RECEIVED
06-11-2020
CLERK OF WISCONSIN
COURT OF APPEALS

STATE OF WISCONSIN

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

DISTRICT I

Appeal Case No. 2019AP002127-CR

STATE OF WISCONSIN,

Plaintiff-Respondent,

vs.

ANDREW W. BUNN,

Defendant-Appellant.

ON NOTICE OF APPEAL FROM AN ORDER DENYING A MOTION TO SUPPRESS EVIDENCE, ENTERED NOVEMBER 3, 2017, THE HONORABLE HANNAH DUGAN, PRESIDING

BRIEF OF PLAINTIFF-RESPONDENT

John Chisholm
District Attorney
Milwaukee County

Karen A. Loebel
Deputy District Attorney
State Bar No. 1009740
Attorneys for Plaintiff-Respondent

District Attorney's Office
821 West State Street, Room 405
Milwaukee, WI 53233-1485
(414) 278-4646

TABLE OF CONTENTS

TABLE OF AUTHORITIES

CASES CITED

Page

WISCONSIN STATUTES CITED

CONSTITUTIONAL PROVISIONS CITED

STATE OF WISCONSIN

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

DISTRICT I

Case No. 2019AP002127

STATE OF WISCONSIN,

Plaintiff-Respondent,

vs.

ANDREW W. BUNN,

Defendant-Appellant.

ON NOTICE OF APPEAL FROM AN ORDER DENYING A MOTION TO SUPPRESS EVIDENCE, ENTERED NOVEMBER 3, 2017, THE HONORABLE HANNAH DUGAN, PRESIDING

BRIEF OF PLAINTIFF-RESPONDENT

STATEMENT OF THE ISSUE

I. Did officers possess the requisite reasonable suspicion to conduct an investigative stop of a vehicle after a citizen complainant reported that she had seen the occupants engaged in an illegal sex act?

Trial court answered: The officers had reasonable suspicion of criminal activity based on a reliable citizen complaint.

STATEMENT ON ORAL ARGUMENT AND PUBLICATION

The State requests neither oral argument nor publication. Argument will be unnecessary, pursuant to Wis. Stats. (Rule) §809.22(2)(a)2, as the briefs can fully present and meet the issues on appeal and fully develop the theories and legal authorities on each side. Because the issues involve no more than the application of well-settled rules of law to a recurring fact situation, and the decision will be issued by a single court of appeals judge, the decision will not meet the criteria for publication. Wis. Stats. (Rule) §809.23(1)(a) and (b).

STATEMENT OF THE CASE

On May 12, 2017, Andrew Bunn was charged with three counts of carrying a concealed weapon, contrary to Wis. Stat. § 941.23(2) in Milwaukee County Circuit Court case number 17CM001652. The complaint alleged, in brief, that on May 11, 2017, Milwaukee police found three firearms in the passenger compartment of Bunn's truck after it was stopped because a woman had made a complaint that she had seen the occupants engaging in oral sex. (R1:1-2)

Bunn made his initial appearance the next day, and the case was assigned to Milwaukee County Circuit Court Branch 31, the Honorable Hannah Dugan, presiding. (R58)

On August 29, 2017, Bunn filed a motion to suppress, and a brief in support of the motion, in which he argued that he had been unlawfully seized because officers lacked reasonable suspicion to believe he had been involved in criminal activity. (R7; R8) The State filed a response on October 2. (R9)

The hearing on the suppression motion was held in Branch 31 on October 24. Kieran Sawyer was the sole witness. (R62; App.101-124).

At the hearing, Sawyer testified that he was a sergeant with the Milwaukee Police Department and had been employed in that capacity for three and a half years (R62:3-4; App. 103-104). Before becoming a sergeant, he had worked with detectives with extensive experience in prostitution

investigations in 2006 and 2007, and had been assigned to the vice squad and human trafficking since 2008. (R62:4; App. 104).

Sgt. Sawyer testified that on May 11, 2017, he was working on patrol with other officers in a marked squad. (R62:5, 11; App. 105, 111). The officers were going to attend a community meeting at the Journey House which had been delayed; while they were waiting, they were parked in the Prince of Peace church parking lot about two blocks away from where the meeting was to be held. (R62:5, 15; App. 105, 115). A see-through chain link fence bordered the Prince of Peace property, separating a playground area from the alley. (R62:6, 15, 18, 22-23; App. 106, 115, 118, 122-123). It was a sunny evening, and there were a lot of people out. (R62:5, 18; App. 105, 118).

At about 6:20 PM, while they were "just sitting there" in the church parking lot, Sgt. Sawyer saw a woman playing with her daughter. (R62:5, App. 105.) Sgt. Sawyer had never met the woman before (R62:6; App. 106), and he did not know her name, her date of birth, or where she lived. (R62:12; App.112) There were some other kids in the area, as well. (R62:5; App. 105)

The woman approached the squad, pointed to a blue pick-up truck on the other side of the chain link fence, and told the officers that two adults in that pickup truck were engaging in oral sex in sight of her and the children. (R62:6; App. 106) As she spoke, the truck was in view of the woman and the officers. (R62:6, 13; App. 106, 113) The woman said, "That's the one there. It's driving away;" and Sgt. Sawyer saw the truck driving away from where it had been parked. (R62:18-19; App. 118-119) Sgt. Sawyer could not see any activity in the truck. (R62:15; App. 115)

The pickup truck drove south in the alley. (R62:6, App. 106) Sgt. Sawyer was able to tell that there were two occupants: he could see the passenger, and he inferred the presence of a driver, because the vehicle was moving. (R62:16, 19; App. 116, 119) Because of the information the woman had provided, Sgt. Sawyer decided to stop the truck (R62:17; App. 117) Because of the chain-link fence, Sgt. Sawyer had to drive

to the street to catch up to the truck. (R62:6, App. 106) The squad caught up to the pickup truck about a block-and-a-half away, at 1235 S. 24th Street (R62:7), at which time Sgt. Sawyer determined that the driver was Bunn and the passenger was a female. (R62:7, 8, 10; App. 107, 108, 110)

After conducting the investigation which led to Bunn's arrest, Sgt. Sawyer went back to the parking lot, but the woman who had made the complaint was gone. (R62:17; App. 117) Sgt. Sawyer had no further contact with her. (R62:16-17; App. 116-17)

Following the attorneys' arguments, Judge Dugan set the matter over for a decision. (R62:39)

On November 3, 2017, Judge Dugan denied the motion to suppress. (R63:7; App. 131) She found Sgt. Sawyer's testimony to be credible (R63:3 App. 127), and she found the following facts proved:

Sgt. Sawyer had long standing experience with the neighborhood where the offense occurred; he previously had spent time in the vice squad, and was in the neighborhood that evening for a community meeting at Journey House. (R63:3; App. 127) There is a playground on the south side of the Prince of Peace church property (*Id*.) There were a lot of people around on the day in question. (*Id*.)

While the sergeant was in the area, a woman came up with her daughter and, separate from her daughter, pointed to a pickup truck in the alley alongside of the playground; she said that she had observed that the occupants of that truck were engaged in oral sex at that moment. (R63:4; App. 128) The truck was stopped as she pointed to it, but it began to drive away. (*Id.*) The officers left to pursue it; they lost sight of it for a few seconds, but stopped it a short while later. (R63:4-5; App. 128-129)

The officers were not able to get the name of the woman who made the complaint to them. (R63:5; App. 129)

Judge Dugan concluded that the woman should not be considered an anonymous tipster, but rather a contact. (R63:5;

App. 129). Judge Dugan found her information more worthy of belief than that of an anonymous caller, because of (1) the fact that officers were able to observe exactly the truck she was referring to in the proximity of the playground, (2) the reasonableness of her presence on the playground, and (3) the totality of the circumstances. (R63:6-7; App. 130-131) She concluded that the officers had a duty to investigate her complaint, and that their actions were based on a reliable citizen complaint. (*Id.*)

On June 7, 2018, Bunn pled guilty to two counts of carrying a concealed weapon; the third count was dismissed and read-in on motion of the State. (R26) During the plea colloquy, Bunn objected to portions of the complaint, but stipulated that the facts alleged in the complaint that he carried three concealed weapons were "absolutely" true. (R67:22) Judge Dugan found Bunn guilty and sentenced him to pay fines on both counts and to serve, in aggregate, two days in the House of Correction. (R26:1)

This appeal follows.

STANDARD OF REVIEW

A trial court's decision on a motion to suppress evidence presents a mixed question of fact and law. *State v. Casarez*, 2008 WI App 166, ¶ 9, 314 Wis. 2d 661, 762 N.W.2d 385. The reviewing court will uphold the trial court's findings of fact unless they are clearly erroneous. *Id*.; Wis. Stat. § 805.17(2) (made applicable to criminal proceedings by Wis. Stat. § 972.11(1)). The trial court's application of constitutional principles is reviewed *de novo*. *Casarez*, 2008 WI App 166, ¶9.

ARGUMENT

I. OFFICERS POSSESSED THE REQUISITE REASONABLE SUSPICION TO CONDUCT AN INVESTIGATIVE STOP OF A VEHICLE AFTER A CITIZEN COMPLAINANT REPORTED THAT SHE HAD SEEN THE OCCUPANTS ENGAGED IN AN ILLEGAL SEX ACT

A. Introduction

As an initial matter, the State notes that the Brief of the Defendant-Appellant does not conform with the requirements of Wis. Stat. (Rule) § 809.19. Most seriously, Bunn repeatedly makes reference to information which is not part of the appellate record (see, e.g., Brief of Defendant-Appellant, pp. 8-14); the appendix similarly contains several documents which are not part of the record.

This court's review is confined to those parts of the record made available to it. *State v. Pettit,* 171 Wis. 2d 627, 646, 492 N.W.2d 633, 642 (Ct. App. 1992). Factual assertions which are not contained in the appellate record cannot be considered; *See Jenkins v. Sabourin,* 104 Wis. 2d 309, 313-14, 311 N.W.2d 600, 603 (1981); and an appendix cannot be used to supplement the record. *Reznichek v. Grall*, 150 Wis. 2d 752, 754 n.1, 442 N.W.2d 545 (Ct. App. 1989). The extraneous factual assertions in Bunn's brief therefore should be disregarded.

Because Bunn intertwines his claims on appeal with a substantial amount of information which was not presented below, it is a little difficult to unravel Bunn's arguments. It appears that Bunn makes three claims:

1) that the State did not produce sufficient evidence that the citizen informant existed, and, therefore, Sgt. Sawyer's testimony was not credible;

2) that the officers failed to sufficiently corroborate the statement of the citizen complainant (Brief of Defendant-Appellant, pp. 18-29); and

3) that the evidence was not sufficient to convict him. (Brief of Defendant-Appellant, pp. 20-21).

B. The Trial Court's Finding That Sgt. Sawyer Was Credible, And The Implicit Finding That The Citizen Complainant Existed, Is Not Clearly Erroneous.

When testimony is presented at a pretrial evidentiary hearing, it is the judge's role, as finder of fact, to determine the

witness's credibility, what weight should be given to that testimony and any other evidence presented, and to resolve any inconsistencies that occur in the witness's testimony. *State v. Bowden*, 2007 WI App 234, ¶ 14, 306 Wis. 2d 393, 742 N.W.2d 332. The judge, having the opportunity to personally observe the witness, is in the best position to evaluate credibility first hand, see, e.g. *State v. Benoit*, 83 Wis. 2d 389, 398, 265 N.W.2d 298 (1978), and that determination will not be overturned on appeal unless it is clearly erroneous. *Casarez*, 2008 WI App 166, ¶ 9.

Here, Judge Dugan had the opportunity to observe Sgt. Sawyer and listen to his testimony; she was in the best position to evaluate both the reasonableness of what he said and the manner in which he said it. The content of Sgt. Sawyer's testimony is objectively reasonable: he offered explanations for why he was in the area with other officers [waiting for a meeting that was delayed (R62:5; App. 105)]; why other people would have been outdoors in the area [it was a sunny evening (R62:5, 18; App. 105, 118]; why children would have been in the area [there was a playground at that location (R62:22-23 App. 122-123)]. His explanation for why he would stop Bunn's truck—that a person approached and made a complaint to him--is similarly objectively reasonable. So too, is the reason the officers were unable to get more identifying information from the complainant: they left the scene in a dynamic situation to conduct an investigation. There was nothing contradictory, internally inconsistent, or unreasonable about Sawyer's testimony: Judge Dugan's finding that it was credible therefore is not clearly erroneous.

C. The Information Provided By The Woman Established The Requisite Reasonable Suspicion For A Lawful Detention By Police.

The legal standards applicable to determining whether police had the reasonable suspicion required to conduct an investigatory stop are well-established. The Court summarized them in *State v. Miller*, 2012 WI 61 ¶¶ 28-30, 341 Wis. 2d 307, 323-324, 815 N.W.2d 349:

> ¶ 28 The Fourth Amendment to the United States Constitution and Article I, Section 11 of the Wisconsin Constitution provide

> citizens with the guarantee to be free from "unreasonable searches and seizures." We generally interpret Article I, Section 11 consistent with the United States Supreme Court's interpretation of the parallel Fourth Amendment, and therefore rely on United States Supreme Court precedent in applying and interpreting Article I, Section 11 as well as the Fourth Amendment.
>
> ¶ 29 In *Terry v. Ohio*, 392 U.S. 1, 8, 30, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968), the United States Supreme Court explained that it is reasonable and consistent with Fourth Amendment protections for an officer to conduct a temporary, "investigatory 'stop' " of an individual if the officer has reasonable suspicion "that criminal activity may be afoot." "[I]n justifying the particular intrusion [—the investigatory stop—] the police officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion." The test is an objective one: "[W]ould the facts available to the officer at the moment of the seizure or the search 'warrant a man of reasonable caution in the belief' that the action taken was appropriate?"
>
> ¶ 30 The *Terry* investigatory-stop test has been adopted by this court, and codified by the Wisconsin legislature in Wis. Stat. § 968.24. We consider the totality of the circumstances leading up to the investigatory stop and focus our analysis on "the reasonableness of the officers' actions in the situation facing them." (internal citations omitted.)

The court looks at two factors to determine whether it was reasonable for officers to rely on information relayed by a third party informant:

> The first is the quality of the information, which depends upon the reliability of the source. The second is the quantity or content of the information. There is an inversely proportional relationship between the quality and the quantity of information required to reach the threshold of reasonable suspicion.

Miller, 341 Wis.2d 307, ¶ 31. (Internal citations omitted.)

It is important to note that reasonable suspicion is a less demanding standard than probable cause. *State v. Allen*, 226 Wis. 2d 66, 71, 593 N.W.2d 504 (Ct. App. 1999). Not only can reasonable suspicion be established with information that is different in quantity or content than that required to establish

probable cause, it can also arise from information that is less reliable than that required to show probable cause. *Id.*

The law recognizes a great deal of variability in the reliability of an informant, depending on what class the individual falls into. *Miller*, 341 Wis. 2d 307, ¶ 32, *citing State v. Rutzinski*, 2001 WI 22, ¶ 17, 241 Wis. 2d 729, 623 N.W.2d 516. "Confidential informants," those—often with criminal histories, themselves—who assist police with identifying and catching criminals, are subject to close scrutiny. *State v. Kolk*, 2006 WI App 261, ¶ 12, 298 Wis. 2d 99, 726 N.W.2d 337. They provide information not in the spirit of a concerned citizen, but often in exchange for some concession, payment, or out of revenge against the target. *State v. Paszek*, 50 Wis. 2d 619, 630, 184 N.W.2d 836, 843 (1971). The nature of these persons and the information which they supply convey a certain impression of unreliability. *Id.*

In contrast, a "citizen informer" or "citizen informant," is a person who happens along a crime or suspicious activity and reports it to the police. *Kolk*, 2006 WI App 261, ¶ 12. He or she is a witness to criminal activity who acts with an intent to aid the police in law enforcement out of concern for society or for personal safety and who does not expect any gain or concession in exchange for the information. *Paszek*, 50 Wis. 2d at 630. Courts view citizens who purport to have witnessed a crime as reliable, and allow the police to act accordingly, even though other indicia of reliability have not yet been established. *Id*. Because of the particular importance of citizen informants, the courts apply a relaxed test of reliability, focusing on the person's observational reliability, rather than personal reliability. *State v. Williams*, 2001 WI 21, 241 Wis. 2d 631, 623 N.W.2d 106. The citizen informant's reliability should be evaluated from the nature of the report, his opportunity to hear and see the matters reported, and the extent to which it can be verified by independent police investigation. *Kolk*, 2006 WI App 261, ¶ 13.

Both the confidential informant and the citizen informant are distinguishable from the anonymous informer, whose identity is unknown even to the police and whose veracity must therefore be assessed by other means. *Kolk*, 2006 WI App 261, ¶ 12. Factors which have been found significant

in assessing the reliability of an anonymous tip include whether the tip has predictive value; *Alabama v. White*, 496 U.S. 325, 110 S.Ct. 2412, 110 L.Ed.2d 301 (1990); the amount and accuracy of details provided, and the timing of the report. *Navarette v. California*, 572 U.S. 393, 397–99, 134 S. Ct. 1683, 1688-169, 188 L. Ed. 2d 680 (2014). Contemporaneous reports of criminal activity have been found to be particularly reliable. *Id.* The court also can consider whether the informer put his or her anonymity at risk by providing self-identifying details or using a reporting method by which he or she could be traced—such as a 9-1-1 call: "risking one's identification intimates that, more likely than not, the informant is a genuinely concerned citizen as opposed to a fallacious prankster." *Williams*, 2001 WI 21, ¶ 36; see also, *Florida v. J.L.*, 529 U.S. 266, 276, 120 S.Ct. 1375, 1381, 146 L.Ed.2d 254 (2000) (Kennedy, J., concurring)

Here, Judge Dugan found that even though Sgt. Sawyer did not obtain her name, the woman who approached him should be viewed as a citizen informant, not as an anonymous tipster. That conclusion is reasonable: although Sawyer didn't get her name, he knew what she looked like, knew what her daughter looked like, and could infer that she was part of the neighborhood in which the child was playing. She reported that she was personally a witness to a crime; she immediately sought out law enforcement to disclose that crime. It is reasonable to conclude that she acted out of concern for public welfare—specifically the children in the immediate area. Sgt. Sawyer knew the basis of her knowledge; because he was able to speak with her on scene, and he had some opportunity to gauge her demeanor and assess her veracity. Thus, although her name was unknown, her information bore indicia of reliability consistent with that of a citizen informant.

Even if the information is viewed as an anonymous tip, it exhibited sufficient indicia of reliability to justify the investigatory stop. The complaint was made contemporaneous with the offense; the detail the woman provided was significant, in that she pointed directly to the vehicle in which the offense had occurred. Because she reported the crime in person, Sawyer was able to evaluate her credibility and the reasonableness of what she was saying. When she approached the officers, the woman did not know whether Sawyer would

ask her name: thus, in making the report, she risked that she would be identified. She did not refuse to identify herself or limit the information she was willing to provide: the officers' failure to identify her resulted because the suspects were leaving the scene. The officers' choices were (1) to stay, get the woman's name, and lose the suspect; or (2) to investigate the crime that had been reported. Importantly, the woman explained the basis of her knowledge, which is a significant consideration in determining the "observational reliability" of the tip. See, *Kolk*, 2006 WI App 261, ¶ 15. The woman had personal knowledge of the event and had witnessed the crime; as the *Kolk* court noted,

> The second word of the term "citizen witness" is not meaningless; as the court stated in *(Roosevelt) Williams,* "we view citizens *who purport to have witnessed a crime* as reliable, and allow the police to act accordingly, even though other indicia of reliability have *not yet been established."*

Kolk, 2006 WI App 261, ¶ 15 (Emphasis in the original; internal citation omitted)

Bunn's reliance on *Florida v. J.L.*, 529 U.S. 266, 120 S.Ct. 1375, 146 L.Ed.2d 254 (2000), for the proposition that an anonymous tip must have predictive value, is misplaced. In that case, an anonymous caller reported to the Miami–Dade Police that a young black male standing at a particular bus stop, wearing a plaid shirt, was carrying a gun. *Id* Officers responded and saw three black males "just hanging out there." *Id* One of them, J. L., was wearing a plaid shirt. *Id* Apart from the tip, the officers had no reason to suspect any of the three of illegal conduct; J.L. made no threatening or furtive movements; and the officers saw no sign of a firearm. *Id.* Nonetheless, one of the officers approached J.L., frisked him, and found a gun. *Id.*

On review, the Court found that because it came from an unknown caller and an unknown location and contained none of the predictive value of that in *Alabama v. White,* the tip lacked the "moderate indicia" of reliability of that in *White. Florida, v. J.L.* 529 U.S. at 270-271. But *Florida v. J.L.* does not stand for the proposition that a tip *mu*st have predictive

value to be reliable. The issue in *Florida v. J.L.*, was that a tip of that nature,

> does not show that the tipster has knowledge of concealed criminal activity. The reasonable suspicion here at issue requires that a tip be reliable in its assertion of illegality, not just in its tendency to identify a determinate person.

Florida v. J.L., 529 U.S. 266 at 272.

