

FILED  
04-16-2025  
CLERK OF WISCONSIN  
COURT OF APPEALS

STATE OF WISCONSIN  
COURT OF APPEALS  
DISTRICT I

Appeal Case No. 2024AP000584

---

COUNTY OF MILWAUKEE,  
Plaintiff-Respondent,  
v.  
SHARON A. DAWSON,  
Defendant-Appellant.

---

ON APPEAL FROM A CIVIL SPEEDING VIOLATION  
GUILTY VERDICT RENDERED IN THE MILWAUKEE  
COUNTY CIRCUIT COURT, THE HONORABLE  
RAPHAEL RAMOS PRESIDING

---

BRIEF OF PLAINTIFF-RESPONDENT

---

Kent Lovern  
District Attorney  
Milwaukee County

Melissa J. Buss  
Assistant District Attorney  
State Bar No. 1122085  
Attorneys for Plaintiff-Respondent

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

## TABLE OF CONTENTS

	<b>Page</b>
ISSUES PRESENTED .....	1
STATEMENT ON ORAL ARGUMENT AND PUBLICATION .....	2
STATEMENT OF THE CASE .....	2
a. The Citations .....	2
b. The Court Trial.....	2
STANDARD OF REVIEW .....	3
Issue 1: Racial Profiling and County’s position.....	3
Issue 2: Insufficiency of the Evidence .....	6
ARGUMENT .....	6
A. Ms. Dawson has not demonstrated by clear and convincing evidence that Deputy Bjerke racially profiled her on the day of the incident. ....	6
B. The evidence offered at trial was sufficient to prove that Ms. Dawson was guilty of excessive speed by clear, satisfactory, and convincing evidence.....	7
CONCLUSION .....	9

## TABLE OF AUTHORITIES

### CASES CITED

	<b>Page</b>
<i>County of Sheboygan v. Lane</i> , 332 Wis. 2d 318, 797 N.W.2d 935 (Ct. App. 2011) .....	7
<i>State v. Batt</i> , 2010 WI App 155, 330 Wis. 2d 159, 793 N.W.2d 104.....	7
<i>State v. Baudhuin</i> , 141 Wis. 2d 642, 416 N.W.2d 60 (1987) .....	7
<i>State v. Gaulrapp</i> , 207 Wis. 2d 598, n.4, 558 N.W.2d 696 (Ct. App. 1996).....	5
<i>State v. Harris</i> , 2010 WI 79, 326 Wis. 2d 685, 689, 786 N.W.2d 409, 411 .....	5
<i>State v. Paulick</i> , 2011 WI App 27, 331 Wis. 2d 731, 795 N.W.2d 493 (2011) .....	7
<i>State v. Poellinger</i> , 153 Wis. 2d 493, 451 N.W.2d 752, 755 (1990) .....	6
<i>State v. Thomas</i> , 2023 WI 9, 405 Wis. 2d 654, 985 N.W.2d 87 .....	6

### WISCONSIN STATUTES CITED

Wis. Stat. (Rule) 809.22(1)(b).....	2
Wis. Stat. (Rule) 809.23(1)(b)4.....	2
Wis. Stat. § 347.48(2m)(b).....	2
Wis. Stat. § 346.57(5).....	2
Wis. Stat. § 805.14(6).....	8

Wis. Stat. § 809.19(8)(b) and (c)..... 10

Wis. Stat. § 801.18(6)..... 10

**OTHER SOURCES CITED**

WIS JI-CRIMINAL – 2678 (2023)..... 7

Wis. Admin. Code UWS § 7.015(1m) ..... 8

STATE OF WISCONSIN  
COURT OF APPEALS  
DISTRICT I

---

Appeal Case No. 2024AP000584

---

COUNTY OF MILWAUKEE,

Plaintiff-Respondent,

v.

SHARON A. DAWSON,

Defendant-Appellant.

