STATE OF WISCONSIN

IN SUPREME COURT

No. 2024AP1942-CR

STATE OF WISCONSIN,

Plaintiff-Respondent-Petitioner,

v.

EMIL L. MELSSEN,

Defendant-Appellant.

PETITION FOR REVIEW

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TABLE OF CONTENTS

INTRODUCTION

The State of Wisconsin petitions this Court to review the court of appeals' decision in *State v. Emil L. Melssen*, 2025 WI App 76 (reconsideration denied Dec. 15, 2025) (ordered published). (Pet-App. 4–17.)

After a jury found him guilty of several drug-related charges, Melssen appealed, challenging the sufficiency of the evidence and the circuit court's determination that search warrants for his cellphone and his residence failed to state probable cause. While finding that sufficient evidence supported Melssen's convictions, the court of appeals decided that the warrant for his cellphone did not state probable cause for drug-related evidence.

The court of appeals further reached out to decide issues that were not raised or briefed by the parties. It decided that the cellphone warrant violated the Fourth Amendment's particularity requirements and was overbroad—issues that Melssen did not raise on appeal. *Melssen*, 2025 WI App 76, ¶ 36. Based on the absence of party presentation and the recommendation for publication, the State moved for reconsideration. The court of appeals denied the motion. While acknowledging that Melssen abandoned these issues, the court of appeals denied reconsideration, "opt[ing] to address particularity and overbreadth in part in order to provide guidance on this challenging and important issue." (Wis. Ct. App. Order, Dec. 15, 2025); (Pet-App. 26).

ISSUES PRESENTED FOR REVIEW

1. Did the search warrant for Melssen's cellphone violate the Fourth Amendment because it was insufficiently particular and overbroad?

The court of appeals answered: Yes.

2. Did the search warrant state probable cause of drug-related activity?

The court of appeals answered: No.

STATEMENT OF CRITERIA SUPPORTING REVIEW

"There are no United States Supreme Court cases, and no published Wisconsin cases, that have addressed what the dual mandates of the Warrant Clause require of an application for a warrant to search the contents of a smartphone." *Melssen*, 2025 WI App 76, ¶ 36. The absence of "guidance on this challenging and important issue," (Pet-App. 26), led to an unorthodox outcome: The court of appeals reached out and decided an abandoned issue in a published opinion without party presentation—a defining feature of "our adversarial system of adjudication." *United States v. Sineneng-Smith*, 590 U.S. 371, 375 (2020). Indeed, the court of appeals is not alone in recognizing the challenges that law enforcement and courts encounter in applying the particularity requirement to digital evidence. *See* 2 Wayne R. LaFave, *Search & Seizure* § 4.6(d) (6th ed. 2025) (noting difficulties applying the particularity requirements to digital searches). How the Warrant Clause's requirements apply to searches of digital devices presents a significant constitutional question that plainly merits this Court's review and guidance. *See* Wis. Stat. § (Rule) 809.62(1r)(a), (c)2.

This Court should also grant review to resolve any conflicts between *Melssen* and a prior decision addressing how the Warrant Clause applies to searches for digital data. Without the benefit of adversarial briefing, the *Melssen* court overlooked *State v. Rindfleisch*, 2014 WI App 121, 359 Wis. 2d 147, 857 N.W.2d 456. *Melssen* is grounded in the court of appeals' belief that the Fourth Amendment requires more when the evidence is digital evidence rather than physical evidence. *Melssen*, 2025 WI App 76, ¶¶ 37–41. But in *Rindfleisch*, the court of appeals reached a different

conclusion: "More is not required . . . simply because the Evidence seized is Electronic Data." *Rindfleisch*, 359 Wis. 2d 147, ¶¶ 38–41; *see also United States v. Bishop*, 910 F.3d 335, 336–37 (7th Cir. 2018) (declining to apply the Warrant Clause's requirements for a search of a cellphone differently simply because the evidence sought was digital data rather than tangible evidence). This Court's review is appropriate to resolve any conflicts between *Melssen* and *Rindfleisch*. *See* Wis. Stat. § (Rule) 809.62(1r)(d).

STATEMENT OF THE CASE

A. The jury found Melssen guilty after the circuit court denied his motion to suppress evidence seized through the execution of a search warrant for his cellphone and home.

