STATE OF WISCONSIN

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

DISTRICT III

Case No. 2020AP1813-CR

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

ASHLEY JEAN CAMPBELL,

Defendant-Appellant.

ON APPEAL FROM A JUDGMENT OF CONVICTION ENTERED IN THE SAWYER COUNTY CIRCUIT COURT, THE HONORABLE JOHN M. YACKEL, PRESIDING

SUBSTITUTE BRIEF OF PLAINTIFF-RESPONDENT

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INTRODUCTION

Police in Sawyer County stopped defendant-appellant Ashley Jean Campbell's Pontiac for failing to display a front license plate. A brief investigation revealed that Campbell's license was suspended and the rear license plate displayed on the Pontiac was registered to a different vehicle. During the course of the stop, a second unit arrived with Trace, a drug-sniffing canine. As Trace conducted a sniff around the perimeter of the Pontiac, he jumped into the car through a door that Campbell left open and began scratching at a purse on the floor of the car—a sign that he had detected drugs. A search of the purse revealed a glass jar containing marijuana and a glass smoking pipe. The State charged Campbell with possession of THC and possession of drug paraphernalia. After an unsuccessful motion to suppress, Campbell pleaded no contest to one count and received a fine.

Now on appeal, Campbell renews her challenge to the collection of the evidence that led to her conviction. Analogizing to cases involving curtilage and GPS tracking devices, she argues that Trace's entry into the Pontiac through the door she left open turned an indisputably lawful police action into an unreasonable one requiring suppression. But a car is not a home, and a dog sniff is not a GPS device. A car driven on a public roadway lacks the enhanced expectation of privacy afforded to people's homes under the Fourth Amendment. And a dog sniff, unlike a GPS device, only produces information about a suspect's possession of illegal substances. Thus, the cases on which Campbell relies do not control in this case.

Indeed, there appears to be no binding authority addressing this situation in Wisconsin. However, many other jurisdictions addressing similar situations have concluded that a dog sniff inside a suspect's vehicle does not violate the

suspect's Fourth Amendment rights as long as the dog's entry into the vehicle was facilitated by the suspect, not police, and did not occur at the direction of police. This Court should join those jurisdictions, and it should affirm Campbell's conviction.

ISSUE PRESENTED

Did the circuit court properly deny Campbell's motion to suppress evidence discovered following Trace's entry into her vehicle?

The circuit court concluded that suppression was not required because the police did not open the door through which Trace entered the vehicle, nor did Trace enter the vehicle at the direction of police.

This Court should affirm.

STATEMENT ON ORAL ARGUMENT AND PUBLICATION

The State does not request oral argument as it believes the parties' arguments are adequately developed by the briefs, but it would welcome oral argument if it would aid the court. As this appeal will be decided by a three-judge panel pursuant to Wis. Stat. § (Rule) 809.41(3) and concerns an issue of law for which there appears to be no binding authority in the state, publication may be warranted. *See* Wis. Stat. § (Rule) 809.23(1)(a)1.

STATEMENT OF THE CASE

On Friday, December 15, 2017, Wisconsin State Trooper Mitch Kraetke was on patrol in Sawyer County when he saw a green Pontiac without a front license plate being driven by someone not wearing a seat belt near the intersection of Highways 27 and 70. (R. 1:2.) Trooper Kraetke initiated a stop of the vehicle, and as he did so, he radioed for assistance from a Sawyer County canine unit. (R.

1:3.) He then made contact with the driver—Campbell—who admitted that she did not have insurance on the vehicle. (R. 1:2.) He returned to his squad car, where he learned that Campbell's driver's license was suspended for failure to pay a forfeiture. (R. 1:3.) Additionally, the rear license plate displayed on the Pontiac did not match the vehicle; it belonged to a 1996 Chevy Trailblazer. (R. 1:3.) After further discussion with Campbell about the plates, Trooper Kraetke returned to his squad car to fill out citations. (R. 1:3.)

Meanwhile, Sergeant Nick Al-Moghrabi of the Sawyer County Sherriff's Office arrived on the scene with his trained canine, Trace. (R. 25:6–7.) Sergeant Al-Moghrabi briefly met with Trooper Kraetke and learned about the situation, then approached the passenger side of Campbell's vehicle and had a conversation with the occupants through the window. (R. 25:7–8, 10, 12.) Campbell and her passenger agreed to step out of the vehicle at the sergeant's direction and moved to the front of Trooper Kraetke's squad car. (R. 25:12.) While that was happening, Sergeant Al-Moghrabi returned to his vehicle and retrieved Trace. (R. 25:4, 12.) The sergeant placed a 6-foot leash on Trace and together they walked to the front of Campbell's vehicle. (R. 25:12.)

At the front of Campbell's vehicle, Sergeant Al-Moghrabi placed Trace in a prescribed stance and gave him the command to begin his scan of the vehicle. (R. 25:12.) A "scan" was defined by Sergeant Al-Moghrabi as allowing the dog to sniff without direction of his handler versus "detailing" where the handler points to specific locations to be sniffed. (R. 25:13–14.) Trace began to scan the front then driver's side of the vehicle. (R. 25:14.) As Trace approached the driver's side door, Sergeant Al-Moghrabi noted that Campbell had left the door open. (R. 25:14.) Neither Sergeant Al-Moghrabi nor Trooper Kraetke had directed Ms. Campbell to leave her door open. (R. 25:15, 23.) Trace entered the open driver's side door without the direction of

Sergeant Al-Moghrabi and immediately started sniffing intently and scratching at a brown purse on the floor of the vehicle and would not leave it, which Sergeant Al-Moghrabi understood to be an aggressive alert that Trace smelled drugs. (R. 25:16–17, 25.)

Sergeant Al-Moghrabi pulled Trace out of the vehicle and continued with the scan. (R. 25:17.) Upon completing the scan, Sergeant Al-Moghrabi attempted to begin a "detail" of the vehicle, but Trace returned to the open driver's door and entered. (R. 25:17–18.) Again, Trace went straight to the purse and, as it appeared he was about to bite it, Sergeant Al-Moghrabi removed him from the vehicle. (R. 25:18.) After backing out of the vehicle the canine produced a final response by coming to a sit, which Sergeant Al-Moghrabi understood to be a "passive" alert. (R. 25:19, 25.)

Based upon the alerts to the brown purse, Sergeant Al-Moghrabi searched the purse and found marijuana and a glass pipe. (R. 25:20, 23.) The State charged Campbell with two crimes, possession of tetrahydrocannabinols (THC) and possession of drug paraphernalia. (R. 1:1–5.)

Campbell moved to suppress the evidence, arguing that Trace's entry into her car during the sniff violated her Fourth Amendment rights. (R. 10.) The court held an evidentiary hearing on March 28, 2019, and heard testimony from Sergeant Al-Moghrabi. (R. 25.) In addition, the State offered video footage of the encounter into evidence. (R. 30.)

After hearing argument from both parties, the circuit court found that the door to Campbell's vehicle was left open, but not at the direction of Sergeant Al-Moghrabi or Trooper Kraetke. (R. 22:2.) The court further found that Trace "was on a loose leash" and that his entry into Campbell's vehicle occurred "without any direction from" Sergeant Al-Moghrabi. (R. 22:2.) Based on these facts, and relying on *United States v. Guidry*, 817 F.3d 997 (7th Cir.

2016), the court concluded "that there is no 4th Amendment violation here when a dog jumps instinctively through an open car door without any facilitation by its handler." (R. 22:3.) It therefore denied the motion to suppress. (R. 22:3.)

After the court denied the suppression motion, Campbell pleaded no contest to possession of THC. (R. 24:3.) The court found Campbell guilty and ordered her to pay a fine including costs of $673.50. (R. 24:4.) Campbell now appeals.

STANDARD OF REVIEW

Appellate courts employ a two-step process in reviewing a circuit court's denial of a motion to suppress on constitutional grounds. First, the court reviews the circuit court's factual findings and upholds them "unless they are clearly erroneous." *State v. Dearborn*, 2010 WI 84, ¶ 13, 327 Wis. 2d 252, 786 N.W.2d 97. Second, the court applies constitutional principles to those facts de novo. *Id.*

ARGUMENT

The circuit court properly denied Campbell's motion to suppress.

A. A police dog conducting a sniff around the perimeter of a vehicle on a public roadway is not a search within the meaning of the Fourth Amendment.

