STATE OF WISCONSIN

C O U R T O F A P P E A L S

DISTRICT III

Case No. 2015AP000073-CR

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

CHARLES DAVID SISLO,

Defendant-Appellant.

ON APPEAL FROM A JUDGMENT OF CONVICTION, ENTERED IN THE CIRCUIT COURT FOR DOUGLAS COUNTY, THE HONORABLE GEORGE L. GLONEK, PRESIDING

BRIEF OF PLAINTIFF-RESPONDENT

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STATEMENT ON ORAL ARGUMENT AND PUBLICATION

The State does not request either oral argument or publication. The briefs of the parties adequately develop the law and facts necessary for the disposition of the appeal, and

this case can be decided by applying well-established legal principles to the facts.

ISSUE PRESENTED

Under the collective knowledge doctrine, an arrest is valid if the police department issuing a "banner" alert possessed sufficient probable cause, and the responding officer acts in reasonable reliance on the alert when making the arrest, even if the responding officer is not aware of the specific facts underlying the police department's probable cause determination. Here, the Superior Police Department issued a "banner" alert based on probable cause to arrest Sislo, and the responding department, the Douglas County Sheriff's Department, arrested Sislo in reliance thereon. Was Sislo's arrest proper?

SUPPLEMENTAL STATEMENT OF FACTS

The State submits these facts which, warrant emphasis as they are salient to the disposition of this appeal.

On August 19, 2012, Superior Police Department patrol sergeant William Lear conducted a traffic stop of Charles Sislo. (46:6).[1] While stopped, Sgt. Lear contacted dispatch in order to determine whether Sislo had any active warrants. (46:13-14). Sgt. Lear was informed by dispatch that there were no active warrants. (46:14). Before concluding the traffic stop, Sislo commented to Sgt. Lear

[1]The transcript of the suppression hearing, conducted on February 27, 2013, is located at R:46 in another of Mr. Sislo's appeals, Case No. 2015AP000072-CRNM. The motion hearing was captioned with Douglas County case numbers 12-CF-274 and 12-CF-293, but was not included in the Inventory for 15-CF-293. Appellant's brief also indicates that a copy of the transcript has already been provided in this appeal. In an effort to reduce duplication, another copy is not attached to this brief and will be cited to as R:46.

that he knew who Sgt. Lear was and where Sgt. Lear's mother lived. (46:7). Due to Sislo being upset from the traffic stop and Sislo's demeanor, Sgt. Lear took the comment as a threat. (46:7). Sislo was not under arrest when the comments were made, and Sgt. Lear allowed Sislo to drive away after the brief traffic stop. (46:7).

A few minutes later, Sgt. Lear's mother called him stating that she had just received a phone call from someone who would not identify him or herself[2] and had threatened to go after her. (46:8). The caller also threatened to go after Sgt. Lear's wife and Investigator Lear's boyfriend. (34:7). Investigator Lear is Sgt. Lear's sister. (34:7). The caller explained that he or she was going to go after Sgt. Lear's and Inv. Lear's mother because the caller could not go after them directly. (32:7).

The call from Sgt. Lear's mother prompted Sgt. Lear to look up Sislo's information to call him. (46:8). When Sislo's information came up through the Superior Police Department's records system, there "was a big, red banner at the top [of the screen], it said: Probable cause." (46:15). The Superior Police Department had just switched over to a new records system, and dispatch was not fully switched over to the new system yet. (46:21). When Sgt. Lear was performing the traffic stop with Sislo, dispatch had neglected to check the new system for probable cause to arrest. (46:21).

[2] Following execution of a subsequent search warrant, Superior Police Officers were able to verify that a call had been placed on Sislo's phone dialing *67 + the phone number of Sgt. Lear's mother in order to place an anonymous call to her. (46:13; 34-19).

After seeing the probable cause banner, Sgt. Lear learned that there was a report from an incident that occurred in 2010 indicating that there was probable cause to arrest Sislo. (46:8). Sgt. Lear spent approximately fifteen to twenty minutes looking up information on the 2010 incident relating to the probable cause banner. (46:17). During that time, Sgt. Lear learned that Officer Felton was the responding officer and Detective Jaszczak had been assigned to the investigation. (46:15). Due to Officer Felton and Det. Jaszczak both being off-duty at the time, Sgt. Lear pulled up the incident report and supplemental reports. (46:16). The end result of Det. Jaszczak's investigation was referring the reports to the District Attorney's office for a warrant to be issued. (46:16). Sgt. Lear did not find any indication that an arrest or any further action had been taken on the probable cause banner, leaving the 2010 manner unresolved. (46:9; 46:16).

