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SUPREME COURT

STATE OF WISCONSIN

IN SUPREME COURT

Case No. 2024AP000931-CR

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

JOSEPH PAUL MORELLO,

Defendant-Appellant-Petitioner.

PETITION FOR REVIEW

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ISSUES PRESENTED

People heard gunshots beginning at 12:04am. Fifteen and forty-five minutes later reports came in of a black Chevy Avalanche leaving the area.

More than an hour after gunshots were first heard, police pulled Mr. Morello over because he was driving a black Chevy Avalanche. He was pulled over less than a mile from where the shots were heard. No evidence was found linking Mr. Morello to the gunshots but he was charged with an OWI and related charges based on police interactions with him after he was stopped.

The police report for the stop and the complaint both made clear Mr. Morello was stopped because police suspected he was involved with the gunshots heard earlier. The police report mentioned that Mr. Morello's windows were darkly tinted but did not say they appeared illegally dark.

The circuit court ruled police had reasonable suspicion to pull Mr. Morello over based on their suspicions he was involved with the gunshots. The circuit court did not find the dark window tint provided additional grounds to pull Mr. Morello over.

The Court of Appeals did not decide whether there was reasonable suspicion that Mr. Morello was involved with the gunshots. Instead, it found the stop was legal solely on the grounds police may have

believed Mr. Morello's windows were illegally tinted. It held it could rely on implicit credibility findings from the circuit court to reach this decision.

1. Following *State v. Conaway*, 2010 WI App 7, 323 Wis. 2d 250, 779 N.W.2d 182, what officer testimony is required to support reasonable suspicion to stop a car for illegally tinted windows?
2. What is the scope of the Court of Appeals' authority to make implicit credibility findings?
3. Was there reasonable suspicion to pull Mr. Morello over to investigate whether he was involved with gunshots first heard more than an hour earlier?

CRITERIA FOR REVIEW

In 2009 in *Conaway*, the Court of Appeals held the officer's testimony regarding experience with illegally tinted windows was insufficient to support reasonable suspicion for a stop on those grounds. *Id.* (App. 32-35). Since then, multiple cases have litigated what type of officer testimony on experience with illegal tint and tint meters is required to support reasonable suspicion to stop a car for illegal tint. *See e.g. State v. Shaw*, No. 2021AP1221-CR, unpublished slip op. (Wis. Ct. App. Sept. 1, 2022) (App. 36-38); *State v. Gillie*, No. 2020AP372-CR, unpublished slip op. (Wis. Ct. App. Jan. 20, 2021) (App. 39-43).

This Court should accept review to clarify the law on what type of testimony is required under *Conaway* because the issue has arisen and will continue to arise until this court opines on it. Review is appropriate on these grounds under Wis. Stat. § 809.62(1r)(c)3. Review of this issue is also appropriate under § 809.62(1r)(a) as the issue involves the Fourth Amendment and Article I, Section 11 of Wisconsin's Constitution and thus presents a real and significant question of federal and state constitutional law.

Here, the Court of Appeals relied on a "implicit" credibility finding that the circuit court found credible that the officer suspected Mr. Morello of having illegally tinted windows. *State v. Joseph Paul Morello*, 2024AP931-CR, Slip. op (Feb. 6, 2025), ¶22 (App. 12-13). As discussed below, that conclusion is inconsistent with the facts of the case. The issue of the scope of the Court of Appeals' authority to rely on implicit credibility findings will recur unless resolved by this court making review appropriate under § 809.62(1r)(c)3.

Whether there was reasonable suspicion to stop Mr. Morello for suspicion he was involved with earlier-heard gunshots implicates the Fourth Amendment and Article 1, Section 11 of Wisconsin's Constitution. It thus presents a real and significant question of federal and state constitutional law thereby making review appropriate under § 809.62(1r)(a).

STATEMENT OF FACTS

In the words of the circuit court, on May 2, 2022, Mr. Morello “happened to be the wrong person at the wrong place at the wrong time.” (49:17). On that day, Mr. Morello was driving home when the lights and siren of a police car turned on behind him. (22:2, 10:2). Mr. Morello pulled over immediately and was ordered out of his car by Officer Asilis. (24:20). After getting out, Asilis patted Mr. Morello down for weapons but none were found. (22:2). Asilis then explained he stopped Mr. Morello because Mr. Morello was driving a black Chevy Avalanche, the same model of a car suspected involved with the earlier-heard gunshots. (22:2).

