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No. 2023AP1224

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STATE OF WISCONSIN  
COURT OF APPEALS  
DISTRICT II

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**STATE OF WISCONSIN,**  
*Plaintiff-Respondent,*

*vs.*

**ROXANNE RAE REICHERT,**  
*Defendant-Appellant.*

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Appeal from the Circuit Court for Waukesha County  
The Honorable Jennifer Dorow Presiding  
Case No. 2017CT1573

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**BRIEF OF DEFENDANT-APPELLANT, ROXANNE R. REICHERT**

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**ISSUES PRESENTED**

**A.**

Did Officer Solberg have reasonable suspicion or probable cause to stop Ms. Reichert despite observing no traffic infractions?

The trial court answered: **Yes.**

This court should answer: **No.**

**B.**

Was Officer Solberg's seizure of Ms. Reichert justified by the Community Caretaker exception to the warrant requirement?

The trial court answered: **Yes.**

This court should answer: **No.**

**C.**

Did Officer Solberg unreasonably extend the traffic stop to investigate Ms. Reichert for driving under the influence?

The trial court answered: **No.**

This court should answer: **Yes.**

## **ORAL ARGUMENT AND PUBLICATION**

Ms. Reichert welcomes the opportunity for oral argument to the extent necessary to clarify any of the issues before the court. This appeal addresses well-settled principles of law and publication is only requested to the extent that the Court's guidance might further clarify this area of law.

## STATEMENT OF THE CASE

### **I. Factual Background.**

On November 26, 2021, Ms. Reichert got off work, had lunch at a local restaurant, and went to grab a drink with a friend. While she was working, Mr. Reichert's then-boyfriend, Scott<sup>1</sup>, kept "blowing up her phone and trying to contact her" because the couple had been having issues recently due to Scott "acting strangely." (R. 21:2; A-App. [ ]). While she was having a drink, Ms. Reichert received a phone call from Scott that upset her, and she left the tavern without finishing her drink so that she could return home to pick up her kids intending to take them to a safer place to stay. (*Id.*). When she got home, she loaded her children into her car and tried to leave. Scott got in his vehicle and parked it behind Ms. Reichert to prevent her from leaving, and would not move it to allow her to leave. Ms. Reichert resorted to doing a U-turn through the grass between her driveway and the neighboring driveway and began to drive away. Scott followed her in his vehicle, and Ms. Reichert believed that he was attempting to ram her with his car but that he was unable to make contact with her vehicle as she drove away. (*Id.*).

While this was unfolding, Waukesha County Dispatch received a 911 call from Ms. Reichert's neighbor – Scott's sister – who reported that the caller's neighbor was being chased by her boyfriend in a car and that the caller believed that the cars may have hit each other. The caller also reported that the male was in a silver Chevy Malibu and that the woman was in in a purple Honda Pilot, and that there was at least one juvenile in the Honda Pilot. (R. 21:1; A-App. [ ]). One of the officers responding to

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<sup>1</sup> Scott is a pseudonym as required by Wis. Stat. § 809.19(1)(g).

the call was Officer Solberg of the Waukesha Police Department. Officer Solberg testified that while he was on his way to the scene, he was informed that the driver of the silver Malibu (Scott) had called dispatch and was willing to return to the residence to meet with officers. Officer Solberg began attempting to locate the purple SUV. (R. 61:9, A-App. [ ]). Officer Solberg testified that the information he had at the time was that there was a possible domestic incident which could involve injury, that there was some type of a threat of a gun involved, and that there was a possible crash that had occurred with a child in the vehicle. Based on this information, his goal was “first and foremost to check the well-being of the individuals involved in the call.” (*Id.*).

While driving in the area that he believed the vehicles were heading, Officer Solberg observed what appeared to be a dark colored SUV. He suspected that the SUV might be the correct vehicle based on when and where he observed it, and he began to follow it. He was eventually able to determine that it was a purple Honda Pilot. (*Id.* at 15). Officer Solberg did not have a plate number for the vehicle believed to be involved in the domestic disturbance and did not know whether the registered owner of the vehicle was a man or a woman despite running the plates. He did not observe any obvious damage on the vehicle that would indicate it had been in a collision. (*Id.* at 33; A-App. [ ]). He was unable to determine prior to initiating the traffic stop whether the driver was a man or a woman, the number of passengers, or whether there were minor passengers. (*Id.* at 35-36; A-App. [ ]).

Officer Solberg followed the purple Honda Pilot for approximately three minutes before activating his emergency lights to perform a traffic stop on the vehicle. (*Id.* at 33-34; A-App. [ ]). He testified that he could



not recall whether he observed any traffic infractions during the three minutes that he followed the vehicle. (*Id.*) Officer Solberg conceded that he did not note any traffic infractions in his report and that including such details in his report “is the goal.” (*Id.* at 40-41; A-App. [ ]).

Officer Solberg testified that his main focus in initiating the traffic stop was to investigate the domestic incident and potential hit and run. (*Id.* at 34; A-App. [ ]). After stopping the purple Pilot, Officer Solberg approached the vehicle and made contact with Ms. Reichert. After identifying himself as law enforcement, he asked whether she had been in a domestic altercation with her boyfriend and whether she and the children were okay or needed an ambulance. (*Id.* at 18; A-App. [ ]). Officer Solberg was able to determine that there were no safety or other health concerns “within a minute” and, within a couple of minutes, had achieved his goal of figuring out if anyone was in need of assistance. (*Id.* at 36-37; A-App. [ ]). At this point, he began investigating the details of the domestic incident.

Ms. Reichert was asked to exit her vehicle and talk with Offer Solberg on the sidewalk. Ms. Reichert explained to Officer Solberg that she had been having issues with Scott recently, that she went for lunch followed by drinks that day after work, and that she returned home after receiving an upsetting call from Scott. She shared the details of the altercation at the house. Officer Solberg’s report indicated that during his conversation with Ms. Reichert, he was unable to smell any odor of intoxicants coming from her and that her speech was “very slightly slow” but that there was no slurred speech.

After Ms. Reichert shared the details of the altercation, Officer Solberg spoke by phone to Officer Lincoln who had remained at the

original scene to speak with Scott. That call took place approximately 27 minutes after Ms. Reichert was stopped. On that call, Officer Solberg told Officer Lincoln that there was no domestic incident that was physical and did not indicate having any concerns about Ms. Reichert being impaired. (*Id.* at 42-43; A-App. [ ]). Officer Lincoln told Officer Solberg that Scott's version of events was that Ms. Reichert was impaired and that he was blocking her vehicle in order to try to stop her from driving while intoxicated with the kids. (*Id.* at 24; A-App. [ ]). Officer Solberg responded "I'll probably put her through field sobriety tests before we let her go to make sure she's fine when she drives away." (*Id.* at 43; A-App. [ ]). At this point, Officer Solberg first began investigating Ms. Reichert for possibly driving while under the influence—27 minutes into the traffic stop and after determining that there were no health or safety concerns that needed attention and that there had not been a domestic incident that rose to the level of an arrest.

Officer Solberg testified that he could not be sure that he would have conducted any field sobriety tests that evening had he not been informed of Scott's allegations, and that the allegations were "a significant or important factor" in conducting the field sobriety tests. (*Id.* at 44; A-App. [ ]). Officer Solberg informed Ms. Reichert what Scott said, and Ms. Reichert denied that the altercation had anything to do with her driving. (*Id.*) He testified that his purposes for the investigation were, first, to check up on everyone's wellbeing; second, to investigate the possible domestic incident; third, to investigate the report of crash hit and run, and "then, it turned into number four, the OWI." (*Id.* at 46; A-App. [ ]).

Eventually, Ms. Reichert was moved to the interior of a nearby gas

station to perform field sobriety tests. Based on her performance, she was asked to provide a breath sample and ultimately was arrested. Her blood test indicated that she had a blood alcohol concentration of 0.105.

## **II. Procedural History.**

Ms. Reichert was charged on November 29, 2021 with OWI First Offense with a minor child in the vehicle. Ms. Reichert filed her motion to suppress on March 23, 2022. The motion was heard on June 22, 2022 and November 30, 2022, and ultimately denied in an oral decision.

The trial court's oral decision recited the facts as follows:

We know that Officer Solberg was dispatched in emergency fashion to what he described, and what I would generally describe, as information concerning a possible domestic-related incident and a hit and run where subjects who were involved are seen fleeing the scene. I will step back even one step further, or one step backwards, and say it's a 911 call from a concerned citizen. Something's going on at my neighbor's house, words to that effect. So we need to put this in perspective in what Officer Solberg had, or maybe even didn't have, when he's dispatched. He's dispatched. He proceeds with lights and siren. And we have the map, which is Exhibit 2. He's really in fairly close proximity and traveling toward the area that dispatch advised him a vehicle that was involved was traveling also in that direction. And, lo and behold, he comes across a very identifiable purple Honda Pilot. As he described it, and I have no reason to dispute it. A very unusual color, very distinctive. And he began following it. And, obviously, ultimately made the decision to perform a traffic stop.

(R. 61:62-63; A-App. [ ]). The trial court held that the community caretaker function applied in this circumstance, comparing it to *State v. Brooks*, 2020 WI 60, 392 Wis. 2d 402, 944 N.W. 2d 832. The trial court concluded that there was an extension of the stop, but that it was a permissible extension:

Because the building blocks that I see here involve the driving. We know she was driving. We – it even involves the initial building blocks of the circumstances of the call. That includes people fleeing or leaving the scene. Why do people do that sometimes? One explanation could be consciousness of guilt; one could be fear. But again, police are not required to rule out innocent explanations. Their behavior and their conduct just simply needs to be reasonable under the totality of the circumstances. We have the admission of drinking. We have, again, the speech, thick and slow. That's how this officer described it. I've no reason to dispute what he's providing. He seems very credible here today. And we now have the added piece of information regarding the statements that are attributed to [Scott] that were relayed from the other officer to Officer Solberg.

These officers don't need to compartmentalize what they're doing. It's a very fluid situation. And at that point in time, Officer Solberg did what any reasonable officer would do. And he said, I'm going to put you through field sobriety tests. He did that based upon reasonable suspicion.

(R. 61:68-69). Ms. Reichert entered a guilty plea on May 19, 2023, and was sentenced to 5 days of jail with Huber privileges on May 23, 2023. That sentence was stayed pending the resolution of this appeal.

### **STANDARD OF REVIEW**

A party seeking suppression based on a Fourth Amendment violation presents a question of constitutional fact. *State v. Brown*, 2020 WI 63, ¶ 8, 392 Wis. 2d 454, 945 N.W. 2d 584. The Court of Appeals reviews the circuit court's findings of historical fact under the clearly erroneous standard. But the circuit court's application of the historical facts to constitutional principles is a question of law we review independently.” *Id.*

## ARGUMENT

### **A. Officer Solberg lacked probable cause to stop Ms. Reichert's vehicle.**

“Temporary detention of individuals during the stop of an automobile by the police, even if only for a brief period and for a limited purpose, constitutes a ‘seizure’ of ‘persons’ within the meaning of the Fourth Amendment.” *Whren v. United States*, 517 U.S. 806, 808 (1996).

Ms. Reichert was stopped without probable cause or reasonable, articulable, personalized suspicion that she was breaking the law. In Wisconsin, an officer must have – at a minimum— reasonable suspicion that a motorist is committing a traffic or criminal violation in order to initiate a traffic stop. *State v. Houghton*, 2015 WI 79, 364 Wis. 2d 234, 868 N.W. 2d 143. “An officer who lacks probable cause but whose observations lead him reasonably to suspect that a particular person has committed, is committing, or is about to commit a violation may conduct a traffic stop in order to investigate the circumstances that provoke suspicion.” *Id.* at ¶ 22 (cleaned up). Under both the federal and state constitutions, “law enforcement officers may only infringe on an individual’s interest to be free of a stop and detention if they have a suspicion grounded in specific, articulable facts and reasonable inferences from those facts, that the individual has committed a crime. *State v. Harris*, 206 Wis. 2d 243, 259, 557 N.W. 2d 245 (1996). It is worth emphasizing that the Wisconsin Supreme Court has held that “a savvy hunch is not equivalent to the reasonable suspicion that would have justified a *Terry*-type temporary detention.” *County of Grant v. Vogt*, 2014 WI 76, ¶ 29, 356 Wis. 2d 343, 850 N.W. 2d 253.