After Sgt. Lear read through the reports on the 2010 incident, he informed Sheriff's Deputy Dan Howe, who was also in the squad room at the time, that there was probable cause to arrest Sislo. (46:9). Because Sislo lived outside of the City of Superior, Sgt. Lear informed Dep. Howe that if Dep. Howe had contact with Sislo, that there was probable cause to arrest Sislo on a 2010 felony, and Sgt. Lear informed Dep. Howe of what the charge was against Sislo. (46:9-10; 46:20). Sgt. Lear also informed Dep. Howe about his recent traffic stop of Sislo. (46:10). This sharing of information with another law enforcement officer upon discovery of probable cause to arrest is something Sgt. Lear would typically do. (46:18).

Deputy Howe followed up on the information and arrested Sislo at his residence. (46:11-12). At the time of arrest, Sislo had a cell phone on his person, which was

seized by Dep. Howe. (46:12-13). After a search warrant was obtained, Investigator Harriman searched the phone and was able to determine that Sislo's phone was used to call Sgt. Lear's mother at 7:06pm. (46:13; 34:19-20). The traffic stop occurred at 7:01pm. (34:7).

The court began its analysis of the arguments by recognizing that "a law enforcement officer may arrest a person when there are reasonable grounds to believe that the person is committing or has committed a crime." (46:27). The court continued its analysis of the series of events leading up to Sislo's arrest by identifying that Sgt. Lear found records indicating that there was probable cause to arrest Sislo. (46:27). After Sgt. Lear verified that the matter had not been resolved, he informed Dep. Howe, who subsequently arrested Sislo. (46:27). The court did not find anything illegal about the arrest of Sislo and commented that the arrest of Sislo appeared to be consistent with the statutory requirement that "reasonable grounds were existing to believe that Mr. Sislo had, in fact, committed a prior felony offense in 2010." (46:27-28).

The court's closing remarks were, "So you have a lawful arrest, you have a lawful search, you have a lawful seizure of the phone, based on the facts and evidence then existing. So the motion is denied in its entirety." (46:29).

Sislo later reached a plea agreement with the State that included a Deferred Sentencing Agreement which led to a penalty of a small fine plus court costs.

ARGUMENT

SISLO'S ARREST WAS PROPER UNDER THE COLLECTIVE KNOWLEDGE DOCTRINE, BECAUSE THE POLICE DEPARTMENT ISSUING THE "BANNER" ALERT POSSESSED SUFFICIENT PROBABLE CAUSE TO ARREST SISLO, AND THE ARRESTING OFFICER REASONABLY RELIED ON THAT INFORMATION IN ARRESTING SISLO.

As discussed below, Sislo's argument must fail as a matter of law. Under the collective knowledge doctrine, Deputy Howe was entitled to rely on the Superior Police Department's "banner" alert to arrest Sislo, and the stop was valid based on the probable cause that existed within the Superior police department, even though the facts underlying the Superior Police Department's probable cause determination were not fully communicated to Deputy Howe.

A. Relevant Legal Principles.

1. Under the collective knowledge doctrine, a responding officer can make an arrest based upon the probable cause of another police department, so long as that police department communicates in some way to the responding officer that probable cause exists.

Under the collective knowledge doctrine, officers can rely and act on the basis of the knowledge of other officers without themselves knowing the underlying facts, so long as

reasonable suspicion or probable cause underlies the collective knowledge of the other officers. *See, e.g., State v. Pickens*, 2010 WI App 5, ¶¶ 12-15, 323 Wis. 2d 226, 779 N.W.2d 1; *United States v. Hensley*, 469 U.S. 221, 232 (1985).

That is to say, the police force is considered as a unit, and where there is police-channel communication to an arresting officer, the arrest is based on probable cause when such facts exist within the police department. *See, e.g., State v. Rissley*, 2012 WI App 112, ¶ 19, 344 Wis. 2d 422, 824 N.W.2d 853 (citation omitted). The same reasoning applies to cases involving investigatory stops based on reasonable suspicion. *Id.* (citing *Pickens*, 323 Wis. 2d 226, ¶¶ 11-12, and *Hensley*, 469 U.S. at 232).

