

FILED
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For Official Use
Clerk of Circuit Court
Kenosha County
2023CF001722

STATE OF WISCONSIN, CIRCUIT COURT, KENOSHA COUNTY

State of Wisconsin, Plaintiff,
-vs-

Plea Questionnaire/
Waiver of Rights

Nathan Gardner, Defendant Case No. 23 CF 1722
Name

I am the defendant and intend to plea as follows:

Charge/Statute	Plea	Charge/Statute	Plea
Use of Computer to Facilitate Child Sex Offense, s. 948.075	<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> No Contest		<input type="checkbox"/> Guilty <input type="checkbox"/> No Contest
	<input 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 28 years old. I have completed 18 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 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 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: 40 years imprisonment, \$100,000 fine or both
- I understand that the judge must impose the mandatory minimum penalty, if any. The mandatory minimum penalty I face upon conviction is: 5 years initial confinement
- 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

N/A

- 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 country, or the denial of naturalization under federal law.
- I understand that if I am convicted of any felony, I may not vote in any election until my civil rights are restored.
- 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 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.

Plead to count 1, State will dismiss and read-in counts 2-5 and not file additional charges of possession of child pornography. State will recommend 10 years confinement and 10 years supervision. Defense free to argue.

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.

X [Signature]
Signature of Defendant

X 4-12-24
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

4/12/24
Date

2135 USE OF A COMPUTER TO FACILITATE A CHILD SEX CRIME C ' 948.075

Statutory Definition of the Crime

Section 948.075 is violated by a person who uses a computerized communication system to communicate with an individual who the person believes or has reason to believe has not attained the age of 16 years with intent to have sexual contact or sexual intercourse with the individual.

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 (four) (five) elements were present.

Elements of the Crime That the State Must Prove

1. The defendant used a computerized communication system to communicate with an individual.
2. The defendant believed or had reason to believe that the individual was under the age of 16 years.
3. The defendant used a computerized communication system to communicate with the individual with intent to have sexual (contact) (intercourse) with the individual.
4. The defendant did an act, in addition to using a computerized communication system, to carry out the intent to have sexual (contact) (intercourse).

ADD THE FOLLOWING AS A FIFTH ELEMENT IF SUPPORTED BY THE EVIDENCE

- [5. At the time of the communication, the defendant did not reasonably believe that the age of the individual to whom the communication was sent was no more than 24 months less than the age of the defendant.]

Meaning of [Sexual Contact] [Sexual Intercourse]

[REFER TO WIS JI-CRIMINAL 2101A FOR DEFINITION OF "SEXUAL CONTACT" AND WIS JI-CRIMINAL 2101B FOR DEFINITION OF "SEXUAL INTERCOURSE" AND INSERT THE APPROPRIATE DEFINITION HERE.]

Deciding About Intent and Belief

You cannot look into a person's mind to find intent and belief. Intent and belief must be found, if found at all, from the defendant's acts, words, and statements, if any, and from all the facts and circumstances in this case bearing upon intent and belief.

Jury's Decision

If you are satisfied beyond a reasonable doubt that all (four) (five) elements of this offense have been proved, you should find the defendant guilty.

If you are not so satisfied, you must find the defendant not guilty.