The Events Preceding the Traffic Stop

At 12:04am, 61 minutes before Mr. Morello was stopped, police received a report of gunshots at 1611 Hackett Street in Beloit. (10:2; 24:7). A second report of gunshots was made from a few blocks away approximately 15 minutes later. (10:2; 20; 24:12). The record does not indicate that anyone was shot.

Officers spoke to a witness who said he saw a black Chevy Avalanche driving north out of the area 15 minutes after the initial gunshots were heard. (10:2; 24:10-11). The witness did not see anyone enter the black Chevy Avalanche, so they could not provide a description of anyone in the car. (24:27-28). The witness also did not see the car’s license plate or any other distinguishing features. (24:27-28). The only

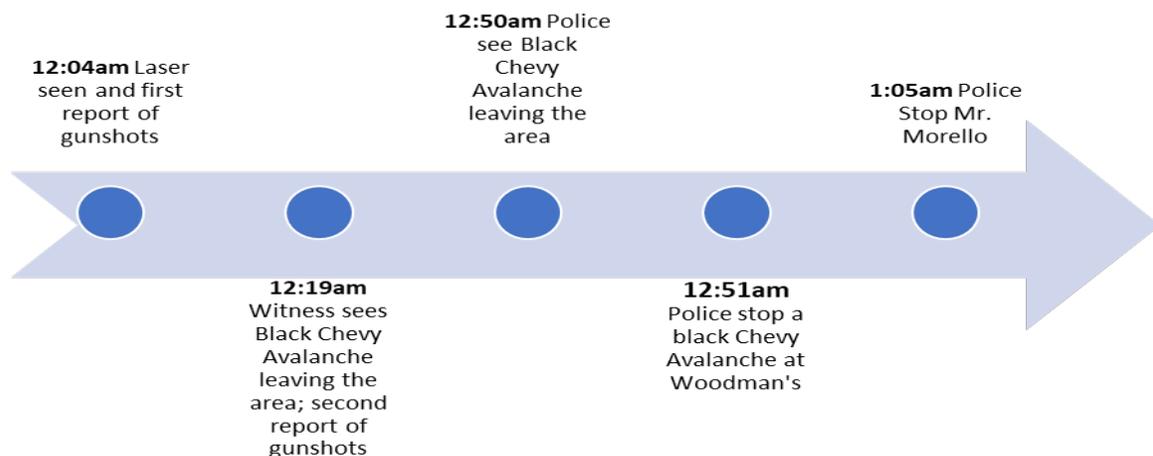
details the witness could provide were the color and model of the car. (24:27-28).

With only this limited description of a vehicle, officers began reporting sightings of and performing traffic stops on similar vehicles. (10:2).

At 12:36am, officers interviewed a witness that reported seeing someone shining a laser from a dark-colored pickup truck near the area shortly before the 12:04am reports of gunshots came in. (10:2).

At 12:50am, Officer Muniz reported seeing a black Chevy Avalanche speeding approximately 12 blocks from where the first shots were reported. (10:2; 20).

At 12:51am, officers stopped a different black Chevy Avalanche parked outside of a Woodman's grocery store. (10:2, 24:15). This Woodman's was open at the time and within 2 miles of where shots were fired. (24:30-31).



The Traffic Stop

At 1:05am, 61 minutes after the initial report of shots came in, Officer Asilis spotted a black Chevy Avalanche driving less than a mile away from where shots had been heard. (10:2). Mr. Morello was driving this vehicle. Though Mr. Morello was not swerving, speeding, or running any traffic signs, Asilis pulled him over. (10; 24; 49:17 (“There was no bad driving in this situation.”)). After ordering Mr. Morello to exit his vehicle and subjecting him to a pat down, Asilis explained that he stopped Mr. Morello because he believed he may have been involved with gunshots heard earlier. (22:2).

Though Officer Asilis initiated the traffic stop to investigate the earlier gunshots, after observing Mr. Morello’s demeanor and smelling alcohol on his breath, Officer Asilis transitioned to conducting an OWI investigation. (10:2-3; 22:2; 24:22). After this investigation, Mr. Morello was charged with Operating a Motor Vehicle While Under the Influence (2nd) (Wis. Stat. § 346.63(1)(a)), Failure to Install Ignition Interlock Device (IID) (Wis. Stat. § 347.413(1)), and Operating with a Prohibited Alcohol Concentration (2nd) (Wis. Stat. § 346.63(1)(b)). (10:1-2).

Mr. Morello was never charged with or convicted of any crime related to gunshots heard on May 2, 2022. (10; 34; App. 14-15).

Window tint

Defense counsel moved to suppress all evidence obtained as a result of the traffic stop. (16:1). At the suppression hearing, nearly seven months after the traffic stop, Officer Asilis claimed that in addition to suspicion that Mr. Morello's car was the one seen leaving the area where shots were heard, he noticed Mr. Morello's car had "excessive window tint." (24:22). He testified he had been trained on how to use a tint meter and had used one in the past. (24:22).

No evidence was presented that the windows were actually illegally dark. In fact, Officer Asilis testified he never measured the tint on Mr. Morello's windows. (24:22).

The evidence from the time of the stop contradicted Asilis' testimony. In his police report prepared mere hours after the traffic stop on May 2, Asilis wrote:

Due to the time of night, there being collective knowledge that a black-in-color Chevy Avalanche may have been involved in the shooting . . . this black-in-color Chevy I saw matching the description and the distance of Grant and Burton from the shooting incident, 0.9 miles, I developed a reasonable suspicion to believe this specific Chevy Avalanche may have occupants involved in the earlier shooting and they may be armed.

(22:2).

In the context of discussing not being able to see the driver as he approached, Asilis mentioned in his report that Mr. Morello had darkly tinted windows. (22:2). He did not say he suspected the windows of being illegally dark. (22). The criminal complaint also indicated the reason Asilis stopped Mr. Morello was to investigate the gunfire heard earlier that day. (10:2). Neither the complaint nor the report stated Mr. Morello was stopped because of tinted windows. (10; 22).

Decisions from the circuit court and Court of Appeals

Though the circuit court admitted this case was a “close call,” it denied the suppression motion, finding police had reasonable suspicion to stop Mr. Morello because “he happened to be driving a car that matched the description” of one seen leaving the area of where shots were fired. (24:55; App. 21). The circuit court did not rule suspicion Mr. Morello had illegally tinted windows was an additional basis to pull him over. (24:50-55; 47:12-21; App. 16-31).

In light of the Wisconsin Supreme Court’s December, 2022 decision in *State v. Richey*, 2022 WI 106, 405 Wis. 2d 132, 938 N.W.2d 617 (discussed below), Mr. Morello moved for reconsideration. (25:1). After acknowledging, again, that this case was a close call, the circuit court denied the defense’s motion. (47:19; App. 29). The circuit court distinguished *Richey* on the basis that, in *Richey*, police were searching for a drunk driver whereas, in this case, police were looking for “an active shooter.” (47:17; App. 27).

After the motion to suppress and motion to reconsider were both denied, Mr. Morello entered no contest pleas to charges of OWI (2nd) and Failure to Install Ignition Interlock Device. (49:9). The circuit court found Mr. Morello guilty of both charges and imposed fines for both. It also sentenced him to 30 days in jail for the OWI charge. (34; 49:10, 18-19; App. 14-15).

