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DISTRICT III

February 1, 2022

To:

Hon. Timothy A. Hinkfuss
Circuit Court Judge
Electronic notice

John VanderLeest
Clerk of Circuit Court
Brown County Courthouse
Electronic Notice

Winn S. Collins
Electronic Notice

Daniel Goggin II
Electronic Notice

David L. Lasee
Electronic Notice

Reginald Hines
St. Johns Shelter
411 St. John Street
Green Bay, WI 54301

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

2019AP2411-CRNM State of Wisconsin v. Reginald Hines (L. C. No. 2017CF1082)

Before Stark, P.J., Hruz and Gill, 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).

Counsel for Reginald Hines has filed a no-merit report concluding there is no basis to challenge Hines' conviction for third-degree sexual assault. Hines was advised of his right to respond and has failed to do so. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no merit to any issue that could be raised on appeal and summarily affirm. *See* WIS. STAT. RULE 809.21 (2019-20).¹

¹ All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

This case stems from allegations that Hines raped a woman while staying at her residence with several other people. The victim reported to police that she was in her bedroom when Hines came up from behind her, placed his hand over her mouth, and held her arms and legs so she was unable to move. Hines then pulled up her shorts and inserted his erect penis into her anus. He also penetrated her vagina multiple times. At one point, the victim was able to remove Hines' hand from her mouth and yell, "NO!" Others in the residence who were sleeping heard the victim and yelled to Hines, at which point Hines left the room. The victim stated that Hines had consumed seventeen "Strawber-Rita's" throughout the day.

Law enforcement officers responded to the dispatch regarding the rape complaint. The information in the dispatch call said Hines was at the "bus stop." Officers went to the Greyhound bus station and observed Hines standing out front. When told that the officers wished to speak with him about the sexual assault allegations, Hines' eyes welled up with tears, and he said, "That's not true. We had sex, but I never raped her." When asked why the victim would make up the story, Hines replied that the victim was mad at him. Hines was placed under arrest, and Hines began crying and got upset. After waiving his *Miranda* rights,² Hines provided a statement. According to Hines, he and three friends came to Green Bay and obtained permission from the victim to stay at her residence. Hines ate something, took a shower and a nap, and watched television and "hung out" all afternoon.

At approximately 6:00 p.m., Hines stated that he went into the victim's bedroom and the victim came in with him. Hines then asked the victim for a "blow job." The victim refused, so

² See *Miranda v. Arizona*, 384 U.S. 436 (1966).

Hines took another nap. When Hines awoke around 8:00 p.m., the victim was in bed with him. Hines and the victim allegedly began talking about possibly dating. Hines told the victim that he was “horny” and had not had sexual relations “in a long time.” Hines stated that the victim then said “they both needed to shower first,” so he took a shower and then the victim also took a shower. The victim then climbed into bed with him, pulled down his briefs, and he “got on top of her.” Hines claimed consensual vaginal sex then ensued. Hines stated that during sex, the victim made a comment about him penetrating her anus with his penis. Hines contended this act was unintentional, and he said that his “penis slipped out of [the victim’s] vagina because it was so wet.” Hine stated that the victim then placed his penis back inside her vagina, and allowed him to ejaculate inside her.

Hines further stated that the victim then went out to the bars with friends. While she was gone, Hines claims he made a Facebook live video with the victim’s fifteen-year-old son. In the video, Hines said that he wanted to meet some Green Bay “bitches.” Because the video was live, Hines claims that the victim saw it and then called her son. Hines claimed that the son gave Hines the phone, and the victim yelled at him. Eventually, Hines hung up the phone. Hines stated the victim came home, confronted him about the video, and kicked him out of her room. The victim messaged her friends complaining about Hines. One of Hines’ friends told him that he should leave. Hines tried to find a ride and eventually ended up at the bus station.

Hines was charged with one count of third-degree sexual assault. An amended complaint added a count of second-degree sexual assault, regarding an alleged sexual assault upon the victim several days earlier. Hines entered a plea of guilty to third-degree sexual assault, and the remaining count was dismissed and read in. A charge of felony intimidation of a witness in another case was also dismissed and read in. The circuit court imposed a sentence consistent

with the parties' joint recommendation of two years' initial confinement and three years' extended supervision.

The no-merit report addresses whether Hines' plea was knowingly, intelligently and voluntarily entered; whether Hines was provided the effective assistance of trial counsel; and whether the circuit court properly exercised its sentencing discretion. This court is satisfied that the no-merit report properly analyzes the issues it raised as being without arguable merit, and we will not further address them. Our independent review of the record discloses 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 represent Hines further in this matter.

Therefore,

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

IT IS FURTHER ORDERED that Attorney Daniel Goggin II is relieved of further representing Reginald Hines in this matter. *See* WIS. STAT. RULE 809.32(3).

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

Sheila T. Reiff
Clerk of Court of Appeals