

FILED
05-02-2024
Clerk of Circuit Court
Kenosha County
2022CF000983

STATE OF WISCONSIN, CIRCUIT COURT, KENOSHA COUNTY

State of Wisconsin, Plaintiff,
-vs-

Plea Questionnaire/ Waiver of Rights

John Steinbrink Jr.
Defendant's Name

Case No. 22 CF 983

I am the defendant and intend to plea as follows:

Charge/Statute	Plea	Charge/Statute	Plea
Attempted Misconduct in Office, s. 939.32, 946.12(2)	<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> No Contest	Attempted Misconduct in Office, s. 939.32, 946.12(2)	<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> No Contest
Attempted Misconduct in Office, s. 939.32, 946.12(2)	<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 54 years old. I have completed 20 years of schooling.

- I do do not have a high school diploma, GED, or HSED.
- I do do not understand the English language.
- I do do not understand the charge(s) to which I am pleading.
- I am not am currently receiving treatment for a mental illness or disorder.
- I 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 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: 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 fine or both. See attachment regarding penalty, sec. 939.32(1)(bm)
- I understand that the judge must impose the mandatory minimum penalty, if any. The mandatory minimum penalty I face upon conviction is: N/A

- I understand that the presumptive minimum penalty, if any, I face upon conviction is: N/A

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.
- DA 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 country, or the denial of naturalization under federal law.
- MA I understand that if I am convicted of any felony, I may not vote in any election until my civil rights are restored.
- DA I understand that if I am convicted of any felony, it is unlawful for me to possess a firearm.
- DA I understand that if I am convicted of any violent felony, it is unlawful for me to possess body armor.
- 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.

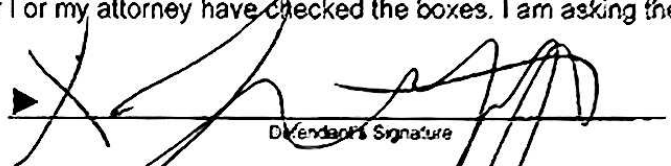
Voluntary Plea

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 attached

Defendant will plead to 3 counts of Attempted Misconduct in Office-Excess Authority. The Parties will stipulate to 2 years probation, withheld. Parties are free to argue regarding the conditions of probation.

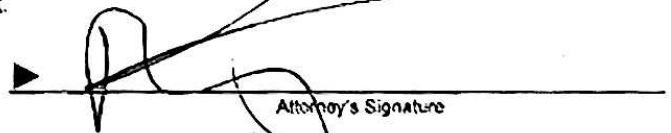
Defendant's Statement

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.


 Defendant's Signature
 Name Printed or Typed
 Address
 Email Address
 Telephone Number
 Date: 5-1-24

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.


 Attorney's Signature
 Name/Printed or Typed
 Address: 5/1/24

ATTEMPTED MISCONDUCT IN PUBLIC OFFICE (EXCESS AUTHORITY)

Statutory Definition of the Crime

The crime of attempted Misconduct in Office-Excess Authority , as defined in ' 939.32 and 946.12(2) of the Criminal Code of Wisconsin, is committed by one who, with intent to commit Misconduct in Office – Excess Authority , does acts toward the commission of that crime which demonstrate unequivocally, under all of the circumstances, that he or she had formed that intent and would commit the crime except for the intervention of another person or some other extraneous factor.

State's Burden of Proof

Before you may find the defendant guilty of this offense, the State must prove by evidence which satisfies you beyond a reasonable doubt that the following two elements were present.

Elements of the Crime That the State Must Prove

Attempted Misconduct in Office – Excess Authority requires that the defendant intended to commit the crime of Misconduct in Office-Excess Authority .

The crime of Misconduct in Office – Excess Authority is committed by one who:

1. At the time of the alleged offense, the defendant was a public employee.
2. The defendant, in his capacity as a public employee engaged in conduct related to his employment.
3. That conduct was in excess of the defendant's lawful authority.
4. The defendant knew that the conduct was in excess of his lawful authority.

The crime charged against the defendant in this case, however, is not Misconduct in Office – Excess Authority as defined but an attempt to commit the crime of Misconduct in Office – Excess Authority .

Attempted Misconduct in Office – Excess Authority requires that the defendant did acts toward the commission of the crime of Misconduct in Office – Excess Authority which demonstrate unequivocally, under all of the circumstances, that the defendant intended to and would have committed the crime of Misconduct in Office – Excess Authority except for the intervention of another person or some other extraneous factor.

Wis. Stat. § 939.32

This document is current through Act 118 of the 2023-2024 Legislative Session

LexisNexis® Wisconsin Annotated Statutes > Criminal Code (Chs. 939 — 951) > Chapter 939. Crimes — General Provisions (Subchs. I — VI) > Subchapter II Inchoate Crimes (§§ 939.30 — 939.32)

939.32. Attempt.

(1) Generally. Whoever attempts to commit a felony or a crime specified in s. 940.19, 940.195, 943.20, or 943.74 may be fined or imprisoned or both as provided under sub. (1g), except:

(a) Whoever attempts to commit a crime for which the penalty is life imprisonment is guilty of a Class B felony.

(bm) Whoever attempts to commit a Class I felony, other than one to which a penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. or b. is being applied, is guilty of a Class A misdemeanor.

(c) Whoever attempts to commit a crime under ss. 940.42 to 940.45 is subject to the penalty for the completed act, as provided in s. 940.46.

(cm) Whoever attempts to commit a crime under s. 941.21 is subject to the penalty provided in that section for the completed act.

(cr) Whoever attempts to commit a crime under s. 948.055 (1) is subject to the penalty for the completed act, as provided in s. 948.055 (2).

(d) Whoever attempts to commit a crime under s. 948.07 is subject to the penalty provided in that section for the completed act.

(de) Whoever attempts to commit a crime under s. 948.075 (1r) is subject to the penalty provided in that subsection for the completed act.

(e) Whoever attempts to commit a crime under s. 948.605 (3) (a) is subject to the penalty provided in that paragraph for the completed act.

(f) Whoever attempts to commit a crime under s. 946.79 is subject to the penalty provided in that section for the completed act.

(g) Whoever attempts to commit a crime under s. 101.10 (3) (e) is subject to the penalty for the completed act, as provided in s. 101.10 (4) (b).

(1g) Maximum penalty. The maximum penalty for an attempt to commit a crime that is punishable under sub. (1) (intro.) is as follows:

(a) The maximum fine is one-half of the maximum fine for the completed crime.

(b)

1. If neither s. 939.62 (1) nor s. 961.48 is being applied, the maximum term of imprisonment is one-half of the maximum term of imprisonment, as increased by any penalty enhancement statute listed in s. 973.01 (2) (c) 2. a. and b., for the completed crime.

2. If either s. 939.62 (1) or 961.48 is being applied, the maximum term of imprisonment is determined by the following method: