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**COURT OF APPEALS**

STATE OF WISCONSIN  
COURT OF APPEALS  
DISTRICT IV

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Appeal No. 2024AP1630

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STATE OF WISCONSIN,

Plaintiff-Respondent,

vs.

TRENT JOSEPH MEYER,

Defendant-Appellant.

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PLAINTIFF-RESPONDENT'S BRIEF

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ON APPEAL FROM THE CIRCUIT COURT OF DANE COUNTY,  
BRANCH 13, THE HONORABLE JUDGE JULIE GENOVESE, PRESIDING

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**STATEMENT ON PUBLICATION AND ORAL ARGUMENT**

The County believes that neither oral argument nor publication is necessary. The parties have fully developed the arguments in their briefs and the issues presented involve the application of well-settled legal principles to the facts.

**STATEMENT OF THE ISSUES**

The defendant raises two arguments in this appeal. First, he contends that was insufficient evidence to support the circuit court's finding of guilt. As Dane County (hereinafter "the County"), through its officer witness, provided credible evidence meeting each element of the charged forfeiture, the circuit court found the defendant guilty. The County asks this Court to do the same.

The defendant secondly argues that the circuit court violated his due process rights in this civil matter by not allowing him to testify. Since the defendant was afforded the opportunity to cross examine the County's witness, plead his case via argument, and provide his factual statement to the circuit court, the County asks this Court to find that the defendant's due process rights were not violated.

**ARGUMENT**

The defendant raises two issues on appeal, challenging the sufficiency of evidence to support a verdict, and challenging the circuit court's treatment of him in the context of due process. As the County provided credible evidence to support every element of the offense and because the defendant was afforded the opportunity to testify on multiple occasions, neither of his arguments should prevail. Therefore, the County asks this Court to affirm the circuit court's verdict.

*I. The County introduced sufficient, credible evidence to support the circuit court's verdict.*

The County produced compelling and sufficient evidence through its law enforcement witness to support the verdict in this case. The Wisconsin Supreme Court has held that the standard of review in a challenge to the sufficiency of the evidence is whether there is any credible evidence to sustain the verdict. *Sheboygan Cnty. DHHS v. Tanya M.B.*, 2010 WI 55, ¶ 49, 325 Wis.2d 524, 785 N.W.2d 369. On December 20, 2023, Dane County Sheriff's Deputy Steven Mueller drove his squad vehicle westbound on Highway 12 in Middleton, Wisconsin. (R. 14:5-6.) While traveling westbound in the number 2 lane, he observed a red Jeep Cherokee pass him in the number 1 lane.

(R. 14:6.)<sup>1</sup> Deputy Mueller estimated the Jeep to be traveling at 75 miles per hour in a fixed 55 miles per hour zone. (R. 14:6-8.)

Deputy Mueller then observed the Jeep slow down to match the speed of a vehicle ahead of it. (R. 14:7.) A short while later, the Jeep changed from the number 1 lane to the number 2 lane at which point the Deputy estimated it had accelerated to a speed of 77 miles per hour. (R. 14:8.) Deputy Mueller relocated his squad vehicle directly behind the Jeep and paced the vehicle at 77 miles per hour. (*Id.*) There were no vehicles or objects blocking the Deputy's view of the Jeep at this time. (*Id.*) The Jeep then changed back to the number 1 lane and was paced at 74 miles per hour. (R. 14:9.) After passing the intersection of Highway K on Highway 12, Deputy Mueller initiated a traffic stop and the Jeep pulled onto the right shoulder of Highway 12. (*Id.*)

After making contact with the driver of the Jeep, Deputy Mueller explained the reason for the stop and the driver was identified by Wisconsin driver's license as Trent Meyer. (R. 14:9-10.) Meyer told the Deputy that he was following the flow of traffic and that he remembered passing one vehicle

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<sup>1</sup> The number 1 lane is the leftmost lane, closest to the median. The number 2 lane is to the right of the number 1 lane. (See R. 14:7.)

that he believed to be travelling at 53 miles per hour. (R. 14:11.) Deputy Mueller issued a citation for unreasonable and imprudent speed. (*Id.*)

At trial, the Defendant conceded that he did not know how fast he was going: "In all honesty, I was not - I have no idea what speed limit I was going." (R. 14:19) Furthermore, the circuit court found that the Defendant's speed at the time of the offense was unreasonable or imprudent:

Okay. So, Mr. Meyer, he's not saying you were driving recklessly. No one's saying you were driving recklessly. Your speed was unreasonable or imprudent because it's a 55 miles an hour highway. It's not a 77 miles an hour highway. And so by traveling 77 miles an hour, passing vehicles, one on the right. That to me is reason -- unreasonable or imprudent speed, and he could have given you a worse ticket. He didn't. And I don't think keeping up with traffic, or that you weren't driving recklessly, is a defense. I think that you were driving with unreasonable and imprudent speed, because you were going 77 miles an hour, and you were passing people the way you were. (R. 14:30.)

