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**DISTRICT IV**

September 23, 2019

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

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2018AP1386-CR                      State of Wisconsin v. Cameron E. Hendrick (L.C. # 2017CF844)

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

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

Cameron Hendrick appeals a judgment of conviction for operating while intoxicated (OWI), fourth offense. Hendrick contends that the circuit court erred by denying Hendrick's motion to suppress evidence obtained during a traffic stop of Hendrick's vehicle. Hendrick argues that the evidence should have been suppressed because, he asserts, the traffic stop was not supported by reasonable suspicion. Based upon our review of the briefs and record, we conclude

at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2017-18).<sup>1</sup> We summarily affirm.

In August 2017, Hendrick was charged with OWI, fourth offense, operating with a prohibited alcohol concentration, fourth offense, and operating a motor vehicle while revoked. According to the criminal complaint, Officer Trisha Stratman stopped Hendrick for failing to make a complete stop at a stop sign. *See* WIS. STAT. §§ 346.46(1) and 340.01(62) (the operator of a vehicle must come to a complete stop at a stop sign, meaning a complete cessation from movement). Based on evidence obtained during the traffic stop, Hendricks was arrested for OWI.

Hendrick moved to suppress the evidence obtained during the traffic stop. Hendrick argued that, based on Stratman's distance from the intersection, an obstruction in Stratman's line of sight, and the nighttime lighting, it would have been impossible for Stratman to determine whether Hendrick came to a full stop at the intersection. He argued that Stratman's belief that he failed to come to a complete stop was nothing more than an inchoate suspicion and, therefore, insufficient to support the stop. At a suppression hearing, the State presented the squad camera footage of the stop and Stratman's testimony regarding her observations prior to stopping Hendrick. The circuit court denied the motion. Hendrick then pled guilty to OWI, fourth offense, and the remaining charges were dismissed and read-in for sentencing purposes.

A traffic stop must be supported by reasonable suspicion to be constitutional. *See State v. Popke*, 2009 WI 37, ¶¶11, 23, 317 Wis. 2d 118, 765 N.W.2d 569. Reasonable suspicion exists

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

to support a traffic stop when, under the totality of the circumstances, the officer has “grounds to reasonably suspect that a crime or traffic violation has been or will be committed.” *Id.*, ¶¶22-23. To establish reasonable suspicion, “[t]he officer ‘must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant the intrusion of the stop.’” *Id.*, ¶23 (quoted source omitted). The focus of this inquiry is “whether the facts of the case would warrant a reasonable police officer, in light of his or her training and experience, to suspect that the individual has committed, was committing, or is about to commit a crime.” *Id.* (quoted source omitted). The State has the burden to prove that a stop was constitutionally reasonable. *State v. Post*, 2007 WI 60, ¶12, 301 Wis. 2d 1, 733 N.W.2d 634.

Whether a traffic stop was supported by reasonable suspicion presents a mixed question of fact and law. *Id.*, ¶8. We review the circuit court’s factual findings under the clearly erroneous standard, but independently review whether those facts amounted to reasonable suspicion. *See id.*

At the suppression hearing, the State introduced the following pertinent testimony by Stratman. Stratman was on patrol travelling southbound approaching an intersection. At the intersection, traffic entering the intersection across southbound traffic was controlled by a stop sign. Stratman observed Hendrick’s vehicle enter the intersection and cross the southbound lane of travel. Stratman observed that Hendrick “approache[d] that stop sign, ... just slowed briefly and kept going through the intersection, never came to a complete stop.” Stratman observed that the headlights “never actually stopped” at the intersection, but rather “just kept going right on through.” Stratman also explained that “that stop sign is a very blind stop because of the tavern that’s on the corner. So you have to come to a complete stop to see the traffic coming southbound,” and then “inch up to see” if the traffic is clear. Stratman did not believe that

Hendrick had stopped his vehicle and then proceeded through, based on the speed he was going when she observed him.