Lafayette County law enforcement officers investigated an altercation between Melssen and Y.Z. that occurred outside the residence of Y.Z's girlfriend, A.B. *Melssen*, 2025 WI App 76, ¶¶ 5–6. Through their investigation, officers believed that Melssen "was more likely the aggressor and had committed a battery." *Id*. ¶ 6. Officers applied for a search warrant for Melssen's phone based on information that Melssen and A.B. had communicated with each other through text messages and phone calls both before and after Melssen's altercation with Y.Z. *Id*. ¶¶ 6–7. During their call, A.B. told Melssen that Y.Z. had "physically assaulted her the night before." *Id*. ¶ 7. In addition, Y.Z. told officers that Melssen and A.B. regularly communicated with each other by phone, using coded language to talk about drugs. *Id*. ¶ 8.

An officer applied for a warrant to search Melssen's phone for evidence of the crimes of "battery, domestic abuse incidents, and/or narcotic activity." *Id*. ¶ 9. The warrant's supporting affidavit detailed information about the assault and Melssen's use of the cellphone before and after the incident. *Id*. ¶ 10; (R. 24:8–10); (Pet-App. 32–34). The affidavit

included Y.Z.'s information describing how Melssen and A.B. discuss drugs over the phone through calls and text messages and information from past investigations that A.B. was a drug user and had been present during methamphetamine sales at her house. *Id.* ¶ 10. The circuit court found probable cause and issued a search warrant for Melssen's phone, detailing the types of information that officers were allowed to search for, including information related "to battery, domestic abuse incidents, and/or narcotic activity." *Id.* ¶ 11.

Officers executed the search warrant and recovered text messages on Melssen's cellphone that "support[ed] the reasonable inference that Melssen was involved in the distribution of controlled substances." *Melssen*, 2025 WI App 76, ¶ 12. Several of these recovered, drug-related text messages were dated May 25, the date of the battery incident. (R. 24:8, 16.) Based on this additional information, officers applied for and the circuit court issued a search warrant for Melssen's residence. *Melssen*, 2025 WI App 76, ¶ 13. Officers seized drug-related evidence during the warrant's execution, and the State charged Melssen with several drug offenses, including possession with intent to deliver methamphetamine. *Id.* ¶¶ 14–15.

In the circuit court, Melssen moved to suppress the evidence obtained from his cellphone, alleging that the warrant's supporting affidavit failed to establish probable cause to search for evidence of the assault or drug-related activity. *Melssen*, 2025 WI App 76, ¶¶ 15–16. He also asserted that the warrant for his cellphone was not particular and was overbroad. (R. 23:4.) Melssen argued that evidence obtained through the execution of the warrant at his residence should also be suppressed because it was the "fruit of the poisonous tree," as it was based on information obtained from the allegedly unlawful search of his cellphone. *Melssen*, 2025 WI App 76, ¶ 17.

"The circuit court denied Melssen's motion." *Melssen*, 2025 WI App 76, ¶ 20. First, it determined that the warrant's supporting affidavit stated probable cause. *Id*. Second, the circuit court rejected Melssen's argument that the warrant for the cellphone was "too broad." *Id*. Third, it rejected Melssen's challenge to the search warrant for his residence. *Id*. Melssen proceeded to trial on the drug case, and the jury found him guilty as charged. *Id*. ¶¶ 21–23.[1]

B. The court of appeals decided that sufficient evidence supported Melssen's convictions, but that the warrant for his cellphone did not state probable cause for the drug evidence, was not sufficiently particular, and was overbroad.

Melssen raised two issues on appeal. First, he argued that the affidavit in support of the search warrants for his cellphone and residence failed to state probable cause. (Melssen's Br. 4, 10–16.) Second, Melssen claimed that the evidence was insufficient to support the jury's guilty verdicts. (Melssen's Br. 4, 24–25.) He did not appeal the circuit court's rejection of his claim that the search warrant was overbroad and that it failed to satisfy the Fourth Amendment's particularity requirements. (Melssen's Br. 4, 10–16.)

