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**DISTRICT II**

June 10, 2026

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You are hereby notified that the Court has entered the following opinion and order:

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2025AP989-CR

State of Wisconsin v. Christopher P. Czerpak (L.C. #2020CF360)

Before Gundrum, Grogan, and Lazar, JJ.

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

Christopher P. Czerpak appeals from his judgment of conviction and an order denying his postconviction motion. Czerpak asserts there was an insufficient factual basis supporting his guilty pleas to two counts of second-degree recklessly endangering safety and that the circuit court erred when it denied his motion for plea withdrawal. Based upon our review of the briefs and Record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).<sup>1</sup> We affirm.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2023-24 version.

In 2020, the State charged Czerpak with armed burglary, possession of a firearm by a felon, and criminal damage to property. The criminal complaint alleged that, in the early morning hours of July 20, 2020, Czerpak “kicked in the door of [the victim’s] apartment and entered [her] residence.” When officers arrived, they spoke to the victim who stated Czerpak, her ex-husband, had come to her residence the previous night in violation of a no-contact order and “had told [her] that [he] was going to get a gun from his brother so that [he] could kill [the victim] and then kill himself.” According to the complaint, a responding officer located two “9mm” rounds in the victim’s apartment, and officers confirmed one of Czerpak’s brother’s firearms was missing from the residence at which they both resided. The complaint also alleged that when officers located Czerpak near the victim’s apartment, he had been shot by law enforcement officers while holding a firearm. In 2022, the State filed an amended information charging Czerpak with two additional counts of second-degree recklessly endangering safety with the use of a dangerous weapon and one additional count of first-degree recklessly endangering safety with the use of a dangerous weapon.

Czerpak elected to plead guilty pursuant to a plea bargain. The circuit court held a plea hearing at which Czerpak pled guilty to one count of possession of a firearm by a felon and two counts of second-degree recklessly endangering safety. The remaining counts were dismissed and read in for purposes of sentencing. Defense counsel submitted a copy of substantive jury instructions, which Czerpak initialed. The court conducted a thorough plea colloquy, and defense counsel confirmed his belief that Czerpak entered his pleas knowingly, voluntarily, and intelligently and that Czerpak understood the nature of the offenses. When asked whether defense counsel would stipulate to the facts in the criminal complaint as a factual basis for Czerpak’s pleas, counsel responded “[t]here are certain facts we may dispute, but the salient facts

... there are ample facts within the criminal complaint[.]” When asked, counsel explained to the court that the two separate counts for recklessly endangering safety relate to Czerpak pointing his firearm at two officer victims. The State agreed, stating “the firearm was pointed at multiple officers.”

At the sentencing hearing, the circuit court asked if there was “any reason why sentencing should not be pronounced[.]” and defense counsel responded that the defense had “receive[d] a copy of the presentence report” and that the defense “ha[d] no factual changes or corrections to make to it.” In discussing the severity of the offenses, the State explained that officers “had to shoot [Czerpak] several times ... in order to stop the threat. ... They told him to drop the firearm. The reports indicate he did not do that, would not follow their commands.”

Defense counsel read from portions of Czerpak’s statement in the presentence report, including those in which he admitted to “creat[ing] a dangerous situation that resulted in [Czerpak] being shot[.]” Defense counsel stated it described Czerpak “running out of a particular clearing with a gun and ultimately getting shot by police,” stating further “there was no dispute that [Czerpak] created this chaotic situation.” During his chance to speak at sentencing, Czerpak stated he “created a very dangerous situation for the police officers and the community.” The circuit court sentenced Czerpak consecutively to four years of initial confinement and four years of extended supervision on each of the two recklessly endangering safety counts, and sentenced him to one year of initial confinement and one year of extended supervision on the firearm possession charge, concurrent to the other sentences.

