



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 I

September 29, 2026

To:

Hon. Jean M. Kies
Circuit Court Judge
Electronic Notice

George Tauscheck
Electronic Notice

Anna Hodges
Clerk of Circuit Court
Milwaukee County Safety Building
Electronic Notice

Randy Delon McClinton 727680
Kettle Moraine Correctional Institution
P.O. Box 31
Plymouth, WI 53073-0031

John Blimling
Electronic Notice

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

2025AP1117-CRNM State of Wisconsin v. Randy Delon McClinton (L.C. # 2023CF292)

Before Donald, C.J., Colón, P.J., and Petrashek, J.

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).

Randy Delon McClinton appeals from his judgment of conviction for second-degree reckless homicide using a dangerous weapon, as a party to a crime. His appellate counsel, Attorney George Tauscheck, filed a no-merit report pursuant to *Anders v. California*, 386 U.S. 738 (1967), and WIS. STAT. RULE 809.32 (2023-24).¹ McClinton was advised of his right to file a response, but he did not do so. Upon this court's independent review of the record as mandated

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

by **Anders**, and counsel's report, we conclude there are no issues of arguable merit that could be pursued on appeal. We therefore summarily affirm. See WIS. STAT. RULE 809.21.

McClinton was charged in the shooting death of Robert Goston, Jr., in January 2023. McClinton told police that on the day of the shooting, he had seen two men approach Goston's car that was parked in an alley, and he believed they were going to steal it. McClinton, Goston, and Goston's uncle armed themselves and "ambush[ed]" the suspected thieves in the alley.

Video surveillance cameras captured the shooting. It showed that Goston was in front of McClinton when they opened fire on the suspected thieves. It further showed Goston falling to the ground, and then McClinton and others loading him into a vehicle and taking him to a hospital, where he was pronounced dead.

The fatal shot entered Goston through his back. Based on the video and the trajectory of Goston's wound, police determined that Goston was accidentally shot by McClinton. McClinton was arrested and charged with second-degree reckless homicide using a dangerous weapon, as a party to a crime.

McClinton opted to resolve this charge with a plea. In exchange for his guilty plea, the parties were free to argue at sentencing. The circuit court imposed a sentence of fifteen years of initial confinement, followed by five years of extended supervision. This no-merit appeal follows.

In the no-merit report, appellate counsel addresses two issues: whether there would be arguable merit to appealing the validity of McClinton's plea; and whether there would be arguable merit to a claim that the circuit court erroneously exercised its discretion in sentencing

McClinton. We agree with appellate counsel's analysis that there would be no arguable merit to an appeal of either of these issues.

With regard to McClinton's plea, the no-merit report discusses whether it was knowingly, voluntarily, and intelligently entered. The record reflects that the plea colloquy by the circuit court complied with its obligations for taking guilty pleas, pursuant to WIS. STAT. § 971.08, *State v. Bangert*, 131 Wis. 2d 246, 261-62, 389 N.W.2d 12 (1986), and *State v. Brown*, 2006 WI 100, ¶¶23, 34-35, 293 Wis. 2d 594, 716 N.W.2d 906, which are intended to ensure that a defendant's plea is knowing, intelligent, and voluntary. Furthermore, the circuit court confirmed that McClinton signed and understood the plea questionnaire and waiver of rights form, which further demonstrates that his plea was knowingly, voluntarily, and intelligently entered. See *State v. Moederndorfer*, 141 Wis. 2d 823, 827, 416 N.W.2d 627 (Ct. App. 1987). We therefore agree with appellate counsel's assessment that there would be no arguable merit to a challenge of the validity of McClinton's plea.

With regard to sentencing, the record reflects that the circuit court properly exercised its discretion in considering proper and relevant sentencing objectives and factors. See *State v. Gallion*, 2004 WI 42, ¶17, 270 Wis. 2d 535, 678 N.W.2d 197; *State v. Ziegler*, 2006 WI App 49, ¶23, 289 Wis. 2d 594, 712 N.W.2d 76. In particular, the court noted that although McClinton did not have a prior criminal record, and that he had attempted to help Goston by taking him to the hospital, he still chose to arm himself to address the potential theft of Goston's vehicle rather than opting for a different resolution.

Additionally, McClinton's sentence is within the statutory maximum, and is thus presumed not to be unduly harsh or unconscionable. See *State v. Grindemann*, 2002 WI App

106, ¶32, 255 Wis. 2d 632, 648 N.W.2d 507. We therefore agree with appellate counsel's conclusion that there would be no arguable merit to a challenge of McClinton's sentence.

Our independent review of the record discloses no other potential issues for appeal. Accordingly, this court accepts the no-merit report, affirms the conviction, and discharges appellate counsel of the obligation to represent McClinton further in this appeal.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Tauscheck is relieved of further representation of McClinton in this matter. *See* WIS. STAT. RULE 809.32(3).

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

Samuel A. Christensen
Clerk of Court of Appeals