The Fourth Amendment to the United States Constitution states, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated." U.S. Const. amend IV. Article I, Section 11 of the Wisconsin

Constitution contains a nearly identical prohibition on unreasonable searches and seizures.[1]

When a suspect drives a vehicle on a public roadway, however, she has a diminished expectation of privacy in that vehicle. *California v. Carney*, 471 U.S. 386, 393 (1985). Among the ways that diminished expectation manifests is the ability of police to conduct a dog sniff around the perimeter of the suspect's vehicle while a traffic stop is ongoing. *See Illinois v. Caballes*, 543 U.S. 405, 410 (2005).

In *Caballes*, an officer stopped Caballes for speeding. While one officer processed the speeding violation, another officer walked a drug-detection dog around Caballes' automobile. *Id.* at 406. The dog alerted to the trunk. *Id.* During a search, officers found marijuana in the trunk. *Id.* In deciding the case, the Supreme Court assumed that the officers lacked a reasonable suspicion that the automobile contained drugs. *Id.* at 407. The Supreme Court nevertheless held that "[a] dog sniff conducted during a concededly lawful traffic stop that reveals no information other than the location of a substance that no individual has any right to possess does not violate the Fourth Amendment." *Id.* at 410.[2]

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[1] "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated." Wis. Const. art. I, § 11. The Wisconsin Supreme Court has regularly held that the protections afforded by this section of the Wisconsin Constitution are identical to those created by the Fourth Amendment, except in extremely limited cases. *See, e.g.*, *State v. Dearborn*, 2010 WI 84, ¶ 14, 327 Wis. 2d 252, 786 N.W.2d 97.

[2] *Caballes* is consistent with a prior Supreme Court decision in *United States v. Place*, 462 U.S. 696 (1983), which involved the use of a drug-detection dog on luggage seized at an airport. The Court there held that a trained drug-detection dog's sniff of a person's luggage located in a public place "did not

The Wisconsin Supreme Court has followed suit. In *State v. Arias*, 2008 WI 84, ¶ 3, 311 Wis. 2d 358, 752 N.W.2d 748, the court held "that a dog sniff of the exterior of a vehicle located in a public place does not constitute a search under the Wisconsin Constitution." But the court went on to recognize that unreasonably prolonging a traffic stop to conduct a canine sniff may violate the prohibition against unreasonable searches and seizures.[3] *Id.* ¶¶ 25, 38.

In 2012, the United States Supreme Court considered the warrantless, surreptitious application of a GPS tracking device to a suspect's vehicle in *United States v. Jones*, 565 U.S. 400, 402 (2012). The Court made clear, however, that the trespass analysis was not the sole consideration when determining whether a government action constituted a search; a suspect's reasonable expectation of privacy could still render government activity a "search" even without trespass. *Id.* at 406–07. The Court held that, regardless of whether Jones had a reasonable expectation of privacy in the undercarriage of his vehicle and/or in his location and travels in that vehicle, the police had conducted a "search" within the meaning of the Fourth Amendment because placing the GPS tracker involved the "physical[ ] occup[ation of] private property for the purpose of obtaining information." *Id.* at 404–05.

The next year, the Supreme Court revisited the law surrounding dog sniffs in *Florida v. Jardines*, 569 U.S. 1 (2013). In that case, officers entered the curtilage of Jardines' home with a drug-sniffing canine. *Id.* at 3. Based

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constitute a 'search' within the meaning of the Fourth Amendment." *Id.* at 707.

[3] The United States Supreme Court confirmed this understanding of the Fourth Amendment in *Rodriguez v. United States*, 575 U.S. 348 (2015).

on the canine's alert to the front door, officers obtained a warrant that resulted in the seizure of marijuana and Jardines' prosecution. *Id.* at 3–4.

The Supreme Court held that "[t]he government's use of trained police dogs to investigate *the home and its immediate surroundings* is a 'search' within the meaning of the Fourth Amendment." *Id.* at 11–12 (emphasis added). In reaching this conclusion, the court's decision rested heavily on its analysis that the dog sniff occurred within a constitutionally protected area—the curtilage of Jardines' home. *Id.* at 6–7. While acknowledging that people, including the police, have a customary license to initiate contact with a home's occupants, the Court determined that such a customary license does not embrace the introduction of a trained canine to detect incriminating evidence within the home. *Id.* at 8–9. The Court thus concluded that the introduction of the canine to the curtilage for the purpose of conducting a sniff was a trespassory search violating the Fourth Amendment. *Id.* at 11.

B. A police canine conducting a lawful sniff around a vehicle in a public place does not violate a suspect's Fourth Amendment rights by entering the vehicle without direction or facilitation from its handler.

