

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**July 27, 2006**

Cornelia G. Clark  
Clerk of Court of Appeals

**NOTICE**

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

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

**Appeal No. 2005AP1800-CR**

**Cir. Ct. No. 2004CF56**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT IV**

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**STATE OF WISCONSIN,**

**PLAINTIFF-RESPONDENT,**

**V.**

**LORI A. STONE,**

**DEFENDANT-APPELLANT.**

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APPEAL from a judgment of the circuit court for Vernon County:  
MICHAEL J. ROSBOROUGH, Judge. *Affirmed.*

Before Lundsten, P.J., Vergeront and Higginbotham, JJ.

¶1 PER CURIAM. Lori Stone appeals from a judgment of conviction. The issue is whether there was probable cause for a search warrant. We affirm.

¶2 The circuit court denied Stone’s motion to suppress evidence obtained in execution of the warrant, and Stone then pleaded guilty to one count of attempt to possess methamphetamine with intent to manufacture more than ten grams but not more than fifty grams. She now appeals under WIS. STAT. § 971.31(10) (2003-04).<sup>1</sup>

¶3 The parties agree as to the applicable law and standard of review. “In reviewing whether probable cause existed for the issuance of a search warrant, we are confined to the record that was before the warrant-issuing judge.” *State v. DeSmidt*, 155 Wis. 2d 119, 132, 454 N.W.2d 780 (1990). “The person challenging the warrant bears the burden of demonstrating that the evidence before the warrant-issuing judge was clearly insufficient.” *Id.* Review of the warrant-issuing judge’s finding of probable cause is not de novo, but instead great deference should be given to the warrant-issuing judge’s determination. *Id.* The duty of a reviewing court is simply to ensure that the magistrate had a substantial basis for concluding that probable cause existed. *Id.* at 133.

¶4 The warrant in this case authorized search in April 2004 of a residence behind a tavern for controlled substances, ephedrine, methamphetamine precursors, and numerous other items. The evidence offered to the magistrate in support of the warrant was oral testimony by a sheriff’s department investigator. Stone argues that the testimony was insufficient to establish probable cause because it did not show any basis to believe that on the day in question the contraband sought would be on these premises. She describes the State’s evidence

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2003-04 version unless otherwise noted.

as scattered generalizations and speculation combined with unreliable hearsay from unattributed sources of uncertain reliability.

¶5 We conclude that probable cause was sufficiently shown. In reaching that conclusion we rely on the following evidence. First, according to the investigator, in executing a search warrant at another residence in a neighboring county the day before the Stone warrant testimony, an individual named Amanda Bough was interviewed. Bough stated that the week following Super Bowl weekend in February, Stone had purchased 4.5 gallons of anhydrous ammonia from Bough. The investigator indicated that the transaction took place at Stone's residence.

¶6 Second, the investigator stated that Bough said Stone was in possession of in excess of five thousand pseudoephedrine, which the investigator said is an ingredient used to make methamphetamine. Third, while the other-county warrant was being executed, Bough received "approximately three" phone calls from Stone, as indicated by caller identification. The investigator said that Bough told him Stone was asking if she was having a good day, which Bough indicated to the investigator was a code asking whether Bough was in possession of methamphetamine.

¶7 Looking at the above testimony as a whole, it is apparent that Bough had regular contacts with Stone involving controlled substances and that her assertions about Stone were based on personal knowledge, and that a reasonable person would conclude there was probable cause to believe that Stone was currently manufacturing controlled substances or had paraphernalia in her residence. Therefore, we are satisfied the search warrant was properly issued for Stone's residence.

*By the Court.*—Judgment affirmed.

This opinion will not be published. *See* WIS. STAT. RULE  
809.23(1)(b)5.

