



OFFICE OF THE CLERK  
**WISCONSIN COURT OF APPEALS**

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  
Web Site: [www.wicourts.gov](http://www.wicourts.gov)

**DISTRICT IV**

June 11, 2026

To:

Hon. Elliott M. Levine  
Circuit Court Judge  
Electronic Notice

Christine A. Remington  
Electronic Notice

Tammy Pedretti  
Clerk of Circuit Court  
La Crosse County Courthouse  
Electronic Notice

George L. Goins 384922  
Oshkosh Correctional Institution  
P.O. Box 3310  
Oshkosh, WI 54903-3310

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

---

2025AP1804-CR                      State of Wisconsin v. George L. Goins (L.C. # 2019CF852)

Before Graham, P.J., Blanchard, and Taylor, 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).**

George Goins, pro se, appeals an order denying his motion for sentence modification. Based on our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).<sup>1</sup> We summarily affirm.

Goins was charged with burglary while armed and felony bail jumping. Pursuant to a plea agreement, Goins pled guilty to those charges, and the charges against Goins in several

---

<sup>1</sup> All references to the Wisconsin Statutes are to the 2023-24 version.

other pending criminal cases were dismissed outright or dismissed and read in for sentencing purposes. The circuit court sentenced Goins to the maximum sentence of ten years of initial confinement and five years of extended supervision on the burglary charge, and a concurrent sentence of two years of initial confinement and two years of extended supervision on the bail jumping charge.

In Goins's direct appeal, his appointed counsel submitted a no-merit report concluding that there were no issues of arguable merit to pursue. In a response to the no-merit report, Goins pointed out that the presentence investigation report (PSI) that was prepared in advance of sentencing improperly included facts about the sexual assault charges that had been dismissed outright pursuant to the plea agreement. Goins argued that it was improper to include those facts in the PSI and that it caused the circuit court to sentence Goins based on inaccurate information. We concluded that there was no arguable merit to any challenge to Goins's plea or sentence, and we summarily affirmed the judgment of conviction. *State v. Goins*, No. 2021AP150-CRNM, unpublished slip op. and order (WI App Feb. 3, 2022) (*Goins I*). The Wisconsin Supreme Court denied Goins's petition for review of our decision.

On April 17, 2025, Goins filed the pro se motion for sentence modification that is the subject of this appeal. Goins alleged the following as a new factor: that, as part of its exercise of sentencing discretion, the circuit court relied on information included in the PSI related to the sexual assault charges that had been dismissed outright.<sup>2</sup> The circuit court denied the motion on

---

<sup>2</sup> In the motion he filed in the circuit court, Goins also appears to have argued that there was another new factor warranting sentence modification—specifically, that the state department of corrections had ordered inapplicable programming for Goins based on the inclusion of information in the

(continued)

the grounds that Goins did not allege the existence of a new factor that would justify sentence modification. Goins appeals.

On appeal, Goins argues that his motion established that the circuit court relied on information that was improperly included in the PSI, and that this constitutes a new factor warranting sentence modification. In response, the State argues that Goins's new factor claim is procedurally barred. The State's argument is based on *State v. Witkowski*, 163 Wis. 2d 985, 990, 473 N.W.2d 512 (Ct. App. 1991), which states that “[a] matter once litigated may not be relitigated in a subsequent postconviction proceeding no matter how artfully the defendant may rephrase the issue.” Whether a defendant's claims are procedurally barred presents a question of law that this court reviews de novo. *State v. Tolefree*, 209 Wis. 2d 421, 424, 563 N.W.2d 175 (Ct. App. 1997).

Here, as noted, Goins already litigated the circuit court's alleged reliance on information in the PSI regarding the dismissed charges in the course of the no-merit proceeding that resulted in *Goins I*. In *Goins I*, we stated:

We agree with counsel's assessment that further proceedings challenging the charges that were dismissed outright or dismissed and read in for sentencing purposes in this case would be wholly frivolous. As counsel notes, a circuit court may consider even uncharged and unproven offenses in sentencing a defendant. See *Elias v. State*, 93 Wis. 2d 278, 284, 286 N.W.2d 559 (1980). Moreover, at sentencing, defense counsel clarified that the facts in the PSI related to the alleged sexual assault went to counts that had been dismissed outright, not dismissed and read in. Defense counsel also reiterated that Goins maintained his innocence as to the sexual assault allegation. The circuit court's

