

FILED

STATE OF WISCONSIN,
Plaintiff,

v.

ROBERT L PETERSON,
Defendant.

Case Number 00 CF 24

AUG 28 2000

James Bruce
CLERK OF COURTS
TAYLOR COUNTY WI

DEFERRED PROSECUTION AGREEMENT AND ORDER

WHEREAS, the defendant pled guilty to Count 1 (Second Degree Sexual Assault of a Child), contrary to Wis Stats. Secs. 948.02(2);

AND WHEREAS, it appears after an investigation of the offense, the defendant's background, the interests of the community and the victims; these interests can best be served by deferring entry of judgment on Count 1 (Second Degree Sexual Assault of a Child) and, the court hereby defers entry of judgment upon the following terms and conditions:

- 1 This agreement shall commence on August 25, 2000, and shall terminate on August 25, 2002.
2. The defendant acknowledges that his Guilty plea is made knowingly, voluntarily and intelligently.
- 3 The defendant admits, for purposes of this agreement, that:
 - The defendant had sexual intercourse with J.K.R , dob: 10/18/83, and;
 - That J K.R., dob 10/18/83 had not attained the age of 16 years at the time of the sexual intercourse.
4. The defendant shall obey all state laws, city or county ordinances.
5. The defendant shall provide written notice to the District Attorney's Office of any change of address within 10 days after such change of residence.
- 6 If the defendant successfully complies with the terms and conditions of probation that were ordered in Taylor County Case Number 00 CM 2, the State will move to amend Count 1 (Second Degree Sexual Assault of a Child) to a misdemeanor offense of sexual

contact with a person under the age of 18, on or about August 25, 2002. The conditions and rules of probation ordered are as follows: restitution (if any), \$50 fine plus costs, 10 days county jail with work release privileges, no contact with J K R., dob: 10/18/83, and attendance and successful completion of sex offender treatment with Bob Fox as recommended by the probation agent.

7. If the defendant engages in behavior which subjects him to revocation proceedings, the State would make a motion to revoke the deferred prosecution agreement and enter judgment based upon the defendant's guilty plea to Second Degree Sexual Assault of a Child. The State would be permitted to do this even if probation was not ultimately revoked.

IT IS FURTHER ORDERED, that if the District Attorney believes the defendant has not fully complied with the terms of this agreement, the State will bring a motion to revoke this agreement. The motion will then be scheduled for a hearing before the Court. The State will merely be required to present evidence, either by affidavit or live testimony, which establishes probable cause to believe the defendant has not complied with this agreement, but the State will not be held to any higher standard of proof at this hearing. Upon a finding of probable cause at said hearing, judgment will be entered finding the defendant guilty of the crime of Second Degree Sexual Assault of a Child based on his guilty plea, and the court will proceed to sentence the defendant for this offense.

Dated this 25 day of August, 2000.

FOR THE COURT:

Hon. Gary L. Carlson
Circuit Court Judge

No. 0065 P. 6
TAYLOR COUNTY DISTRICT ATTORNEY

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August 9, 2000

Attorney Wright Laufenberg
PO Box 843
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Re: **State of Wisconsin v. Robert Peterson**
Taylor County Case Numbers 00 CM 2, 00 CF 24

Dear Attorney Laufenberg:

On August 8, 2000, we discussed the above-mentioned cases in the hallway outside of the courtroom. I believe that we entered into an agreement as follows:

00 CM 02: Your client will plead no contest to the charge of theft. Our agreed sentencing recommendation will be to impose and stay 90 days county jail, a \$200 fine plus costs and restitution (if any). Your client will be placed on probation for a period of two years with the following conditions: restitution (if any); \$50 fine plus costs and ten days county jail with work release privileges. Additional conditions of probation will be restitution in case number 00 CF 24 (if any), no contact with Jerilyn Rakovek and attend and successfully complete sex offender treatment with Bob Fox as recommended by the probation agent.

00 CF 24: Your client will plead guilty to count one, second degree sexual assault of a child. The State will move to dismiss but read in the remaining charges. Upon your client's plea of guilty, but before the court finds him guilty of the charge, the State will move for a deferred prosecution agreement on the felony charge. Your client will pay no fine but court costs on this charge as an additional condition of his probation as listed above. If your client successfully completes his probation in case number 00 CM 2, at the end of the two-year period the State will move to amend the felony charge to a misdemeanor offense of sexual contact with a person under age 18. However, if your client does not comply with his probation in case number 00 CM 2, the State may move to revoke the deferred prosecution agreement. If that happens, your client will be facing sentencing on the felony charge.

It is my understanding that your client is willing to accept this resolution, and we are scheduled for a plea and sentencing hearing on August 25 at 10:30 a.m. If you have any questions or concerns, or if I have in any way misstated our agreement, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,

Mara C. Johnston
Mara C. Johnston
District Attorney

Cc: Patricia Krueger, Victim/Witness Coordinator



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