---

ON APPEAL FROM A CIVIL SPEEDING VIOLATION  
GUILTY VERDICT RENDERED BY HONORABLE  
RAPHAEL RAMOS

---

BRIEF OF PLAINTIFF-RESPONDENT

---

**ISSUES PRESENTED**

On March 17, 2025, Sharon Dawson filed this pro se appeal. Among the issues raised, Ms. Dawson appears to allege racial profiling by Milwaukee County Sheriff Deputy Adam Bjerke related to two traffic citations in Milwaukee County case number 2023TR013965 from May 22, 2023.

The State believes that Ms. Dawson also appears to present a claim for insufficiency of the evidence, contesting Judge Raphael Ramos' analysis of the facts presented at the court trial, as well as the circuit court's finding that Ms. Dawson was guilty of the civil violation of exceeding the posted speed limit.

## **STATEMENT ON ORAL ARGUMENT AND PUBLICATION**

The County requests neither oral argument nor publication. The briefs in this matter can fully present and meet the issues on appeal and fully develop the theories and legal authorities on the issues. *See* Wis. Stat. (Rule) 809.22(1)(b). Further, as a matter to be decided by one judge, this decision will not be eligible for publication. *See* Wis. Stat. (Rule) 809.23(1)(b)4.

## **STATEMENT OF THE CASE**

### **A. The Citations**

On Monday, May 22, 2023, the following two citations were issued to Ms. Dawson: Exceeding Speed Zones/Posted Limits (25-29 MPH), contrary to Wis. Stat. § 346.57(5), and Vehicle Operator Fail/Wear Seat Belt, contrary to Wis. Stat. § 347.48(2m)(b). (R. 1, R. 2).

### **B. The Court Trial**

On September 28, 2023, a court trial was held with Milwaukee County Assistant District Attorney Matthew Zisi appearing on behalf of the County. Ms. Dawson appeared pro se. The Honorable Judge Raphael A. Ramos of Milwaukee Circuit Court, Branch 24, presided. (R. 17:1, 2).

The court trial began with Judge Ramos explaining the traffic charges and penalties, court trial proceeding basics, the standard of proof, as well as Ms. Dawson's opportunity to question witnesses and present her case. (R. 17:4-6). After doing so, Judge Ramos asked Ms. Dawson if she understood the process of what would occur during the court trial. Ms. Dawson replied in the affirmative. (R. 17:6).

The County began the court trial by calling Milwaukee County Sheriff Deputy Adam Bjerke. (R. 17:6). Deputy Bjerke testified that he served as a Milwaukee County Sheriff's Office employee with almost 5 years of experience and 6 months of law enforcement training at the academy. (R. 17:6, 7).

On May 22, 2023, Deputy Bjerke was patrolling on Interstate 43 in the vicinity of 6<sup>th</sup> street in Milwaukee County, Wisconsin. Deputy Bjerke noticed a tan GMC Yukon pass his fully marked squad car at a high rate of speed. (R. 17:7). Deputy Bjerke testified that he paced the vehicle for about a half mile. Utilizing his state-certified speedometer, Deputy Bjerke estimated that the tan GMC Yukon was driving 75 miles per hour in a posted 50 mile per hour speed zone. (R. 17:7).

Deputy Bjerke testified that he conducted a traffic stop of the tan GMC Yukon, the driver being Ms. Sharon A. Dawson. Deputy Bjerke identified the defendant, Ms. Sharon A. Dawson, in court as the individual whom he stopped for speeding on May 22, 2023. (R. 17:7-8). Deputy Bjerke further noted that he also observed that Ms. Dawson was not wearing a seatbelt as he approached her tan GMC Yukon vehicle. Deputy Bjerke told Ms. Dawson the reason for the stop, before issuing two citations. (R. 17:7, 8). Deputy Bjerke confirmed with Ms. Dawson that she drove at least 25 miles over the posted speed limit. (R. 17: 8).

After Assistant District Attorney Zisi completed his questioning of Deputy Bjerke, Judge Ramos informed Ms. Dawson that she could ask Deputy Bjerke questions, if she had any. (R. 17:9). Ms. Dawson stated that she did not have any questions for Deputy Bjerke, indicating that she “just wanted to give [her] statement.” (R. 17:9). The Court then released Deputy Bjerke from the stand. The County rested. (R. 17:9).

