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**DISTRICT II/IV**

May 7, 2015

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You are hereby notified that the Court has entered the following opinion and order:

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2014AP748-CR

State of Wisconsin v. Walter C. Ramsey (L.C. # 2012CF509)

Before Blanchard, P.J., Lundsten and Kloppenburg, JJ.

Walter Ramsey appeals a judgment convicting him of armed robbery as party to a crime, and a postconviction order denying his motion for sentence modification. After reviewing the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2013-14).<sup>1</sup> We affirm.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

Ramsey first challenges the denial of his motion to suppress evidence of the robbery that was discovered during a traffic stop made for an unrelated purpose. An initially lawful seizure of a motorist can become illegal when it extends beyond the investigatory purpose of the stop. *State v. Griffith*, 2000 WI 72, ¶54, 236 Wis. 2d 48, 613 N.W.2d 72. However, if during an investigatory stop an officer becomes aware of facts sufficient to give rise to a reasonable suspicion that the person has committed or is committing a distinct offense, the purpose of the detention may expand and the length of the stop may be properly extended to investigate the new suspicion. *State v. Colstad*, 2003 WI App 25, ¶¶11-13, 260 Wis. 2d 406, 659 N.W.2d 394.

Here, the parties agree that Ramsey was one of two male passengers in a Chevy Impala driven by Elisa Estrada that was initially and properly stopped by Racine Police Department Officer Chad Anderson due to a suspended license plate registration. As the officer approached the Impala, Estrada received a phone call. Estrada explained to the officer that a police dispatcher was contacting her to determine her location so that another police officer could speak with her in relation to an armed robbery of another woman earlier that evening. The woman had reported being robbed at gunpoint by two men when she was a passenger in Estrada's vehicle. Estrada then handed the phone to the officer so that he could also speak with the dispatcher.

At that point, the officer—who had also heard the original radio dispatch about the robbery less than an hour before—realized that the two male passengers in Estrada's vehicle matched the general description of the robbery suspects as two men, one of whom was a black man of thin build wearing a gray hoodie sweatshirt. Although neither of the male passengers in Estrada's vehicle was wearing a hoodie, they were both black, the build of one was consistent with the description of the thin suspect, and the officer could see a gray sweatshirt on the floor in the back of the vehicle. Additionally, after the officer conveyed to dispatch that he had stopped

Estrada with two male passengers in her vehicle, the officer began receiving additional communication from fellow officers through an earpiece suggesting to him that the two men in the Impala might be the robbery suspects.

Anderson then gave Estrada what he termed “an excuse” about checking whether anyone was looking into the robbery to extend the stop while he returned to his squad car and waited for backup to assist in conducting felony stop procedures and searching for a gun that had reportedly been used in the robbery. Once additional officers arrived, the police directed each occupant of the vehicle, at gunpoint, to exit separately and be secured, then conducted a search of the vehicle that revealed a gun and the purse of the woman who had reported the robbery.

As we have already explained in a codefendant’s appeal of the same joint suppression ruling, at the time that Anderson extended the detention the police had collective knowledge that: (1) a woman had reported being robbed at gunpoint when she was a passenger in Estrada’s Impala less than an hour before the traffic stop, but Estrada herself did not report the robbery, and did not stay around to talk to police; (2) the victim reported that two men had been involved in the robbery and provided a general description of the one who had approached her side of the vehicle with a gun as being a black male of thin build wearing a hooded gray sweatshirt; and (3) less than an hour after the robbery, Estrada had two men in her vehicle who had not been there at the time of the robbery—one of whom was a thin black man—as well as a gray sweatshirt on the backseat floor of the vehicle. *See State v. Estrada*, No. 2013AP2803-CR, unpublished slip op. ¶14 (WI App Sept. 10, 2014). We remain satisfied that these facts provided reasonable suspicion for the police to believe that the two male passengers in Estrada’s car may have colluded with her in the robbery, and that one of the men could still have a gun in his possession. Accordingly,

both the extension of the traffic stop and the protective felony search of the vehicle and its occupants for weapons were warranted.

Ramsey next contends that the sentence imposed upon him by the court was unduly harsh in relation to the sentences given to the codefendants. This argument fails for multiple reasons.

First, there is a presumption that a sentence “well within the limits of the maximum sentence” is not unduly harsh. *State v. Grindemann*, 2002 WI App 106, ¶¶31-32, 255 Wis. 2d 632, 648 N.W.2d 507 (quoted source omitted). The initial incarceration period of eleven and one-half years and extended supervision term of five and one-half years totaled less than half of the maximum forty years of imprisonment available, and was not “so excessive and unusual and so disproportionate to the offense committed as to shock public sentiment and violate the judgment of reasonable people concerning what is right and proper under the circumstances.” *See id.* That is particularly true considering that Ramsey avoided additional sentence exposure on additional charges that were dismissed pursuant to the plea agreement. To the extent that Ramsey’s sentence was greater than that of his codefendants, the court explained that the additional time was warranted because Ramsey had brought and used the gun, in violation of a bond condition on a prior case that prohibited him from possessing a firearm. Finally, the sentence imposed by the circuit court followed the joint recommendation of the parties. *See State v. Scherreiks*, 153 Wis. 2d 510, 518, 451 N.W.2d 759 (Ct. App. 1989) (a defendant may not challenge on appeal a sentence that he affirmatively approved).

IT IS ORDERED that the judgment of conviction and postconviction order are summarily affirmed under WIS. STAT. RULE 809.21(1).

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*