The Court of Appeals did not address whether there was reasonable suspicion that Mr. Morello was involved with the gunshots earlier in the night. *State v. Joseph Paul Morello*, 2024AP931-CR, Slip. Op (Feb. 6, 2025) (App. 3-13). Instead, it held there was reasonable suspicion Mr. Morello was driving with illegally tinted windows thereby making his stop valid. *Id.*, ¶1. (App. 3-4). It stated it did not matter that suspicion of gunshot involvement was the reason Officer Asilis pulled Mr. Morello over because the officer's subjective intent is irrelevant as long as there were objective facts that supported reasonable suspicion. *Id.*, ¶21. (App. 11-12). The Court of Appeals was not concerned that the circuit court did not mention window tint in its decision to deny the suppression motion. *Id.*, ¶22. (App. 12-13). It stated “[w]hen a court’s conclusion is rooted in a witness’ credibility but the court did not make any express credibility determinations, this court may assume the circuit court ‘made implicit findings on [the] witness’s credibility when analyzing the evidence.’” *Id.*, ¶22 (citing *State v. Quarzenski*, 2007 WI App 212, ¶19, 305 Wis. 2d 525, 739 N.W.2d 844) (App. 12-13). It assumed

the circuit court found Officer Asilis' testimony regarding window tinting was credible.

ARGUMENT

I. This Court should accept review to clarify what amount of testimony is required regarding an officer's experience with illegal window tint and tint meters in order to support reasonable suspicion.

Not all window tinting is illegal. Specifically, Wisconsin law permits window tint of a car's front side windows as long as at least 50% of visible light can pass through. Wis. Admin. Code § Trans. 305.32(4)(b)2. In *Conaway*, 323 Wis. 2d 250, ¶1 (App. 33), police stopped a car for a suspected window tint violation. The officer testified he had more than 13 years of experience as a state trooper and had received training on using a tint meter. *Id.*, ¶8. (App. 34). The Court of Appeals ruled that an officer does not need to be 100% sure that windows are illegally dark to have reasonable suspicion that a car's windows are illegally tinted. *Id.*, ¶7. (App. 33-34). But it held reasonable suspicion must be based on specific and articulable facts which require, in this context, that the officer have experience with what it means for windows to be not just dark, but illegally dark. *Id.*, ¶¶5, 8-9. (App. 33-34).

In other words, the officer's testimony must provide "a basis for a finding that the officer had the ability to judge whether a tinted...window came close

to or failed to meet” the legal requirement. *Id.*, ¶13. (App. 34). In *Conaway*, the officer testified he had training and experience with a tint meter and with pulling over up to 100 people for suspected illegal tint. *Id.*, ¶.8 (App. 34). The Court of Appeals held that testimony was insufficient because the state did not link that experience to whether the officer had verification his tint assessments were correct when he pulled those cars over. *Id.*, ¶¶9, 11. (App. 34). The Court of Appeals stated the fact the officer knew the legal standard did “not show that he had the ability to look at a particular window and estimate whether it might fail the standard.” *Id.*, ¶10. (App. 34).

Here, the Court of Appeals held Officer Asilis’ testimony that he had had training on the tint meter and used it in the past was sufficient to satisfy *Conaway*. *State v. Joseph Paul Morello*, 2024AP931-CR, Slip. op (Feb. 6, 2025), ¶19. (App. 10-11). But Asilis did not testify as to what percentage of the time the tint meter confirmed his suspicions about illegal tint. (24). Asilis saying he had some training or experience with a tint meter was not sufficient to establish how often he could confirm his assumptions about illegal tint in cars he pulled over. As such, his testimony suffers from the same problem the testimony in *Conaway* did and is insufficient to justify the stop.

This Court should accept review and clarify that *Conaway* requires officer testimony not just about being trained on use of the tint meter and/or on times the officer has stopped cars for illegal tint but also

requires that the officer testify about the number of times he or she has used the tint meter to confirm cars he or she pulled over actually had illegal tint. Without this testimony, it is not possible for courts to determine whether an officer's suspicions regarding window tint were accurate and informed enough to establish reasonable suspicion.

II. This Court should accept review and hold the Court of Appeals does not have authority to make implicit credibility findings that are inconsistent with a circuit court's ruling.

The Court of Appeals is not tasked with making credibility findings but rather defers credibility determinations to the circuit court which has the opportunity to observe the demeanor of witnesses and gauge the persuasiveness of their testimony. *Welytok v. Ziolkowski*, 2008 WI App. 67, ¶¶27-28, 312 Wis. 2d 435, 752 N.W.2d 359. The Court of Appeals is instructed to uphold circuit court findings of fact, including credibility determinations, unless they are clearly erroneous. *Id.*, ¶36. If the circuit court does not make explicit credibility findings, the Court of Appeals may assume it made implicit credibility findings. *Jacobson v. American Tool Companies, Inc.*, 222 Wis. 2d 384, 390, 588 N.W.2d 67 (Ct. App. 1998).

