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DISTRICT III

April 14, 2026

To:

Hon. Robert R. Russell
Circuit Court Judge
Electronic Notice

Robert A. Kennedy Jr.
Electronic Notice

Thomas S. Barker
Clerk of Circuit Court
Lincoln County Courthouse
Electronic Notice

Andrew Polzin
Electronic Notice

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

2024AP2104-FT

Lincoln County v. David John Wozniak (L. C. No. 2024TR685)

Before Stark, P.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).

David John Wozniak appeals from a judgment convicting him of speeding in a 55-miles-per-hour (mph) zone, contrary to WIS. STAT. § 346.57(4)(h). Wozniak argues that the circuit court erred by concluding that he was subject to a 55-mph speed limit. Pursuant to this court's order of November 26, 2024, and a presubmission conference, the parties have submitted memo

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

briefs. *See* WIS. STAT. RULE 809.17(1). Upon review of those memoranda and the record, we affirm the judgment of the circuit court.

Lincoln County Sheriff's Deputy Jon Espeseth was monitoring the speeds of vehicles traveling north on U.S. Highway 51 near U.S. Highway 8 when he observed a vehicle, which he later determined to be driven by Wozniak, traveling "substantially faster" than the surrounding vehicles. Specifically, Espeseth stated that Wozniak's vehicle was in the west of two northbound lanes and that, as Wozniak crested a hill, he appeared to be trying to pass other vehicles before the road narrowed from a two-lane road to a single-lane road. Using radar, Espeseth determined that Wozniak's vehicle was traveling at 90 mph. Espeseth issued Wozniak a citation for speeding 35 to 39 mph in excess of the posted 55-mph speed limit, contrary to WIS. STAT. § 346.57(4)(h).

Wozniak contested the citation, and the matter proceeded to a bench trial, during which Deputy Espeseth testified to the above. Wozniak, then pro se, testified that just prior to being stopped, he had entered Highway 51 from Highway 8. He believed that the speed limit on Highway 51 was 65 mph because "there was no sign from Highway 8 to where the officer was that indicated" that the speed limit was 55 mph.²

Deputy Espeseth testified that the speed limit on Highway 51 in the area where he first observed Wozniak's vehicle is 55 mph. Espeseth noted that there is an official traffic sign posting a speed limit of 55 mph one-quarter mile south of the Highway 51 and Highway 8 intersection where Wozniak testified that he entered Highway 51. However, Espeseth

² Wozniak did not contest that he was traveling at 90 mph.

acknowledged there is no speed limit sign posted on Highway 51 north of where it crosses Highway 8.

The circuit court found that the stop occurred in an area where the speed limit was 55 mph. The court noted that there was no issue as to whether Deputy Espeseth's radar reading was accurate. The court found that Lincoln County met its burden to prove that Wozniak was speeding by traveling 35 to 39 mph in excess of the 55-mph speed limit, and it entered judgment in favor of the County. The court ordered a 35-day driver's license suspension and imposed a forfeiture of \$358.

On appeal, Wozniak now argues that because Highway 51 is a freeway,³ its presumptive speed limit is 70 mph pursuant to WIS. STAT. § 346.57(4)(gm)2., and because there is no properly posted sign reducing the speed limit to 55 mph in the area where Wozniak traveled prior to being stopped, the reduced speed limit cannot be enforced under WIS. STAT. § 346.02(7). This issue

³ Wozniak cites WIS. STAT. § 84.295(3) in support of his assertion that Highway 51 is designated as a freeway by the Wisconsin Department of Transportation (DOT). We note that § 84.295(3) does not specify whether Highway 51 is a freeway, but rather it provides that the DOT "may by order designate as freeways or expressways segments of state trunk highways having currently assignable traffic volumes in excess of 4,000 vehicles per day." However, the County does not dispute Wozniak's assertion that Highway 51 is designated as a freeway, and we take judicial notice of the DOT's 2025-26 State Highway Map designating Highway 51 as a freeway. *See* WIS. STAT. § 902.01(2)(b); DOT Official State Highway Map (2025-26), <https://wisconsin.gov/Documents/travel/road/hwy-maps/state-maps/SHM-2025-Front.pdf> (last visited Apr. 7, 2026).

