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DISTRICT III

April 9, 2019

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

2017AP2240-CRNM State of Wisconsin v. Tyree Lamar Goodrich
(L. C. No. 2016CF1044)

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 Tyree Goodrich has filed a no-merit report, concluding there is no basis to challenge Goodrich's conviction for two counts of second-degree sexual assault of a child. Goodrich was advised of his right to respond 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 merit to any issue that could be raised on appeal, and we summarily affirm. *See* WIS. STAT. RULE 809.21 (2017-18).¹

According to the criminal complaint, Goodrich touched two young girls “on their privates.” Goodrich also “exposed his private parts through the bottom of his shorts and showed it to them.” The victims reported that Goodrich had inserted his fingers into their vaginas and “did a ‘kissing thing’” on their private parts. At the time of the offenses, Goodrich was fifty years old and the victims were both seven years old.

The victims were being watched by Goodrich, who was a family friend of the mother of one of the victims. The mother of the other victim was at work at the time of the incidents, and upon her return from work heard the victims crying in the woods near the residence. Both victims told her “Ty touched us.” One of the victims was sitting on a blanket, and as the mother got closer the victim stood up and pulled up her shorts and underwear. Goodrich was approximately five feet away “just lying in the grass like he was trying to hide or fake sleep.” When asked by the mother why the victims were saying that he touched them, Goodrich said, “Awh Fuck.” Goodrich fled the scene but was apprehended while hiding in some bushes after being tracked by a police K9.

Goodrich pleaded guilty to two amended counts of second-degree sexual assault of a child, and a third count of exposing genitals was dismissed and read in. The circuit court

¹ All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

imposed a sentence consisting of ten years' initial confinement and ten years' extended supervision on each count concurrently.²

The no-merit report addresses potential issues regarding whether Goodrich's pleas were knowingly, intelligently, and voluntarily entered; and whether the circuit court properly exercised its sentencing discretion.³ Upon our independent review of the record, we agree with counsel's description, analysis, and conclusion that any challenge to these issues would lack arguable merit, and we will not further address them. Our independent review of the record also discloses no other potential issues for appeal.⁴

Therefore,

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

² An amended judgment of conviction granted an additional two days' sentence credit.

³ In addition, the no-merit report addresses the criminal complaint, initial appearance, representation by counsel, preliminary hearing, Information, arraignment, and speedy trial demand. We note that a guilty or a no-contest plea waives all nonjurisdictional defects and defenses. *See State v. Riekkoff*, 112 Wis. 2d 119, 123, 332 N.W.2d 744 (1983). In any event, this court is satisfied the no-merit report properly analyzes these issues.

⁴ We note the COMPAS risk assessment was mentioned at sentencing, but the record shows it was not "determinative" of the sentence imposed. *See State v. Loomis*, 2016 WI 68, ¶¶98-99, 371 Wis. 2d 235, 881 N.W.2d 749. Any challenge to the sentence based on COMPAS would therefore lack arguable merit.

IT IS FURTHER ORDERED that attorney Erica L. Bauer is relieved of further representing Tyree Goodrich in this matter. *See* WIS. STAT. RULE 809.32(3).

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

Sheila T. Reiff
Clerk of Court of Appeals