

STATE OF WISCONSIN – WISCONSIN COURT OF APPEALS  
DISTRICT II

**City of Sheboygan Falls**

Plaintiff-Respondent

v.

Appeal No. 2023AP001183

Circuit Court Case No. 2022CV556

**Wesley Scot Melton**

Defendant-Appellant

2517 N. 36<sup>th</sup> Street #207

Sheboygan, Wisconsin 53083

December 6, 2023

**REPLY BRIEF OF APPELLANT**

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### Argument:

There several issues for the Court of Appeals' consideration in this case.

- 1) The Municipal Court's admission of questionable evidence (Exhibit B) which the Defendant/Appellant objected to due to the bus driver's inability to accurately determine distance. This alone demonstrates error of the Municipal Court.
- 2) The Municipal Court's ruling that the Defendant/Appellant was "Still required to stop" in a lane of oncoming traffic which would have been not only a traffic violation but also created a public danger.
- 3) That the bus driver testified that "it was impossible" for him to follow the rules set forth in Wisconsin Statutes which require school bus drivers to activate their warning lights at the required distances in order to give drivers time to stop.
- 4) Whether the speed limit in that location is 35 MPH or 45 MPH, and the driver was required to activate his warning lights at either 100 feet or 300 feet, the school bus driver admittedly failed to follow this statutory requirement.
- 5) The evidence presented at trial (lone photo) supports the Defendant/Appellant's testimony that the red lights and extended stop sign were not activated until after the Defendant/Appellant had already begun to legally pass the bus because it was traveling significantly less than half of the posted speed limit. This evidence does not substantiate the claim that the red lights and stop sign were activated before the Defendant/Appellant legally passed the bus on the left, therefore the Municipal Court's reasoning that the red lights and stop sign were already activated prior to this snapshot photo is not founded. This makes the circumstances of what really happened on that date **unclear**, and **unconvincing**. This photo alone merely affirms the Defendant/Appellant's testimony and is not by itself adequate proof of anything else.

### Conclusion:

There was not satisfactory evidence presented at trial to prove that the Defendant/Appellant Violated Wisconsin Statutes. The Municipal Court erred in admitting questionable evidence after the Defendant/Appellant's objection on good grounds, erred when it failed to consider that the driver of the school bus had not activated the red flashing lights at the required distance to give time for the Defendant/Appellant to stop, and erred when it ruled that the Defendant/Appellant was required to violate Wisconsin Statutes and stop in a lane of oncoming traffic. These things were also ignored by the Circuit Court, therefore the Court of Appeals should dismiss the judgement of conviction.

Sincerely

Wesley Melton