



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

DISTRICT II

July 8, 2026

To:

Hon. Gerad T. Dougville
Circuit Court Judge
Electronic Notice

Nicholas DeSantis
Electronic Notice

Rebecca Matoska-Mentink
Clerk of Circuit Court
Kenosha County Courthouse
Electronic Notice

John T. Wasielewski
Electronic Notice

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

2025AP1595-CR

State of Wisconsin v. Bresha La'Chyna Goode
(L.C. #2022CF1094)

Before Gundrum, 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).

Bresha La'Chyna Goode appeals from the circuit court's judgments of conviction and order denying postconviction relief. Based upon 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).¹ For the following reasons, we affirm.

¹ All references to the Wisconsin Statutes are to the 2023-24 version.

BACKGROUND

Ramogi Caldwell Jr. and Mary² were involved in a romantic relationship for a brief time; but after Mary found out that Caldwell was expecting a child with Goode, Mary ended her relationship with him. Shortly after the relationship ended, Mary discovered that she was pregnant. Caldwell is Ben's putative father: he is not listed on Ben's birth certificate and does not enjoy parental rights. Caldwell saw Mary no more than five times during her pregnancy and approximately three times after the child was born. Both Caldwell and Goode resided in South Carolina.

In August 2022, Mary and Goode sent messages back and forth to each other via Instagram, Facebook, and Facebook Messenger. The messages were threatening in nature towards Mary. After Mary received the threatening messages, Caldwell unexpectedly showed up one evening at her home in Kenosha insisting that he see Ben. Mary refused these requests. The next day, Mary allowed Caldwell to come to her home to see Ben on the front porch; they never discussed the possibility of Caldwell taking Ben from her home. That evening, Caldwell asked Mary to get into his car with Ben, which she agreed to do. Once Mary and Ben were in his car, Caldwell locked the doors and drove off as Mary repeatedly asked him to take her back home. Caldwell stopped the car in a parking lot and forcefully took Ben from Mary's arms, at which point Goode appeared and dragged Mary out of the car by her hair. Caldwell placed Ben in the car's driver's seat, then he joined Goode to kick and punch Mary, after which Caldwell and

² To protect the identity of the victims, we use pseudonyms. See WIS. STAT. RULES 809.19(1)(G); 809.86(4).

Goode drove off with Ben, leaving Mary in the parking lot. Goode and Caldwell drove across state lines to Indiana where law enforcement found them with Ben.

Goode was arrested, and the State charged her with kidnapping as a party to a crime in violation of WIS. STAT. § 940.31(1)(b), battery in violation of WIS. STAT. § 940.19(1), disorderly conduct in violation of WIS. STAT. § 947.01(1), and misdemeanor theft as party to a crime in violation of WIS. STAT. § 943.20(1)(a). A jury found Goode guilty of kidnapping, battery, and disorderly conduct. She was acquitted of the misdemeanor theft charge.

Goode filed a motion for postconviction relief. She contended that the State should have charged her with a different statute, because kidnapping has the element of non-consent of the person seized, which in this case was a two-month-old child. She argued that the prosecution focused on whether Mary consented to the child being taken, which is not an element of kidnapping, but rather of child abduction. Goode argued that the circuit court should vacate her conviction for kidnapping and grant her a new trial. The court denied the postconviction motion. Goode appeals.

DISCUSSION

It is within this court's discretion whether to grant a new trial in the interest of justice. WIS. STAT. § 752.35. Only rare and "exceptional" circumstances may allow for the granting of a new trial. We must first "engage in 'an analysis setting forth the reasons' that the case may be characterized as exceptional." *State v. McKellips*, 2016 WI 51, ¶52, 369 Wis. 2d 437, 881 N.W.2d 258 (citation omitted).

We may order a new trial under WIS. STAT. § 752.35 only if it appears that “(1) the real controversy has not been fully tried, or; (2) it is probable that justice has for any reason miscarried.” *State v. Jones*, 2010 WI App 133, ¶43, 329 Wis. 2d 498, 791 N.W.2d 390. This court is also not allowed to consider discretionary reversal in the interest of justice until after it has considered and rejected all other claims. *McKellips*, 369 Wis. 2d 437, ¶52.

Goode asserts that a new trial is necessary under the theory that the real controversy has not been fully tried. In order to prove that the real controversy has not been fully tried, she must show that “(1) ... the jury was erroneously denied the opportunity to hear important evidence bearing on an important issue in the case or (2) ... the jury had before it evidence not properly admitted that ‘so clouded’ a crucial issue that it may be fairly said that the real controversy was not tried.” *State v. Avery*, 2013 WI 13, ¶38 n.18, 345 Wis. 2d 407, 826 N.W.2d 60 (citing *State v. Hicks*, 202 Wis. 2d 150, 160, 549 N.W.2d 435 (1996)).

