

FILED

01-05-2026

Clerk of Circuit Court

Waukesha County

2025CF000598

This form is available in Spanish and Hmong.

<https://www.wicourts.gov/forms1/circuit/index.htm>

Este formulario está disponible en español y hmong.

Dalm ntawv no muaj txhais ua lus Spanish thiab lus Hmoob.

STATE OF WISCONSIN, CIRCUIT COURT, WAUKEEWA

COUNTY

State of Wisconsin, Plaintiff,

-vs-

NIKITA CASTAP

Defendant's Name

Plea Questionnaire/ Waiver of Rights

Case No. 25 CF 598

I am the defendant and intend to plea as follows:

Charge/Statute	Plea	Charge/Statute	Plea
1ST DEGREE INTENTIONAL HOMICIDE 940.01 (1)(a)	<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> No Contest <input type="checkbox"/> Guilty <input type="checkbox"/> No Contest	12) 1ST DEGREE INTENTIONAL HOMICIDE 940.01 (1)(a)	<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> No Contest <input type="checkbox"/> Guilty <input type="checkbox"/> No Contest

 See attached sheet for additional chargesI am 18 years old. I have completed 11 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: LIFE IN PRISON WITHOUT POSSIBILITY OF EXTENDED SUPERVISION
- I understand that the judge must impose the mandatory minimum penalty, if any. The mandatory minimum penalty I face upon conviction is: NO EXTENDED SUPERVISION ELIGIBILITY REQUIRE 20 YEARS
- 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 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

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 N. Cesar

Defendant's Signature

NIKITA Cesar

Name Printed or Typed

Address

Email Address

x 12/04/25

Date

Telephone Number

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.

► Paul Rife

Attorney's Signature

PAUL RIFE/JX

Name Printed or Typed

Address

Email Address

Telephone Number

12/4/25

Date

State Bar No (if any)

N.C.B/

PRE-TRIAL OFFER

2025WK001555
Nikita Casap

ADA Assigned: Lesli S Boese

THE OFFENSE(S) OF:**CONTRARY TO WIS. STATUTE(S):**

First Degree Intentional Homicide	940.01(1)(a)
First Degree Intentional Homicide	940.01(1)(a)
Hiding a Corpse	940.11(2)
Hiding a Corpse	940.11(2)
Theft - Movable Property (> \$10,000 - \$100,000)	943.20(1)(a) and (3)(c)
Theft - Movable Property (Special Facts)	943.20(1)(a) and (3)(d)
Operating a Motor Vehicle Without Owner's Consent	943.23(2)
Identity Theft - Financial Gain	943.201(2)(a)
Identity Theft - Financial Gain	943.201(2)(a)

11/26/2025 PRETRIAL OFFER:

If the defendant does not file motions and enters a plea of other than not guilty to count 1 (First Degree Intentional Homicide) and count 2 (First Degree Intentional Homicide) on or before February 19, 2026, the State will dismiss and read-in the remaining seven counts. Both sides are free to argue as to the appropriate sentences.

IF YOU WISH TO HAVE THE DISTRICT ATTORNEY'S OFFICE CONSIDER A COUNTEROFFER, PLEASE SUBMIT ONE IN WRITING. PLEASE BE SURE TO INCLUDE ALL REASONS WHICH YOU FEEL WARRANT A CHANGE FROM THE ORIGINAL OFFER. IF RESTITUTION IS REQUIRED, THE DISTRICT ATTORNEY'S OFFICE ONLY ACCEPTS CASH, CREDIT/DEBIT CARD (IN-PERSON ONLY), A CASHIER'S CHECK OR A MONEY ORDER PAYABLE TO THE WAUKESHA COUNTY DISTRICT ATTORNEY'S OFFICE.

THIS OFFER IS BASED UPON THE INFORMATION CURRENTLY IN THE POSSESSION OF THE DISTRICT ATTORNEY'S OFFICE. ANY NEW INFORMATION, INCLUDING ANY NEGATIVE WCS REPORTS, OR SUBSEQUENT ILLEGAL BEHAVIOR ON THE PART OF THE DEFENDANT SHALL CONSTITUTE GROUNDS FOR WITHDRAWAL OR MODIFICATION OF THIS OFFER AT ANY TIME.

THIS IS A PRETRIAL OFFER ONLY AND DOES NOT NECESSARILY REPRESENT WHAT THE STATE WOULD RECOMMEND AT THE CONCLUSION OF A TRIAL. THE STATE EXPRESSLY RESERVES THE RIGHT TO RECOMMEND WHATEVER SENTENCE IT FEELS IS APPROPRIATE AT THE CONCLUSION OF ANY TRIAL IN THIS CASE, REGARDLESS IF SUCH RECOMMENDATION SUBSTANTIALLY DEPARTS FROM THIS PRETRIAL OFFER. THIS OFFER IS MADE SOLELY TO RESOLVE THIS MATTER EXPEDITIOUSLY.