However, in this case the Court of Appeals made an implicit credibility determination that conflicts with the findings from the circuit court. Officer Asilis did not say in his report or in the complaint that he

pulled Mr. Morello over because he suspected his windows were illegally dark. Rather, in both, Asilis said he stopped Mr. Morello based on the gunshots. (10:2; 22:2). Other parts of Officer Asilis' testimony also show police stopped Morello based on suspicion about the gunshots. He testified his supervisor wanted him to pull over Chevy Avalanches and he was actively searching for Avalanches specifically. (24:27, 32, 34). Additionally, when performing the stop, Officer Asilis specifically told Mr. Morello the stop was to investigate dark-colored Chevy Avalanches regarding the gunshots and said nothing about stopping him because of window tint. (22:2).

It was not until the suppression hearing, that Officer Asilis first stated he suspected Mr. Morello's windows were illegally dark when he saw Mr. Morello driving. (24:21-22). This statement was in response to a leading question from the state. (24:21).

The circuit court heard Asilis' testimony regarding the window tint but did not find reasonable suspicion on those grounds. Instead, the circuit court said nothing about the window tint in its decision and found there was reasonable suspicion solely on the grounds that police could reasonably believe Mr. Morello had been involved with the earlier gunfire. (24:50-55) (App. 16-21).

The Court of Appeals held it could uphold the circuit court's suppression decision because Asilis noticed dark window tint even if that was not the reason Asilis actually pulled the car over. *State v.*

Joseph Paul Morello, 2024AP931-CR, Slip. op (Feb. 6, 2025), ¶¶1, 21. (App. 3-4, 11-12). It stated it could make the implicit finding that the circuit court found Asilis' testimony on window tint credible. *Id.*, ¶22.

But the opposite is true. The fact the circuit court heard testimony and argument on the window tint but *did not* find on those grounds shows it did not find Officer Asilis' testimony regarding the window tint credible. If it had, it would have found the stop reasonable on two grounds – illegal window tint and suspicion regarding the gunshots.

This Court should accept review and hold that the Court of Appeals may not rely on an implicit credibility finding that contradicts a credibility finding made by the circuit court.

III. This Court should accept review and hold that police did not have reasonable suspicion to stop Mr. Morello regarding gunshots heard earlier that night.

In analyzing whether there is reasonable suspicion to conduct an investigative stop to look for someone involved in a specific reported crime, Wisconsin courts consider multiple factors.

The interrelated factors can be summarized as:

- The reliability of the information police have regarding how the person stopped could be connected to the reported crime;

- The particularity of the description of the offender/vehicle and how particular police suspicion is to the specific person;
- The size of the area in which the offender might be found based on how far from the scene and how long after the reported crime the person was stopped;
- Number of other people in the area of the reported crime;
- Whether the individual stopped exhibited any suspicious behavior making it more likely he or she was involved in criminal activity.

See generally Richey, 2022 WI 106; *State v. Nimmer*, 2022 WI 47, 402 Wis. 2d 416, 975 N.W.2d 598. These factors and other facts show there was no reasonable suspicion to stop Mr. Morello regarding the gunshots in this case.

The recent cases *Richey* and *Nimmer* provide a framework for analyzing these types of cases. In *Richey*, this Court held a police officer did not have reasonable suspicion to stop a motorcyclist, where the rider's motorcycle was the same make as one seen "driving erratically and speeding" minutes earlier, but where police had no specific details about the previously-seen motorcycle or the person driving it. 2022 WI 106, ¶¶2, 13. Five minutes after the report, a different officer stopped Richey, who was driving a Harley Davidson about a half a mile from the location

the other officer saw a Harley speeding. *Id.*, ¶3. The officer only stopped Richey because she suspected his motorcycle was the same one seen driving erratically a few minutes earlier. *Id.*

In *Nimmer*, 2022 WI 47, police received a report of shots fired and arrived at the location of the shooting “no more than one minute after receiving the report.” *Id.*, ¶8. There, police found one man—Nimmer—walking away quickly. *Id.*, ¶¶8-9. This Court held the close temporal and spatial proximity between Nimmer’s location and that of the shooting, coupled with Nimmer being the sole person in the area, was sufficient to form reasonable suspicion to stop Nimmer. *Id.*, ¶32.