The State also played the squad camera footage of the stop during Stratman's testimony. Stratman testified that the camera in Stratman's squad car is located on the right side of the rear view mirror, so it has the vantage point more of someone seated on the passenger side rather than on the driver's side. Stratman stated that she was able to actually observe the events as they occurred.

The circuit court made the following factual findings: (1) Stratman was able to observe Hendrick's headlights from her position; (2) the squad camera footage showed that Hendrick did not inch up toward the intersection as Stratman had described seeing other drivers doing in the past; and (3) when Hendrick crossed the intersection, "there seem[ed] to have been more of a momentum there than just simply somebody coming to a full stop and then moving forward." The circuit court determined that those facts supported a reasonable inference that Hendrick had failed to come to a complete stop at the stop sign.

Hendrick argues that the circuit court's finding that the squad camera footage supported Stratman's testimony that Hendrick did not stop at the stop sign was clearly erroneous. He contends that the footage shows that the beam from his headlights was not visible until he entered the intersection past the tavern on the corner. He argues that the footage of his car entering the intersection does not answer the question of whether he had come to a full stop prior to reaching the intersection, and does not support a reasonable inference that Hendrick failed to come to a complete stop at the stop sign.

The State responds that the squad camera footage does not contradict the court's finding that Hendrick moved across the intersection at a speed inconsistent with his having come to a complete stop at the stop sign. It points out that, even if Hendrick had stopped further back from the intersection, the footage showed that Hendrick did not inch up to view traffic as Stratman had testified was necessary to safely enter the intersection. The State also points to Stratman's testimony that the squad camera footage did not capture the same line of sight as Stratman's, and contends that the footage therefore cannot undermine Stratman's testimony. In reply, Hendrick maintains that the circuit court's finding of a reasonable inference that Hendrick did not stop at the stop sign was based on the squad camera footage, and that the footage does not support the court's finding.

We conclude that the circuit court's finding that Hendrick moved through the intersection at a speed inconsistent with having come to a full stop was supported by Stratman's testimony, including her testimony as to her familiarity with the intersection, and was not contradicted by the squad video footage. Additionally, Stratman testified that she was able to observe Hendrick's headlights approaching the intersection from a different vantage point than captured by the squad camera. We assume the circuit court made implicit factual findings consistent with its ruling. *See State v. Echols*, 175 Wis. 2d 653, 673, 499 N.W.2d 631 (1993) ("When a [circuit] court does not expressly make a finding necessary to support its legal conclusion, an appellate court can assume that the [circuit] court made the finding in the way that supports its decision."). Moreover, even accepting Hendrick's argument that the footage did not establish that Hendrick had failed to stop at a point further back from the intersection, Stratman was not required to draw the inference that Hendrick had stopped further back, when her observations also supported the inference that Hendrick had merely slowed but had not come to a complete stop. *See State v.*

*Jackson*, 147 Wis. 2d 824, 835, 434 N.W.2d 386 (1989) (“[I]f any reasonable suspicion of past, present, or future criminal conduct can be drawn from the circumstances, notwithstanding the existence of other inferences that can be drawn, officers have the right to temporarily freeze the situation in order to investigate further.”).

In sum, whether the evidence was sufficient to convict Hendrick of a traffic violation is not the test for reasonable suspicion for a traffic stop. For the stop to be constitutionally valid, all that was required was reasonable suspicion that Hendrick had committed the violation. *See Popke*, 317 Wis. 2d 118, ¶23. For the reasons set forth, we conclude that the stop was supported by reasonable suspicion that Hendrick had failed to come to a complete stop at the stop sign.<sup>2</sup>

Therefore,

IT IS ORDERED that the judgment of conviction is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*

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<sup>2</sup> Because we conclude that there was reasonable suspicion to stop Hendrick for failing to stop at the stop sign, we need not address the parties’ arguments as to whether there was reasonable suspicion to stop Hendrick for failing to yield the right-of-way to the motorcycle travelling southbound in front of Stratman.