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**DISTRICT IV**

May 9, 2024

To:

Hon. Ann Peacock  
Circuit Court Judge  
Electronic Notice

John Holevoet  
Electronic Notice

Jeff Okazaki  
Clerk of Circuit Court  
Dane County Courthouse  
Electronic Notice

Michael C. Sanders  
Electronic Notice

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

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2023AP501-CR

State of Wisconsin v. Stephani E. Barger (L.C. # 2019CF56)

Before Kloppenburg, P.J., Graham, and Nashold, 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).**

Stephani Barger appeals a judgment of conviction. Based on 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> We affirm.

Barger pled guilty to one count of operating while intoxicated as a seventh, eighth, or ninth offense. Before doing so, she moved to suppress evidence, and the circuit court denied the

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

motion. Barger may appeal that decision notwithstanding her plea. *See* WIS. STAT. § 971.31(10).

Barger argues that the officer lacked reasonable suspicion to conduct a traffic stop of the vehicle that she was driving. The parties agree on the applicable law, and the facts are not disputed. We conclude that the officer had reasonable suspicion that Barger was impaired.

There were several facts supporting reasonable suspicion. The time was approximately 3:00 a.m., which is a time of increased likelihood of driver impairment. In addition, there were several aspects of Barger's conduct that, even if we assume that they were not illegal, were unusual. The officer first observed her vehicle when it was exiting from the parking lot of a strip mall in which no businesses were open at that hour. The vehicle then stopped at a red light, remained stopped there while the light was next green, and did not proceed until the light was again red. Finally, a moment later, the vehicle made an abrupt left turn from a main road to a side street, without using the dedicated left turn lane that was present. Together, these facts supported a reasonable suspicion that the driver was impaired.

IT IS ORDERED that the judgment appealed from is summarily affirmed under 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*