

Former jailer pleads in child sex assault case : Baraboo News Republic

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A former Sauk County jailer pleaded no contest Monday to a felony charge of repeated child sexual assault.

But 33-year-old Kyle B. Garstka, previously of Reedsburg, may not be convicted of the charge if he completes the terms of a five-year deal he struck Monday with a special prosecutor.

Terms of the deferred prosecution agreement state that Garstka must undergo an independent sex offender evaluation within 60 days and participate in any counseling recommended by the assessment. He must provide prosecutors with copies of the evaluation and any treatment progress reports.

Garstka must not engage in criminal activity and may not have contact with the alleged victims or their mother. Garstka will not have to register as a sex offender.

If he fails to comply with terms of the agreement, a judge could find him guilty of the charge he pleaded to Monday and sentence him to a maximum 60 years in prison.

In exchange for Garstka's no contest plea to one count of repeated sexual assault of a child, Special Prosecutor Crystal Long of the Columbia County District Attorney's Office agreed to dismiss a second count of the same charge.

In April 2013, prosecutors charged Garstka with repeatedly sexually assaulting two children under the age of 10. In interviews with law enforcement, the two children alleged Garstka engaged in repeated instances of inappropriate touching and voyeurism.

Although the crime was alleged to have occurred in Sauk County, an out-of-county prosecutor was appointed to the case because Garstka was employed by the Sauk County Sheriff's Department as a jailer.

His attorney, Daniel Berkos of Mauston, said during a preliminary hearing in May 2013 that prosecutors lacked evidence beyond the children's statements. He also said the children had a medical disorder that required an adult to monitor the timing and consistency of their bowel movements.

In court Monday, the children's mother said she was comfortable with terms of the deferred prosecution agreement as a mechanism to prevent the children from having to testify in a jury trial.

“To put them through a trial would be harsh,” the mother said. “I feel like this way there will be some justice for them without subjecting them to any more detriment to themselves.”

Long said the two children have made progress in counseling and that a court trial might cause them more harm.

Columbia County Circuit Court Judge Daniel George said a psychological evaluation of Garstka concluded he is a low risk to reoffend, and he accepted the agreement, which was signed by Garstka, Berkos and Long.

George asked Garstka if he had anything to say during Monday’s proceedings in Sauk County Circuit Court.

“I have lots of things to say, judge,” Garstka said. “At this time I will refrain from saying them.”

When asked about the fairness of the agreement, Berkos responded that “fair” was a relative term and that he and his client had a different view of the allegations. But he said the agreement was satisfactory and that it “serves the interest of justice.”

Garstka is no longer employed with the Sauk County Sheriff’s Department. He currently lives in Ladysmith.