

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

STANLEY E. MARTIN, JR.,

Petitioner,

v.

BYRAN BARTOW, Director,
Wisconsin Resource Center,

Respondent.

ORDER

08-cv-518-bbc

Petitioner Stanley E. Martin, Jr. has moved for reconsideration of this court's June 24, 2011 order, denying his petition for a writ of habeas corpus. He also asks for a certificate of appealability. Because I refused to issue such a certificate in an order entered on June 28, 2011, I interpret his motion as one for reconsideration of that order. Petitioner contends that the court mischaracterized the facts of his claim and reached conclusions contrary to those of higher federal courts. Having read his motion, I am not persuaded that any reconsideration is required. Petitioner is simply repeating the arguments he made in his petition.

One point that petitioner tries to make in his motion deserves mention. On page 5,

he asserts that the 1996 trial court never gave him a “Goodchild hearing” or any other type of evidentiary hearing. This assertion does not jibe with the record of the 1996 hearing to determine whether petitioner should continue to be confined after expiration of his criminal sentence. The record shows that he had a full-fledged trial in front of a jury. Trial trans., dkt. ##16-3, 16-4, 16-5. Petitioner seems to be arguing that the hearing fell short of meeting due process requirements because the state did not call as witnesses institutional staff and parole officers who would have confirmed that he had always told them he did not need sex offender treatment and did not commit any sexual assaults. He seems also to be arguing that the state should have called his former girlfriend, who had recanted her allegation of sexual assault in case no. J-3738.

I do not understand why petitioner thinks that the staff and parole officers would have helped his case. The psychologist who testified for the state based his recommendation for continued confinement in part on petitioner’s refusal to admit his need for sex offender treatment. Trial trans., dkt. #16-4 at 81-82, 83, and 84; dkt. #16-5 at 67, 83-85. Petitioner’s former girlfriend would have been no more helpful to petitioner than the staff and parole officers because he admitted in court in case no. J-3738 that he had committed a sexual offense against her. As I held in the order of June 24, 2011, petitioner’s plea agreement in that case does not bar the state from using his past admissions in a subsequent civil proceeding. June 24, 2011 Order, dkt. #61, at 8.

Petitioner's motion for reconsideration of his petition for a writ of habeas corpus will be denied, as will his motion for reconsideration of his request for a certificate of appealability, for the same reasons they were denied earlier.

ORDER

IT IS ORDERED that petitioner Stanley E. Martin, Jr.'s motions for reconsideration of his petition for a writ of habeas corpus and for reconsideration of his request for a certificate of appealability are DENIED.

Entered this 4th day of August, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge