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**DISTRICT I**

September 6, 2023

To:

Hon. Mark A. Sanders  
Circuit Court Judge  
Electronic Notice

John Blimling  
Electronic Notice

Anna Hodges  
Clerk of Circuit Court  
Milwaukee County Safety Building  
Electronic Notice

Jeffrey W. Jensen  
Electronic Notice

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

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2022AP2052-CR

State of Wisconsin v. Daniel L. Carr, II (L.C. # 2019CF1384)

Before White, C.J., Donald, P.J., and Dugan, J.

**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).**

Daniel L. Carr, II, appeals from a judgment convicting him of operating while intoxicated, as a fifth or sixth offense. 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 (2021-22).<sup>1</sup> The judgment is summarily affirmed.

On March 28, 2019, the State charged Carr with one count of operating while intoxicated, as a fifth or sixth offense, and one count of operating with a prohibited alcohol concentration, as

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

a fifth or sixth offense. Carr moved to suppress evidence from the traffic stop. The circuit court denied the motion and Carr ultimately pled guilty to one count of operating while intoxicated, as a fifth or sixth offense. The circuit court sentenced Carr to six months in the House of Correction.

The underlying facts, established primarily at the hearing on Carr's suppression motion, are undisputed. On the morning of November 19, 2017, West Allis Police dispatch received a call from an employee at Rogers Memorial Hospital stating that an intoxicated Carr had just left the hospital in a black Mercedes; the caller provided Carr's name and his Florida license plate number. West Allis Police Officer Druscilla Schneider responded to the call. Officer Schneider spotted a black Mercedes in the area between the hospital and Carr's home address. She performed a U-turn, pulled up behind the Mercedes, and ran the plate through dispatch. Dispatch confirmed that the license plate matched that described by the caller and that Carr was the registered owner. Officer Schneider activated her emergency lights to initiate a traffic stop. Carr continued to drive for another two to three blocks before eventually pulling over. At that time, Officer Randall Kwasinski took over the investigation and made contact with Carr. Officer Kwasinski noticed that Carr had glassy eyes and smelled of alcohol. Officer Kwasinski ultimately arrested Carr. Blood testing later indicated that Carr's blood alcohol content was .084% by weight. The circuit court found that that these facts combined gave police reasonable suspicion to stop Carr.

An officer may conduct a traffic stop where, under the totality of the circumstances, he or she has reasonable suspicion that a crime or traffic violation has been, is being, or is about to be committed. See *State v. Young*, 2006 WI 98, ¶20, 294 Wis. 2d 1, 717 N.W.2d 729; *State v. Popke*, 2009 WI 37, ¶23, 317 Wis. 2d 118, 765 N.W.2d 569. "Reasonable suspicion requires

that a police officer possess specific and articulable facts that warrant a reasonable belief that criminal activity is afoot.” *Young*, 294 Wis. 2d 1, ¶21. On review, we uphold the circuit court’s findings of fact unless clearly erroneous, but we review *de novo* whether these facts meet the “reasonable suspicion” standard. *See id.*, ¶17.

Carr argues that the information relayed by the unknown caller from Rogers Memorial Hospital was insufficiently reliable to justify a traffic stop. Carr likens the caller to an anonymous informant whose tip to police must contain “sufficient indicia of reliability to provide reasonable suspicion to make the investigatory stop.” *See State v. Williams*, 2001 WI 21, ¶31, 241 Wis. 2d 631, 623 N.W.2d 106 (citations omitted). The reliability of the information may be shown by the totality of the circumstances, including “the presence of detail in the information, and corroboration of details of an informant’s tip by independent police work.” *State v. Hillary*, 2017 WI App 67, ¶9, 378 Wis. 2d 267, 903 N.W.2d 311 (citation omitted). Here, police acted on more than an anonymous tip in that police knew that the caller was an employee of Rogers Memorial Hospital and police frequently responded to calls from the hospital. The caller was able to identify Carr by name, describe his demeanor, his location, his vehicle, and his license plate number. All of the information provided by the caller was corroborated. Under the totality of the circumstances, the caller’s report to dispatch was sufficiently reliable to provide West Allis police with reasonable suspicion that Carr was operating while intoxicated.

IT IS ORDERED that the judgment is summarily affirmed. *See* WIS. STAT. RULE 809.21.

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*