The Court then confirmed with Ms. Dawson that she wanted to provide testimony. (R. 17:9). Ms. Dawson was then sworn in and provided her statement. (R. 17:10). Ms. Dawson testified that she was getting on the shoulder of the highway and that Deputy Bjerke and herself were driving “neck-to-neck,” when two other cars pulled up:

I was getting on the shoulder. I'd seen him when I got on – the sheriff, when I got on the shoulder. We were driving. It's a two lane. We were driving neck-to-neck. It's two cars in front of me, so as soon as – and then as soon as we get to the expressway, the other two cars pulled up and I pulled up, but I'm not exactly on the expressway, still on the shoulder.

I knew he was going to give me a ticket even when I pulled up to him because first we were driving neck-to-neck and then when these two cars pulled up and I pulled up, he put his lights on.

(R. 17:10).

Ms. Dawson then testified that, after she was pulled over, she asked Deputy Bjerke what she was stopped for. (R. 17:10). Deputy Bjerke then replied that she was “driving 75,” to which she denied. (R. 17:10).

Ms. Dawson stated that there was no way that her vehicle could reach those speeds, describing it as “raggedy”. (R. 17:11). Ms. Dawson went on further to explain that there was no way that she could speed with two cars in front of her and Deputy Bjerke next to her on the shoulder:

There's no way – for one thing, my vehicle don't – it don't even – it's raggedy, so it doesn't even reach up to that, but still, if I was driving 75 and there's two cars in front of me plank (sic) just seeing him come assist and tell me not to be speeding, which I wasn't, then he's going to ask me, “Well, where are you going?” and I told him, “None of your business.” And he said, “Since you're going to be hostile, I'm going to give you – that's a ticket for seat belt.”

Now that's how that went. There's no way, no way in heaven, Earth, and hell, I could go 75 with two cars in front of me and he's right next to me on the shoulder.

(R. 17:11).

After testimony concluded, Judge Ramos made the circuit court’s findings of fact and its decision related to the speeding violation, once again explaining the law. (R. 17:12-13). Judge Ramos began by summarizing Deputy Bjerke’s testimony, noting how Deputy Bjerke paced Ms. Dawson’s vehicle for approximately half a mile, using his speedometer to identify the vehicle’s speed at 75 miles per hour while driving in a 50 mile per hour speed zone. (R. 17:13).

Next, Judge Ramos summarized Ms. Dawson’s testimony, finding that Ms. Dawson did not provide any testimony specific to her speed, nor did Ms. Dawson indicate that she observed her own speedometer at any point. (R. 17:13-14). Judge Ramos noted Ms. Dawson’s testimony pertaining to the presence of



two other motor vehicles in front of her tan GMC Yukon that would have impeded her vehicle; however, Judge Ramos also noted that Ms. Dawson failed to provide detailed testimony as to whether the drivers of the other two vehicles were also travelling in excess of the speed limit. (R. 17:14). Attempting to weigh the credibility of the evidence presented to the circuit court, Judge Ramos mused about how two other vehicles could have impeded Ms. Dawson's tan GMC Yukon, had she in actuality only been driving on the shoulder of the expressway and not in the actual lanes of traffic. (R. 17:14).

After weighing the evidence and making the circuit court findings of fact, Judge Ramos found Ms. Dawson guilty by clear and convincing evidence of the civil forfeiture offense of speeding. Judge Ramos thereafter imposed a \$254.40 fine. (R. 17:15, 16). Regarding the seat belt offense, the Court found Ms. Dawson not guilty.

