offense.

10 Court does believe that the five years of initial  
11 confinement is appropriate based on his lengthy criminal  
12 history the danger he presents to society, and the severity of  
13 the crime, and what the victims had gone through at that  
14 particular time.

15 The Court will sentence the defendant, on the  
16 strangulation and suffocation, to five years of initial  
17 confinement followed by three years of extended supervision.  
18 That will be concurrent to the substantial battery, which will  
19 be five years of initial confinement followed by two years of  
20 extended supervision. And that will be concurrent to the  
21 disorderly conduct, which would be one year initial confinement  
22 followed by one year of extended supervision. Those sentences  
23 are to run concurrent to each other but consecutive to any  
24 other sentences he would currently be serving.

25 Conditions of the extended supervision are to have

1 no contact with the victim, the victim's family, or the  
2 residence. That means you may not contact the victim or have  
3 anyone other than an attorney do so. You must maintain  
4 absolute sobriety. That means you may not possess or consume  
5 any alcohol, illegal drugs, or prescription drugs without a  
6 valid prescription, and you may be randomly tested for them.  
7 You need to complete an AODA assessment; pay all court costs;  
8 and have a DNA sample. If this sentence is ultimately reversed  
9 or overturned you can ask that it be expunged.

10 The Court will find that he is not eligible for the  
11 Challenge Incarceration program or the Earned Release program,  
12 based on the severity of the offense in this particular case  
13 and the need to protect society from that. The Court will,  
14 based on the previous sentence being illegal, vacate the  
15 previous sentence and order this to be put in its place.

16 Anything else from the State?

17 MS. LASPISA: No. I think at the last sentencing  
18 you indicated he wasn't entitled to any jail credit.

19 THE COURT: Yeah, I believe -- it's a consecutive  
20 sentence. I don't think he is. But Attorney Van Gompel, if he  
21 is due any jail credit put it in writing and the Court will  
22 redo it.

23 Anything from the defense?

24 MS. VAN GOMPEL: No. I would just add that we  
25 would like a breakout room to review post conviction rights

1 with him before him and I hang up.

2 THE COURT: Certainly.

3 MS. VAN GOMPEL: Thank you.

4 (The hearing ended at 1:18 p.m.)

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OF ) SS.  
2 WISCONSIN )

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5 I, KAREN BLAIR, Registered Professional Reporter, do  
6 hereby certify that I was personally present during the  
7 foregoing matter; that I made a record of the same by means of  
8 machine shorthand; that the foregoing pages, numbered from 2 to  
9 12, inclusive, have been transcribed by me and carefully  
10 compared with my stenographic notes, and constitute a full,  
11 true, and accurate transcript of the proceedings had in said  
12 matter.

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DATED this 6th day of May, 2022.

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Electronically Signed  
Karen Blair, Court Reporter

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