STATE OF WISCONSIN
COURT OF APPEALS
DISTRICT II

Case No. 2014AP000108 - CR

STATE OF WISCONSIN,
Plaintiff-Respondent,

v.

CHARLES V. MATALONIS,
Defendant-Appellant.

APPEAL FROM JUDGMENT OF CONVICTION AND ORDER DENYING DEFENDANT'S MOTION TO SUPPRESS EVIDENCE ENTERED IN KENOSHA COUNTY CIRCUIT COURT WITH THE HONORABLE WILBER W. WARREN, III PRESIDING

BRIEF AND APPENDIX OF DEFENDANT-APPELLANT

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TABLE OF CONTENTS

CASES CITED

CONSTITUTIONAL PROVISIONS AND STATUTES CITED

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STATEMENT OF ISSUES

Whether the trial court properly denied the Defendant's motion to suppress evidence obtained from a community caretaker sweep of his residence?

STATEMENT ON ORAL ARGUMENT AND PUBLICATION

Oral argument is not necessary as the Defendant anticipates that the briefs of the parties will fully meet and discuss the issues on appeal. Publication would be appropriate as the published opinion would establish a new rule of law or modify, clarify or criticize an existing rule. Wis. Stats. §§ 809.22 and 809.23(1)(a)1.

STATEMENT OF THE CASE

The Defendant-Appellant (hereafter Matalonis) filed a motion before the trial court to suppress evidence seized during a search of his residence. Three witnesses testified at the motion hearing—Officer Brian Ruha, Officer David Yandel, and Matalonis. R. 34; 2.

Officers Brian Ruha and David Yandel initially responded to a "med call" at 510 45th Street, which was not Matalonis' residence. R. 34; 6, 41-42. They met with Antony, Matalonis' brother, who appeared intoxicated as well as battered and covered in blood on his right side. R. 34; 6, 41. Antony indicated that four people beat him up outside a bar. R. 34; 7. The responding rescue squad took Antony to the hospital. R. 34; 7.

After meeting with Antony, the officers followed a trail of blood on the snow from 510 45th Street to 4418 5th Avenue, Matalonis' residence. R. 34; 7-8, 42. They saw blood on the side door of the residence and heard "two loud bangs coming from inside," but the bangs were not gunshots. R. 34; 8, 25, 43. Yandel admitted that the noises inside the house sounded like "[t]hings being shuffled around in the house." R. 34; 50. After calling for backup, they proceeded to the front door of the residence. R. 34; 9, 43.

The officers knocked on the front door, and Matalonis opened it. R. 34; 9. Matalonis admitted to the

officers that he had fought his brother, Antony. R. 34; 19, 44, 50, 62. Matalonis did not appear injured, but the officers could see blood on the floor of the foyer and inside the residence. R. #; 44. The officers asked Matalonis to allow them inside the residence after they explained wanting to come inside to make sure no one was injured. R. 34; 9, 44. Matalonis had been cleaning up—the officers acknowledged seeing a bucket and mop in the residence. R. 34; 25, 52, 62, 64. Instead of allowing Matalonis to continue cleaning, the officers entered the residence and ordered Matalonis to remain on the couch. R. 34; 11, 44, 63-64. They did not handcuff him or advise him he was "under arrest."

While Officer Yandel stayed next to Matalonis, Officer Ruha conducted a community caretaker sweep of the residence, "to make sure that no one else was inside the house or even injured in the house that needed medical attention." R. 34; 11. Ruha and Yandel acknowledged that they never had information of a second individual being injured, the only reported injury was Matalonis' brother, Antony. R. 34; 23, 37, 50. During the sweep, Ruha located blood in the living room, kitchen, and the stairs to the second floor. R. 34; 11-12.

Upstairs, Ruha testified that he observed blood on the handrail, a broken mirror, and small blood spatter on a locked door. R. 34; 12. Ruha did not testify to locating anyone in the living area upstairs or the bathroom, or hearing any noises or cries for help. R. 34; 12. Ruha also admitted that he "did smell a strong odor of marijuana coming through this [locked] door and [] heard a fan running." R. 34; 28. Moreover, Ruha recognized that the blood on the door was "the least amount of blood anywhere in the house." R. 34; 34. Ruha admitted he had no information that anybody was "bleeding out" behind the locked door. R. 34; 35. The lengthy sweep took Ruha about ten to fifteen minutes. R. 34; 65.

Ruha returned downstairs to confront Matalonis about the locked door. R. 34; 14. Ruha gave Matalonis the option of either providing the key to Ruha or threatened to kick the door in. R. 34; 14, 54, 65. Matalonis told Ruha that the room was full of security cameras for his house, but Ruha insisted that he either provide the key or they would kick in the door. R. 34; 15, 65. Matalonis did not consent to Ruha entering the room, but Ruha found the key and entered the locked room. R. 34; 15, 55-57, 65-68.

When Officer Ruha entered the locked room, he did not locate any persons, injured or otherwise. R. 34; 16. They did locate four marijuana plants. R. 34; 16. Ruha noted that he observed other drug paraphernalia on the second-floor living room area, such as pipes, smoking utensils, and a water bong. R. 34; 16-17, 27. When Ruha finished searching the now-unlocked room, he returned to further interview Matalonis about the altercation with his brother Antony. R. 34; 17. Ruha only attempted to obtain a search warrant after they entered the locked upstairs room. R. 34; 34.

The court denied Matalonis' motion to suppress at the conclusion of testimony and after hearing the parties' arguments. R. 34; 83-89. A-App. 102-108. Matalonis subsequently entered a no contest plea to delivering/manufacturing four plants of marijuana. R. 35. The court sentenced Matalonis to 18 months' probation. R. 26, 36. A-App. 110-111. Matalonis filed a timely notice of intent to seek post-conviction relief and a timely notice of appeal. R. 31, 33.

ARGUMENT

I. EVIDENCE SEIZED FROM THE LOCKED ROOM IN MATALONIS' UPSTAIRS VIOLATED HIS FOURTH AMENDMENT CONSTITUTIONAL RIGHTS AGAINST WARRANTLESS SEARCHES AND SEIZURES.

A. Trial court ruling.

The circuit court first noted that the only factual dispute was whether Matalonis had consented to the officers entering his home from outside. R. 34; 83. A-App. 102 To resolve that dispute, the court reasoned that hot or fresh pursuit, established in Bringham City, Utah v. Stuart, 547 U.S. 398 (2006); Warden v. Hayden, 387 U.S. 294 (1967); and State v. Larsen, 2007 WI App 147, 302 Wis.2d 718, 736 N.W.2d 211. The court specified that "if there's an objective, reasonable basis for belief by law enforcement that an occupant of the home is seriously injured or imminently threatened with injury, no warrant is required." R. 34; 83. A-App. 102. The court noted that the hot or fresh pursuit analysis was not the "community caretaker exception," but the court did clarify that the latter was equally applicable. R. 34; 84. A-App. 103.

The court's analysis relied heavily on Antony's statement that he fought four other persons at a bar. R. 34; 84. A-App. 103. The court suggested that the officers could reasonably be concerned for the safety of these individuals once they followed the blood trail back to Matalonis' residence. R. 34; 85. A-App. 104. The court ignored evidence about how the officers located the key to the locked room. R. 34; 86. A-App. 105.

B. Standard of Review.

"When reviewing the denial of a motion to suppress evidence, [the appellate court] uphold[s] the circuit court's findings of fact unless clearly erroneous." State v. Maddix, 2013 WI App 64, ¶ 12, 348 Wis. 2d 179, 831 N.W.2d 778 (citations omitted). "[T]he application of constitutional principles to facts is a question of law that we review de novo." Id. (citations omitted). Accordingly, this court should "independently review whether an officer's community caretaker function satisfies the requirements of the Fourth Amendment and Article I, Section 11 of the federal and state Constitutions." Id. (citations omitted).

C. Applicable legal standards.

"The Fourth Amendment to the United States Constitution and Article I, Section 11 of the Wisconsin Constitution prohibit unreasonable searches and seizures." Maddix, 2013 WI App 64 at ¶ 13. (quotations and citations omitted). Warrantless searches are considered *per se* unreasonable under the Fourth Amendment, subject to a few well-delineated exceptions. Id. (quotations and citations omitted). "The State has the burden of establishing that a warrantless entry into a home occurred pursuant to a recognized exception to the warrant requirement". Id. (citation omitted). One such exception involves an officer functioning as a "community caretaker."

"When acting as a community caretaker, an officer may conduct a search or seizure without probable cause or reasonable suspicion, as long as the search or seizure satisfies the reasonableness requirement of the Fourth Amendment." Id. at ¶ 14 (citing State v. Kelsey C.R., 2001 WI 54, ¶34, 243 Wis. 2d 422, 626 N.W.2d 777). "[T]he warrantless entry of a residence is more suspect and subject to stricter scrutiny than entry and search of a motor vehicle. Id. at ¶ 15 (citing State v. Ultsch, 2011 WI App 17, ¶18, 331 Wis. 2d 242, 793 N.W.2d 505). "When officers enter a residence pursuant to the community caretaker exception, they may also undertake a protective sweep when they reasonably believe, under the totality of the circumstances, that such a search is necessary to assure the safety of officers and others." Id. at ¶ 15 (citing State v. Horngren, 200 WI App 177, ¶ 20, 238 Wis. 2d 347, 617 N.W.2d 508).

Wisconsin courts apply a three-part test to determine whether an officer's conduct properly falls within the scope of the community caretaker exception. Id. at ¶ 16 (citing State v. Pinkard, 2010 WI 81, ¶ 29, 327 Wis. 2d 346, 785 N.W.2d 592). Specifically, the court must assess:

> (1) whether a search or seizure within the meaning of the Fourth Amendment has occurred; (2) if so,

> whether the police were exercising a bona fide community caretaker function; and (3) if so, whether the public interest outweighs the intrusion upon the privacy of the individual such that the community caretaker function was reasonably exercised within the context of a home.

Id.

D. The officers' search of the upstairs locked room was not objectively reasonable so as to satisfy the Community Caretaker Exception.

1. ***State v. Maddix*, should guide the court of appeal's decision reversing the trial court's denial of Matalonis' motion to suppress.**

Maddix, 2013 WI App 64, decided after Matalonis' suppression motion hearing, confronted a very similar fact-pattern to Matalonis' case but held the community caretaker exception did *not* justify the search of a locked room. After responding to a call reporting a domestic disturbance at a residence, the Officers heard yelling and screaming in the upper portion of the residence. Id. at ¶¶ 2-3. When the officers made contact with Maddix, they entered the upstairs residence and ordered him to "stay right there." Id. at ¶ 4. The officers located another person, a woman, but no one else was immediately apparent. Id. The officers testified that the woman's explanation for the screaming "did not make sense." Id. at ¶ 7.

The officers, not believing the woman's explanation for the screaming, conducted a "protective sweep" of the residence to "make sure that there were no other people in the apartment, nobody that could either launch an attack against the officers or another possible victim in the apartment." Id. at ¶ 7. The officers did not have consent to conduct this search. Id. The officers eventually entered a closed, dark room, which they entered under the thought that they "didn't know if either another person or a victim

could be in that room." Id. at ¶ 8. Inside the dark, closed room's closet, the officers located six marijuana plants under a fluorescent light. Id.

The Court of Appeals held that the community caretaker exception did not justify the search of the residence as well as the overlooked room and closet. Before delving into the three-part test, the court clarified that the search of the other rooms and the final search of the closed, dark room was one search as opposed to two separate searches. Id. at ¶ 18. The court reasoned that the purpose of the search was the same for all the rooms: "the female's failure to explain the reason for screams that she reported having made." Id. Then, turning to the three-part community caretaker test, the court first established that the officers conducted a warrantless "search." Id. at ¶ 19.

Turning to the second part, whether the officers' had an objectively reasonable basis for the protective sweep, the court distinguished Maddix's case from Pinkard, 2010 WI 81, 327 Wis. 2d 346; State v. Ultsch, 2011 WI App 17, 331 Wis. 2d 242, 793 N.W.2d 505; and State v. Garcia, 2013 WI 15, 345 Wis. 2d 488, 826 N.W.2d 87, as "no evidence directly corroborated the officer's theory that another person was present in the apartment, who was either a crime victim or a perpetrator." Id. at ¶ 27.

In Pinkard, the Wisconsin Supreme Court found that officers had an objectively reasonable basis to enter a residence where:

- A caller informed officers that two people appeared to be sleeping next to cocaine, money, and a digital scale;
- The outside door to the residence was three-quarters open;
- Nobody responded when the officers knocked on the door and announced their presence.

2010 WI 81 at ¶¶ 2-4. The Court characterized these facts as a "close case." Id. at ¶¶ 33, 35.

In Ultsch, the Court of Appeals found the officers entry into a residence was *not* supported by an objectively reasonable basis where:

- Officers were responding to a car accident;
- Officers located the damaged vehicle at the end of the driveway;
- Officers spoke with the vehicle driver's boyfriend, who confirmed that the driver was inside the residence sleeping;
- Officers attempted to make contact with the driver after the boyfriend left the residence but received no response;
- Officers located no evidence of injury to the driver, such as blood.

2011 WI App 17, at ¶¶ 2, 4-5, 19-21.

Finally, in Garcia, the Wisconsin Supreme Court upheld officers' exercise of the community caretaker function, finding an objectively reasonable basis where:

- Officers observed significant damage to Garcia's vehicle and the traffic signal that she struck with her vehicle;
- Garcia's brother's apparent concern for her well-being and decision to force open the bedroom door.

2013 WI 15, at ¶¶ 21-22. The Maddix court applied these cases and held that officers lacked an objectively reasonable basis to enter the closed, dark room where:

- Officers were responding to a domestic disturbance call;
- Officers heard screaming from inside the residence when they arrived;
- Maddix and the woman were the only persons who appeared to be in the apartment;
- Officers were not satisfied with the woman's explanation for screaming;
- No other evidence suggested that another person was present in the apartment, such as noises, nervous behavior, or statements implying that another person was present;

2013 WI App 64, at ¶¶ 26-29. Taken together, the Maddix court found that the officers lacked an objectively reasonable basis to conclude that there is a need to render assistance, even if the officers' credibly testified that they had a subjective belief of such. Id. at ¶ 30.

Turning lastly to the third test, a balancing test, the Maddix court held that the public interest did not outweigh the degree and nature of the intrusion on Maddix's constitutional rights. Id. at ¶ 31. The court considered the following four factors:

> (1) the degree of the public interest and the exigency of the situation; (2) the attendant circumstances surrounding the [search], including time, location, the degree of overt authority and force displayed; (3) whether an automobile is involved; and (4) the availability, feasibility and effectiveness of alternatives to the type of intrusion actually accomplished.

Id.

The court recognized that the public's interest and the exigency was minimal where Maddix and the woman explained the screaming and were cooperative as well as the fact that the officers waited twenty-five to thirty minutes before performing the search itself. Id. at ¶¶ 32-33. The court determined that the second factor did not weigh strongly in either direction. Id. at ¶ 34. Specifically, although the officers were responding to a domestic disturbance and did not display their weapons or threaten anyone, they did conduct a continued search of the residence without consent. Id. at ¶ 34. In assessing the third factor, the court noted the "heightened privacy interest in preventing intrusions into one's home." Id. at ¶ 35.

Finally, the Maddix court assessed whether possible alternatives existed, including their effectiveness, to the intrusion into the closed, dark room and closet. The court reasoned that although the officers need not take at face value the statements of either Maddix or the woman, they failed to probe each on the topic of whether anyone else was still inside the residence. Id. at ¶ 36, Combined with Maddix's statement that it was only he and the woman inside the residence, the court deemed that the officers unreasonably exercised the caretaker function, regardless of whether it was a bona fide function at all. Id.

Overall, the court warned that allowing the community caretaker exception to justify the protective sweep in Maddix's case would "justify virtually any 'sweep' as part of a police response to an alleged domestic disturbance." Id. at ¶ 37.

2. **Applying Maddix to Matalonis' case, the officers' protective sweep should not fall under the community caretaker exception.**

Here in Matalonis' case, this court should apply Maddix to correct the trial court's decision to deny his suppression motion. Factually, Maddix and Matalonis' case have much in common:

- Officers responded to a domestic disturbance at a residence during the early-morning hours. R. 34; 6, 41-42.

- Officers observed signs that a disturbance occurred inside the residence. R. 34; 25, 44, 52, 62, 64.

- Officers received an explanation of what had occurred, but a subjective belief that a protective sweep is needed to search for other persons either in need or posing a threat. R. 34; 9, 44.

- No specific evidence existed that any other person was located in the house, whether or not in need of assistance. R. 34; 23, 37, 50.

- The non-consensual sweeping of the residence revealed marijuana plants in a closed room. R. 34; 16.

