

SUPREME COURT OF WYOMING

Goetzel v. State

435 P.3d 865 (Wyo. 2019) · Decided March 6, 2019

SUMMARY

The Wyoming Supreme Court affirmed the denial of Darrel Goetzel's petition for post-conviction relief. The court held that res judicata barred his renewed double-jeopardy and ineffective-assistance claims because they had been raised or could have been raised in earlier proceedings, and he showed no good cause to avoid the bar.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Kricken, District Judge
JURISDICTION	Wyoming
DECIDED	March 6, 2019
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the district court's denial of a petition for post-conviction relief.
STANDARD OF REVIEW	Whether claims are barred by res judicata is a question of law reviewed de novo.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Darrel Goetzel v. State of Wyoming

TOPICS

state post-conviction relief double jeopardy criminal procedure appellate procedure sentencing

PRACTICE AREAS

criminal post-conviction relief criminal procedure appellate procedure sentencing

QUESTIONS PRESENTED

1. Whether res judicata barred Goetzel's post-conviction claims because the double-jeopardy and ineffective-assistance claims had been raised or could have been raised in earlier proceedings.

2. Whether the use of newly enacted or amended post-conviction statutes provided good cause to avoid res judicata.
3. Whether ineffective assistance of trial or appellate counsel constituted good cause to avoid res judicata.

HOLDINGS

1. Res judicata barred Goetzel's double-jeopardy challenge because the claim had previously been litigated and, in any event, could have been raised in his direct appeal or earlier sentence-related proceedings.
2. The enactment or amendment of post-conviction statutes did not provide a basis to avoid res judicata when the substantive claims could have been raised under prior statutes and in prior proceedings.
3. Goetzel's ineffective-assistance claims did not constitute good cause to overcome res judicata.

KEY QUOTATIONS

“Res judicata bars litigation of issues that were or could have been determined in a prior proceeding.” (§ 11)

“Where, as here, a defendant could have raised an issue, such as double jeopardy, but did not do so, the doctrine of res judicata soundly applies.” (§ 20)

FACTUAL BACKGROUND

While being booked at the Goshen County Detention Center, Goetzel struck and kicked an officer, causing severe injuries, used the officer's radio to obtain an unlocked door, and fled. He was later apprehended in Nebraska and pleaded guilty to felony escape and felony interference with a peace officer, receiving consecutive sentences for those offenses. He subsequently challenged the convictions and sentences on double-jeopardy grounds, but did not raise that claim in his direct appeal or earlier sentence-related motions.

PROCEDURAL HISTORY

Goetzel pleaded guilty to, among other offenses, felony interference with a peace officer and felony escape and received consecutive sentences for those offenses. After earlier motions for sentence reduction and modification, he filed a motion to correct an illegal sentence asserting double jeopardy, which the district court denied and the Wyoming Supreme Court held barred by res judicata in Goetzel I. Goetzel then filed a petition under Wyoming's Post-Conviction Determination of Factual Innocence Act and post-conviction relief statutes, again asserting double jeopardy and ineffective assistance of counsel; the district court denied the petition, and the Wyoming Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Goetzel v. State, 2017 WY 141, 406 P.3d 310 (Wyo. 2017)
- Hamill v. State, 948 P.2d 1356 (Wyo. 1997)
- Gould v. State, 2006 WY 157, 151 P.3d 261 (Wyo. 2006)

- *Ferguson v. State*, 2013 WY 117, 309 P.3d 831 (Wyo. 2013)
- *Kurtenbach v. State*, 2013 WY 80, 304 P.3d 939 (Wyo. 2013)
- *Lunden v. State*, 2013 WY 35, 297 P.3d 121 (Wyo. 2013)
- *Bird v. State*, 2015 WY 108, 356 P.3d 264 (Wyo. 2015)
- *Poignee v. State*, 2016 WY 42, 369 P.3d 516 (Wyo. 2016)
- *Rubeling v. Rubeling*, 406 P.2d 283 (Wyo. 1965)
- *DeMillard v. State*, 2014 WY 105, 332 P.3d 534 (Wyo. 2014)
- *Bruckner v. State*, 2018 WY 51, 417 P.3d 178 (Wyo. 2018)
- *Cutbirth v. State*, 751 P.2d 1257 (Wyo. 1988)
- *Nixon v. State*, 2002 WY 118, 51 P.3d 851 (Wyo. 2002)
- *Deloge v. State*, 2012 WY 128, 289 P.3d 776 (Wyo. 2012)
- *Keats v. State*, 2005 WY 81, 115 P.3d 1110 (Wyo. 2005)
- *Hawes v. State*, 2016 WY 30, 368 P.3d 879 (Wyo. 2016)
- *Wainwright v. Torna*, 455 U.S. 586 (1982)
- *Tucker v. State*, 2015 WY 65, 349 P.3d 987 (Wyo. 2015)
- *Mebane v. State*, 2014 WY 72, 326 P.3d 928 (Wyo. 2014)
- *Beck v. State*, 2005 WY 56, 110 P.3d 898 (Wyo. 2005)
- *Hicks v. State*, 2018 WY 15, 409 P.3d 1256 (Wyo. 2018)

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