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**DISTRICT III**

February 12, 2013

To:

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

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2012AP2467-CRNM      State of Wisconsin v. Sandra Hudson-Trapp (L.C. # 2011CF8)

Before Hoover, P.J., Mangerson, J., and Thomas Cane, Reserve Judge.

Counsel for Sandra Hudson-Trapp has filed a no-merit report concluding there is no arguable basis for Hudson-Trapp to withdraw her guilty plea or challenge the sentence imposed for fifth offense operating a vehicle while intoxicated. At this court's direction, counsel also filed a supplemental report addressing additional issues. Upon our independent review of the record as mandated by *Anders v. California*, 386 U.S. 738 (1967), we conclude there is no arguable basis for appeal.

The complaint alleged that officer Jerret Schallock observed a vehicle registered to Hudson-Trapp parked in a casino parking lot. Schallock learned that Hudson-Trapp's driver's license had been revoked for a drunk driving offense. A short time later, Schallock observed a short female walk to the vehicle and drive away. Schallock checked the physical description of Hudson-Trapp and it listed her as four feet nine inches tall and one hundred twenty pounds. Schallock stopped the vehicle, and Hudson-Trapp confirmed her identity. At that time, Schallock smelled the odor of intoxicants and Hudson-Trapp confirmed that she had been drinking. She failed a field sobriety test and refused to take a preliminary breath test, explaining that if she did, Schallock would arrest her.

Hudson-Trapp filed a motion to dismiss and/or suppress evidence, arguing the traffic stop was not supported by probable cause. However, that is not the standard for a traffic stop. An officer may stop a car based on "reasonable suspicion" of criminal activity. *State v. Newer*, 2007 WI App 236, ¶7, 306 Wis. 2d 193, 742 N.W.2d 923. When an officer has knowledge that the owner of a vehicle has a revoked license, the officer has sufficient reasonable suspicion to stop the vehicle to determine whether it is being driven by the owner. *Id.*

The record establishes no arguable manifest injustice upon which Hudson-Trapp could withdraw her guilty plea. See *State v. Duychak*, 133 Wis. 2d 307, 312, 395 N.W.2d 795 (Ct. App. 1986). The court's colloquy, aided by a plea questionnaire and waiver of rights form, informed Hudson-Trapp of the constitutional rights she waived by pleading guilty, the elements of the offense and the potential penalties. The court followed the procedures for accepting a guilty plea set out in *State v. Bangert*, 131 Wis. 2d 246, 260-61, 389 N.W.2d 12 (1986).

At the sentencing hearing, Hudson-Trapp's attorney addressed a statement Hudson-Trapp made to the author of the presentence investigation report indicating that she pled guilty only because her attorney told her to. She denied driving while intoxicated. However, when counsel suggested a motion to withdraw the guilty plea, Hudson-Trapp declined, and indicated a desire to accept responsibility. The record discloses no basis for Hudson-Trapp to withdraw her guilty plea.

The record also discloses no arguable basis for challenging the sentence. The court imposed and stayed a sentence of one year and six months' initial confinement and three years' extended supervision consecutive to other sentences Hudson-Trapp was serving. The court placed Hudson-Trapp on probation for three years, revoked her driver's license and required an ignition interlock for three years. The court also ordered six months confinement in jail as a condition of probation, but applied her jail credit against the conditional jail time, resulting in no additional incarceration unless her probation is revoked. The court appropriately considered the seriousness of the offense, Hudson-Trapp's character and prior record and the need to protect the public. *See State v. Harris*, 119 Wis. 2d 612, 623, 350 N.W.2d 633 (1984). The maximum sentence was six years' imprisonment and a \$10,000 fine. The court considered no improper factors and the sentence imposed is not arguably so excessive as to shock public sentiment. *See Ocanas v. State*, 70 Wis. 2d 179, 185, 233 N.W.2d 457 (1975).

Our independent review of the record discloses no other potential issue for appeal. Therefore,

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21 (2011-12).

IT IS FURTHER ORDERED that attorney Melissa Petersen is relieved of her obligation to further represent Hudson-Trapp in this matter. WIS. STAT. RULE 809.32(3) (2011-12).

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