The offense of unreasonable and imprudent speeding under Wis. Stat. § 346.57(2) has 2 elements. See Wis. JI-2672. In a trial for this offense the prosecuting entity must prove that: (1) the defendant drove a vehicle on a highway, and (2) the defendant drove the vehicle at a speed greater than was reasonable and prudent under the conditions, taking into consideration the actual and potential hazards then existing.

*Id.* The jury instruction additionally notes the burden of proof for such a charge, "evidence which is clear, satisfactory, and convincing". *Id.*

The Defendant did not dispute the first element. There was no evidence to suggest that he was not the driver that Deputy Mueller stopped that day. The Deputy identified the Defendant on the day of the incident via Wisconsin driver's license, and made an in-court identification of the Defendant as the driver. (R 14:9-10) The Defendant's questions of the Deputy on cross-examination implicitly conceded that he was the driver that day. (R 14: 11-12) The County presented evidence on the first element that was clear, satisfactory, and convincing.

The second element goes to the vehicle's speed at the time, whether it was reasonable and prudent under the conditions. The circuit court found that going 22 miles per hour over the speed limit and passing vehicles on the left- and right-hand lanes to be imprudent. (R. 14:30) The circuit court relied upon the Deputy's testimony in reaching that determination:

He did get close to the vehicle ahead of him. And when he made his lane change, he ended up close to the vehicle behind him in the Number 2 Lane. He accelerated at that point, which created more distance between him and the car ahead of him, but he just mentioned that the traffic,

faster traffic is supposed to stay in the left, and here he's doing 77 miles per hour in the Number 2 Lane while overtaking traffic in the left. (R. 14:23)

*II. The circuit court did not deny the defendant's due process*

The defendant's contention that his due process rights were violated is not supported by the transcript in this case. Despite the defendant providing no legal citations to support his argument, the County agrees that defendants in both civil- such as in this case- and criminal cases are afforded the right to be heard. *Galpin v. Page*, 85 U.S. 350, 368-369 (1873).

The circuit court provided multiple opportunities for the defendant to present his defense in this case. At trial, the defendant began to testify while the County's witness was still on the stand. (R. 14:24) The circuit attempted to assist the defendant in understanding the differences between testifying, legal arguments, and cross examination. (R. 14:26) On at least two occasions, the circuit court explicitly asked the defendant if there was additional evidence the defendant wanted to introduce: "THE COURT: I think I -- I mean, I think you made your points, unless there's some other point I'm missing?" (R. 14:30) As well as "THE COURT: So,

okay. Is there anything else that you think I missed? I think I understand your position. (R. 14:33)

Alternatively, even if this Court finds that the circuit court restricted the defendant's ability to testify, Wisconsin and federal law do not afford civil or criminal defendants unabated rights to testify about anything. Although the right to testify is a fundamental constitutional right grounded in personal autonomy, it is not absolute. As put succinctly by the Wisconsin Supreme Court:

"For example, there is no constitutional right to commit perjury. *State v. McDowell*, 2004 WI 70, ¶ 34, 272 Wis.2d 488, 681 N.W.2d 500 (quoting *Nix v. Whiteside*, 475 U.S. 157, 173, 106 S.Ct. 988, 89 L.Ed.2d 123 (1986)). There is also no constitutional right to present irrelevant evidence. *State v. Robinson*, 146 Wis.2d 315, 332, 431 N.W.2d 165 (1988). Moreover, a criminal defendant's right to present relevant testimony is subject to reasonable restrictions. *Rock [v. Arkansas]*, 483 U.S. at 55-56, 107 S.Ct. 2704." *State v. Anthony*, 2015 WI 20, ¶ 48, 361 Wis. 2d 116, 860 N.W.2d 10.

In this case, the circuit court reacted to a pro se litigant who demonstrably did not understand the legal distinctions between testifying, cross examination, and legal arguments. The County can find no law that forbids a circuit court from assisting pro se litigants by having a heavier hand in the evidence portion of a court trial such as the circuit court did here. In truth, the circuit court's

interactions with the defendant likely afforded him more chances to plead his case and produce evidence than an average litigant, especially those represented, would be given in a case.

**CONCLUSION**

For the foregoing reasons, the County asks this Court to deny the defendant's appeal and affirm the circuit court's verdict.

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**CERTIFICATION**

CERTIFICATE OF COMPLIANCE  
WITH WIS. STAT. § (RULE) 809.19 (8) (b), (bm), and (c)

I hereby certify that this brief conforms to the rules contained in s. 809.19 (8) (b), (bm), and (c) for a brief. The length of this brief is 9 pages.

Dated this 22nd day of April, 2025.

Electronically signed by Robin W. Lee  
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