

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

July 30, 1999

Marilyn L. Graves  
Clerk, Court of Appeals  
of Wisconsin

**NOTICE**

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

**No. 98-3518-CR**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT III**

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**STATE OF WISCONSIN,**

**PLAINTIFF-APPELLANT,**

**V.**

**ROBERT KRIST JOHNSON,**

**DEFENDANT-RESPONDENT.**

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APPEAL from an order of the circuit court for Florence County:  
JAMES B. MOHR, Judge. *Reversed and cause remanded.*

Before Cane, C.J., Myse, P.J., and Hoover, J.

PER CURIAM. The State appeals an order suppressing evidence obtained from Robert Johnson's pickup truck and derivative evidence seized from his person. The trial court held this evidence inadmissible because of a defect in the affidavit in support of a search warrant. The State concedes that the warrant

was invalid because of this defect, but argues that the evidence was admissible without a warrant because the police had probable cause to search the truck. Although this argument was raised in the trial court, the court did not address it. We conclude that the police had sufficient probable cause to search the truck without a warrant.

The parties agree that the dispositive facts are not disputed and whether probable cause supports the search is a question of law. *See State v. Richardson*, 156 Wis.2d 128, 137, 456 N.W.2d 830, 833 (1990). Police may search a vehicle found in a public place if they have probable cause to believe they will discover contraband or evidence of a crime. *See State v. Caban*, 210 Wis.2d 597, 606-07, 563 N.W.2d 501, 506 (1997). Probable cause is a flexible, commonsense standard that merely requires that the facts available to the officer warrant a person of reasonable caution in the belief that the contraband was likely to be in the place searched. *See Brown v. Texas*, 460 U.S. 730, 742 (1983).

The officer performing the search had probable cause based on partially corroborated information provided by an anonymous informant. An anonymous informant's tip can constitute probable cause if the tip presents sufficient detail and some of the details can be corroborated by independent police work. *See State v. Boggess*, 115 Wis.2d 443, 455, 340 N.W.2d 516, 523 (1983). Probable cause is provided by police corroboration of details because an informant who is right about some facts is more probably right about other facts, including the suspect's alleged illegal activity. *See Alabama v. White*, 496 U.S. 325, 331 (1980); *Illinois v. Gates*, 462 U.S. 213, 244 (1983).

The informant correctly identified Johnson, his ownership of a bar and his physical appearance. As in *Gates*, she correctly predicted Johnson's future

actions, indicating which of his three Dodge pickup trucks he would be driving on a specific highway within a two-hour time span. She also stated that he would be transporting drugs from Kenosha, a detail that was partially corroborated by the police who established that Johnson was from the Kenosha area where drug unit officers had received numerous tips and believed that he had drug distribution connections. The sheriff indicated that Johnson had leased his vehicles and put his business in family members' names to avoid seizure if he was caught. The informant's verifiable predictions of his future behavior and knowledge of Johnson's connection to drugs in a city hundreds of miles away suggest inside knowledge of his illegal activities sufficient to constitute probable cause for a search.

*By the Court.*—Order reversed and cause remanded.

This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.

