



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT IV

January 5, 2026

To:

Hon. Josann M. Reynolds
Circuit Court Judge
Electronic Notice

Theresa Lewandowski
Electronic Notice

Jeff Okazaki
Clerk of Circuit Court
Dane County Courthouse
Electronic Notice

Colleen Marion
Electronic Notice

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

2025AP1267-CR State of Wisconsin v. Raheem L. Lott (L.C. # 2022CF886)

Before Nashold, J.¹

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).

Raheem Lott appeals his conviction for operating a vehicle with a detectable amount of a restricted controlled substance (THC) in his blood, as a third offense. Before pleading to this charge, Lott moved to suppress all evidence resulting from the officer's decision to extend his traffic stop, arguing that the facts available to the officer did not amount to reasonable suspicion of criminal activity. The circuit court denied this motion, and on appeal Lott argues that the motion should have been granted. The State has not filed a brief, despite repeated warnings from

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(f) (2023-24). All references to the Wisconsin Statutes are to the 2023-24 version.

this court that failure to do so could result in summary reversal. This court now concludes that summary reversal is merited as a sanction for the State's failure to file a brief.

The undisputed facts are as follows.² An officer stopped Lott's vehicle in the early morning for failing to come to a complete stop at a stop sign. Discussion with Lott revealed that Lott was not traveling in the direction of his stated destination. Lott admitted to having consumed some tequila six or seven hours earlier, and the officer testified that she smelled the odor of intoxicants emitting from Lott. The officer performed a horizontal gaze nystagmus test on Lott, observing zero clues. She did, however, observe some clues on the walk-and-turn and one-leg stand tests. She then arrested Lott. Subsequent searches of Lott and his vehicle turned up two and a half oxycodone pills and some marijuana. Lott admitted to having smoked marijuana at some earlier time. Lott also had a gun with him in the vehicle, for which he had a valid concealed carry permit. Lott was charged with third-offense operating with a detectable amount of a restricted controlled substance in his blood, possession of a firearm while intoxicated, and possession of the oxycodone.

Lott moved to suppress, arguing that although the initial stop was justified by his traffic violation, there was insufficient reason for the officer to suspect him of operating while intoxicated, so that the extension of the stop to conduct field sobriety tests violated the Fourth Amendment. The circuit court denied the motion, and Lott, after entering a guilty plea as part of

² There was no evidentiary hearing on suppression in the circuit court: the court decided the suppression motion, by apparent agreement of the parties, on the facts alleged in the arresting officer's report.

a plea bargain with the State, was convicted and sentenced of the single count of operating with a detectable amount of a restricted controlled substance in his blood.

Lott appealed. Before filing his appellant's brief, Lott filed a motion to extend the time in which to do so, which this court granted. In the order granting that extension motion, the court separately noted that counsel for the State had not opted in to appellate court e-filing as the rules require, and directed that counsel do so within five days. Counsel for the State did not opt in to e-filing.

Lott then filed his appellant's brief on October 2, 2025, arguing that the suppression motion should have been granted. The State's respondent's brief was due November 3. No brief or motion for an extension was filed by that date. On November 11, this court issued an order directing the State to file within five days a brief or an extension request showing good cause for the failure to timely file, and informing the State that if it did not do so, the judgment appealed from "may be summarily reversed."

The State did not respond to this order with either a brief or an extension motion. On December 2, this court issued another order, noting that "[f]ailure to file a respondent's brief tacitly concedes that the trial court erred ... and allows this court to assume that the respondent concedes the issues raised by the appellant." The order further stated that when a respondent fails to brief an appeal, summary reversal may be ordered in this court's discretion, if the court determines that the respondent has abandoned the appeal. The order directed the clerk to submit the case to this court so that the court could determine whether the case could be decided on the record and the appellant's brief alone.

On December 10, still having received no brief or other filings from the State, this court issued another order, informing the State that, having reviewed the appellant's brief, the court would summarily reverse the judgment appealed from if the State did not file a brief within five days. Separately, this order again directed counsel for the State to opt in to the e-filing system.

To date, the State has not submitted a brief. Moreover, the State did not file any response at all by the deadline set by this court's December 10, 2025 order. Rather, on December 29, 2025, the State finally responded to this court's orders by filing a motion to extend the time to file the respondent's brief.³ The State's motion is insufficient to obtain that relief.

The State's motion seeking to extend the time to file the respondent's brief states only that it is the State's first request for an extension and that the additional time is necessary due to counsel's heavy workload. However, the motion does not address the significant delay in seeking the extension or the State's repeated failure to respond to this court's orders, set forth above. The motion does not explain why the State failed to seek an extension despite repeated warnings by this court, or why the motion was filed after the final deadline provided by this court for the State to file the respondent's brief, with the explicit warning that failure to do so would result in summary reversal. Accordingly, the motion does not show good cause for an extension of the time to file the respondent's brief at this late stage of the proceedings. The motion is denied.

³ Counsel also finally opted in to this court's e-filing system, as repeatedly directed by this court's prior orders.

Given the State's failure to file a brief, to timely respond in any way to numerous orders, or to show good cause to extend the time to file the brief, this court concludes that the State has acted egregiously and has effectively abandoned this appeal. *See Raz v. Brown*, 2003 WI 29, ¶18, 260 Wis. 2d 614, 660 N.W.2d 647 (court of appeals may summarily reverse as a sanction where litigant has acted egregiously or abandoned appeal). The judgment of conviction is therefore summarily reversed pursuant to WIS. STAT. RULE 809.83(2).

Therefore,

IT IS ORDERED that the motion to extend the time to file the respondent's brief is denied.

IT IS FURTHER ORDERED that the judgment of conviction in this case is summarily reversed, and the cause is remanded with directions that all evidence derived from the extension of the traffic stop be suppressed. *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*