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[1] Melssen was tried separately and convicted of battery and disorderly conduct related to his altercation with Y.Z. *State v. Melssen*, 2025 WI App 76, ¶ 5. Melssen appealed that conviction. *Id*. ¶ 5 n.3. The court of appeals summarily affirmed the judgment in that case. *State v. Melssen*, No. 2024AP1941-CR, 2025 WL 3240429 (Wis. Ct. App. Nov. 20, 2025); (Pet-App. 63–67). The court of appeals rejected Melssen's challenge to the sufficiency of the evidence and the circuit court's decision to admit some drug-related evidence in the battery trial. *Id*. Melssen has not petitioned for review from that decision.

After rejecting Melssen's challenge to the sufficiency of the evidence, *Melssen*, 2025 WI App 76, ¶¶ 25–30, the court of appeals addressed his challenge to the search warrants for his cellphone and his residence, "specifically whether it was supported by probable cause and particularity," *id.* ¶¶ 31–32, 35. It determined that the search warrant affidavit for Melssen's cellphone stated probable cause for evidence related to the altercation between Melssen and Y.Z. outside A.B.'s residence. *Id.* ¶ 47. However, the court of appeals concluded that the affidavit's allegations about drug-related activity were "'clearly insufficient' to establish probable cause that evidence of a drug-related crime would be found on Melssen's smartphone.'" *Id.* ¶¶ 51–53.

The court of appeals did not stop with the challenge that Melssen raised on appeal, i.e., the lack of probable cause in the warrants' supporting affidavits. It then proceeded to decide how it believed that the particularity requirement applies to a search warrant for a cellphone. *Melssen*, 2025 WI App 76, ¶¶ 35–43. It concluded probable cause to search for certain evidence on a cellphone, e.g., text messages, may "not necessarily justify searching other types of data on the smartphone (such as internet browsing history or digital documents of other types)." *Id.* ¶ 42. It held that a "'warrant must specify the particular items of evidence to be searched for and seized from the [smart]phone,' and its authorization must be 'limited to the time period and information or other data for which probable cause has been properly established through the facts and circumstances'" as alleged in the supporting affidavit. *Id.* ¶ 43 (alteration in original) (citations omitted). Neither party's brief cited, much less even discussed, the decisions that guided the court of appeals' particularity and overbreadth analysis, including, *Maryland v. Garrison*, 480 U.S. 79 (1987); *Riley v. California*, 573 U.S. 373 (2014); or *Burns v. United States*, 235 A.3d 758 (D.C. 2020). (Melssen's Br. 3); (State's Br. 6–8).

Applying these principles, the court of appeals decided that evidence related to the battery would be found in communications and call logs on the day of the battery. *Melssen*, 2025 WI App 76, ¶¶ 48–49. But it concluded that the warrant was overbroad because: (1) it allowed officers to search call logs and communications "without any limitation with respect to the date or the identity of the sender and recipient"; and (2) it allowed officers to search other kinds of files, including image and video files. *Id.* ¶¶ 48–49. The court of appeals also determined that the warrant was not narrowly tailored as to the drug-related evidence because the affidavit provided "no justification to search for Melssen's communications with anyone other than A.B." *Id.* ¶ 54.

The court of appeals remanded the case to the circuit court to determine whether the exclusionary rule required the suppression of evidence seized from Melssen's cellphone. *Melssen*, 2025 WI App 76, ¶¶ 56–59. It also directed the circuit court to determine whether evidence seized from the residence should be suppressed if the circuit court suppresses evidence seized from his cellphone. *Id.* ¶¶ 63–64.

C. The court of appeals denied the State's motion to reconsider its decision on an abandoned, unbriefed issue.

The State moved for reconsideration of that part of the court of appeals' decision that addresses how the Warrant Clause's particularity requirement applies to a search warrant for a cellphone. (Pet-App. 18.) The State asserted Melssen did not raise this issue on appeal and that neither party discussed it in their briefs. (Pet-App. 19.) Based on the principle of party presentation, the State asked the court of appeals to excise its particularity discussion from the opinion, or to withdraw its opinion and allow rebriefing, or to withdraw its recommendation for publication. (Pet-App. 19–24.) The State did not ask the court of appeals to reconsider

its determination that the warrant did not state probable cause for drug-related evidence or otherwise vacate its mandate. (Pet-App. 24.) The State's motion identified persuasive authority that it would have cited to counter the court of appeals' particularity approach had it been allowed to brief the issue. (Pet-App. 23 (citing *Bishop*, 910 F.3d 335).)