## STANDARD OF REVIEW

### Issue 1: Racial Profiling and County's position

Ms. Dawson does not present a standard of review for her racial profiling allegation. As for a standard to apply in a racial profiling case, the County first notes that the Wisconsin Supreme Court applied the "clear and convincing evidence" standard when racial bias allegations are brought against a circuit court judge at sentencing hearings.<sup>1</sup> In determining the presence of potential racial bias against a given citizen by a law enforcement officer, such a standard of proof may be similarly appropriate. *Harris* states that it is beyond dispute that race and gender are improper factors (for consideration at sentencing); they may not be relied upon—at all—in the imposition of a sentence. *State v. Harris*, 2010 WI 79, ¶ 3, 326 Wis. 2d 685, 689, 786 N.W.2d 409, 411. Discretion is erroneously exercised when a sentencing court actually relies on clearly irrelevant or improper factors, and the defendant

---

<sup>1</sup> For a traffic stop, the actual motivation of the officer is relevant if there is a claim of selective enforcement based on a consideration such as race or ethnicity. However, the constitutional basis for such a claim is the Equal Protection Clause, not the Fourth Amendment. See *State v. Gaulrapp*, 207 Wis. 2d 598, 607-608, n.4, 558 N.W.2d 696 (Ct. App. 1996). The State notes that it is unable to find a factual basis in the record to support such a claim.

bears the burden of proving such reliance by clear and convincing evidence. *Id.*

## **Issue 2: Insufficiency of the Evidence**

Ms. Dawson addresses the decision of the Court, alleging it to be improper. The County identifies the legal issue presented here as a “question of evidentiary sufficiency,” which is a legal question that this Court would independently review. *State v. Thomas*, 2023 WI 9, paragraph 9, 405 Wis. 2d 654, 985 N.W.2d 87.

Under this standard, “an appellate court may not reverse a conviction unless the evidence, viewed most favorably to the state (county, in this situation) and the conviction, is so insufficient in probative value and force that it can be said as a matter of law that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt.” *State v. Poellinger*, 153 Wis. 2d 493, 501, 451 N.W.2d 752, 755 (1990)

## **ARGUMENT**

### **C. Ms. Dawson has not demonstrated by clear and convincing evidence that Deputy Bjerke racially profiled her on the day of the incident.**

In its response, the County will analyze whether Ms. Dawson demonstrated by clear and convincing evidence that Deputy Bjerke issued her a speeding ticket based on her race. Ms. Dawson alleges that Milwaukee County Sheriff Deputy Adam Bjerke racially profiled her. The County’s position is that the record fails to substantiate this claim.

Practically speaking, her allegations are merely conclusory in nature and without factual support. Without any evidence to support the assertion, Ms. Dawson fails to present even a prima facie case for discrimination.

In failing to raise a challenge to Deputy Bjerke’s reasonable suspicion (alleged speeding violation) for the stop of her tan GMC Yukon, Ms. Dawson may have waived this claim. It is also the State’s position that, while testifying, Ms. Dawson freely admitted on the witness stand that she did not wear a seat

belt. (R. 17:12). In making such a concession, Ms. Dawson also admitted a violation that serves as yet another ground or basis for the lawful stop of her tan GMC Yukon vehicle.

During the court trial on September 28, 2024, Deputy Bjerke never presented any evidence that race was a motivating factor in his decision to issue Ms. Dawson two traffic tickets.<sup>2</sup> Ms. Dawson had an opportunity to cross examine Deputy Bjerke, but she did not raise or otherwise address this topic.

Additionally, during her testimony, while Ms. Dawson did testify that the officer issued her a ticket for failing to wear a seatbelt after stating that she was being “hostile.” (R. 17:12). That said, there was no additional testimony provided about the interaction, and no racial bias or profiling alleged during the course of the trial level proceedings at any juncture.

**D. The evidence offered at trial was sufficient to prove that Ms. Dawson was guilty of excessive speed by clear, satisfactory, and convincing evidence.**

Wis. Stat. § 346.57(5), “is violated by one who drives a vehicle on a highway in excess of any speed limit established pursuant to law by state or local authorities and indicated by official signs.” WIS JI-CRIMINAL – 2678 (2023).