In this case, Officer Solberg did not have reasonable, articulable,

personalized suspicion that an occupant of the purple Honda Pilot “has committed, is committing, or is about to commit” a crime. Some of the factors the Wisconsin Supreme Court has weighed in determining the reasonableness of a traffic stop are “(1) the particularity of the description of the offender or the vehicle in which he fled; (2) the size of the area in which the offender might be found, as indicated by such facts as the elapsed time since the crime occurred; (3) the number of persons about in that area; (4) the known or probable direction of the offender’s flight; (5) observed activity by the particular person stopped; and (6) knowledge or suspicion that the person or vehicle stopped has been involved in other criminality of the type presently under investigation.” *State v. Guzy*, 139 Wis. 2d 663, 677, 407 N.W. 2d 548 (1987).

In this case, Officer Solberg knew that someone involved in a possible domestic disturbance was driving a purple Honda Pilot. He knew that he was looking for a purple Honda Pilot which was driven by a woman with at least one minor child as a passenger. He knew that the vehicles were reportedly driving south on North University. He first observed the dark-colored SUV driving southbound on North University as he was approaching the intersection. At that point, he began to follow the dark-colored SUV and determined that it was a Honda Pilot. Officer Solberg did not observe much traffic in the area and did not see any other dark SUVs at that point in time. (R. 61:13-14; A-App. [ ]). While he followed the vehicle for 3 minutes prior to performing a traffic stop, Officer Solberg did not learn any additional information relevant to the traffic stop – he did not determine who the registered owner of the vehicle was, he was unable to determine whether there were any passengers in the vehicle, he did not know whether the driver was a man

or a woman, and he observed no obvious indicia of damage from a collision.

Officer Solberg's belief that this particular dark-colored Honda Pilot was the purple Honda Pilot involved in the possible altercation was little more than a savvy hunch, and no additional investigative steps were conducted to determine whether it was the correct vehicle. Looking to the factors outlined in *Guzy*, the description of the vehicle was particular to the extent that a color, make, and model was identified but the vehicle that Officer Solberg stopped lacked any damage from the described collision. The size of the area in which the offender might be found was not well-established other than Officer Solberg answering "yes" when asked "based on the timing of the call from dispatch and your observations, would it be consistent that a vehicle could get from the address [of the altercation] to make that turn [from North University] in the right amount of time?" (R. 61:13-14; A-App. [ ]). Officer Solberg testified that there was very little traffic and knew the probable direction of travel based on the 911 call. However, the factors which deal with more particularized and individual considerations weigh against a finding that there was reasonable suspicion: There was no observed activity of Ms. Reichert that would lend itself to identifying her as the individual involved in the domestic dispute, and there was no knowledge or suspicion that Ms. Reichert and her purple Honda Pilot had been involved in other criminality of the type under investigation.

The reasonableness of the stop is also based on the available investigative steps that could have ascertained whether the vehicle in question was the same vehicle involved in the altercation. *Guzy*, 139 Wis. 2d at 677. In this case, Officer Solberg could have obtained

information from dispatch that was provided by the 911 caller as to the identity of the woman involved in the altercation, could have compared that name to the license plate, could have driven closer to the vehicle to determine if the driver was a woman or if children were present in the vehicle, and to determine whether there was damage from a collision. Each of these courses of action would have provided a more solid foundation for Officer Solberg to initiate a traffic stop, as the articulable and personalized information gained in the process would have been enough to establish reasonable suspicion. Instead, Officer Solberg saw a dark-colored Honda Pilot that was located within the possible area that the individual involved in the altercation could have been traveling in and decided that this was enough to initiate a stop. There was not reasonable suspicion that the vehicle was the same vehicle involved in the altercation at the time of the stop, and as such probable cause and reasonable suspicion were lacking.

**B. The community caretaker exception does not apply where, as here, the seizure was partially motivated by investigation into possible criminal behavior.**

One of the narrow exceptions to the Fourth Amendment's warrant requirement is the community caretaker exception, which allows police to perform a seizure without probable cause or reasonable suspicion when acting in their "community caretaker" role. The community caretaker exception to the warrant requirement accounts for the multifaceted nature of police work – "first aid provider, social worker, crisis intervener, family counselor, youth mentor and peacemaker, to name a few." *State v. Asboth*, 2017 WI 76, ¶ 15, 376 Wis. 2d 644, 898 N.W. 2d 541. When functioning as a community caretaker, a seizure is permissible "to protect persons and property" so long as it is "totally



divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute.” *Brooks*, 2020 WI 60 at ¶ 13.