In order for the collective knowledge doctrine to apply, however, the department or officer with the knowledge supporting probable cause must communicate the existence of probable cause to the arresting officer before the arrest. *See, e.g., Desjarlais v. State*, 73 Wis. 2d 480, 491, 243 N.W.2d 453 (1976) (arrest valid where there is police-channel communication to an arresting officer who relies in good faith on the information). *Compare State v. Black*, 2000 WI App 175, ¶ 17 n.4, 238 Wis. 2d 203, 617 N.W.2d 210 (collective knowledge doctrine did not apply when information was not actually communicated to the arresting officer before the arrest).

2. The responding officer does not need to know the facts underlying the probable cause for the arrest, and can act in reasonable reliance on the police communication from the police department that possesses the knowledge.

The information that needs to be communicated to the responding officers is not the facts underlying the probable cause; but rather, only the fact that probable cause exists. *See, e.g., Pickens*, 323 Wis. 2d 226, ¶¶ 11-12; *Hensley*, 469 U.S. at 229-31. *See also Schaffer v. State*, 75 Wis. 2d 673, 676, 250 N.W.2d 326 (1977), *overruled on other grounds by State v. Walker*, 154 Wis. 2d 158, 185-86, 453 N.W.2d 127 (1990) (citing *State v. Mabra*, 61 Wis. 2d 613, 625, 213 N.W.2d 545 (1974), and *Desjarlais*, 73 Wis. 2d at 491).

It is an "undeniable fact" that responding police officers often properly act on the basis of the knowledge of other officers without knowing the underlying facts. *Pickens*, 323 Wis. 2d 226, ¶ 12. Thus, an investigating officer with knowledge of facts amounting to reasonable suspicion (or probable cause) may direct a second officer without such knowledge to stop and detain (or arrest) a suspect. *Id.*[3]

[3]*See also Tangwall v. Stuckey*, 135 F.3d 510, 517 (7th Cir. 1998) (where arresting officer does not personally know the facts, an arrest is proper if the knowledge of the officer directing the arrest, or the collective knowledge of police, is sufficient to constitute probable cause); *United States v. Nafzger*, 974 F.2d 906, 912-13 (7th Cir. 1992) (if officer issuing "wanted" flyer or bulletin concludes that the facts he is aware of authorize a stop or arrest and relays that conclusion to another officer, the latter officer may rely on the conclusion, regardless of whether he knows the supporting facts).

For example, when a responding officer relies on an a "banner" alert or a police bulletin to make a stop or an arrest, the inquiry focuses on whether the officer who initiated the communication had knowledge of specific and articulable facts supporting reasonable suspicion or probable cause at the time of the stop or the arrest—not on whether the officer who made the stop or arrest knew the specific facts underlying the probable cause. *Hensley*, 469 U.S. at 231-32; *Pickens*, 323 Wis. 2d 226, ¶¶ 11-12. *See also State v. Johnston*, 184 Wis. 2d 794, 816, 518 N.W.2d 759 (1994) (there is no requirement that an arrest may be made only by the one who actually witnessed the events leading to the establishment of probable cause to arrest).

Therefore, an arresting officer who has not personally acquired the factual information which establishes probable cause can still rely on all collective information in the police department and, acting in good faith on the basis of such information, may assume at the time of apprehension that probable cause has been established. *See, e.g., Pickens*, 323 Wis. 2d 226, ¶¶ 11-12; *Hensley*, 469 U.S. at 229-31; *Schaffer*, 75 Wis. 2d at 676.

In short, a responding officer, who in good faith relies upon such collective information, is legally justified to make an arrest. *Schaffer*, 75 Wis. 2d at 676-77. *See also State v. Taylor*, 60 Wis. 2d 506, 515, 210 N.W.2d 873 (1973) (officers acting in good faith on basis of police dispatch may assume probable cause has been established, and it is reasonable for an officer relying on such a dispatch to apprehend the suspect of the dispatch, even if the arrest is later deemed illegal for lack of probable cause).

3. An arrest made in reasonable reliance on a police communication will be valid so long as the underlying facts would lead the department issuing the communication to conclude that probable cause to arrest exists.

Such legal justification for the arrest cannot alone constitute probable cause for such an arrest, for it is still necessary that the issuing officer's underlying assumption of probable cause be correct. *Schaffer*, 75 Wis. 2d at 676-77. *See also Whiteley v. Warden, Wyo. State Penitentiary,* 401 U.S. 560, 568 (1971) (police called upon to aid other officers are entitled to act on police bulletins and can reasonably assume the probable cause existed; but where probable cause does not actually exist, the arrest will be illegal).

