

STATE OF WISCONSIN, CIRCUIT COURT, TAYLOR COUNTY

State of Wisconsin, Plaintiff
-VS-

PLEA QUESTIONNAIRE/
WAIVER OF RIGHTS

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FILED
AUG - 9 2000
Clerk of Courts
TAYLOR COUNTY, WIS.

Robert Peterson, Defendant

Case No. 00CF 24 / 00 cm 2

I am the defendant and intend to plead as follows:

Charge/Statute	Plea	Charge/Statute	Plea
Felony Assault MISO. SEXUAL CONTACT	<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> No Contest		<input type="checkbox"/> Guilty <input type="checkbox"/> No Contest
<u>Theft</u>	<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> No Contest		<input type="checkbox"/> Guilty <input type="checkbox"/> No Contest

See attached sheet for additional charges.

I am 19 years old. I have completed 11th 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 charges(s) to which I am pleading.

am not am currently receiving treatment for a mental illness or disorder.

have not 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 say I committed this crime and cross examine them.
- I give up my right to make the State prove me guilty beyond a reasonable doubt. I give up these rights of my own free will.

Understandings

I understand that the crime to which I am pleading has elements that the State would have to prove beyond a reasonable doubt if I wanted a trial. These elements are as follows:

- ① had SEXUAL CONTACT w/ a Party
- ② Party was under 18 years old

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: 9 months jail / 10,000

I understand that the judge must impose the minimum mandatory 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.

This form shall not be modified. It may be supplemented with additional material.

#17

Plea Questionnaire/Waiver of Rights

Case No.

- 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 of admission to this county, 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 18.~~
- I understand that if any charges are read in as part of this plea agreement, they have the following effects:
 - Sentencing - although the judge may consider the read-in charges in 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.

1 year jail

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:

Thft - 90 days / 180 days stand; 2 years probation; 500
10 days jail

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.

Sexual contact - 2 years probation, 9 months imposed stand
Counselor; prostitute; 1st conviction See Attached.

[Signature]
Signature of Defendant

8/8/00
Date

Attorney's Statement

I am the attorney for the defendant. I have discussed this document and 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

8/8/00
Date

x	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) Unclassified Misd.	<ul style="list-style-type: none"> • I possessed a substance • The substance was a <i>controlled</i> substance: _____ • 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 <i>public highway</i> 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 public highway 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 <u>operating/driving</u>, 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 <i>bodily harm</i> to that victim (or another person) • The victim did not consent to such <i>bodily harm</i> • I knew that the <i>victim</i> 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 <i>bodily harm</i> • I acted <i>intentionally</i>
<input type="checkbox"/>	Sexual assault, 4th degree	940.225(3)(m) 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 dangerous weapon; _____ • I <u>operated/handled</u> a dangerous weapon in a manner constituting <i>criminal negligence</i> • Such <i>criminal negligence</i> 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

x	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"/>	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/alterd</u> I issued (or uttered) the writing as <i>genuine</i> I knew the writing was falsely <u>made/alterd</u>
<input type="checkbox"/>	Retail Theft (shoplifting) (under \$1000)	943.50(1)(m) 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 the 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 <i>lawful authority</i> I knew my conduct would <i>obstruct/resist</i> the officer
<input type="checkbox"/>	Disorderly conduct	947.01 Class B Misd.	<ul style="list-style-type: none"> I engaged in <u>violent/abusive/indecent/profane/boisterous/unreasonably loud or otherwise disorderly conduct</u> My conduct, under the circumstances, tended to cause or provoke a disturbance

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

State of Wisconsin, Plaintiff,
-vs-

Notice of Right to Seek
Postconviction Relief

Name Defendant

Case No. _____

TO THE DEFENDANT:

You have the right to seek postconviction relief from the judgment in this case. If you were represented by a lawyer at your sentencing, it is that lawyer's responsibility to assist you in deciding whether to seek postconviction relief.

If you decide to seek postconviction relief, you or your lawyer must file a Notice of Intent to Seek Postconviction Relief. The Notice of Intent must be filed in the trial court within 20 days. If you had a lawyer at sentencing, and if you give your lawyer timely notice that you have decided to seek postconviction relief, it is your lawyer's duty to see that your Notice of Intent is properly filed in this court and served on the District Attorney.

After filing the Notice of Intent, your lawyer does not have to represent you further unless you hire him or her to do so. If you intend to seek postconviction relief but cannot afford a lawyer, you have the right to request that a lawyer be appointed to assist you by the State Public Defender.

DEFENDANT'S ACKNOWLEDGEMENT:

I have discussed my right to seek postconviction relief with the lawyer who represented me at sentencing, if any. I understand that if I intend to seek postconviction relief, I must file a Notice of Intent in the trial court within 20 days after sentencing and send a copy to the District Attorney. If I want my lawyer to file the Notice of Intent for me, I must timely inform my lawyer of my decision to seek postconviction relief. I have received a copy of this Notice.

- I plan to seek postconviction relief.
- I do not plan to seek postconviction relief.
- I am undecided about seeking postconviction relief and I know I need to decide and tell my lawyer within 20 days.




Signature of Defendant

8/8/00

Date

ATTORNEY CERTIFICATION:

I have counseled the defendant about the decision to seek postconviction relief. I have informed the defendant that this decision must be made and communicated to me within 20 days of sentencing. I believe the defendant understands the right to postconviction relief and the 20 day time limit. I understand that it is my duty to file the Notice of Intent to Pursue Postconviction Relief on behalf of the defendant if that intent is timely communicated to me.



Signature of Defense Attorney

8/8/00

Date

Distribution: Original to court.
Copy: Defendant, Defense Attorney

STATE OF WISCONSIN

CIRCUIT COURT

TAYLOR COUNTY

STATE OF WISCONSIN,
Plaintiff,

v.

ROBERT L. PETERSON
W2798 Hwy 64, Apt. B
Medford WI 54451,
Defendant.

Case No. 00 CF 24

dob: 07-17-1981 sex: male

10-31288348001 P:2/5
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OF DOCUMENT FILED WITH
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YVONNE B BAKER
CLERK OF CIRCUIT COURT
TAYLOR COUNTY

SUMMONS

THE STATE OF WISCONSIN TO SAID DEFENDANT:

A Complaint, copy of which is attached, having been made before me accusing you of committing the crime of **Second Degree Sexual Assault, 2 counts**, contrary to Wis. Stat §940.225(2)(a). You are, therefore, summoned to appear before the Circuit Court of Taylor County at the Courthouse in the City of Medford, to answer said Complaint on **Tuesday, April 4, 2000, at 3:00 p.m.**, and in case of your failure to appear, a warrant for your arrest may be issued.

Dated: 3-1-00

Mara C. Johnston
Mara C. Johnston
Taylor County District Attorney,