The court of appeals denied reconsideration. (Pet-App. 25–26.) While acknowledging that Melssen abandoned the particularity challenge on appeal, it "opted to address particularity and overbreadth in part in order to provide guidance on this challenging and important issue." (Pet-App. 26.) It considered the State's motion for reconsideration briefing on the particularity issue and, without explanation or citation to any legal authority, deemed it unpersuasive. (Pet-App. 26.)

ARGUMENT

The search warrant for Melssen's cellphone satisfied the particularity requirement and was not overbroad.

Implicit in the court of appeals' opinion was its concern that the warrant for Melssen's cellphone constituted a general search because it was insufficiently particular and overbroad. *Melssen*, 2025 WI App 76, ¶¶ 15, 41. By reaching the particularity and overbreadth issues without adversarial briefing, the court of appeals overlooked both controlling and persuasive precedent that guides searches for digital evidence and failed to appreciate how the exclusionary rule applies to an overbroad search. This exemplifies why courts "do not, or should not, sally forth each day looking for wrongs to right. [They] wait for cases to come to [them], and when [cases arise, courts] normally decide only questions presented by the parties." *Sineneng-Smith*, 590 U.S. at 376 (alterations in original) (citations omitted). Or, as the U.S. Supreme Court recently and succinctly stated, "To put it plainly, courts 'call balls and strikes'; they don't get a turn at bat." *Clark v.*

Sweeney, No. 25-52, 2025 WL 3260170 (Nov. 24, 2025) (per curiam) (citation omitted).

The Fourth Amendment's Warrant Clause establishes three requirements: "(1) prior authorization by a neutral, detached magistrate; (2) a demonstration upon oath or affirmation that there is probable cause to believe that evidence sought will aid in a particular conviction for a particular offense; and (3) a particularized description of the place to be searched and items to be seized." *State v. Sveum*, 2010 WI 92, ¶ 20, 328 Wis. 2d 369, 787 N.W.2d 317. Further, the particularity requirement "satisfies three objectives by preventing general searches, the issuance of warrants on less than probable cause, and the seizure of objects different from those described in the warrant." *State v. Andrews*, 201 Wis. 2d 383, 390, 549 N.W.2d 210 (1996). A warrant satisfies the particularity requirement if it "enable[s] the searcher to reasonably ascertain and identify the things which are authorized to be seized. *State v. Noll,* 116 Wis. 2d 443, 450–51, 343 N.W.2d 391 (1984). "[A] generic term or general description [of the items subject to seizure] is constitutionally acceptable [if] a more specific description . . . is not available." *Id*. at 451. A search warrant is overbroad to the extent that it authorizes a search of a place or the seizure of items unsupported by probable cause. *Sveum*, 328 Wis. 2d 369, ¶¶ 50–51.

The warrant here satisfied the Warrant Clause's three requirements. First, a neutral and detached magistrate issued it. (R. 24:5); (Pet-App. 29). Second, the warrant's supporting affidavit established probable cause to believe that evidence related to Melssen's battery of Y.Z. could be found on his Melssen's cellphone. *Melssen*, 2025 WI App 76, ¶¶ 44–47. And, as the State argued, under the deferential standards that apply to the review of a magistrate's probable cause determination, the affidavit established probable cause to search for drugs. (State's Br. 22–27.) Third, and contrary to

the court of appeals conclusion, the warrant here satisfied the Warrant Clause's particularity requirement.

As to the particularity requirement, the cellphone warrant specified the crimes under investigation: "battery, domestic abuse incidents, and/or narcotic activity." *Melssen*, 2025 WI App 76, ¶ 9. The warrant authorized the search of a single object, "an 'Apple iPhone with a black and gray protective case,'" which the officers seized after his arrest. *Id*. ¶¶ 9–10. The warrant specified what data officers could search for on his cellphone, including "files containing information related to battery, domestic abuse incidents, and/or narcotic activity." *Id*. ¶ 11. The types of files included "SMS/MMMS text, picture, video or audio messages," "[i]mages or visual depictions" of the crimes under investigation, and information that established ownership and use of the cellphone. *Id*. (footnote omitted). Contrary to any suggestion by the court of appeals, *id*. ¶ 16, this warrant was not a general warrant because it did not authorize officers to search any electronic device that Melssen may have possessed or to search his seized phone for evidence of crimes not specified in the warrant. *Rindfleisch*, 359 Wis. 2d 147, ¶¶ 21–24 (discussing general warrants).