---

<sup>2</sup> In addressing this issue pertaining to valid and lawful reasons for law enforcement officers to stop motorists, the State reviewed *County of Sheboygan v. Lane*, 332 Wis. 2d 318, 797 N.W.2d 935, filed February 2, 2011, a *RULE 809 persuasive value case*, where the Court, using a probable cause rather than a reasonable suspicion standard, held that the stop of the defendant’s car for driving too fast for conditions through several roundabouts was legal. In *State v. Batt*, 2010 WI App 155, 330 Wis. 2d 159, 793 N.W.2d 104, the Court (in a situation where the officer did not personally observe the speeding) found that the stop of the defendant’s car for speeding was valid for reasonable suspicion based on an anonymous tip and other circumstances. In *State v. Baudhuin*, 141 Wis. 2d 642, 416 N.W.2d 60 (1987), the Wisconsin Supreme Court found that the stop of the defendant’s car was valid because of a violation of Wis. Stat. § 346.59(1) which provides that “No person shall drive a motor vehicle at a speed so slow as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or is necessary to comply with the law.” In *State v. Paulick*, 2011 WI App 27, 331 Wis. 2d 731, filed January 12, 2011, a *RULE 809 persuasive value case*, the Court found the stop of the defendant’s motor vehicle was proper after an officer with four years of experience, based on observing the defendant’s car in his rearview mirror, estimated that the defendant’s car was travelling between five to ten miles an hour over the thirty mile an hour speed limit.

Under Wis. Admin. Code UWS § 7.015(1m), “‘Clear and convincing evidence’ means information that would persuade a reasonable person to have a firm belief that a proposition is more likely true than not true. It is a higher standard of proof than ‘preponderance of the evidence.’”

During the court trial, Deputy Bjerke testified that, on May 22, 2023, he was patrolling on Interstate 43 in the vicinity of 6<sup>th</sup> street in Milwaukee County, Wisconsin, establishing venue. He also identified Ms. Dawson, in court, as the driver of the GMC Yukon that he observed pass his squad car at a high rate of speed.

Deputy Bjerke testified that he paced Ms. Dawson’s vehicle for about a half mile utilizing his State-certified speedometer. Deputy Bjerke estimated that the vehicle was driving 75 miles per hour in a posted 50 mile per hour zone, establishing that Ms. Dawson was driving 25 miles per hour over the speed limit.

In her testimony, Ms. Dawson testified that her vehicle was “raggedy” and that it could not reach such high speeds; however, the circuit court noted that Ms. Dawson did not assert that she observed her own speedometer at any point to verify her speed. Additionally, Ms. Dawson failed to provide testimony on the speeds of the vehicle purportedly in front of her.

Weighing the evidence provided on September 28, 2024, a reasonable person would have been persuaded that Ms. Dawson was driving in excess of the posted speed limit on Monday, May 22, 2023. Ms. Dawson has not established in her appeal that the evidence was so insufficient<sup>3</sup> in probative value and force that no trier of fact could have found her guilty by clear and convincing evidence.

---

<sup>3</sup> In civil trials, Wis. Stat. § 805.14(6) indicates that the grounds of a motion challenging the sufficiency of evidence must be stated with particularity. “Conclusory statements” and “statements lacking express reference to the specific element of a claim or defense as to which the evidence is claimed to be deficient shall be deemed insufficient to entitle the movant to the order sought.”

## CONCLUSION

The County respectfully requests this Court to affirm the circuit court's finding of guilt.

Dated this 16<sup>th</sup> day of April, 2025.

Respectfully submitted,

KENT LOVERN  
District Attorney  
Milwaukee County

Electronically signed by:

Melissa J. Buss  
MELISSA J. BUSS  
Assistant District Attorney  
State Bar No. 1122085

### **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 2841.

Dated this 16<sup>th</sup> day of April 2025.

Electronically signed by:

Melissa J. Buss

MELISSA J. BUSS

Assistant District Attorney

State Bar No. 1122085

### **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 Appellate Court Electronic Filing System, which will accomplish electronic notice and service for all participants who are registered users.

Dated this 16<sup>th</sup> day of April 2025.

Electronically signed by:

Melissa J. Buss

MELISSA J. BUSS

Assistant District Attorney

State Bar No. 1122085