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110 EAST MAIN STREET, SUITE 215  
P.O. BOX 1688  
MADISON, WISCONSIN 53701-1688  
Telephone (608) 266-1880  
TTY: (800) 947-3529  
Facsimile (608) 267-0640  
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**DISTRICT II**

March 1, 2023

To:

Hon. Michael J. Aprahamian  
Circuit Court Judge  
Electronic Notice

Monica Paz  
Clerk of Circuit Court  
Waukesha County Courthouse  
Electronic Notice

Katie Babe  
Electronic Notice

Winn S. Collins  
Electronic Notice

Susan Lee Opper  
Electronic Notice

Robert L. Goodson  
317 S Water St., #406  
Watertown, WI 53094

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

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2020AP1701-CRNM      State of Wisconsin v. Robert L. Goodson (L.C. #2018CF98)

Before Neubauer, 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).**

Following a court trial, Robert L. Goodson appealed from a judgment convicting him of one count of uttering a forgery. Goodson's appointed appellate counsel filed a no-merit report pursuant to WIS. STAT. RULE 809.32 (2021-22)<sup>1</sup> and *Anders v. California*, 386 U.S. 738 (1967). Goodson did not file a response. Appellate counsel subsequently informed this court that

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

Goodson died on October 5, 2021, which was well after the time to file a response had expired.<sup>2</sup> Upon consideration of the no-merit report and an independent review of the Record as mandated by *Anders* and RULE 809.32, we summarily affirm the judgment because there is no arguable merit to any issue that could be raised on appeal. *See* WIS. STAT. RULE 809.21.

Goodson was charged with two counts of uttering a forgery for cashing fraudulent checks. The checks purported to be drawn from the victims' business bank account and were made out to Goodson. The checks were issued without the victims' knowledge or consent, and the victim's signature was forged. Goodson testified that he received the checks from a third party and sent the bulk of the funds to a woman in Russia with whom he was romantically involved. Following a bench trial, the circuit court found Goodson not guilty of count one, but guilty of count two. The court withheld sentence and placed Goodson on two years of probation.

Appellate counsel's no-merit report analyzes as without arguable merit potential issues arising from Goodson's waiver of his right to try his case to a jury, Goodson's decision to testify at trial, the sufficiency of the trial evidence, and the sentencing court's exercise of discretion. This court is satisfied that the no-merit report correctly analyzes these issues as lacking arguable merit. The circuit court's colloquies with Goodson concerning his right to have a jury trial and his right to not testify were sufficient, its evidentiary rulings were proper, the court's finding of guilt was supported by sufficient evidence under *State v. Poellinger*, 153 Wis. 2d 493, 501, 451 N.W.2d 752 (1990), and the court properly exercised its discretion at sentencing. Because the

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<sup>2</sup> The appeal is not moot. *See State v. McDonald*, 144 Wis. 2d 531, 536, 424 N.W.2d 411 (1988) (right to appeal continues despite defendant's death). A defendant has the right to effective assistance of counsel on appeal. A no-merit report is an approved method by which appointed counsel discharges the duty of representation. *See State ex rel. Flores v. State*, 183 Wis. 2d 587, 605-06, 516 N.W.2d 362 (1994).

no-merit report applies the correct legal standards to the facts of record, we will not discuss these points further.

Our review of the Record reveals no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the judgment of conviction, and discharges appellate counsel of the obligation to further represent Goodson in this appeal. Therefore,

IT IS ORDERED that the judgment of the circuit court is summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Katie Babe is relieved from further representing Robert L. Goodson in this appeal. *See* WIS. STAT. RULE 809.32(3).

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

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*