---

PSI related to the sexual assault charges that were dismissed outright. The circuit court determined that the argument did not constitute a new factor, and Goins does not renew this argument on appeal.

sentencing comments did not indicate that the court relied on the sexual assault allegation in determining the sentence to impose. *See State v. Tiepelman*, 2006 WI 66, 291 Wis. 2d 179, 717 N.W.2d 1 (defendant is entitled to resentencing if the defendant shows that information at the original sentencing was inaccurate, and that the sentencing court actually relied on the inaccurate information). We discern no arguable merit to any claim based on Goins’s challenges to the charges that were dismissed as part of the plea agreement.

*Goins I*, No. 2024AP150-CRNM at 4. Because Goins has already litigated the issue, his current attempt to relitigate the issue is procedurally barred. *See Witkowski*, 163 Wis. 2d at 990.

Moreover, even if Goins’s claims were not procedurally barred, Goins’s appeal also fails because he has not established a new factor warranting sentence modification. A motion for sentence modification “must demonstrate the existence of a new factor and that the new factor justifies sentence modification.” *State v. Harbor*, 2011 WI 28, ¶38, 333 Wis. 2d 53, 797 N.W.2d 828. A “new factor” is a fact or set of facts highly relevant to the imposition of sentence but not known to the sentencing judge, either because it was not then in existence or because it was unknowingly overlooked by all of the parties. *Rosado v. State*, 70 Wis. 2d 280, 288, 234 N.W.2d 69 (1975). Whether the defendant has established the existence of a new factor is a question of law that we review de novo. *Harbor*, 333 Wis. 2d 53, ¶33.

As applied here, Goins’s motion does not identify any fact or set of facts that was not known to himself or the circuit court at the time of his sentencing. Goins acknowledges that his attorney alerted the circuit court that the PSI included information about the dismissed charges before the court determined the sentence. Goins also acknowledges that the court’s sentencing comments indicate that it did not rely on the information regarding the dismissed charges when determining Goins’s sentence. Accordingly, we agree with the circuit court’s conclusion that

Goins's argument is based on facts that are not "new" because they were known to the court at the time of sentencing.<sup>3</sup>

Before concluding, we briefly pause to address two additional arguments that Goins advances about errors that the circuit court allegedly made when denying his motion for sentence modification.

First, Goins asserts that the court erroneously applied *Elias v. State*, 93 Wis. 2d 278, 286 N.W.2d 559 (1980). Goins's argument is without merit. In the court's written order denying Goins's motion, the court did not cite *Elias* in support of any proposition that was necessary for the court's new factor analysis. Rather, the court cited *Elias* as part of the court's quotation of the excerpt from *Goins I* that we set forth above. See *Goins I*, No. 2021AP150-CRNM at 4. To the extent that Goins is arguing that our *Goins I* decision misapplied the law, the appropriate avenue for Goins to challenge this court's application of law was through his petition for review to the Wisconsin Supreme Court.

Second, Goins also contends that the circuit court erroneously exercised its discretion because the court did not directly address some of the exhibits and arguments that Goins filed with his motion for sentence modification. Specifically, Goins argues that the court failed to address his various assertions that the dismissed and read-in charges were not supported by probable cause, and that there were other procedural issues with those charges. However, as

---

<sup>3</sup> Goins also contends that the circuit court erred because it did not order the correction of the PSI before it proceeded to determine Goins's sentence. This too is not a new factor, because the court knew at sentencing that it had not ordered changes to the PSI.

stated, Goins’s challenge to the inclusion in the PSI of facts about these charges is procedurally barred.<sup>4</sup> Accordingly, we decline to further address those arguments.

Accordingly,

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

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

---

*Samuel A. Christensen*  
*Clerk of Court of Appeals*

---

<sup>4</sup> To the extent that Goins intends to make additional arguments, we reject those arguments as inadequately briefed. *See State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (we may decline to address arguments that are undeveloped); *Industrial Risk Insurers v. American Eng’g Testing, Inc.*, 2009 WI App 62, ¶25, 318 Wis. 2d 148, 769 N.W.2d 82 (“[W]e will not abandon our neutrality to develop arguments [for a party].”).