COURT OF APPEALS
DECISION
DATED AND RELEASED

January 4, 1996

NOTICE

Nos. 95-2349-CR
95-2350-CR

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

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

STEVEN G. VANCE,

Defendant-Appellant.

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

SUNDBY, J. In this appeal, we[1] hold that when a traffic officer has a reasonable and articulable suspicion that the operator of a motor vehicle has committed or is committing a traffic offense within his or her jurisdiction, the officer may investigate that possibility by pursuing the vehicle into an adjacent jurisdiction to make an investigatory stop. We therefore affirm judgments

[1] This appeal is decided by one judge pursuant to § 752.31(2)(c), STATS. "We" and "our" refer to the court.

convicting Steven G. Vance of operating a motor vehicle while under the influence and operating a motor vehicle after revocation.

On November 17, 1994, La Crosse County Sheriff's Deputy Daniel Brown heard the La Crosse County dispatcher report to the Vernon County dispatcher that defendant Steven G. Vance was under the influence at the Ten-Mile House in La Crosse County and was possibly driving home to Viroqua in Vernon County. The dispatcher described Vance's car as a larger, white vehicle. Brown immediately drove to the Ten-Mile House where he observed a white Mercury four-door in the parking lot. His check of the vehicle's registration revealed that the vehicle was registered to Vance. He went to a nearby telephone and called the La Crosse dispatcher for more information. The dispatcher informed him that La Crosse County had received an anonymous call stating that Vance would be driving home from the Ten-Mile House and was under the influence. While making the call, Brown saw a vehicle leave the Ten-Mile parking lot and proceed toward Viroqua. Brown pursued and caught up with Vance several miles into Vernon County. He observed Vance's vehicle cross the center line and swerve back to the shoulder line. He stopped Vance's car, tested him, and arrested him for operating under the influence.

These facts are basically undisputed. The State concedes that whether Brown's stop of Vance's vehicle met constitutional and statutory requirements is a question of law which we decide *de novo*. *See* ***State v. Jackson***, 147 Wis.2d 824, 829, 434 N.W.2d 386, 388 (1989).

We conclude that Brown had a reasonable and articulable suspicion justifying an investigatory stop when he heard the communication from the La Crosse dispatcher to the Vernon dispatcher and received additional information from the dispatcher. Clearly, the anonymous caller knew Vance and knew where he lived. While that knowledge did not inculpate Vance, it lent weight to the caller's opinion that Vance was under the influence. *See* ***State v. Richardson***, 156 Wis.2d 128, 143, 456 N.W.2d 830, 836 (1990) (anonymous tip may create reasonable suspicion); ***State v. Krier***, 165 Wis.2d 673, 478 N.W.2d 63 (Ct. App. 1991) (tip accurately predicting future behavior sufficiently reliable). Deputy Brown would have failed in his responsibilities had he not at least investigated the anonymous tip.

We do not accept Vance's argument that the State must justify Brown's stop under § 175.40(2), STATS., the fresh-pursuit statute. That statute provides: "[A]ny peace officer may, *when in fresh pursuit*, follow anywhere in the state and arrest any person for the violation of any law or ordinance the officer is authorized to enforce." (Emphasis added.) The fresh-pursuit statute plainly applies when the officer has begun pursuit to arrest a person for a violation the officer has already observed.

If statutory authority is necessary, § 968.24, STATS., supplies that authority. The statute provides:

> After having identified himself or herself as a law enforcement officer, a law enforcement officer may stop a person in a public place for a reasonable period of time when the officer reasonably suspects that such person is committing, is about to commit or has committed a crime, and may demand the name and address of the person and an explanation of the person's conduct. Such detention and temporary questioning shall be conducted in the vicinity where the person was stopped.

It would be strange doctrine to hold that a police officer may not investigate in an adjoining jurisdiction possible criminal activity which may have just occurred in his or her jurisdiction, especially when that criminal activity may be continuing and threatens the life and safety of others.

We therefore conclude that Deputy Brown, because he had a reasonable and articulable suspicion that Vance had committed and was committing a dangerous traffic offense, could satisfy that suspicion by making an investigatory stop of Vance's vehicle in an adjoining county.

By the Court.--Judgments affirmed.

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