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DISTRICT II

December 17, 2025

To:

Hon. Samantha R. Bastil
Circuit Court Judge
Electronic Notice

Hector Salim Al-Homsi
Electronic Notice

Chris Koenig
Clerk of Circuit Court
Sheboygan County Courthouse
Electronic Notice

Anthony Cotton
Electronic Notice

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

2024AP92-CR

State of Wisconsin v. Scot William Klein (L.C. #2022CF423)

Before Neubauer, P.J., Gundrum, and Grogan, 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).

Scot William Klein appeals a judgment convicting him of possession of THC with intent to deliver. He challenges the circuit court's order denying his motion to suppress evidence obtained after deputies entered his home with the consent of A.V.¹ He argues that A.V. lacked actual authority and apparent authority to admit deputies into the residence. Based upon our review of the briefs and Record, this case is appropriate for summary disposition. *See* WIS.

¹ This court uses initials for confidentiality. *See* WIS. STAT. RULE 809.81(8) (2023-24). All references to the Wisconsin Statutes are to the 2023-24 version.

STAT. RULE 809.21. We conclude that the circuit court correctly determined that A.V. had actual authority to consent to the search and, therefore, we affirm.²

According to testimony from the suppression hearing, deputies responded to a weapons complaint after a third party reported that Klein had pointed a gun at A.V. during an argument. When deputies arrived, A.V. was at the scene and asked Deputy Ryan Rowell to follow her inside so she could show him something. She led him into the residence, into the bedroom she said she shared with Klein, and pointed out jars of a green leafy substance. She then directed deputies to other areas of the property, including the attached garage.

The suppression record also established that A.V. had been living at Klein's residence as his girlfriend for approximately two months before the incident. Klein testified that he invited her to live with him, that the two moved most of her belongings into the home, and that she spent the majority of nights there. The circuit court found that A.V. kept substantial property inside the residence and had continuous access during the relationship.

Under the common-authority principles described in *State v. Sobczak*, 2013 WI 52, ¶¶19-20, 347 Wis. 2d 724, 833 N.W.2d 59, and *State v. Abbott*, 2020 WI App 25, ¶¶14-15, 392 Wis. 2d 232, 944 N.W.2d 8, a third party has actual authority to consent to a search when that person shares joint access or control of the premises, such that the defendant assumes the risk that the third party might admit others, including law enforcement. Common authority does not turn on property-law concepts such as ownership or formal tenancy, but rather on mutual use of

² Because we conclude that A.V. had actual authority to admit deputies into the residence, we do not address the apparent authority argument.

the property, shared living arrangements, and widely understood social expectations regarding a cohabitant's ability to admit visitors. *Sobczak*, 347 Wis. 2d 724, ¶19-20. The inquiry is fact-intensive, and courts look to indicators such as the nature of the relationship, duration of stay, presence of belongings, frequency of overnight stays, and whether the person is permitted unsupervised access to the space. *See id.*

Although Klein asserts that he revoked A.V.'s access to his home shortly before deputies arrived, the Record shows that he subsequently allowed her back inside. Klein testified that after seeing A.V. on the patio and believing she intended to remain there overnight, he opened the door and told her she could "sleep it off." The circuit court found no evidence that Klein placed restrictions on her ability to move within the home once she was permitted to enter.

The fact that Klein expressed anger toward A.V. and moved some of her belongings outside does not establish that her residential status had ended. He did not finish removing her possessions, he permitted her inside, and her household items remained throughout the home. As noted in *United States v. Wright*, 838 F.3d 880, 886 (7th Cir. 2016), the end of a romantic relationship does not automatically terminate shared authority when the partner continues to access or use the property. That principle applies here.

Because the circuit court's factual findings are supported by the Record and are not clearly erroneous, and because those findings establish actual authority under controlling precedent, deputies reasonably relied on A.V.'s consent. The search did not violate the Fourth Amendment.

Upon the foregoing,

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

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

Samuel A. Christensen
Clerk of Court of Appeals