As in Maddix, this court should hold that the community caretaker exception does not apply to justify the officers' protective sweep of the residence. The court should characterize the officers' protective sweep as one search, despite the delay between the initial sweep of the residence and unlocking the upstairs room. As Officer Ruha testified that he

conducted a protective sweep of the residence "to make sure that no one else was inside the house or even injured in the house that needed medical attention." R. 34; 11. Accordingly, the court must evaluate whether objectively reasonable at the outset, rather than assess the basis for search on a room by room basis. See Maddix, 2013 WI App 64 at ¶¶ 18-19.

Applying the three-part community caretaker test, this court should first find that the officers conducted a search regardless of whether they described it as a protective sweep. R. 34; 11. Neither the parties nor the court argued that the officer's sweep did not constitute a search, so that argument should be waived on appeal.

Second, this court should find that the officers lacked an objectively reasonable basis to conduct the protective sweep of the residence, particularly after they entered the residence and spoke with Matalonis. The record shows the following information was known by the officers immediately prior to conducting the protective sweep:

- A blood trail went from Matalonis' residence to the other residence where the officers first responded and made contact with Antony. R. 34: 7-8, 42.

- Matalonis' brother Antony had been injured and was receiving treatment. R. 34; 6, 41.

- Antony told the officers that four people beat him up outside a bar. R. 34; 7.

- Blood was on the side outside door of Matalonis' residence. R. 34; 8, 25, 43.

- Two loud bangs coming from inside the residence. R. 34; 8, 25, 43.

- Blood was visible in the foyer and inside the residence. R. 34; 44.

- Matalonis admitted to fighting his brother Antony at the residence. R. 34; 19, 44, 50, 62.

- Matalonis was cleaning up after the fight, and he had a bucket and mop out. R. 34; 25, 52, 62, 64.

- No information or evidence existed that a third individual besides Matalonis or Antony was injured or a threat. R. 34; 23, 37, 50.

- The officers never inquired whether others were present in the residence. R. 34; 23, 37, 50.

None of the evidence "directly corroborated the officer's theory that another person was present in the apartment, who was either a crime victim or a perpetrator." See Maddix, 2013 WI App 64 at ¶ 27. The officers located where the physical altercation occurred—Matalonis' residence. The officers had located the source of the blood trail and blood in Matalonis' house—Antony. The officers arrived after the altercation occurred—Matalonis was already cleaning up. Matalonis' statement to the officers, combined with the evidence of blood in his residence, showed that Antony's statement about fighting four guys at a bar was nonsense. It also confirmed Matalonis' statement that he had been in a fight with his brother. Most importantly, per the officers' admissions, no other evidence suggested another person, victim or threat, was present in the residence.

The record contains no testimony that the officers heard noises, observed nervous behavior, or obtained statements from Matalonis that would support their belief. Accordingly, the court should have found that the officers lacked an objectively reasonable basis to conclude that there is a need to render assistance, even if the officers' credibly testified that they had a subjective belief of such. Id. at ¶ 30. Lastly, the officers' decision to obtain the key to the locked door from the Defendant as opposed to immediately kick-down the door belies any subjective belief that someone was behind the door "bleeding out" or in need of medical attention. Id. at ¶ 14, 54, 65.

This court should correct the trial court's decision without proceeding to the final balancing test, but, like Maddix, the public interest does not outweigh the intrusion on Matalonis' constitutional rights. The public interest and exigency was minimal here because the officers had already located the injured person, Antony, and then made contact with Matalonis, who was cleaning up his house after the fight. Id. at ¶¶ 32-33. The second factor, the attendant circumstances surrounding the search, cuts stronger in Matalonis support than in Maddix, for the officers restrained Matalonis' movement while they searched his house and they threatened to kick down the locked door if he did not provide the key. Compare R. 34; 11, 15, 44, 63-65 with Maddix, 2013 WI App 64 at ¶ 34. In assessing the third factor, the court should note the "heightened privacy interest in preventing intrusions into one's home." Id. at ¶ 35.

