

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Court Minutes

DATE: July 8, 2026
JUDGE: Pamela Pepper
CASE NO: 23-cr-08
CASE NAME: United States of America v. Kevin McCaa
NATURE OF HEARING: Arraignment and Change of Plea Hearing
APPEARANCES: Abbey Marzick – Attorney for the government
Margaret Honrath – Attorney for the government
Murali Jasti – Attorney for the defendant
Zaki Zehawi – Attorney for the defendant
Kevin McCaa – Defendant
James Fetherston – U.S. Probation Officer
COURTROOM DEPUTY: Justin Dreikosen
TIME: 10:04 a.m. – 11:11 a.m.
HEARING: October 14, 2026 at 1:30 p.m. (Sentencing)

AUDIO OF THIS HEARING AT DKT. NO. 209

The court had scheduled this hearing because the defendant had expressed his desire to change his plea. The defendant confirmed that he was able to hear the proceedings with the assistance of a listening device.

Today in open court, the court advised the defendant of his right to be charged by indictment and the defendant confirmed that he was waiving that right. The government recounted that Count One of the information carried a maximum prison term of life, a maximum fine of \$250,000 and a maximum of five years of supervised release. It advised that Count Two of the information carried a maximum prison term of life, a mandatory minimum term of 10 years' imprisonment consecutive to any other sentence, a maximum fine of \$250,000 and a maximum of five years of supervised release. It also explained that each count carried a mandatory special assessment of \$100. The defendant and defense counsel executed a written waiver of indictment and the court signed the waiver.

The court then recounted that on June 22, 2026, the parties filed an executed plea agreement. Dkt. No. 202. The plea agreement called for the defendant to plead guilty to Count One (second degree murder) and Count Two (discharging a firearm during and in relation to the second degree murder) of the information. The court then placed the defendant under oath, reviewed the plea agreement and questioned the defendant.

After the defendant had answered all the court's questions, the court found that the defendant understood his trial rights, the penalties associated with the charges, the possible civil ramifications of a conviction, and the uncertainty of his ultimate sentence. The court also found that the defendant entered the plea knowingly, voluntarily (without threats or promises) and

intelligently. The court accepted the defendant's plea of guilty and found the defendant guilty of Counts One and Two of the information.

Because the parties had waived the Rule 32 deadlines in the plea agreement, the court scheduled a sentencing date for October 14, 2026 at 1:30 p.m. **in Room 222**. The probation office will disclose the PSR by September 16, 2026, with objections due by September 30, 2026. Parties must file any sentencing memoranda, letters, medical evaluations, certificates of completion and any other documents they wish the court to consider at sentencing **no later than seven (7) days before the sentencing hearing (that is, by October 7, 2026)**. (This does not include objections to the presentence investigation report; objections to the presentence report must be filed within fourteen days of the disclosure of the presentence report.) If a party is unable to file such documents seven days prior to the sentencing hearing, that party must file a motion seeking the court's leave to file the document(s) less than seven days before the hearing and stating good cause for why the court should grant the motion. Failure to file such documents at least seven days before sentencing (or to move for leave to file the documents less than seven days before the hearing) may result in the court *sua sponte* adjourning the hearing to a date selected by the court, based on its calendar.

The probation office will file the revised presentence report at least seven (7) days prior to the date of the sentencing hearing.

Defense counsel asked for the court to make a ruling on the motion for an order on the determination of privilege, and the court agreed to do so in the next few days.