

STATE OF WISCONSIN, CIRCUIT

COURT, TAYLOR COUNTY

For Official Use

State of Wisconsin, Plaintiff,

-vs-

ROBERT PETERSON

Name

Defendant

Plea Questionnaire/
Waiver of Rights

Case No. 00 CM 2

00 CF 24

I am the defendant and intend to plea as follows:

Charge/Statute	Plea	Charge/Statute	Plea
<u>Theft</u>	<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> No Contest		<input type="checkbox"/> Guilty <input type="checkbox"/> No Contest
<u>2nd Degree SEX ASSAULT</u>	<input type="checkbox"/> Guilty <input type="checkbox"/> No Contest		<input type="checkbox"/> Guilty <input type="checkbox"/> No Contest
<input type="checkbox"/> See attached sheet for additional charges.			

I am 19 years old. I have completed 10 years of schooling.

do do not have a high school diploma, GED, or HSED.

do do not understand the English language.

do do not understand the charge(s) to which I am pleading.

am currently receiving treatment for a mental illness or disorder.

have had any alcohol, medications, or drugs within the last 24 hours.

Constitutional Rights

I understand that by entering this plea, I give up the following constitutional rights:

I give up my right to a trial.

I give up my right to remain silent and I understand that my silence could not be used against me at trial.

I give up my right to testify and present evidence at trial.

I give up my right to use subpoenas to require witnesses to come to court and testify for me at trial.

I give up my right to a jury trial, where all 12 jurors would have to agree that I am either guilty or not guilty.

I give up my right to confront in court the people who testify against me and cross-examine them.

I give up my right to make the State prove me guilty beyond a reasonable doubt.

I understand the rights that have been checked and give them up of my own free will.

Understandings

- I understand that the crime(s) to which I am pleading has/have elements that the State would have to prove beyond a reasonable doubt if I had a trial. These elements have been explained to me by my attorney or are as follows:
(1) had sexual intercourse
(2) ~~with~~ partner was not 16 or older
 See Attached sheet.
 - I understand that the judge is not bound by any plea agreement or recommendations and may impose the maximum penalty. The maximum penalty I face upon conviction is:
40 yrs prison 19 months
 - I understand that the judge must impose the mandatory minimum penalty, if any. The mandatory minimum penalty I face upon conviction is: _____
 - I understand that the presumptive minimum penalty, if any, I face upon conviction is: _____
- The judge can impose a lesser sentence if the judge states appropriate reasons.

Understandings

- I understand that if I am placed on probation and my probation is revoked:
 - If sentence is withheld, the judge could sentence me to the maximum penalty, or
 - If sentence is imposed and stayed, I will be required to serve that sentence.
- I understand that if I am not a citizen of the United States, my plea could result in deportation, the exclusion or admission to this country, or the denial of naturalization under federal law.
- I understand that if I am convicted of any felony, it is unlawful for me to possess a firearm.
- I understand that if I am convicted of a serious child sex offense, I cannot engage in an occupation or participate in a volunteer position that requires me to work or interact primarily and directly with children under the age of 16.
- I understand that if any charges are read-in as part of a plea agreement they have the following effects:
 - Sentencing - although the judge may consider read-in charges when imposing sentence, the maximum penalty will not be increased.
 - Restitution - I may be required to pay restitution on any read-in charges.
 - Future prosecution - the State may not prosecute me for any read-in charges.
- I understand that if the judge accepts my plea, the judge will find me guilty of the crime(s) to which I am pleading based upon the facts in the criminal complaint and/or the preliminary examination and/or as stated in court.

Voluntary Plea

I have decided to enter this plea of my own free will. I have not been threatened or forced to enter this plea. No promises have been made to me other than those contained in the plea agreement. The plea agreement will be stated in court or is as follows:

See attach See Attached.

Defendant's Statement

I have reviewed and understand this entire document and any attachments. I have reviewed it with my attorney (if represented). I have answered all questions truthfully and either I or my attorney have checked the boxes. I am asking the court to accept my plea and find me guilty.

[Signature]
Signature of Defendant

6/25/00
Date

Attorney's Statement

I am the attorney for the defendant. I have discussed this document and any attachments with the defendant. I believe the defendant understands it and the plea agreement. The defendant is making this plea freely, voluntarily, and intelligently. I saw the defendant sign and date this document.

