COURT OF APPEALS DECISION DATED AND RELEASED

May 14, 1997

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. ***See*** **§ 808.10 and RULE 809.62, STATS.**

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

No. 96-2436-CR

STATE OF WISCONSIN **IN COURT OF APPEALS DISTRICT II**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

WILLIE L. BLAND,

DEFENDANT-APPELLANT.

APPEAL from a judgment of the circuit court for Racine County: WAYNE J. MARIK, Judge. *Affirmed.*

BROWN, J. Willie L. Bland challenges the trial court's determination that the arresting officer performed a proper ***Terry***[1] stop. The trial court accepted the officer's explanation that he stopped Bland because he saw

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[1] *See* ***Terry v. Ohio***, 392 U.S. 1 (1968).

Bland speak with the occupants of a parked van which had been identified as possibly being involved in drug dealing.

In this appeal, Bland contends that the trial court made an erroneous factual finding regarding the officer's knowledge about the van. And without that factual support, Bland contends that the ***Terry*** stop was unlawful. We conclude that the record provides ample support for an inference that the officer learned from his fellow officers that this van might be involved in drug activity. We affirm.

After making the ***Terry*** stop, the officer searched[2] Bland and found him in possession of a crack pipe. The State subsequently charged Bland with possessing drug paraphernalia and also brought a charge of bail jumping related to a prior offense. After the trial court denied Bland's motion to suppress, Bland entered guilty pleas to the charges. Bland now appeals from the judgment of conviction, challenging the trial court's suppression ruling. *See* § 971.31(10), STATS.

A trial court's ruling concerning a ***Terry*** stop involves factual and legal conclusions. *See* **State v. Richardson**, 156 Wis.2d 128, 137-38, 456 N.W.2d 830, 833 (1990). We show deference to the trial court's factual findings about the events surrounding the stop and uphold them unless they are against the great weight and clear preponderance of the evidence. *See* ***id.*** at 137, 456 N.W.2d at 833. We independently review the trial court's legal determination of whether the stop was appropriate in light of those facts. *See* ***id.*** at 137-38, 456 N.W.2d at 833.

[2] The trial court also found that Bland consented to the search following the ***Terry*** stop. Bland does not challenge this ruling.

In this appeal, Bland only challenges the factual analysis. As noted above, he claims that the record does not support a finding that the arresting officer was told by his fellow officers that the parked van might be involved in drug activity. Without this information, the only evidence supporting the ***Terry*** stop was that the officer saw Bland approach a parked car and that Bland was in an area known for drug activity. Thus, absent the information about the suspicious nature of the van, Bland argues that the stop was otherwise unjustified because "[m]ere presence in an area where crimes are known to have been committed is not enough to justify a stop." Bland cites ***State v. Morgan***, 197 Wis.2d 200, 212, 539 N.W.2d 887, 892 (1995), to support this legal proposition.

Accordingly, we turn to the record to determine whether it reveals how the officer learned that this van was possibly involved in drug activity.

The officer's testimony during direct examination can be summarized as follows. He stated that he was on patrol on Linden Avenue in the city of Racine. He explained that his department had targeted its resources on this area because it was known for drug activity.

Turning to the particular circumstances surrounding the stop, the officer testified that when he arrived on the scene he saw Bland approach and enter a van that was parked along Linden. He then saw Bland exit the van and continue walking down the street. At that point, the officer approached Bland. The officer explained that Bland's entering and exiting a parked vehicle fit the general profile of how a person makes a drug transaction.

During cross-examination, the officer acknowledged that the van was legally parked, had no apparent equipment violations and had not been previously reported as stolen or involved in criminal activity. However, the

officer explained that he concentrated on this van because it "was brought to my attention" by a "spotter." During a later phase of the cross-examination, when the officer was again asked why he targeted the van, the officer stated:

> I indicated that it was brought to our attention because of the manner in which it had stopped for a short period of time, it had been observed in the area moments before by other officers that we had in the area. That it then came to a stop on Linden shortly thereafter Mr. Bland made contact with it.

Based on this testimony, the trial court found that "[t]he van in question had been observed in the area by other officers and was called to the attention of [the arresting officer] by those officers."

The court then made the following legal determination. It found that the officer's suspicion of the van, coupled with his knowledge that he was in an area known for drug activity and his knowledge about the profile of a typical drug transaction, all together supported a conclusion that the officer justifiably stopped Bland after he saw Bland approach the van and make contact with its occupants.

Bland now attacks this analysis, claiming that the record does not demonstrate how the officer came to the conclusion that this van was the same van that his fellow officers saw. He argues that the trial court made assumptions about what information the arresting officer was given by the other officers which "the record does not establish that he actually had." Bland complains that the trial court drew too "broad" an inference between the officer's statement about the "spotter" and his later statement about the "other officers."

We reject Bland's claim. The question that this court asks when reviewing the inference that a court draws from the testimony before it is whether that inference "is a reasonable one." *See* ***State v. Friday***, 147 Wis.2d 359, 370-71,

434 N.W.2d 85, 89 (1989). Hence, this court could *disagree* with the trial court's view of the facts, but still be bound to uphold its finding. *See* ***id.*** at 370, 434 N.W.2d at 89.

However, we do not even see a reason to disagree with the inference that the trial court made. Bland writes that "whoever the unknown 'spotter' or 'other officers' were, they remain conspicuous by their absence." But it is perfectly clear who those spotters were. The officer explained that he was only one of several officers in the area and that they were all on patrol in that area because of drug activity. Certainly when he referred to the "spotter" he was talking about one of his fellow officers. The trial court did not have to hear testimony from every officer out on patrol that day to reach this conclusion. The arresting officer's generalized testimony about the operation and the officer's description of why he targeted this van more than amply support a finding that the officer had good reason to be suspicious of this van.

Because this finding (and the other findings) are supported by the record, we reject Bland's claim that the trial court erred when it concluded that the stop was justified.

By the Court.—Judgment affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)4, STATS.