

No. 95-0664

STATE OF WISCONSIN

IN COURT OF APPEALS  
DISTRICT IV

IN RE THE COMMITMENT OF GOODSON:

**PHILIP ARREOLA, CHIEF OF POLICE  
FOR THE CITY OF MILWAUKEE,  
AND THE CITY OF MILWAUKEE,**

**Appellants-Cross Respondents,**

**E. MICHAEL MCCANN, DISTRICT ATTORNEY  
OF MILWAUKEE COUNTY,**

**Co-Appellant-Cross Respondent,**

v.

**ERRATA SHEET**

**STATE OF WISCONSIN,**

**Plaintiff-Respondent-Cross Respondent,**

**RICHARD LEE GOODSON,**

**Defendant-Respondent-Cross Appellant.**

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PLEASE TAKE NOTICE that the attached pages two and three are to be substituted for pages two and three in the above-captioned opinion which was released on January 18, 1996.

Dated this 26th day of December, 2006.

APPEAL from an order of the circuit court for Dodge County:  
ANDREW P. BISSONNETTE, Judge. *Reversed.*

Before Eich, C.J., Dykman and Sundby, JJ.

EICH, C.J. The City of Milwaukee and its chief of police, Philip Arreola, and E. Michael McCann, district attorney of Milwaukee County, appeal from a dispositional order of the Dodge County Circuit Court placing Robert L. Goodson, a person found to be "sexually violent" under the Sexual Predator Law, ch. 980, STATS., on supervised release in Milwaukee County.<sup>1</sup> They argue that the order should be vacated because they received no notice of the court's hearings concerning Goodson's release. They also contend that we should reverse because no plan for Goodson's release was prepared by the Department of Health and Social Services (DHSS) and the Milwaukee County Department of Social Services, as required by § 980.06(2)(c), STATS.<sup>2</sup>

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<sup>1</sup> We note that the respondent State of Wisconsin concedes, "[f]or purposes of this appeal," that Arreola and McCann have standing to challenge the trial court's order. As a result, we neither consider nor decide that issue.

<sup>2</sup> If, under ch. 980, STATS.--which we discuss in detail below--a person is determined to be "sexually violent" as that term is defined in the statute, the trial court may, as it attempted to do here, place the person on supervised release in a particular county. Section 980.06(2)(c), STATS., requires the court, upon a finding that the person is appropriate for supervised release, to notify DHSS and DHSS, in turn, is required to prepare a supervision plan in conjunction with the social services department of the county in which the person is to reside. After the plan is completed and approved by the

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court, the person is placed on supervised release in that county. *Id.*

We conclude that the applicable statutes neither require nor provide for the notice argued by McCann and Arreola. We also conclude, however, that other portions of the law requiring DHSS and the county to which such offenders are proposed to be released to prepare and submit a supervision plan to the court were not complied with, and that that failure deprived the trial court of competency to order Goodson's release to Milwaukee County. We therefore reverse the order and remand to the court for further proceedings in compliance therewith.

The statutory scheme for commitment of "sexually violent" persons is somewhat complicated and warrants discussion.

Chapter 980, STATS., sets forth the commitment procedures. When a person convicted of a sexually violent offense is nearing release from prison, the agency having the authority or duty to release the person is required to notify the justice department and "each appropriate district attorney" of the impending release, providing basic information as to the conviction and related matters. Section 980.015, STATS. Either the justice department or the district attorney of either the county of conviction or the county in which the person resides (or will be placed upon release) may then file a petition with the circuit court alleging that the person is a