

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**January 30, 2007**

A. John Voelker  
Acting 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. 2006AP900-CR**

**Cir. Ct. No. 2004CF881**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT I**

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**STATE OF WISCONSIN,**

**PLAINTIFF-RESPONDENT,**

**V.**

**STEVEN R. SCHROEDER,**

**DEFENDANT-APPELLANT.**

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APPEAL from a judgment of the circuit court for Milwaukee County: WILLIAM SOSNAY, Judge. *Affirmed.*

Before Wedemeyer, P.J., Curley and Kessler, JJ.

¶1 PER CURIAM. Steven R. Schroeder appeals from a judgment convicting him of one count of possession of a controlled substance—cocaine—second or subsequent offense. Schroeder contends that the circuit court erroneously denied his motion to suppress evidence seized pursuant to a stop of

his vehicle by police. Because we conclude that the arresting officer testified to a detailed, articulable suspicion sufficient to justify a brief stop, we affirm the judgment.

¶2 The criminal complaint alleged that City of Milwaukee Police Officer Leland Feldman observed a vehicle that appeared to display an altered registration tag on February 18, 2004. Officer Feldman stopped the vehicle and subsequently seized from it a substance he suspected to be cocaine and a crack pipe. Schroeder, the vehicle's driver, was arrested and later moved the circuit court to suppress the evidence seized from his car, arguing that the traffic stop was not based on specific facts supporting an articulable suspicion, but was based on Officer Feldman's hunch. Following an evidentiary hearing, the circuit court denied the motion. Schroeder subsequently entered a guilty plea to the charge, and the circuit court imposed and stayed a ten-month jail term and placed Schroeder on two years of probation.

¶3 The instant appeal raises a single, narrow issue: was Officer Feldman's stop of Schroeder's vehicle based upon a sufficient, articulable suspicion to render it lawful?

¶4 The stopping of a motor vehicle is a seizure, triggering Fourth Amendment protection from unreasonable search and seizure. *State v. Guzy*, 139 Wis. 2d 663, 675, 407 N.W.2d 548 (1987) (citations omitted). "Law enforcement officials may only infringe on the individual's interest to be free of a stop and detention if they have a suspicion grounded in specific, articulable facts and reasonable inferences from those facts, that the individual has committed a crime." *Id.* The reasonableness of the stop depends upon the facts and circumstances present at the time of the stop. *Id.* at 679. Where the facts are undisputed, the

question of whether a stop was valid is a question of law that this court reviews *de novo*. *State v. Jackson*, 147 Wis. 2d 824, 829, 434 N.W.2d 386 (1989).

¶5 Officer Feldman testified without contradiction that he followed Schroeder's car for one or two blocks and "was close enough to see the sticker appear[ed] to clearly be altered." Officer Feldman also explained at the hearing that because four months had passed since he arrested Schroeder, he could no longer remember how the sticker had been altered. Nevertheless, the officer testified that he was watchful for such tampering because it often indicates that the plates are stolen or that the sticker was put on the plate of an unregistered car.

¶6 The circuit court specifically found that Officer Feldman's testimony was credible, despite his inability to remember the precise manner in which the sticker was altered:

The officer noted that one of the stickers on the registration plate appeared to have been altered or tampered and the officer described this as the sticker that is affixed to the plate appeared to have been clearly altered and he could not recall exactly why or how the sticker had been altered. The officer could not recall precisely what made him conclude on the day in question what was wrong with that sticker on the plate. The officer was very forthright about that in terms of what he could not recall. There was, however, no indication that the officer doubted in any way that the sticker was altered. It is simply that he could not say whether it was twisted or folded or cut or what it is that made him think that that particular sticker had been altered in some way.

¶7 In *State v. Anderson*, 155 Wis. 2d 77, 84, 454 N.W.2d 763 (1990), our supreme court declared: "if any reasonable inference of wrongful conduct can be objectively discerned, notwithstanding the existence of other innocent inferences that could be drawn, the officers have the right to temporarily detain the individual for the purpose of inquiry."

¶8 We conclude from the undisputed hearing evidence that Officer Feldman's actions comported with the principle set forth in *Anderson*. Officer Feldman could reasonably infer from the appearance of an altered registration sticker that Schroeder's vehicle was, at a minimum, not properly registered. *Cf. State v. Griffin*, 183 Wis. 2d 327, 333-34, 515 N.W.2d 535 (1994) (reasonable for officers to stop vehicles temporarily to ascertain whether vehicle properly registered). Accordingly, the temporary stop of Schroeder's vehicle was not unlawful.

*By the Court.*—Judgment affirmed.

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