While the law discussed above provides ample discussion of canine sniffs occurring in public places and within a suspect's curtilage, one area that remains unsettled in Wisconsin is the constitutional implication when a police canine, without direction from its handler, enters a suspect's vehicle in a public place and immediately indicates the presence of drugs. A number of other jurisdictions have considered the question, however, and arrived at what is sometimes called the "instinct exception." These cases generally hold that a police canine's intrusion into a suspect's vehicle does not violate the Fourth Amendment so

long as its handler neither directed the canine into the vehicle nor facilitated its entry by, for example, opening a door.

In *United States v. Stone*, 866 F.2d 359 (10th Cir. 1989), the Tenth Circuit considered whether an unlawful search had occurred where a police canine jumped in the open hatchback of a suspect's vehicle and "keyed" on a duffle bag, later revealed to contain methaqualone. *Id.* at 361. The court commented that even though there was no problem with the sniff of the exterior of Stone's car, "the dog created a troubling issue under the Fourth Amendment when it entered the hatchback." *Id.* at 363. The court rejected Stone's argument that the dog's entry into the hatchback constituted a search, however, reasoning that police had neither opened the hatchback nor directed the dog inside; the officer "just let [the dog's] leash go and let him go where his nose would take him." *Id.* at 362–64. In so holding, the court distinguished cases involving suspects' homes, noting the "heightened expectation of privacy" one has at home. *Id.* at 363 n.1.

The Tenth Circuit revisited the issue in *United States v. Winningham*, 140 F.3d 1328 (10th Cir. 1998). Like *Stone*, *Winningham* involved a canine sniff occurring within a suspect's vehicle. *Id.* at 1329–30. *Stone*, however, differed in two key respects. First, the police in *Winningham* opened the door to the suspect's van and evinced a desire to "facilitate" the canine's entry into the van to conduct the sniff by unleashing it as it approached the open door, whereas the canine in *Stone* jumped in the suspect's vehicle of its own accord. *Id.* at 1330–31. Second, the police in *Stone* had reasonable suspicion that Stone was trafficking drugs, while the police in *Winningham* continued to detain the suspect to await a canine for a sniff after reasonable

suspicion had abated.[4] *Id.* at 1331. Based on these distinctions, the court determined that the outcome of the case turned on the scope of the suspect's consent to the continued detention and sniff. *Id.* The court ultimately concluded that Winningham's consent to the search was involuntary and affirmed the district court's order granting a motion to suppress. *Id.* at 1332–33.

Other circuits have found sniffs similar to the one in *Stone* not to violate the Fourth Amendment. For example, in *United States v. Lyons*, 486 F.3d 367 (8th Cir. 2007), the Eighth Circuit rejected a challenge to a dog sniff where the canine stuck its head through an open passenger-side window before alerting. *Id.* at 373. Noting that the officer "did not create the opportunity for the dog to breach the interior of the vehicle," the court held that, "[a]bsent police misconduct, the instinctive actions of a trained canine do not violate the Fourth Amendment." *Id.* (citing U*nited States v.*

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[4] The Tenth Circuit's decisions in *Stone* (1989) and *Winningham* (1998) both pre-date the Supreme Court's decisions in *Caballes* (2005) and *Rodriguez* (2015). The latter cases concerned reasonable suspicion in the canine sniff context; specifically, whether reasonable suspicion is necessary to conduct a sniff when it does not extend a stop (it is not), and whether reasonable suspicion is necessary to extend a stop for a sniff (it is). *See Illinois v. Caballes*, 543 U.S. 405, 410 (2005); *Rodriguez*, 575 U.S. at 354–57. These were open questions in *Stone* that the court did not reach because it did not need to, given the presence of reasonable suspicion. *See United States v. Stone*, 866 F.2d 359, 363 n.2 (10th Cir. 1989). As for *Winningham*, the abatement of reasonable suspicion and subsequent extension of the stop there would have dictated the outcome under *Rodriguez*. Thus, while *Stone* and *Winningham* can be read as placing an emphasis on the presence of reasonable suspicion, the State would argue that the discussions of reasonable suspicion therein primarily go to the principles later espoused in *Caballes* and *Rodriguez* rather than the applicability of the instinct exception.