Based on its determination that there were "no published Wisconsin cases" that guide how the Warrant Clause applies to search warrants for a cellphone, the court of appeals looked to other jurisdictions. *Melssen*, 2025 WI App 76, ¶¶ 36, 42. And based on case law from other jurisdictions applying the particularity requirements to cellphones and computers, the court of appeals held that a warrant to search a cellphone needed to be limited to the kinds of files for which there was probable cause and it must be "limited to the time period and information or other data for which probable cause has been properly established through the . . . supporting affidavit." *Id*. ¶¶ 38 & n.9, 43 (citation omitted).

The court of appeals relied on *Riley* to justify its decision to more closely scrutinize a warrant authorizing a search of electronic devices for digital data than a warrant authorizing a search of a place for physical evidence. *Melssen*, 2025 WI App 76, ¶¶ 37–39. In discussing *Riley*, the court of appeals never acknowledged that *Riley* concerned whether a *warrantless* search of a cellphone incident to an arrest was reasonable under the Fourth Amendment. *Riley*, 573 U.S. at 382. Because *Riley* did not involve a challenge to the issuance and execution of a search warrant, the U.S. Supreme Court did not discuss how the Warrant Clause, including its particularity requirement, applied to a cellphone search.

Moreover, while seeking guidance elsewhere, the court of appeals overlooked its earlier decision in *Rindfleisch*, which addressed a particularity challenge to a search warrant for a target's digital data in an Internet service provider's (ISP) possession. *Rindfleisch*, 359 Wis. 2d 147, ¶ 14.[2] Rindfleisch contended that the warrant gave the officers "carte blanche to rummage through [her] personal electronic communications." *Id.* (alteration in original). The court of appeals rejected Rindfleisch's invitation "to require an extra layer of protection not historically accorded paper documents, namely an electronic 'filter'" to guide searches of digital data, like electronic communications. *Id.* ¶ 39. While recognizing that Fourth Amendment law is "largely developed in the context of obtaining tangible evidence," the court of appeals explained that these principles are applicable to searches and seizures of digital evidence. *Id.* ¶ 40. A search of digital data was no different than the execution of a search warrant for

[2] *Riley* was decided before the court of appeals decided *State v. Rindfleisch*, 2014 WI App 121, 359 Wis. 2d 147, 857 N.W.2d 456. But because *Rindfleisch* concerned the execution of a search warrant for electronic data, it was not deciding the issue presented in *Riley*, the reasonableness of a warrantless search of a cellphone incident to an arrest.

documents inside a filing cabinet. *Id*. As the court of appeals explained, "Law enforcement officers have long had to separate the documents as to which seizure was authorized from the other documents." *Id*. And the absence of a filter to cabin in a search of digital evidence did not transform the search warrant for Rindfleisch's digital data into a "general" warrant. *Id*. "[Seeing] no constitutional imperative that would change the result simply because the object of the search is electronic data," the *Rindfleisch* court concluded that the Fourth Amendment does not require more "simply because the [e]vidence seized is [e]lectronic data." *Id*. ¶¶ 38, 40.

Like the *Rindfleisch* court, the Seventh Circuit in *Bishop* rejected the argument that a warrant allowing officers to search every file in a cellphone was "too general" because it allowed officers to look at every file in a cellphone. *Bishop*, 910 F.3d at 336–37. "Criminals don't advertise where they keep evidence. A warrant authorizing a search of a house for drugs permits the police to search everywhere in the house, because 'everywhere' is where the contraband may be hidden." *Id.* at 336–37. "It is enough . . . if the warrant cabins the things being looked for by stating what crime is under investigation." *Id*. at 337. The issue is whether the warrant is "as specific as circumstances allowed." *Id*. at 338.

In seeking reconsideration, the State relied partly on *Bishop* to demonstrate that courts from other jurisdictions have addressed the particularity requirement differently from *Burns*, 235 A.3d 758, the case that the court of appeals relied on to decide Melssen's case. (Pet-App. 23.) In denying reconsideration, the court of appeals neither cited nor discussed *Bishop*, explaining that it had "reviewed the case that the State cites and we do not consider the State's argument to be persuasive." (Pet-App. 26.)