However, where other hallmarks of reliability exist, predictive information is not required:

> The tips in both *White* and *Richardson* contained predictions; however, it was not the predictions in and of themselves that lent reliability to the tips. Rather, predictions, if they are or are not verified, facilitate an evaluation of the quality of the tip. In *Florida v. J.L.*, the Court indicated that predictions provide one "means to test the informant's knowledge or credibility." However, the Court did not mandate that predictions provided the only means to test a tip's reliability. Indeed, "there are many indicia of reliability respecting anonymous tips that we have yet to explore in our cases." Where other indicia of reliability exist, predictive information is not necessary to test an anonymous tipster's "veracity," "reliability," and "basis of knowledge."

Williams, 2001 WI 21, ¶ 42 (Internal citations omitted)

Here, "other indicia of reliability" exist. The woman was visible to and spoke directly with police: she was unidentified, but not unknown; and she explained exactly how she knew about the criminal activity she was reporting. (See, e.g. R62:5-6, App 105-106). The woman risked that she would be identified; and she made her report substantially contemporaneously with the activities she had observed. Her report to Sgt. Sawyer, therefore, is akin to the 911 call in *Williams*, *supra;* and, like the tip in *Williams*, it provided reasonable suspicion that criminal activity was afoot.

Ultimately, the question is the reasonableness of the officers' actions in the situation facing them, under the totality of the circumstances. *Williams*, 2001 WI 21, ¶ 23. Whether the woman is viewed as a citizen witness or an anonymous tipster, given the nature of the complaint, the person who made it, the circumstances under which it was made, and the officers'

personal observations, the decision to stop Bunn's truck was reasonable and comported with Fourth Amendment principles.

D. A Sufficiency Of The Evidence Claim Cannot Lie Where The Matter Was Resolved By A Guilty Plea.

Bunn's last argument, that the evidence was insufficient to convict him, cannot lie where the matter was resolved by guilty plea. The cases on which he relies deal with whether evidence adduced at trial was sufficient to support a jury's verdict. In contrast, where—as here—the conviction is premised on a plea, the conviction need not be predicated on evidence which is adduced in court. Instead, the plea must rest on a proper finding that a factual basis exists for the plea, to protect a defendant from unwittingly pleading guilty without realizing that his conduct does not constitute the charged crime or to which he has pled guilty. Wis. Stat. § 971.08; *State v. Thomas*, 2000 WI 13, ¶ 17, 232 Wis. 2d 714, 727, 605 N.W.2d 836, 843. While the court may utilize testimony of officers, the record of other preliminary proceedings or other records in the case, no one method is required. *State v. Black*, 2001 WI 31, ¶ 12, 242 Wis. 2d 126, 137, 624 N.W.2d 363, 369. The court simply must be satisfied that the defendant in fact committed the crime charged, and can make that finding from the complaint alone. *Black,* 2001 WI 31, ¶¶ 12-14.

Here, Bunn stipulated that the allegations in the complaint that he carried three concealed weapons "absolutely are true." (R67:22) Accordingly, the court's finding that a sufficient factual basis existed for the pleas was not in error.

CONCLUSION

For the reasons herein, the State asks that this court affirm the trial court's denial of Bunn's motion to suppress.

Dated this _____ day of _____, 2020.

Respectfully submitted,

JOHN T. CHISHOLM
District Attorney
Milwaukee County

_____
Karen Loebel
Deputy District Attorney
State Bar No. 1009740

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 word count of this brief is 4,242.

_____ _____

Date

Karen Loebel
Deputy District Attorney
State Bar No. 1009740

P.O. Address:
Milwaukee County District Attorney's Office
821 West State Street- Room 405
Milwaukee, Wisconsin 53233-1485
(414) 278-4646
Attorneys for Plaintiff-Respondent.

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 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.

_____ _____

Date

Karen A. Loebel
Deputy District Attorney
State Bar No. 1009740

P.O. Address:
Milwaukee County District Attorney's Office
821 West State Street- Room 405
Milwaukee, Wisconsin 53233-1485
(414) 278-4646
Attorneys for Plaintiff-Respondent.

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; (3) a copy of any unpublished opinion cited under § 809.23(3)(a) or (b); and (4) 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 one or more initials or other appropriate pseudonym or designation 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 _____ day of June, 2020.

_____

Karen Loebel
Deputy District Attorney
State Bar Number 1009740

INDEX TO SUPPLEMENTAL APPENDIX