When the State claims law enforcement’s community caretaker role justifies a seizure, as it does here, we evaluate the following three criteria: (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. *Absoth*, 376 Wis. 2d 644, ¶ 13 (citation omitted). Because there is a presumption against warrantless seizures, the State bears the burden of proving the community caretaker doctrine justified seizure of the vehicle Ms. Reichert was driving. *State v. Payano-Roman*, 2006 WI 47, ¶ 30, 290 Wis. 2d 380, 714 N.W. 2d 548. In this case, Ms. Reichert was seized within the meaning of the Fourth Amendment. However, Officer Solberg was not exercising a bona fide community caretaker function.

Determining whether law enforcement officials are acting in their community caretaker role is an objective analysis which considers “the totality of the circumstances as they existed at the time of the police conduct.” *State v. Kramer*, 2009 WI 14, ¶ 30, 315 Wis. 2d 414, 759 N.W. 2d 598. This Court looks to whether “the officer has articulated an objectively reasonable basis under the totality of the circumstances for the community caretaker function,” *Id.* at ¶ 36; or that there was an objectively reasonable basis for law enforcement to believe that there was “a member of the public who was in need of assistance.” *State v. Ultsch*, 2011 WI App 17, ¶ 15, 331 Wis. 2d 242, 793 N.W. 2d 505 (quoting

*Kramer*, 315 Wis. 2d 414, ¶¶ 30-32).

In this case, considering the totality of the circumstances, Officer Solberg did not have a reasonable basis to believe that there was a member of the public who was in need of assistance in the dark-colored Honda Pilot. There was no indicia that anything was amiss—Officer Solberg did not note any traffic violations or observe any obvious damage to the vehicle such that there was a basis to believe that the occupants of the vehicle were injured or impaired. While there was a basis to believe that the woman involved in the altercation might be in need of assistance, there was an insufficient nexus between the woman and this particular purple Honda Pilot. Additionally, as Officer Solberg testified, he was investigating the possible criminal violations of the individuals involved in the altercation which included Ms. Reichert. The stop was investigative in nature, not a bona fide exercise of the community caretaker function. As such, the stop was not justified by the community caretaker function.

**C. Even if the stop was supported by probable cause or reasonable suspicion or was a valid exercise of the community caretaker function, Officer Solberg impermissibly extended the stop beyond its intended purpose to investigate the OWI.**

Traffic stops are meant to be brief interactions with law enforcement officers, and they may last no longer than is required to address the circumstances that make them necessary. *State v. Floyd*, 2017 WI 78, ¶ 21, 377 Wis. 2d 394, 898 N.W. 2d 650. Officer Solberg unlawfully extended the traffic stop into an OWI investigation without reasonable suspicion to do so, resulting in the unreasonable seizure of Ms. Reichert. *See Rodriguez v. Illinois*, 135 S. Ct. 1609 (2015). “The tolerable duration

of police inquiries in the traffic-stop context is determined by the seizure's "mission" – to address the traffic violation that warranted the stop." *Id.* at 1616. "Authority for the seizure thus ends when tasks tied to the traffic infraction are – or reasonably should have been – completed. *Id.* at 1615 (refusing to apply the "de minimis" rule set forth in *Pennsylvania v. Mimms*, 434 U.S. 106 (1977)).

The United States Supreme Court deemed it "clear" that an investigative detention must be temporary and last no longer than is necessary to effectuate the purpose of the stop, and that the investigative methods employed should be the least intrusive means reasonably available to verify or dispel the officer's suspicion in a short period of time. *Florida v. Royer*, 460 U.S. 491 (1983). The State bears the burden of proving that the stop was "sufficiently limited in scope *and* duration." *Id.* (emphasis added).

