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**DISTRICT III**

January 9, 2018

To:

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

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2017AP1514-CRNM      State of Wisconsin v. Kenneth Vernard Goff  
(L. C. No. 2015CF1269)

Before Stark, P.J., Hruz and Seidl, 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).**

Counsel for Kenneth Goff filed a no-merit report concluding there is no arguable basis for Goff to withdraw his no-contest plea or to challenge the sentence imposed for second-degree sexual assault, use of force, with a domestic abuse enhancer. Goff was advised of his right to respond to the report and has not responded. Upon our independent review of the record as

mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no arguable basis for appeal.

At the request of defense counsel, the circuit court ordered a psychiatric examination to determine whether Goff was competent to stand trial. The psychiatrist's report concluded Goff was competent to stand trial. There were no further proceedings regarding Goff's competency, and the record discloses no basis for questioning the psychiatrist's report.

The complaint charged Goff with two counts of second-degree sexual assault, use of force, both with a domestic abuse enhancer and as a repeat offender. Pursuant to a plea agreement, Goff entered a no-contest plea to the single count with the repeater allegation dropped. The State agreed to cap its sentence recommendation at three years' initial confinement and six years' extended supervision, with the defense free to argue. The circuit court accepted the no-contest plea and imposed a sentence of five years' initial confinement and fifteen years' extended supervision.

The record discloses no arguable manifest injustice upon which Goff could withdraw his no-contest plea. See *State v. Duychak*, 133 Wis. 2d 307, 312, 395 N.W.2d 795 (Ct. App. 1986). The circuit court's plea colloquy, supplemented by a Plea Questionnaire and Waiver of Rights form with attached jury instructions, informed Goff of the elements of the offense, the potential penalties, and the constitutional rights he waived by pleading no contest. Goff assured the court that his no-contest plea was not the product of any threats or promises other than the plea agreement. As required by *State v. Hampton*, 2004 WI 107, ¶2, 274 Wis. 2d 379, 683 N.W.2d 14, the circuit court notified Goff that it was not bound by the parties' sentence recommendations. The court also gave the deportation warning required by WIS. STAT.

§ 971.08(1)(c) (2015-16).<sup>1</sup> The record shows the plea was knowingly, voluntarily and intelligently entered. See *State v. Bangert*, 131 Wis. 2d 246, 257, 389 N.W.2d 12 (1986). Entry of a valid no-contest plea constitutes a waiver of nonjurisdictional defects and defenses. *Id.* at 293.

The record also discloses no arguable basis for challenging the sentence. The circuit court could have imposed a sentence of forty years' imprisonment and a \$100,000 fine. The presentence investigation report recommended a sentence of nine to ten years' initial confinement and seven to eight years' extended supervision. The court appropriately considered the seriousness of the offense, Goff's character, including a prior domestic abuse offense, and the need to protect the public. See *State v. Harris*, 119 Wis. 2d 612, 623, 350 N.W.2d 633 (1984). The court considered no improper factors, and the sentence is not arguably so excessive as to shock public sentiment. See *Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

Our independent review of the record discloses no other potential issue for appeal. Therefore,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that attorney Mark Schoenfeldt is relieved of his obligation to further represent Goff in this matter. See WIS. STAT. RULE 809.32(3).

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

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*Diane M. Fremgen*  
*Acting Clerk of Court of Appeals*

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.