Finally, this court must look at alternatives to conducting the protective sweep. Here this court should note that the officers began their search without interviewing Matalonis to confirm whether anyone else besides he and his brother had been fighting. Instead,

they ordered him to sit on his couch and immediately conducted the search. They did not contact Antony to confront him about whether he had lied about fighting four other guys at a bar. Although the officers did not need to take either Matalonis or Antony at face value, the decision to immediately conduct their search shows that it was an unreasonable search, regardless of whether the officers were exercising a bona fide community caretaker function. Id. at ¶ 36

The case law applied by the trial court is not only inapposite to this case, as shown by Maddix, but also confirms that, even under a "hot pursuit" doctrine, the officers' sweep of Matalonis' residence was a violation of his constitutional rights. First, Brigham City, Utah v. Stuart, 547 U.S. 398 (2006) decided that police may enter a home without a warrant when they have an objectively reasonable basis to believe that an occupant is seriously injured or imminently threatened with such injury. Here, Matalonis does not contest the officers' initial entry into his residence. At the point where the officers entered the residence, they had followed a trail of blood from where they located Antony, heard two loud bangs, and had not yet spoken to Matalonis. Once they entered the residence, however, the learned (1) Matalonis was the only other person in the fight, (2) the altercation was over and done with, and (3) no evidence existed that a third-person, victim or threat, existed. Accordingly, even if Brigham City and its "Emergency aid doctrine" applied in Matalonis' case, the officers' lacked an objectively reasonable basis to believe other persons were in the residence and in need of emergency aid.

Similarly, State v. Larsen should not apply here, where it upheld the emergency aid doctrine in a case where officers entered a residence looking for evidence

leading to the victim's location. 2007 WI App 147, 302 Wis. 2d 718, 736 N.W.2d 211. The distinction between Larsen and Matalonis case is that the officers' did not have an objectively reasonable basis to conclude that they were still searching for someone, victim or threat. Matalonis' case would cut differently if the officers' had followed a blood trail prior to locating the source of the blood. Once Matalonis explained that his brother Antony and he had fought, no other evidence existed to reasonably believe another person was in the residence, regardless of blood inside the residence.

Finally, Warden v. Hayden, 387 U.S. 294, 298 (1967) should not apply because it stands for the proposition that officers may enter a residence when in "hot pursuit" of a suspect of a crime who entered the same within five minutes. Here, the officers located both known persons involved in the physical altercation—Antony and Matalonis. Matalonis explained to the officers that his brother and he fought at the residence. The officers had no information that another person existed that they were then looking for. Consequently, the "hot pursuit doctrine" established by Hayden would not apply to allow the officers to continuing searching or sweeping Matalonis' residence.

CONCLUSION

For the reasons stated above, Matalonis asks the court of appeals to overturn the trial court's order denying his post-conviction motion as well as the court's judgment of conviction and remand the case for a new trial.

Dated this 28th day of March, 2014.

Respectfully submitted,

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CERTIFICATION AS TO FORM/LENGTH

I certify that this brief meets the form and length requirements of Rule 809.19(8)(b) and (c) in that it is: proportional serif font, minimum printing resolution of 200 dots per inch, 13 point body text, 11 point for quotes and footnotes, leading of minimum 2 points and maximum of 60 characters per line of body text. The length of the brief is 4282 words.

Dated this 28th day of March, 2014.

Signed:

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CERTIFICATE OF COMPLIANCE
WITH RULE 809.19(12)

I hereby certify that:

I have submitted an electronic copy of this brief, excluding the appendix, if any, which complies with the requirements of § 809.19(12). I further certify that:

This electronic brief is identical in content and format to the printed form of the brief filed on or after 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 28th day of March, 2013.

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CERTIFICATION AS TO APPENDIX

I hereby certify that filed with this brief, either as a separate document or as a part of this brief, is an appendix that complies with § 809.19(2)(a) and that contains, at a minimum: (1) a table of contents; (2) the findings or opinion of the circuit court; and (3) portions of the record essential to an understanding of the issues raised, including oral or written rulings or decisions showing the circuit court's reasoning regarding those issues.

I further certify that if this appeal is taken from a circuit court order or judgment entered in a judicial review of an administrative decision, the appendix contains the findings of fact and conclusions of law, if any, and final decision of the administrative agency.

I further certify that if the record is required by law to be confidential, the portions of the record included in the appendix are reproduced using first names and last initials instead of full names of persons, specifically including juveniles and parents of juveniles, with a notation that the portions of the record have been so reproduced to preserve confidentiality and with appropriate references to the record.

Dated this 28th day of March, 2014.

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STATE OF WISCONSIN COURT OF APPEALS
DISTRICT II
APPEAL No. 2014AP108CR

STATE OF WISCONSIN,
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APPENDIX OF DEFENDANT-APPELLANT

APPENDIX TABLE OF CONTENTS