While the court of appeals may not have found *Bishop* persuasive when it denied reconsideration in *Melssen* (Pet-App. 26), it had previously relied on *Bishop* to reject particularity and overbreadth challenges to a cellphone search. In *State v. Zocco*, No. 2021AP1412-CR, 2023 WL 7142640 (Wis. Ct. App. Oct. 31, 2023) (unpublished per curiam), (Pet-App. 68–77), the court of appeals found *Bishop* persuasive and rejected Zocco's overbreadth challenge to a warrant authorizing a search of his entire cellphone for evidence of the crimes under investigation. While *Zocco* has no precedential value, the State cites it for the limited purpose of alerting this Court that the court of appeals' rejection of *Bishop* in denying reconsideration in *Melssen* conflicts with the court of appeals' past reliance on *Bishop* to address a particularity and overbreadth challenge to a warrant for a cellphone. *State v. Higginbotham*, 162 Wis. 2d 978, 998, 471 N.W.2d 24 (1991) (citing Wis. Stat. § (Rule) 809.62(1)(d)) ("[I]t is appropriate to cite an unpublished court of appeals' decision in a petition for review to alert us that there is a decisional conflict between the court of appeals' districts.").

The law guiding how the Warrant Clause applies to cellphone searches is by no means settled. As one commentator observed, "It has proven to be more challenging for law enforcement agencies and courts to apply the particularity requirement in the digital world than in the physical world." LaFave, *Search & Seizure* § 4.6(d) (discussing particularity requirements in context of digital searches). Nor is it as easy as the *Melssen* court believed to cabin off a cellphone search by limiting officers to searching only certain types of files within certain date ranges. *See Melssen*, 2025 WI App 76, ¶ 43. "As electronic data can be hidden in multiple formats and places in a cell phone, or on a computer, it can be difficult for officers to specify in advance the sections of the device that should be searched." LaFave, *Search & Seizure* § 4.6(d) (noting different approaches courts take to balancing

the challenges officers faced with locating digital evidence on electronic devices with the Warrant Clause's requirements).

Finally, even assuming the court of appeals correctly determined that the warrant was overbroad, it overlooked how the exclusionary rule applies to overbroad searches. *Melssen*, 2025 WI App 76, ¶¶ 57–59. "[W]hen officers exceed the scope of a search warrant, the remedy is to suppress only items seized outside the scope of the warrant" unless the officers acted in flagrant disregard of the warrant's limitations. *Rindfleisch*, 359 Wis. 2d 147, ¶ 22. Had the court of appeals ordered supplemental briefing, it could have provided better guidance to the circuit court in its remand order.

By deciding an abandoned and unsettled constitutional issue without adversarial briefing, the court of appeals overlooked *Rindfleisch* and cases from other jurisdictions that apply the Warrant Clause's requirements to searches for electronic data differently. Melssen's case underscores the importance of adversarial briefing in deciding important constitutional issues. *See Bartus v. Wis. Dep't of Health & Soc. Servs., Div. of Corr.*, 176 Wis. 2d 1063, 1073, 501 N.W.2d 419 (1993) (noting review may have not been required "had the court of appeals permitted the parties to file supplemental briefs" on an issue it raised sua sponte).

* * * * *

This Court should grant review to decide how to assess particularity and overbreadth challenges to the issuance and execution of a search warrant for a cellphone with the benefit of adversarial briefing. As to the second issue, whether the warrant's supporting affidavit established probable cause to search for evidence of drug crimes as well as evidence of the battery does not, by itself, merit this Court's review. While the court of appeals identified the correct legal standard that applies to a court's review of a magistrate's probable cause

determination, it concluded that the affidavit for Melssen's cellphone failed to state probable cause to search for drug-related evidence. *Melssen*, 2025 WI App 76, ¶¶ 33, 47, 51–53. If this Court grants review, the State will demonstrate that the affidavit stated probable cause under the deferential review standards that apply to the review of a magistrate's probable cause determination. (State's Br. 22–27.)

CONCLUSION

This Court should grant the State's Petition for Review.

Dated this 13th day of January 2026.

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 4339 words.

Dated this 13th day of January 2026.

Electronically signed by:

Donald V. Latorraca
DONALD V. LATORRACA
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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 13th day of January 2026.

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