Accordingly, where a responding officer relies upon a police communication in making an arrest, in the absence of his personal knowledge of probable cause, the arrest will only be based on probable cause, and thus, valid, when such facts exist within the police department. *Schaffer*, 75 Wis. 2d at 677.

In *Mabra*, the Wisconsin Supreme Court summarized the collective knowledge doctrine as follows:

> [The defendant] contends the arresting officer must personally have in his mind knowledge sufficient to establish probable cause for the arrest. This is an incorrect view of the law. The arresting officer may rely on all the collective information in the police department. Of course, it must be later established that probable cause in fact existed at the time of the arrest but that probable cause need not exist in the arresting officer at the time of the arrest. The police force is considered as a unit and where there is police-channel communication to the

> arresting officer and he acts in good faith thereon, the arrest is based on probable cause when such facts exist within the police department.

Mabra, 61 Wis. 2d at 625-26. *See also Rissley*, 344 Wis. 2d 422, ¶ 19 (this court considers the information available to both the dispatcher and the police officer who made the stop when deciding whether the stop was justified; the officer making the stop was not required to exercise his independent discretion, and the fact that he made the stop based on information from dispatch and dispatch had information amounting to reasonable suspicion is enough).

4. This court independently reviews the circuit court's probable cause determination.

Appellate courts reviewing an order denying a motion to suppress evidence will uphold a circuit court's findings of fact unless they are clearly erroneous. *See, e.g., State v. Secrist*, 224 Wis. 2d 201, 207-08, 589 N.W.2d 387 (1999). The question of whether those facts constitute probable cause to arrest, however, is a question of constitutional fact, reviewed independently by this court. *Id.* *See also State v. Nieves*, 2007 WI App 189, ¶ 10, 304 Wis. 2d 182, 738 N.W.2d 125 (this court determines questions of constitutional fact independently but benefiting from circuit court's analysis).

B. The Superior Police Department Had Probable Cause to Arrest Sislo, and the Existence of Probable Cause Was Communicated to Deputy Howe by Sergeant Lear Before He Arrested Sislo.

Contrary to Sislo's contention (Sislo's brief at 7), the focus of the analysis here is on the Superior Police

Department, not on the Douglas County Sheriff's Department or Deputy Howe. *See, e.g., Hensley*, 469 U.S. at 231-32; *Pickens*, 323 Wis. 2d 226, ¶¶ 11-12. The inquiry focuses on whether the police department that initiated the police communication had knowledge of specific and articulable facts supporting probable cause at the time of the arrest—not on whether the officer who made the arrest knew the specific facts underlying the probable cause. *Id.*

Specifically, the issue in this case is whether the Superior Police Department actually had probable cause. *See also Schaffer*, 75 Wis. 2d at 676-77 (issue is whether the police department issuing police communication actually had probable cause, for it is still necessary that issuing officer's underlying assumption of probable cause be correct).

Based on the probable cause established through reports by Officer Felton and Detective Jazszcak, Sergeant Lear, in turn, relied upon the "banner" alert in informing Deputy Howe that probable cause existed to arrest Sislo. (46:9). Before informing Dep. Howe of the alert, Sgt. Lear did even more research to confirm the validity of the "banner" alert by reviewing the police reports from 2010 and looking into whether an arrest or some other resolution to the probable cause alert had occurred. (46:8-9).

Sislo suggests that the "banner" alert and related investigation did not amount to probable cause (Sislo's brief at 8). Sgt. Lear testified that he reviewed police reports from the 2010 incident, and at the conclusion of his investigation, Detective Jazszcak felt there was probable cause to request a warrant. (46:16). The "banner" alert serves a similar purpose as an "attempt to locate" request. When the police investigation reaches the point that investigators have established probable cause, the charges

are referred to the District Attorney's office. Besides the referral to the District Attorney's office, the police communicate to each other the finding of probable cause by putting a "banner" alert in the records system. The transition between records systems prevented Sgt. Lear from knowing about the probable cause alert during the traffic stop because dispatch had not fully transitioned to the new records system that the police were already using. As the circuit court properly found (46:27-28), the "banner" alert in question here was just a form of police communications issued by the Superior Police Department when there are reasonable grounds to arrest a felony suspect. *See State v. Collins*, 122 Wis. 2d 320, 322 n.1, 363 N.W.2d 229 (Ct. App. 1984) ("temporary felony warrant" means that suspect is alleged to have committed felony and should be apprehended, because police have sufficient information to support an arrest warrant even though an arrest warrant has not yet been issued).