[Signature]
Signature of Attorney

6/25/00
Date

Crime	Statute	ELEMENTS (Note: Boxes should be checked; italicized words should be explained; underlines must be clarified; Blanks should be filled in)
<input type="checkbox"/> Burglary (unarmed)	943.10 Class C Felony	<ul style="list-style-type: none"> • I intentionally entered the <u>building / dwelling</u> of another • I did not have the consent of the owner or person in lawful possession to enter • I knew that I did not have the consent to enter • At the time I entered I intended to steal or commit a felony
<input checked="" type="checkbox"/> Theft (under \$1000)	943.20 Class A Misd.	<ul style="list-style-type: none"> • I intentionally took and carried away <i>movable property</i> of another • I did not have the consent of the owner to take and carry away this property • I knew that I did not have the consent of the owner to take and carry away this property • I intended to <i>permanently deprive</i> the owner of possession of the property
<input type="checkbox"/> Operating motor vehicle without consent of owner	943.23(3) Class E Felony	<ul style="list-style-type: none"> • I intentionally <u>drove / operated</u> a vehicle of another • The <u>driving / operating</u> of such vehicle was without the consent of the owner • I knew that such <u>driving / operating</u> was without the owner's consent
<input type="checkbox"/> Issuance of a worthless check (under \$1000)	943.24 Class A Misd.	<ul style="list-style-type: none"> • I issued a check • At the time the check was issued, I intended that it not be paid
<input type="checkbox"/> Transfer of encumbered property	943.25(2)(a) Class E Felony	<ul style="list-style-type: none"> • I <u>concealed/removed/transferred</u> personal property • Another person (including bank or financial institution) held a <i>security interest</i> in the personal property. • I knew that another held a security interest in such personal property • I <u>concealed/removed/transferred</u> such property with <i>intent to defraud</i>
<input type="checkbox"/> Robbery (no dangerous weapon)	943.32 Class C Felony	<ul style="list-style-type: none"> • I took property from the person or the presence of the owner • I used force or the threat of force against the person of the owner • I intended the force or threat of force to overcome the physical resistance or physical power of resistance to the taking and carrying away of the property
<input type="checkbox"/> Receiving stolen property (under \$1000)	943.34(1) Class A Misd.	<ul style="list-style-type: none"> • I intentionally <u>received / concealed</u> property: • The property was <i>stolen</i> property • I knew or believed that the property was stolen when it was <u>received / concealed</u>
<input type="checkbox"/> Forgery (Uttering)	943.38 (2) Class C Felony	<ul style="list-style-type: none"> • The writing was one by which <i>legal rights or obligations</i> are created or transferred • The writing was falsely <u>made/altere</u> • I issued (or uttered) the writing as <i>genuine</i> • I knew the writing was falsely <u>made/altere</u>
<input type="checkbox"/> Retail theft (shoplifting) (under \$1000)	943.50(1m) Class A Misd.	<ul style="list-style-type: none"> • I intentionally took and carried away <i>merchandise</i> held for resale by a <i>merchant</i> • I did not have the consent of the merchant to take and carry away this merchandise • I knew that I did not have the consent of the merchant to take and carry away this merchandise • I intended to <i>permanently deprive</i> the merchant of possession of the merchandise
<input type="checkbox"/> Obstructing or Resisting an officer	946.41 Class A Misd.	<ul style="list-style-type: none"> • <input type="checkbox"/> I obstructed an officer by conduct that prevented or made more difficult the performance of the officer's duties or • <input type="checkbox"/> I resisted an officer • The officer was doing an act in an <i>official capacity</i> • The officer was doing an act with <i>lawful authority</i> • I knew that the officer was an officer acting in an official capacity and with lawful authority • I knew my conduct would <u>obstruct / resist</u> the officer
<input type="checkbox"/> Disorderly conduct	947.01 Class B Misd.	<ul style="list-style-type: none"> • I engaged in <u>violent/shusive/indecent/profane/boisterous/unreasonably loud or /otherwise disorderly conduct</u> • My conduct, under the circumstances, tended to cause or provoke a disturbance