Czerpak filed a motion for postconviction relief requesting to withdraw his guilty pleas to the two recklessly endangering safety counts, asserting “the circuit court failed to establish a

factual basis for the pleas.” He argued “[a]llegations that [he] had a gun in his hand and was shot by police do not establish a factual basis for the charge that he did anything to create an unreasonable and substantial risk of death or great bodily harm to another human being and that he was aware of that risk.” The State’s response brief in opposition to Czerpak’s motion was accompanied by a report produced by the officer-involved shooting investigation, which occurred following Czerpak’s encounter with police that the State had referenced at the plea hearing. The court denied Czerpak’s motion, concluding there was a sufficient factual basis established for his pleas, based on Czerpak’s statements in the presentence report and “the implicit admission by not disagreeing with the [S]tate when the [S]tate indicated he pointed the gun at both deputies[.]” Czerpak appeals.

A circuit court’s decision whether to grant a motion for plea withdrawal is discretionary and will not be disturbed unless the court erroneously exercised its discretion. *State v. Thomas*, 2000 WI 13, ¶13, 232 Wis. 2d 714, 605 N.W.2d 836. Thus, this court will sustain the circuit court’s decision if it was “made upon the facts of record and in reliance on the appropriate and applicable law.” *State v. Nash*, 2020 WI 85, ¶27, 394 Wis. 2d 238, 951 N.W.2d 404 (citation omitted).

Post-sentencing, a defendant may only withdraw his guilty plea to “correct a manifest injustice.” *Id.*, ¶28 (citation omitted). A manifest injustice warranting plea withdrawal occurs when a circuit court fails to establish a sufficient factual basis for a defendant’s guilty plea. *State v. West*, 2024 WI App 35, ¶15, 412 Wis. 2d 758, 8 N.W.3d 460. To establish a factual basis, the court must “[m]ake such inquiry as satisfies it that the defendant in fact committed the crime charged.” WIS. STAT. § 971.08(1)(b).

The circuit court did not err when it found there was a sufficient factual basis to support Czerpak's pleas. While Czerpak places great weight on the fact that the original complaint did not charge the offense of recklessly endangering safety and did not allege facts supporting the conclusion that Czerpak aimed his gun at the officers, a reviewing court may look to the totality of the circumstances to determine whether a factual basis supported a plea. *State v. Cain*, 2012 WI 68, ¶31, 342 Wis. 2d 1, 816 N.W.2d 177. "The totality of the circumstances includes the plea hearing record, the sentencing hearing record, as well as the defense counsel's statements ... among other portions of the record." *Id.* (alteration in original; quoting *Thomas*, 232 Wis. 2d 714, ¶18). The totality of the circumstances clearly reflects that a plea withdrawal is not warranted.

The circuit court reviewed an affidavit that accompanied a search warrant request in which the investigator noted Czerpak pointed his weapon at pursuing officers. He did not object or otherwise correct the State at the plea hearing when the prosecutor asserted Czerpak pointed his firearm "at multiple officers." The court properly relied on the State's recitation of facts, provided Czerpak's failure to object, or offer an alternative factual statement. *See Cain*, 342 Wis. 2d 1, ¶35. And, when questioned by the court at the plea hearing, Czerpak's counsel agreed there was a sufficient factual basis for the plea.

Further, even assuming *arguendo* that a factual basis was not established at the plea hearing, a reviewing court can consider evidence presented at sentencing and at a postconviction hearing to determine whether the circuit court erred in denying plea withdrawal. In this case, the officer-involved shooting investigation report that accompanied the State's brief in opposition to Czerpak's motion for plea withdrawal provided additional evidence for the court to find Czerpak

pointed a firearm at multiple officers.<sup>2</sup> For the foregoing reasons, we conclude the circuit court did not err in denying Czerpak's motion for postconviction relief and affirm.

Therefore,

IT IS ORDERED that the judgment and order of the circuit court are summarily affirmed.

*See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*

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<sup>2</sup> The report included statements from two different deputies that Czerpak pointed his gun at them.