Goode argues that the legislature did not intend the kidnapping statute to apply to the taking of young children. Goode contends that the charge of abduction of a child is more appropriate in her case. See WIS. STAT. § 948.30. However, a Wisconsin prosecutor has “broad discretion in determining whether to charge an accused, which offenses to charge, [and] under which statute to charge[.]” *State v. Krueger*, 224 Wis. 2d 59, 67, 588 N.W.2d 921 (1999). “[If] an act forms the basis for a crime punishable under more than one statutory provision, prosecution may proceed under any or all such provisions.” WIS. STAT. § 939.65.

Here, the facts plainly supported the charge of kidnapping, so the prosecutor properly exercised his broad charging discretion. Kidnapping has four elements. The State must prove that (1) the defendant seized the victim; (2) the defendant seized the victim without his consent;

(3) the defendant seized the victim through the use or threat of force; and (4) the defendant seized the victim with intent that he be transported out of state. WIS. STAT. § 940.31(1)(b); WIS. JI-CRIMINAL 1281 (2016). Additionally, Goode was charged as a party to a crime, so the State could show either that she directly committed the crime, that she intentionally aided and abetted the crime, or that she was a member of a conspiracy to commit the crime. WIS. STAT. § 939.05.

There was probable cause, and the jury concluded there was sufficient evidence that proved beyond a reasonable doubt that Goode, acting together with Caldwell, satisfied all four elements of kidnapping as a party to a crime. *See* WIS. STAT. § 940.31(1)(b). First, Goode admits that Ben had been seized and taken away from his mother. And they still had him in Indiana four hours later.

Second, Goode and Caldwell confined Ben without Ben's consent. The jury was told that "[w]ithout consent" means there was no consent in fact or the victim "[did] not understand the nature of the thing to which [he] consents ... by reason of youth." WIS. STAT. § 939.22(48)(c). The jury also learned that Ben was about two months old at the time of the taking and could not give consent due to his youth.

Third, and the real element in question, Goode and Caldwell seized Ben forcibly. Mary explained that Caldwell "ripped [Ben] out of [her] arms," and Goode "pulled [her] out of the car by [her] hair." Responding police officers saw blood on Mary's face and ears and scratches on her arms, and transported her to the Kenosha Memorial Hospital. All of these facts are evidence of the use of force that was used in the taking of Ben. Because the jury believed Mary's story, the force element was met.

Fourth, Goode and Caldwell confined Ben with the intent to transport him out of the state. Caldwell admitted that they intended to leave Wisconsin to go to Illinois to get supplies on their return to their home state of South Carolina. They did, in fact, take Ben out of state immediately and were finally stopped by police in Indiana.

Finally, it is clear that Goode acted in tandem with Caldwell. In the state of Wisconsin, a person is party to a crime if they are the direct actor, intentionally aids and abets the commission of the crime, or is a conspirator to the crime. WIS. STAT. § 939.05. During the actual attack, Mary testified that both Goode and Caldwell attacked her together and took Ben. The jury concluded that Goode and Caldwell were both direct actors. Additionally, leading up to the altercation, there are strings of text messages between Goode and Caldwell which illustrate how they conspired to take Ben to South Carolina. Therefore, Goode was found to be a party to a crime for count one or that she was a member of a conspiracy to commit the crime. *See* WIS. STAT. § 939.05.

Goode also argues that the State inappropriately focused on Mary's consent, therefore obscuring the "real controversy" as to whether Ben consented. The prosecutor's focus on Mary's consent as opposed to Ben's consent did not obscure the real controversy at issue. It was directly relevant to the real controversy in this case: whose account of the events was true. The element of kidnapping that was truly disputed at trial was whether Goode and Caldwell took Ben by use or threat of force. *See* WIS. STAT. § 940.31(1)(b); WIS. JI-CRIMINAL 1281 (2016). In other words, the jury would either believe Mary's account that Goode and Caldwell assaulted her and that Caldwell ripped Ben from her arms, or it would find reasonable doubt based on Goode and Caldwell's claim that Mary willingly handed Ben over. The jury believed Mary's account, so this element was satisfied.

We conclude that the real controversy was fully tried, the decision to charge kidnapping was within the prosecutor's broad discretion, and the State proved each and every element of the charge beyond a reasonable doubt. Therefore, Goode is not entitled to the exceptional remedy of a new trial in the interest of justice. *See McKellips*, 369 Wis. 2d 437, ¶52.

Upon the foregoing reasons,

IT IS ORDERED that the judgments and the order of the circuit court are 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