

**COURT OF APPEALS
DECISION
DATED AND FILED**

May 9, 2002

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. 01-0204-CR

Cir. Ct. No. 99 CF 5142

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

v.

RONALD WILSON,

DEFENDANT-APPELLANT.

APPEAL from a judgment of the circuit court for Milwaukee County: JACQUELINE D. SCHELLINGER, Judge. *Affirmed.*

Before Roggensack, Deininger and Lundsten, JJ.

¶1 PER CURIAM. Ronald Wilson appeals a judgment of conviction. The issue is whether evidence should have been suppressed. We affirm.

¶2 Wilson was convicted of one count of possession of cocaine with intent to deliver. On appeal, he argues that evidence seized from his person should

have been suppressed. Wilson was seized, and eventually searched, after he fled from the passenger position in a car that officers were stopping for a traffic violation.

¶3 Wilson's first argument is that officers did not have reasonable suspicion, under *Terry v. Ohio*, 392 U.S. 1 (1968), to hold him and pat him down when they first apprehended him. At the time of the *Terry* stop and patdown, officers knew that Wilson had fled from a vehicle being stopped for a traffic violation and that he had been found hiding under a parked car. Wilson concedes on appeal that his hiding under the car provided grounds for reasonable suspicion justifying a *Terry* stop. We agree that this fact, together with his flight from the stopped car, supported the *Terry* stop and patdown.

¶4 Wilson next argues that after this patdown found no evidence of a crime, there were insufficient grounds to continue holding him under *Terry*, and a subsequent custodial search of his pockets was improper because there was not probable cause to arrest him. We reject both arguments because we conclude that the officers had probable cause to arrest him at the time they conducted the *Terry* stop, and therefore his continued detention and the search were proper, pursuant to a lawful arrest. Police had probable cause to arrest Wilson for the offense of alighting from a moving vehicle. See WIS. STAT. §§ 346.94(9), 346.95(1), 345.22, and 345.20(1)(b) (1999-2000).¹ One of the officers who stopped the car that Wilson was riding in testified that “[a]s soon as it slowed down to stop, the door opened, and he took off.” In addition, after the court issued its oral decision, the

¹ All references to the Wisconsin Statutes are to the 1999-2000 version unless otherwise noted.

prosecutor made an offer of proof, which was not opposed by Wilson, that both officers who made the traffic stop would testify that Wilson got out while the car was still moving.

By the Court.—Judgment affirmed.

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