- A. Police did not have reliable information that a Chevy Avalanche was involved with gunshots heard earlier in the night.

No one saw the shooter and police did not hear the gunshots firsthand. The gunfire was not detected by the reliable ShotSpotter technology but, rather, was reported by citizens. (10:2). Nothing in the record indicates whether police ever evaluated the reliability of the tipsters. But even more importantly, police lacked reliable evidence linking the gunshots to a black Chevy Avalanche. Someone said he saw what looked like a laser light in a black pickup truck around the same time shots were heard. (10:2). Someone also reported seeing a black Chevy 15 minutes after the first shots were heard. (10:2). Finally, an officer said she saw a black Chevy Avalanche at 12:50am, more

than 40 minutes after initial shots were heard, 12 blocks away from where they were heard. (10:2).

This information was insufficient to assume a black Chevy Avalanche had anything to do with the gunshots. First, someone seeing a laser light inside a pickup truck is not indicative that truck was involved in a shooting. Not every gun has a laser and not every laser is attached to a gun. Second, it is unlikely an Avalanche seen leaving the area contained the shooter because one would expect a person who just fired shots would leave the scene immediately, not wait around to take off. And the vehicle the officer saw was seen so long after shots were fired and was so far from the location where shots were heard.

B. The description of the vehicle was not sufficiently particular and police suspicion was not particularized to Mr. Morello.

Officer Asilis based his suspicion solely on a generic description of a car that was never seen engaging in criminal activity. (24:27-28). Generic information about a vehicle, without a license plate number or any information about the driver, could apply to a number of people. Indeed, multiple other black Chevy Avalanches were seen in the area during the same timeframe. (10:2). The circuit court also noted many people in the area drove dark colored Avalanches. (47:14; App. 24). An Avalanche also looks similar to other types of pickup trucks, as Officer Asilis testified. (24:17). This means a large number of people could have been swept into a broad search conducted

by police. Such expansive suspicion violates the Fourth Amendment which “does not authorize broad dragnets...Without more, a description that applies to large numbers of people will not justify the seizure of a particular individual.” *Richey*, 2022 WI 106, ¶12.

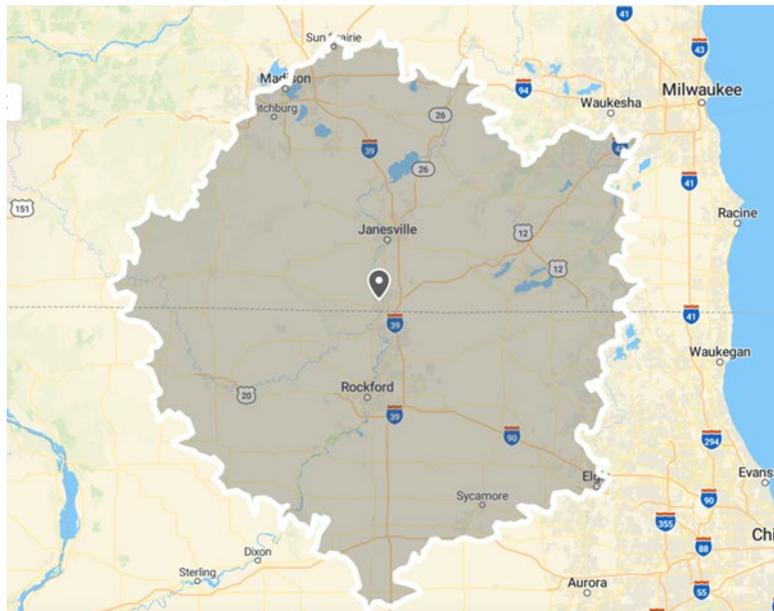
The description of the car alone was not enough to rise to reasonable suspicion. Reasonable suspicion is not such a low bar, “that it allows the state to stop so many otherwise law-abiding citizens based on such a generic description.” *Id.*

C. Police lacked reasonable suspicion to stop Mr. Morello more than an hour after gunshots were first heard because the shooter could have traveled at least 30 miles by that time.

