

COPY

1 STATE OF WISCONSIN CIRCUIT COURT SHEBOYGAN COUNTY
2 BRANCH I

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4 STATE OF WISCONSIN,

5 Plaintiff,

6 vs

Case No. 13CF360

NOV - 1

7 JASON J. GOODWILL,

8 Defendant.

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10 TRANSCRIPT OF PROCEEDINGS

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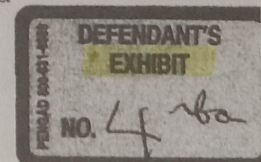
12 Proceeding: Motion Hearing

13 Date: January 31, 2014

14 Before: HON. L. EDWARD STENGEL
15 CIRCUIT COURT JUDGE

16 Appearances: Mr. James Haasch
17 Assistant District Attorney
18 615 North 6th Street
19 Sheboygan WI 53081
20 Appearing on behalf of the State

21 Mr. Robert Wells
22 630 Riverfront Drive #110
23 Sheboygan WI 53081
24 Appearing on behalf
25 of Jason Goodwill, who appeared
in person



26 Reported by: Judith A. Walters, Certified Court Reporter

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Judith A. Walters, Certified Court Reporter
Sheboygan County Circuit Court Br 1
(920) 459-3048

TRANSCRIPT OF PROCEEDINGS

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2 THE COURT: State of Wisconsin versus Jason
3 Goodwill. Mr. Goodwill is here in person by Attorney
4 Wells. Mr. Haasch on behalf of the state. Did we have
5 anything on the calendar other than motions in limine?

6 MR. HAASCH: No, and we can short circuit
7 that, Judge, because I have a motion. I will explain it
8 in regards to this. For quite some time, I've been
9 trying to get in contact with a Tonya, T-O-N-Y-A, Lont,
10 L-O-N-T. I have finally been able to do that through the
11 Department of Corrections. She is a social worker, at, I
12 believe -- I want to say at Jackson, but that may not be
13 the correct one.

14 In any event, at the preliminary hearing
15 there was an exhibit marked, Exhibit No. 3, that was
16 introduced by counsel. If you go to Paragraph 3 of that,
17 that is the operative language plus the Dinkins case, and
18 I will review that in a minute. In looking at the
19 document initially, I was suspicious about the document
20 because it does not contain any letterhead. It does not
21 contain any official seal of the Department of
22 Corrections, and I wanted to be sure that this was, in
23 fact, written by Tonya Lont. She did indicate that she
24 did author the October 10th, 2012 letter to Mr. Goodwill
25 and explained in Paragraph 3 what she had meant by

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1 maximum discharge. ^{420 days over!}

2 It talks in there with being a free man with
3 no ties to DOC and for the Department of Corrections.
4 The problem is on that basis, one may understand that he
5 may not have the reporting agreement. The other problem,
6 even more problematic and I have reviewed this ad nauseam
7 and tried to find case law in opposition. There is none.
8 That is the case of State of Wisconsin versus William
9 Dinkins, D-I-N-K-I-N-S, a Supreme Court case, 330 Wis.2d
10 591. We had somewhat broached this before, but it talks
11 about an individual who does not have an address, who is
12 homeless, not being able to comply with the reporting
13 requirements.

14 Mr. Dinkins -- or Mr. Goodwill, apparently at
15 the time of these instances, was homeless. I believe in
16 talking with counsel now, he still does not have a home.
17 I have discussed this with the district attorney in
18 regards to this case. There is no way around proving
19 this case beyond a reasonable doubt with the case law and
20 that letter. And therefore, I'm afraid that I have to
21 move to dismiss this case.

22 I asked Mr. Wells if Mr. Goodwill has a place
23 to reside. He indicates at this point, no, that he was
24 going to talk with him about Salvation Army, things of
25 that nature. But from a legal standpoint, Judge, with

1 the facts and circumstances and the case law, and that
2 letter, this case can't go forward, and it should be
3 terminated now.

4 THE COURT: With respect to Exhibit 3, that's
5 not a part of the file that was withdrawn, and I don't
6 remember exactly now what the reason was.

7 MR. WELLS: Judge, we had not admitted it,
8 and I ask the right to withdraw that so I can make a
9 copy.

10 THE COURT: Sure. So I think for the
11 purposes of these proceedings, we will make what was
12 previously marked Exhibit 3 part of the record.

13 MR. HAASCH: Can you? And could you please
14 review Paragraph 3? I think it establishes somewhat I'm
15 talking about.

16 THE COURT: It's your call at this point,
17 Mr. Haasch.

18 MR. WELLS: Judge, the only thing I would is
19 that in response to that letter, Jason wrote that young
20 lady and said among other things, bus ticket, where? I
21 haven't been told how I can be released. What are the
22 conditions? What home? I haven't had a home since 2008.
23 This is a 2012 letter, Judge. When -- when it was
24 framed, unless you count years in the prison system. The
25 documents he filled out with her that day also indicated

1 he had no place to go, no family to help him. And
2 Dinkins had the Department of Corrections to help him
3 find a residence. That letter shows that Jason did not.

4 THE COURT: Well, I think certainly for the
5 reasons stated, that this is a decision made by the
6 prosecutor, that it is in the interest of justice, and
7 it's not one that we should necessarily feel bad about
8 making. It's the right call. Unfortunately, it could
9 have been made earlier perhaps.

10 MR. HAASCH: I wanted to be sure.

11 THE COURT: Sure. But the bottom line is,
12 for the purposes of those proceedings, the matter is
13 dismissed, and the defendant is released from any bond
14 that may be presently affecting his liberty.

15 Mr. Goodwill --

16 MR. WELLS: I apologize. I was talking to
17 him.

18 THE COURT: Is he -- what was your question,
19 Mr. Goodwill?

20 MR. GOODWILL: I was just asking if this be
21 dismissed with prejudice? I'm also seeking possible
22 relief due to the fact that I was federally removed from
23 another state without a valid warrant and have been left
24 in a city against whom I've got a federal lawsuit.

25 THE COURT: Well, with your respect to your

1 request for it to be dismissed with prejudice, the Court
2 really doesn't have the authority to do that. There is
3 no way that prejudice has attached in the legal sense. I
4 appreciate, obviously, your circumstances but as it
5 relates to that term, I cannot grant that request.

6 It certainly sounds to me that Mr. Haasch has
7 made the determination as an experience prosecutor in
8 understanding the law at this point that this is not a
9 case that should go forward. So as far as future
10 prosecutions go in this jurisdiction, I think that would
11 be highly unlikely. As to any of the issues that --
12 those aren't really before the Court as I'm sure you can
13 appreciate, all right? That's all. The matter is
14 dismissed. *redress of grievances denied*

15 MR. HAASCH: Thank you.

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