In this case, there are three seizures. Although the end of the seizures overlapped with the start of the next, they are conceptually distinct. "It is essential that we distinguish them because the constitutionally-acceptable scope and duration of each seizure is inextricably bound up with its justifiable purpose." *Brooks*, 2020 WI 60 at ¶ 9. The first was the initial traffic stop, which Officer Solberg testified was an exercise of the community caretaker function to determine whether anyone in the vehicle was in need of assistance or medical care. The second was the extension of the stop to investigate the circumstances of the domestic altercation. The third was the extension of the stop to investigate Ms. Reichert for a possible OWI.

Regarding the first purpose of the stop – the community caretaker function – Officer Solberg testified that he was able to determine within

one minute of stopping Ms. Reichert that nobody within the vehicle was in need of assistance or medical attention. As the authority for a seizure ends when the “mission” of the seizure has been accomplished, Ms. Reichert should have been permitted to leave at this point, as Officer Solberg’s authority to continue the seizure ended. Instead, Officer Solberg asked her to exit the vehicle to speak with him further, beginning the second seizure for purposes of investigating the domestic altercation.

This second seizure lasted approximately 27 minutes and consisted of Ms. Reichert explaining what happened between herself and Scott and her decision to pick up her children and leave for their safety due to Scott’s behavior, her attempts to escape after Scott blocked her vehicle in with his own, and her fear that he was trying to ram her with his vehicle. During this period, Ms. Reichert also allowed Officer Solberg to enter her vehicle and retrieve her cell phone so that he could look at text messages between Ms. Reichert and Scott. Ms. Reichert interacted face to face with Officer Solberg for nearly half an hour, informed him that she was out for drinks when she had to return home abruptly to gather her children, and Officer Solberg had previously had an opportunity to observe her driving. Ultimately, Officer Solberg told Officer Johnson that there was nothing that rose to the level that would require an arrest. It was only towards the end of his conversation with Officer Johnson that Officer Solberg learned of Scott’s allegations that Ms. Reichert was driving while intoxicated, and his response suggested that Officer Solberg was not concerned that Ms. Reichert might be intoxicated: “I’ll probably put her through field sobriety tests before we let her go to make sure she’s fine when she drives away.”

At the point that Officer Solberg concluded his community caretaker function – one minute into the stop – he did not have reasonable suspicion or probable cause that Ms. Reichert was driving while intoxicated. After nearly half an hour of interaction with Ms. Reichert culminating in a phone call to Officer Johnson to advise her that there was not a basis to make an arrest for the domestic altercation, Officer Solberg lacked probable cause or reasonable suspicion that Ms. Reichert was driving while intoxicated, noting only that her speech was “very slightly slow” but not slurred and that she did not smell like alcohol. To the extent that Officer Solberg’s authority to continue the stop beyond performing his community caretaker function, Officer Solberg’s authority to continue the seizure ended with the conclusion of his investigation into the domestic violence incident. At the time he completed the “mission” of his seizure, he lacked probable cause or reasonable suspicion to extend the stop further in order to investigate the OWI. As such, any evidence obtained during the extension must be suppressed.

### CONCLUSION

Officer Solberg lacked probable cause or reasonable suspicion to stop Ms. Reichert’s vehicle. He also lacked sufficient information to reasonably conclude that the vehicle that she was traveling in was connected to the domestic altercation such that it was likely that an occupant of the vehicle was in need of assistance or medical attention. In less than one minute, Officer Solberg dispelled any concern for the safety of the occupants, concluding the stated purpose for stopping Ms. Reichert’s vehicle. He unreasonably extended the stop by transforming it into an investigation into the domestic altercation which took nearly

half an hour to conclude. At the conclusion of that investigation, Officer Solberg lacked probable cause or reasonable suspicion that Ms. Reichert was intoxicated, and he unreasonably extended the seizure a second time in order to put Ms. Reichert through field sobriety testing. The unreasonable extension of the stop violated Ms. Reichert's Fourth Amendment rights, and any evidence derived from the stop must be suppressed.

Dated at Waukesha, Wisconsin this 16th day of January, 2024

**KUHLER & COTTON, S.C.**

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## CERTIFICATE OF COMPLIANCE

I hereby certify that this brief conforms to the rules contained in Wis. Stat. § 809.19(8)(b), (bm) and (c) for a brief. The length of this brief is 4823 words.

I further certify that filed with 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 at Waukesha, Wisconsin this 16th day of January, 2024.

Electronically signed by Bradley W. Novreske  
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