If there is a short time between when police receive a report of a crime and when they stop an individual, that weighs in favor of reasonable suspicion. *Nimmer*, 2022 WI 47, ¶¶29, 32. But the time between gunshots being heard and police pulling Mr. Morello over was quite long in this case confirming there was no reasonable suspicion.

Officer Asilis stopped Mr. Morello roughly a mile from where shots were heard, over an hour after the first 911 call. (10:2). As such, the size of the area in which the offender could be found was significantly larger in this case than it was in cases like *Nimmer* and *Richey*. Indeed, in the 61 minutes that passed from the time the first shots were heard to the time police stopped Mr. Morello, the shooter could have

traveled as far as Janesville, or Madison, or Rockford, IL or farther. (24:31). The map below shows the location of where the first shots were reported (marked with a flag marker) and how far a person could get from that point in 61 minutes following speed limits (seen in gray).¹



¹See <https://www.smappen.com/app/map/OgL4HZ7kwXadZ2Qy>

- D. There were too many people about at the time Mr. Morello was stopped for there to be reasonable suspicion particularized to him.

Another factor—the number of persons about at the time of the stop—also indicates that police did not have reasonable suspicion to stop Mr. Morello. In *Nimmer*, 2022 WI 47, ¶33, there was reasonable suspicion because police started investigating within a minute of the reported gunfire and there was only one person in the area. However, in Mr. Morello’s case, multiple people were in the area when police began investigating the reported gunshots. Businesses were still open and multiple cars were on the road at the time police stopped Mr. Morello. (24:30-31). Indeed, at least two other black Chevy Avalanches were seen in the time between the shooting and Mr. Morello’s traffic stop: the one seen leaving the area 15 minutes after the first shots were heard and the one stopped in the Woodman’s parking lot. (10:2). Further, the circuit court noted a lot of people drove dark colored Chevy Avalanches in the area. (47:14; App. 24).

- E. Police lacked reasonable suspicion to stop Mr. Morello because he did not exhibit any suspicious behavior that would make it more likely he was involved in criminal activity.

The activity police observed before pulling Mr. Morello over also weighs against a finding of reasonable suspicion. Police did not observe

Mr. Morello swerving or speeding before he was stopped. (10; 24). His vehicle showed no signs of being involved in gunfire.

This differs from *Nimmer* where the Wisconsin Supreme Court found there was reasonable suspicion in part because Mr. Nimmer was making suspicious movements consistent with someone hiding a weapon. *Id.*, ¶¶1, 34-35. This case is more akin to *Richey* in which police saw no suspicious behavior before pulling Richey over and where the Court found there was no reasonable suspicion. *Richey*, 405 Wis. 2d 132, ¶¶3, 13-14. This Court should accept review and hold the factors above did not support reasonable suspicion to stop Mr. Morello for being involved with the gunshots.

CONCLUSION

Mr. Morello respectfully requests that this Court grant review to assess the requirements of *Conaway*, opine on if the Court of Appeals can make implicit credibility determination that contradict those of the circuit court, and decide whether there is reasonable suspicion to stop a car based on previously heard gunshots.

Dated this 10th day of March, 2025.

Respectfully submitted,

Electronically signed by

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CERTIFICATION AS TO FORM/LENGTH

I hereby certify that this petition conforms to the rules contained in s. 809.19(8)(b), (bm) and 809.62(4). The length of this petition is 4,493 words.

CERTIFICATION AS TO APPENDIX

I hereby certify that filed with this petition is an appendix that complies with s. 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 s. 809.23(3)(a) or (b); and (4) portions of the record essential to an understanding of the issues raised, including oral or written rules 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 or 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 10th day of March, 2025.

Signed:

Electronically signed by

Tristan S. Breedlove

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Assistant State Public Defender