In short, the testimony established not only that the department issuing the "banner" alert possessed probable cause to arrest Sislo, but also that the arresting officer knew about the probable cause to arrest before arresting Sislo. Therefore, both requirements of the collective knowledge doctrine were met. *See, e.g., Desjarlais,* 73 Wis. 2d at 491 (probable cause must exist, and the department with the knowledge supporting probable cause must communicate the existence of probable cause to the arresting officer before the arrest).

C. Deputy Howe Was Entitled To Rely on the Superior Police Department's "Banner" Alert, and Acted in Objective Reliance on the Alert in Arresting Sislo, Even Though Deputy Howe Did Not Know the Underlying Facts That Constituted the Probable Cause.

Because Deputy Howe knew from the "banner" alert and verification by Sgt. Lear that Sislo was wanted for a felony (32:38-39), he was perfectly justified in effectuating Sislo's arrest on that basis alone. *See, e.g., Pickens*, 323 Wis. 2d 226, ¶¶ 11-12; *Hensley*, 469 U.S. at 229-31; *Schaffer*, 75 Wis. 2d at 676-77; *Taylor*, 60 Wis. 2d at 515. Even though Dep. Howe had not personally acquired the factual information which established the probable cause to arrest Sislo (32:39-40), Dep. Howe could still reasonably rely on the collective knowledge of the Superior Police Department, and reasonably assume at the time of Sislo's apprehension that probable cause had been established. *Hensley*, 469 U.S. at 229-31.

Sislo does not argue that Dep. Howe relied on the information in bad faith. He merely argues that Dep. Howe did not have the factual information underlying the Superior Police Department's probable cause (Sislo's brief at 9). But this argument fails as a matter of law. *See, e.g., Pickens*, 323 Wis. 2d 226, ¶¶ 11-12; *Schaffer*, 75 Wis. 2d at 676-77; *Mabra*, 61 Wis.2d at 625; *Desjarlais*, 73 Wis. 2d at 491; *Hensley*, 469 U.S. at 229-31.

As this court has made clear, it is an "undeniable fact" that responding police officers often properly act on the basis of the knowledge of other officers without knowing the underlying facts. *Pickens*, 323 Wis. 2d 226, ¶ 12. Thus, an investigating officer with knowledge of facts amounting to

reasonable suspicion (or probable cause) may direct a second officer without such knowledge to stop and detain (or arrest) a suspect. *Id.* *See also Tangwall v. Stuckey*, 135 F.3d 510, 517 (7th Cir. 1998); *United States v. Nafzger*, 974 F.2d 906, 912-13 (7th Cir. 1992).

The arresting officer is justified in relying on the collective knowledge and conclusion of other police departments that probable cause exists, but the arrest will still not be valid unless the probable cause actually exists. *See, e.g., Schaffer*, 75 Wis. 2d at 676-77. *See also Whiteley,* 401 U.S. at 568 (police called upon to aid other officers are entitled to act on police bulletins and can reasonably assume that probable cause existed; but where probable cause does not actually exist, arrest will be illegal).

As already discussed, the investigation leading to the "banner" alert and referral of reports in the form of a warrant request established that the Superior Police Department had established that probable cause existed to arrest Sislo, and that the Superior Police Department's conclusion of probable cause was communicated to Dep. Howe by Sgt. Lear and via the "banner" alert in the records system before Deputy Howe arrested Sislo. Thus, under the controlling case law, Dep. Howe was justified in relying on the "banner" alert and the collective knowledge of the Superior Police Department, and could validly arrest Sislo, even though Dep. Howe had little knowledge of the underlying facts and charge constituting the probable cause to arrest Sislo.

Indeed, Sislo's argument has been explicitly rejected by the United States Supreme Court in *United States v. Hensley*, 469 U.S. 221 (1985). Sislo's brief does not discuss

or even cite to *Hensley*, but *Hensley* is directly on point and conclusively defeats Sislo's claims.