ACCORDING TO 971.095(2), WIS. STATS., CRIME VICTIMS HAVE THE RIGHT TO CONFER WITH THE DISTRICT ATTORNEY OR THEIR DESIGNEE CONCERNING THE PROSECUTION OF THE

N.C 12/L

CASE AND THE POSSIBLE OUTCOMES OF THE PROSECUTION, INCLUDING POTENTIAL PLEA AGREEMENTS. THEREFORE THIS OFFER MAY BE WITHDRAWN OR CHANGED AT ANY TIME.

NC 124

1010

WIS JI-CRIMINAL

1010

1010 FIRST DEGREE INTENTIONAL HOMICIDE — § 940.01(1)(a)¹**Statutory Definition of the Crime**

First degree intentional homicide, as defined in § 940.01 of the Criminal Code of Wisconsin, is committed by one who causes the death of another human being with the intent to kill that person or another.

State's Burden of Proof

Before you may find the defendant guilty of first degree intentional homicide, 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

1. The defendant caused the death of (name of victim).

"Cause" means that the defendant's act was a substantial factor in producing the death.²

2. The defendant acted with the intent to kill (name of victim) (another human being).³

"Intent to kill" means that the defendant had the mental purpose to take the life of another human being or was aware that (his) (her) conduct was practically certain to cause the death of another human being.⁴

NC 12/2

1010

WIS JI-CRIMINAL

1010

When May Intent Exist?

While the law requires that the defendant acted with intent to kill, it does not require that the intent exist for any particular length of time before the act is committed. The act need not be brooded over, considered, or reflected upon for a week, a day, an hour, or even for a minute. There need not be any appreciable time between the formation of the intent and the act. The intent to kill may be formed at any time before the act, including the instant before the act, and must continue to exist at the time of the act.

Deciding About Intent

You cannot look into a person's mind to find intent. Intent to kill 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.⁵

Intent and Motive

Intent should not be confused with motive. While proof of intent is necessary to a conviction, proof of motive is not. "Motive" refers to a person's reason for doing something.

While motive may be shown as a circumstance to aid in establishing the guilt of a defendant, the State is not required to prove motive on the part of a defendant in order to convict. Evidence of motive does not by itself establish guilt. You should give it the weight you believe it deserves under all of the circumstances.

NC 12/14
1010

1010

WIS JI-CRIMINAL**Jury's Decision**

If you are satisfied beyond a reasonable doubt that the defendant caused the death of (name of victim) with the intent to kill, you should find the defendant guilty of first degree intentional homicide.

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

COMMENT

Wis JI-Criminal 1010 was originally published in 1989. This revision was approved by the Committee in November 1999 and involved adoption of a new format and nonsubstantive changes to the text.

This instruction is for a violation of § 940.01, created by 1987 Wisconsin Act 399 as part of the revision of the homicide statutes. The statute applies to offenses committed on or after January 1, 1989. For a discussion of the homicide revision generally and of the offense covered by this instruction, see the Introductory Comment at Wis JI-Criminal 1000.

This offense, first degree intentional homicide, is essentially the same as first degree murder under prior law. The penalty is that of a Class A felony: life imprisonment.

1. This instruction is for a case where there is no evidence of any privilege or mitigating circumstance. Separate instructions are drafted for cases where, for example, evidence of adequate provocation or self-defense is in the case. See Wis JI-Criminal 1012, 1014.

2. The Committee has concluded that the simple "substantial factor" definition of cause should be sufficient for most cases. Where there is evidence of more than one possible cause, something like the following might be added immediately preceding the sentence in the instruction beginning with "before":

There may be more than one cause of death. The act of one person alone might produce it, or the acts of two or more persons might jointly produce it.

Also see Wis JI-Criminal 901, CAUSE.

3. The parenthetical reference to "another human being" is to be used in a case involving the common law doctrine of "transferred intent," which has been described as follows:

It is immaterial that the human being killed is not the one the actor intended to kill. If X shoots at and kills a person who he thinks is Y but who is actually Z, X is as guilty as if he had not been mistaken about the identity of the person killed. The same is true where X shoots at Y intending to kill him, but he misses Y and kills Z. In both of these cases, X has caused "the death of another human being by an act done with intent to kill that person or another." In other words, the section

NC 1a/4

1010

WIS JI-CRIMINAL

1010

incorporates the common law doctrine of "transferred intent." 1953 Judiciary Committee Report on the Criminal Code, Wisconsin Legislative Council, page 58.

4. The phrase "or aware that his conduct is practically certain to cause that result" was added to the definition of "with intent to" found in § 939.23 by the 1988 revision of the homicide statutes. Further, the revision applied the § 939.23 definition to homicide offenses. Under prior law, "with intent to kill" was defined solely in terms of mental purpose for offenses in Chapter 940. See the discussion in Wis JI-Criminal 1000 and 923.2.

5. This is the shorter version used to describe the process of finding intent. The Committee has concluded that it is suitable for use in most cases. For the longer description of the intent-finding process, see Wis JI-Criminal 923A [formerly Wis JI-Criminal 923.1].