Reed, 141 F.3d 644, 650 (6th Cir. 1998); *United States v. Lyon*s, 957 F.2d 615, 617 (8th Cir. 1992); *Stone*, 866 F.2d at 364). In 2010, the Third Circuit similarly concluded that there was no Fourth Amendment violation when a dog jumped into a vehicle through an open door "without facilitation by his handler." *See United States v. Pierce*, 622 F.3d 209, 214–15 (3d Cir. 2010). More recently, the Seventh Circuit also favorably discussed the "instinct exception," distinguishing *Winningham* because the police there intended to facilitate the dog's entry into the suspect's vehicle by opening the door and removing the leash. *See Guidry*, 817 F.3d at 1006.

Logically, this approach makes sense. A canine that enters a suspect's vehicle without the direction or facilitation of his handler is likely to be following its instinct by either (a) seeking out an odor that it is trained to seek out, or (b) pursuing a scent that it already detected outside the vehicle. In the latter situation, police actually may have developed probable cause for a search in the moments preceding the dog's entry into the vehicle, but establishing the probable cause may prove difficult after the fact given the rapid succession of events. Under those circumstances, a suspect could actually benefit from making it easier for a police canine to enter the vehicle, as evidence that would have been uncovered anyways would become excludable without the instinct exception. The Fourth Amendment should not require that a suspect receive a windfall in the form of excluded evidence simply because the odor of drugs in her vehicle was so prevalent and accessible that a canine went straight to it.

In the former situation, even if a police canine has not yet detected the odor of drugs when it enters the suspect's vehicle, the dog's entry still does not render the search unreasonable. As discussed, individuals have a lower expectation of privacy in the contents of a vehicle driven on a

public roadway, and an even lower expectation of privacy when those contents are illegal drugs. *See Carney*, 471 U.S. at 393; *Caballes*, 543 U.S. at 410. A police canine's brief, unsolicited entry into a vehicle on a public roadway that will uncover only the possession of illegal drugs does not run afoul of the Fourth Amendment given those principles.

To be sure, not every jurisdiction agrees. For example, the Supreme Court of Idaho recently declined to adopt the instinct exception, reasoning that if a dog is following a detected scent into a vehicle, it requires post hoc conclusion about the dog's behavior rather than an assessment of what was known to officers at the time of the entry. *See State v. Randall*, 496 P.3d 844, 854 (Idaho 2021). If the dog had not yet detected the scent, the court continued, then the dog's entry into the vehicle simply ran afoul of *Jardines* and *Jones*. *See id.*

Campbell's argument against adoption of the instinct exception echoes this position, relying heavily on *Jardines* for the proposition that *any* dog sniff in *any* "constitutionally protected place" is a search. (Campbell's Br. 24–26.) But this overstates the holding in *Jardines*. The *Jardines* Court was particularly concerned with the fact that the dog sniff there took place within the curtilage of the suspect's home. *See Jardines*, 569 U.S. at 11–12. Even though the Court held there that a warrantless, police-directed dog sniff occurring within the curtilage of a suspect's home violates the Fourth Amendment, it does not follow that a dog sniff occurring of the dog's own accord in a vehicle being operated on a public roadway similarly fails constitutional muster.

Moreover, both *Jones* and *Jardines* involved *intentional* trespasses by police. In *Jones*, for example, the Court described the government's action as the "physical[ ] occup[ation of] private property for the purpose of obtaining information." *Jones*, 565 U.S. at 404–05. Instinct exception cases, on the other hand, tend to find no Fourth Amendment

violation when the canine's conduct occurred without the facilitation of the handler; that is, when any trespass was not intended by police. To be sure, an officer running a canine around a suspect's vehicle for a sniff is doing so "for the purpose of obtaining information." *See id.* But that is not the purpose of the trespass, nor will a trespass usually be necessary for the officer to obtain the information they seek. Rather, in an instinct exception case, the trespass—if any—occurs independent of the police action.

On balance, the jurisdictions adopting the instinct exception and holding that a canine's entry into a vehicle does not violate Fourth Amendment when it is neither facilitated nor directed by police have the correct position. "The touchstone of the Fourth Amendment is reasonableness," *Florida v. Jimeno*, 500 U.S. 248, 250 (1991), and such an entry is simply not unreasonable. This Court should follow those jurisdictions and recognize the viability of the instinct exception.

C. The sniff did not violate Campbell's Fourth Amendment rights because Trace did not enter Campbell's vehicle at police direction, nor did police open the door Trace entered.