ELEMENTS OF COMMON CRIMINAL OFFENSES

Crime	Statute	ELEMENTS (Note: Boxes should be checkmarked; italicized words should be explained; underlines must be clarified; Blanks should be filled in)
<input type="checkbox"/> Possession of a controlled substance	161.41(3) Unclass. Misd.	<ul style="list-style-type: none"> ● I possessed a substance ● The substance was a <i>controlled substance</i>: _____ ● I knew or believed that the substance was the controlled substance named above
<input type="checkbox"/> Operating without a valid driver's license	343.05	<ul style="list-style-type: none"> ● I operated a motor vehicle on a public highway of this state ● I did not hold a valid operator's license at the time I operated the motor vehicle
<input type="checkbox"/> Operating after revocation or suspension	343.44	<ul style="list-style-type: none"> ● I <u>operated / drove</u> a motor vehicle on a <i>public highway</i> of this state ● At the time I <u>operated / drove</u> the motor vehicle my operating privileges had been <u>revoked / suspended</u> by the Department of Transportation and not reinstated ● I knew or had cause to know that my operating privileges had been <u>revoked / suspended</u>
<input type="checkbox"/> Operating while under the influence of an intoxicant	346.63	<ul style="list-style-type: none"> ● I <u>operated / drove</u> a motor vehicle on a <i>public highway</i> of this state ● At the time of the <u>operation / driving</u> I was under the <i>influence of an intoxicant</i>; that is, (my ability to operate or drive was materially impaired by the consumption of alcohol)
<input type="checkbox"/> Operating with a prohibited alcohol level	346.63	<ul style="list-style-type: none"> ● I <u>operated / drove</u> a motor vehicle on a <i>public highway</i> of this state ● At the time of the operating/driving I had a <i>prohibited alcohol level</i>
<input type="checkbox"/> Battery (bodily harm only)	940.19(1) Class A Misd.	<ul style="list-style-type: none"> ● I caused <i>bodily harm</i> to a victim: _____ ● I intended to cause bodily harm to that victim (or another person) ● The victim did not consent to such bodily harm ● I knew that the victim did not consent
<input type="checkbox"/> Battery (to law enforcement officer)	940.20(2) Class D Felony	<ul style="list-style-type: none"> ● I caused <i>bodily harm</i> to a victim: _____ ● The victim was a <i>law enforcement officer</i> ● The victim was acting in an <i>official capacity</i> ● I knew, or had reason to know, that the victim was a law enforcement officer acting in an official capacity ● The victim did not consent to the causing of bodily harm ● I acted intentionally
<input checked="" type="checkbox"/> Sexual assault, 4th degree	940.225(3m) Class A Misd.	<ul style="list-style-type: none"> ● I had <i>sexual contact</i> with a victim: _____ ● I had sexual contact with the victim with the intent to become <i>sexually aroused or gratified</i> ● The victim did not consent to the sexual contact
<input type="checkbox"/> Endangering safety by use of a dangerous weapon	941.20(1) Class A Misd.	<ul style="list-style-type: none"> ● I <u>operated / handled</u> a <i>dangerous weapon</i>: _____ ● I <u>operated / handled</u> a dangerous weapon in a manner constituting <i>criminal negligence</i> ● Such criminal negligence on my part <i>endangered the safety</i> of another person
<input type="checkbox"/> Recklessly endangering safety	941.30(1) Class D Felony	<ul style="list-style-type: none"> ● I <i>endangered the safety</i> of another human being: _____ ● I endangered that person's safety by <i>criminally reckless conduct</i> ● The circumstances of my conduct showed <i>utter disregard</i> for human life
<input type="checkbox"/> Criminal damage to property	943.01 Class A Misd.	<ul style="list-style-type: none"> ● I caused damage to <i>physical property</i> of another ● I intended to cause such damage ● I did not have the consent of the owner to damage the physical property ● I knew that I did not have the consent of the owner to damage the physical property

STATE OF WISCONSIN, CIRCUIT COURT, TAYLOR COUNTY

STATE OF WISCONSIN,
Plaintiff,

POST-CONVICTION
APPEAL RIGHTS

Vs.

Defendant.

Case No. _____

For Court Use Only

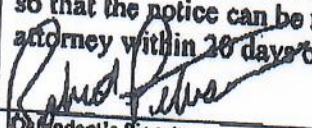

TO THE DEFENDANT:

You have the right to seek post-conviction relief in this court or in the Wisconsin Court of Appeals:

- It is your responsibility to decide whether you wish to do so.
- It is your lawyer's responsibility (if you have one) to assist you in making this decision and, if you wish to seek post-conviction relief, to file the necessary notice in the court.
- If you wish to seek post-conviction relief but believe you cannot afford an attorney, you have the right to request the State Public Defender to appoint an attorney to assist you.
- If you file a motion under §973.19, Wisconsin Statutes, to modify your sentence, you will lose your right to appeal or to seek other post-conviction relief.

To preserve your rights to post-conviction relief, this is the procedure you must follow:

Within 20 days of the date of Sentencing:	You must request the State Public Defender to appoint an attorney if you believe you are entitled to one.
	You must file a Notice of Intent to Pursue Post-Conviction Relief with the clerk of the trial court.
	You must serve a copy of the Notice of Intent to Pursue Post Conviction Relief on the District Attorney.
Within 30 days after filing the Notice of Intent to Pursue Post Conviction Relief:	You must order a transcript of the court proceedings from the court reporter and make the necessary arrangements with the reporter for paying for it.

I understand my rights. I understand that any decision to seek post-conviction relief must be made so that the notice can be filed by myself or by my attorney within 20 days of sentencing.	I have reviewed with the defendant the decision to seek post-conviction relief. I believe the defendant understands that the decision must be made and communicated to me so that I have enough time to file the notice within 20 days of sentencing.
 Defendant's Signature	 Attorney's Signature
Date	Date 8/25/00