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CLERK OF WISCONSIN
SUPREME COURT

STATE OF WISCONSIN

IN SUPREME COURT

No. 2024AP691-CR

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

JODY WILLIAM SOLOM,

Defendant-Appellant-Petitioner.

RESPONSE TO PETITION FOR REVIEW

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CRITERIA FOR REVIEW

The State of Wisconsin opposes Jody William Solom's Petition for Review of the Wisconsin Court of Appeals' order affirming his judgment of conviction for operating a motor vehicle while intoxicated (OWI), sixth offense. *See State v. Solom*, No. 2024AP691-CR, 2025 WL 862647, ¶ 1 (Wis. Ct. App. Mar. 19, 2025) (unpublished); (Pet-App. 3–11).

Solom pleaded guilty to OWI, sixth offense, after the circuit court denied his motion to suppress the traffic stop. *Solom*, 2025 WL 862647, ¶¶ 2–7; (R. 65:1, 3). Solom asserted before the circuit court and on appeal that the officer lacked reasonable suspicion to stop his red Honda Civic based on a citizen's report shortly before the stop that a red Honda Civic went through a stop sign and crashed into a snowbank. *Solom*, 2025 WL 862647, ¶¶ 3, 8. The officer testified that 2–3 minutes after receiving the dispatch, he observed a red Honda Civic travelling from the direction of and approximately a mile from where the citizen reported seeing it. *Id.* ¶ 4. The officer followed the red Honda Civic, observing it traveling at “varying speeds, increasing speed, decreasing speed, as well as weaving within its own lane,”—indicators, based on the officer's training and experience, that were consistent with impairment. *Id.* ¶ 5. The circuit court denied the motion, determining that the officer lawfully stopped Solom. *Id.* ¶ 7. The court of appeals affirmed, determining that the officer had reasonable suspicion to stop Solom's car under the totality of the circumstances. *Id.* ¶ 19.

Solom seeks review because he contends that the court of appeals' decision conflicts with this Court's decision in *State v. Richey*, 2022 WI 106, ¶¶ 7–9, 405 Wis. 2d 132, 983 N.W.2d 617. (Pet. 4.) To the contrary, the court of appeals' decision demonstrates that it understood *Richey* and correctly applied it to decide Solom's appeal.

In its decision, the court of appeals identified the correct legal standard for assessing whether an officer had reasonable suspicion to conduct a traffic stop. *Solom*, 2025 WL 862647, ¶ 9 (citing *Richey*, 405 Wis. 2d 132, ¶¶ 7–9). It discussed *Richey*’s facts and explained why this Court concluded, under the totality of the circumstances, that the officer lacked reasonable suspicion to stop *Richey*. *Id.* ¶¶ 10–12. It then contrasted *Richey*’s facts with the facts in *Solom*’s case, explaining why the officer had reasonable suspicion to stop *Solom* when the officer in *Richey* did not. *Id.* ¶¶ 13–14. The court of appeals detailed the totality of circumstances that established reasonable suspicion to stop *Solom*. *Id.* ¶¶ 15–18. Based on the factual differences between *Richey* and his case, *Solom*’s petition fails to demonstrate how the court of appeals’ decision conflicts with *Richey*.

Moreover, *Solom*’s petition does not satisfy any other criteria for this Court’s review. For example, it does not demonstrate why this Court’s review of his case will advance this Court’s “law-declaring and developing function.” *State v. Schumacher*, 144 Wis. 2d 388, 406, 424 N.W.2d 672 (1988); Wis. Stat. § (Rule) 809.62(1r). Nor does it show that the issue he raises presents a “real and significant” question of constitutional law. Wis. Stat. § (Rule) 809.62(1r)(a). *Solom*’s issue involves no more than the application of settled legal principles to his case’s facts and concerns arguments that are factual, rather than legal, in nature. Wis. Stat. § (Rule) 809.62(1r)(c)1. and 3. What *Solom* really seeks through his petition is error correction, and this Court does not ordinarily grant petitions to correct errors in individual cases. *See, e.g., State v. Gajewski*, 2009 WI 22, ¶ 11, 316 Wis. 2d 1, 762 N.W.2d 104 (per curiam).

This Court should deny *Solom*’s petition because his claim does not merit review under Wis. Stat. § (Rule) 809.62(1r).

CONCLUSION

This Court should deny Solom's Petition for Review.

Dated this 29th day of April 2025.

Respectfully submitted,

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FORM AND LENGTH CERTIFICATION

I hereby certify that this petition or response conforms to the rules contained in Wis. Stat. §§ (Rules) 809.19(8)(b), (bm) and 809.62(4) for a petition or response produced with a proportional serif font. The length of this petition or response is 637 words.

Dated this 29th day of April 2025.

Electronically signed by:

Donald V. Latorraca
DONALD V. LATORRACA
Assistant Attorney General

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 29th day of April 2025.

Electronically signed by:

Donald V. Latorraca
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