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STATE OF WISCONSIN
COURT OF APPEALS OF WISCONSIN
DISTRICT IV

**CLERK OF COURT OF APPEALS
OF WISCONSIN**

Appeal No. 2013AP299-CR

STATE OF WISCONSIN,

Plaintiff-Appellant,

vs.

MICAH J. SNYDER,

Defendant-Respondent,

REPLY BRIEF OF PLAINTIFF-- APPELLANT

ON APPEAL FROM THE CIRCUIT COURT
FOR COLUMBIA COUNTY, BRANCH I,
THE HON. DANIEL S. GEORGE, PRESIDING

Respectfully submitted,

The State of Wisconsin,
Plaintiff-Appellant
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I. *County of Grant v. Vogt*

The Respondent asserts that the Trial Court correctly found that a seizure occurred. (Respondent's Brief at page 9.) In this section of the Respondent's brief, the Respondent cites this Court to the case of *County of Grant v. Vogt* 347 Wis.2d 551, 830 N.W.2d 723, which was an unpublished case, to assert that the Court had correctly found that a seizure occurred. (Respondent's Brief at page 12).

As this Court is aware, the Appellant's Reply Brief was put on hold so that the Wisconsin Supreme Court could issue its decision in the *Vogt* case. That decision was issued by the Wisconsin Supreme Court on July 18, 2014. The Wisconsin Supreme Court reversed the Court of Appeals decision, holding that a seizure had not occurred under the facts of that case.

Due to the fact that this case is on point with that of the *Vogt* case, the Appellant asks that this Court follow the Wisconsin Supreme Court's holding in the case of *County of Grant v. Vogt* ___ Wis.2d ___; ___ N.W.2d ___; 2014 WI 76 (2014), overrule the trial court's decision and send this case back to the trial court for further proceedings not inconsistent with this Court's holding.

II. REASONABLE SUSPICION

The Respondent, in section IV. of his brief, went through his allegations that even if the initial contact was not a seizure, he believed that the officer did not have reasonable suspicion to expand his contact and perform an OWI investigation. (Respondent's Brief at page 16.) The Appellant is not going to address this issue. The Trial Court did not address this issue, therefore, it is not ripe for this Court to deal with.

III. CONCLUSION

Due to the fact that this case is on point with that of the *Vogt* case, the Appellant asks that this Court follow the Wisconsin Supreme Court's holding in the case of *County of Grant v. Vogt* ___ Wis.2d ___; ___ N.W.2d ___; 2014 WI 76 (2014), overrule the trial court's decision and send this case back to the trial court for further proceedings not inconsistent with this Court's holding.

Dated at Portage, Wisconsin, July 29th , 2014

Respectfully submitted,

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CERTIFICATION

I certify that this brief conforms to the rules contained in s. 809.19(8)(b) and (c) for a brief and appendix produced with a Proportional Serif Font. The length of this brief is 689 words which includes the Table of Contents for the Appendix.

Dated this 29th day of July, 2014.

Signed,

Troy D. Cross
Attorney

**CERTIFICATE OF COMPLIANCE
WITH RULE 809.19(2)
ELECTRONIC E-FILING**

I hereby certify that:

I have submitted an electronic copy of the reply brief in case 2013AP299-CR, excluding the appendix, if any, which complies with the requirements of s. 809.19(12). I further certify that:

This electronic brief is identical in content and format to the printed form of the brief filed as of this date.

A copy of this certificate has been served with the paper copies of this brief filed with the Court and served on all opposing parties.

Dated this 29th day of July, 2014.

Signed:

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