In *Hensley*, the Court considered facts which, are similar to Sislo's facts. In *Hensley*, the St. Bernard (Ohio) Police Department issued a "wanted flyer" for the defendant based on information they had received about his involvement in an armed robbery. *Id.* at 223. Two weeks later, upon seeing Hensley's vehicle parked in the middle of the street, a Covington (Kentucky) Police Department officer told Hensley to move on. *Id.* at 223-24. As Hensley drove away, the first Covington officer inquired by radio whether there were any outstanding warrants for the defendant. *Id.* at 224. Two officers responded to the inquiry stating that they believed there "might be an Ohio robbery warrant outstanding." *Id.* Before dispatch could confirm whether any warrants existed, one of the Covington officers that was familiar with the St. Bernard "wanted flyer" saw Hensley's vehicle, stopped it, and later arrested Hensley based upon weapons found in a search of the vehicle. *Id.* at 224-25.

Although the Covington officers knew that a "wanted flyer" had been issued by St. Bernard and knew that "wanted flyers" were usually followed by the issuance of an arrest warrant, the Covington officers were not familiar with the specific factual information that led the St. Bernard Police Department to issue the flier. *Id.* at 224-25. The Sixth Circuit reversed Hensley's conviction, holding that the Covington police lacked the reasonable suspicion to stop Hensley. *Id.* at 225-26.

In framing the issue in the case, the United States Supreme Court stated:

> At issue in this case is a stop of a person by officers of one police department in reliance on a flyer issued by

> another department indicating that the person is wanted for investigation of a felony. The [Sixth Circuit] Court of Appeals concluded that "the Fourth Amendment does not permit police officers in one department to seize a person simply because a neighboring police department has circulated a flyer reflecting the desire to question that individual about some criminal investigation that does not involve the arresting officers or their department." This holding apparently rests on the omission from the flyer of the specific and articulable facts which led the first department to suspect respondent's involvement in a completed crime.

Hensley, 469 U.S. at 229-30 (internal citation omitted).

But the United States Supreme Court reversed the Sixth Circuit and reinstated the defendant's conviction, reasoning that:

> [W]hen evidence is uncovered during a search incident to an arrest in reliance merely on a flyer or bulletin, its admissibility turns on whether the officers who *issued* the flyer possessed probable cause to make the arrest. It does not turn on whether those relying on the flyer were themselves aware of the specific facts which led their colleagues to seek their assistance.

Id. at 231.

The Court further explained that their holding made common sense:

> In an era when criminal suspects are increasingly mobile and increasingly likely to flee across jurisdictional boundaries, this rule is a matter of common sense: it minimizes the volume of information concerning suspects that must be transmitted to other jurisdictions and enables police in one jurisdiction to act promptly in reliance on information from another jurisdiction.

Id.

Thus, the Court held that, although the police department that issues a wanted bulletin must still have a reasonable suspicion sufficient to justify a stop, "the officer who acts in reliance on the bulletin is not required to have personal knowledge of the evidence creating a reasonable suspicion." *Id.* As the Court noted, "effective law enforcement cannot be conducted unless police officers can act on directions and information transmitted by one officer to another and that officers, who must often act swiftly, cannot be expected to cross-examine their fellow officers about the foundation for the transmitted information." *Id.* (internal quotation marks and citation omitted).

The Wisconsin Supreme Court's decisions—such as *Desjarlais*, *Schaffer*, *Taylor*, and *Mabra*—have all come to the same conclusion as *Hensley*. Sislo's argument—that the arrest was invalid merely because Dep. Howe did not personally know the detailed information underlying the Superior Police Department's probable cause determination following its 2010 investigation—is simply "an incorrect view of the law." *Mabra*, 61 Wis. 2d at 625. Deputy Howe was entitled to rely on the collective knowledge of the Superior Police Department, and Sislo's arrest was therefore valid, because it was justified by probable cause. *Id.* at 625-26.

CONCLUSION

Sislo's claim fails as a matter of law, because Deputy Howe did not need to have knowledge of the underlying facts in order to rely on the Superior Police Department's "banner" alert in arresting Sislo. Sergeant Lear verified that the banner was based on probable cause, and the 2010 matter had not been resolved..

Accordingly, this court should AFFIRM the circuit court's denial of Sislo's motion to suppress and subsequent judgment of conviction.

Dated this 11th day of November, 2015.

Respectfully submitted,

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CERTIFICATION

I hereby certify that this brief conforms to the rules contained in Wis. Stat. § 809.19(8)(b) and (c) for a brief produced with a proportional serif font. The length of this brief is 4,414 words.

Dated this 11th day of November, 2015.

_____

Richard E. Maes III
Assistant District Attorney

CERTIFICATE OF COMPLIANCE
WITH WIS. STAT. § (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 Wis. Stat. § (Rule) 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 11th day of November, 2015.

_____
Richard E. Maes III
Assistant District Attorney