Wozniak's brief does not comply with WIS. STAT. RULE 809.19(8)(bm), which requires briefs to "have page numbers centered in the bottom margin using Arabic numerals with sequential numbering starting at '1' on the cover." Our supreme court has explained that this pagination requirement "will match the page number to the page header applied by the eFiling system, avoiding the confusion of having two different page numbers." S. CT. ORDER 20-07, 2021 WI 37, 397 Wis. 2d xiii (eff. July 1, 2021). We expect counsel to follow our Rules of Appellate Procedure.

involves the application of a statute to facts, which we review de novo.⁴ *Bockin v. Farmers Ins. Exch.*, 2006 WI App 220, ¶9, 296 Wis. 2d 694, 723 N.W.2d 741. We conclude that the circuit court did not err by finding that Wozniak was properly subject to a 55-mph speed limit.

Wozniak correctly notes that WIS. STAT. § 346.02(7) provides that “[n]o provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person.” However, the statute further provides that “[w]henever a particular section does not state that signs are required, such section is effective even though no signs are erected or in place.” *Id.*

As relevant to this appeal, WIS. STAT. § 346.57(4) provides various fixed speed restrictions that apply unless different limits are indicated by official traffic signs. These speed restrictions include a limit of 70 mph “on any freeway,” § 346.57(4)(gm)2., which is “not effective unless official signs giving notice of the limit have been erected by the department,” § 346.57(6)(b). “In the absence of any other fixed limits or the posting of limits as required or authorized by law,” the speed limit is 55 mph. Sec. 346.57(4)(h).

It is uncontested that the portion of Highway 51 that Wozniak testified he traveled through does not have a posted speed limit indicated by an official traffic sign and that there is a 55-mph speed limit sign one-quarter mile south of this location. Because there is no official traffic sign giving notice of the speed limit in the area Wozniak traveled, the 70-mph speed limit

⁴ The County disputes whether Wozniak took the Highway 51 bridge over Highway 8 and therefore passed a 55-mph speed limit sign or whether Wozniak entered Highway 51 from the Highway 8 ramp and therefore did not pass a 55-mph speed limit sign. For the purposes of this appeal, we need not resolve this factual dispute. We assume that Wozniak did not pass a 55-mph speed limit sign.

under WIS. STAT. § 346.57(4)(gm)2. does not apply. *See* § 346.57(6)(b). In the absence of any other fixed limit or a posted limit, the speed limit on the portion of Highway 51 at issue is therefore 55 mph. *See* § 346.57(4)(h). Further, because § 346.57(4)(h) does not require the posting of an official speed limit sign, this speed limit is effective without the speed limit sign being posted. *See* § 346.02(7).

Wozniak argues that this statutory reading “is chaos” because “[a]nyone entering an expressway, apparently, would need a 70-mph sign, [or] otherwise must slow to 55.” Wozniak also argues that this conclusion creates a conflict between WIS. STAT. § 346.57(4)(gm)2. and (4)(h).

We disagree on both points. Applying a 55-mph speed limit in the area that Wozniak testified he traveled through prior to being stopped does not create chaos; rather, it comports with the applicable speed limit imposed by signage located one-quarter mile south of the Highway 51/Highway 8 intersection. Further, our conclusion does not create a conflict between § 346.57(4)(gm)2. and (4)(h) based on § 346.57(6)(b)’s provision that the speed limit under § 346.57(4)(gm)2. “is not effective unless official signs giving notice of the [speed] limit have been erected by the department,” which provision Wozniak does not address. Here, given the absence of official signs indicating a 70-mph speed limit, § 346.57(4)(h) applies. There is no conflict.

We conclude that Wozniak was subject to a 55-mph speed limit on the portion of Highway 51 that he testified he traveled through prior to being stopped by Espeseth. Because it is uncontested that Wozniak was traveling at 90 mph, the circuit court did not err by convicting

Wozniak of speeding 35 to 39 mph in excess of the 55-mph speed limit, contrary to WIS. STAT. § 346.57(4)(h).

Upon the foregoing,

IT IS ORDERED that the judgment is affirmed. 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