If this Court adopts the instinct exception as discussed above, resolution of this case is straightforward. The circuit court found that Campbell left the door to her vehicle open without being directed to by the officers. (R. 22:2.) It further found that Trace entered Campbell's vehicle through that open door without direction from his handler. (R. 22:2.) This case is thus very similar to *Stone*, *Lyons*, *Pierce*, and the like, and this Court should conclude that the circuit court properly denied Campbell's motion to suppress.

Campbell argues that even if the instinct exception applies, it is not met because Sergeant Al-Moghrabi

"facilitated" Trace's entry into her vehicle and because police lacked reasonable suspicion that her vehicle contained drugs. (Campbell's Br. 33–34.) With respect to the second point, Campbell notes that police in *Guidry* had probable cause to enter the suspect's vehicle. (Campbell's Br. 34.) True, but the *Guidry* court noted the presence of probable cause as an *equally important* reason why there was no Fourth Amendment violation, not as a required condition. *See Guidry*, 817 F.3d at 1006. This makes sense; when police have probable cause that a vehicle contains evidence of a criminal offense, a search of the vehicle is reasonable under the Fourth Amendment. *See Maryland v. Dyson*, 527 U.S. 465, 466–67 (1999). Thus, any rule requiring probable cause for the instinct exception to apply would be superfluous, as the automobile exception would swallow the instinct exception.

As for reasonable suspicion, not every court to discuss the instinct exception has required police to have reasonable suspicion in order to conclude that a sniff inside a suspect's vehicle did not violate the Fourth Amendment. In *Pierce*, for example, the Third Circuit focused on whether officers facilitated the canine's entry into the suspect's vehicle; the presence or absence of reasonable suspicion did not seem to factor into the court's decision. *See Pierce*, 622 F.3d at 213–15. In *Lyons*, too, the Eighth Circuit focused on whether police facilitated the canine's entry into the vehicle, not whether police had reasonable suspicion for the sniff. *See Lyons*, 486 F.3d at 373–74. Indeed, the Tenth Circuit has mentioned its discussion of reasonable suspicion in *Winningham* in a parenthetical to a citation, describing the holding as follows: "dog sniff of interior of vehicle was not lawful when *detention of vehicle not justified by reasonable suspicion* and officers had themselves opened the hatchback where dog entered the vehicle." *United States v. Vazquez*, 555 F.3d 923, 930 (10th Cir. 2009) (emphasis added). As

discussed in note 4, *supra*, the State believes this indicates that the reasonable suspicion discussion in *Winningham* was more about the extension of the stop, not the canine's entry into the vehicle.

With respect to Sergeant Al-Moghrabi's "facilitation" of Trace's entry, the State disagrees with Campbell. Certainly, an officer might be able to keep a canine on such a tight leash that entry into a suspect's vehicle is not possible. But that would be true in any instinct exception case. *Guidry* notwithstanding, the Fourth Amendment does not carry such a strict requirement. For example, the courts in *Stone*, *Lyons*, and *Pierce* said nothing about the respective officers' efforts to keep their canines out of the suspects' vehicles. In *Stone*, the officer actually testified that he "let [the canine's] leash go and let him go where his nose would take him," and the court found no violation. *Stone*, 866 F.2d at 364. Here, it is enough that Sergeant Al-Moghrabi went through his usual procedure with Trace, did not open the door through which Trace entered the vehicle, and did not direct or encourage Trace to enter the vehicle.

At bottom, the actions of law enforcement in this case were not unreasonable. This Court should conclude that Trace acted without direction or facilitation by law enforcement, and it should affirm the circuit court's decision.

CONCLUSION

For the reasons discussed, this Court should affirm Campbell's judgment of conviction.

Dated this 3rd day of October 2022.

Respectfully submitted,

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FORM AND LENGTH CERTIFICATION

I hereby certify that this brief conforms to the rules contained in Wis. Stat. § (Rule) 809.19(8)(b), (bm) and (c) for a brief produced with a proportional serif font. The length of this brief is 4,359 words.

Dated this 3rd day of October 2022.

Electronically signed by:

John A. Blimling
JOHN A. BLIMLING

CERTIFICATE OF EFILE/SERVICE

I certify that in compliance with Wis. Stat. § 801.18(6), I electronically filed this document with the clerk of court using the Wisconsin Court of Appeals Electronic Filing System, which will accomplish electronic notice and service for all participants who are registered users.

Dated this 3rd day of October 2022.

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