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**DISTRICT III**

May 27, 2026

To:

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Circuit Court Judge  
Electronic Notice

Gregory A. Parker  
Electronic Notice

Ethan Schmidt  
Clerk of Circuit Court  
Shawano County Courthouse  
Electronic Notice

Yaakov Bloomberg  
Electronic Notice

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

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2023AP1481

State of Wisconsin v. Yaakov Bloomberg (L. C. No. 2023TR159)

Before Hruz, J.<sup>1</sup>

**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).**

Yaakov Bloomberg, pro se, appeals a judgment convicting him of speeding in a 65 mile-per-hour (mph) zone, contrary to WIS. STAT. § 346.57(4)(gm)1. Bloomberg essentially argues that the circuit court's factual finding that he was speeding was clearly erroneous because the court improperly weighed his credibility, especially as compared to that of the testifying law enforcement officer. Based upon our review of the briefs and record, we conclude that this case is appropriate for summary disposition, and we affirm. *See* WIS. STAT. RULE 809.21.

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

On January 12, 2023, Bloomberg was traveling on State Highway 29 in Shawano County when Wisconsin State Patrol Trooper Jason Tauschek stopped him for exceeding the applicable speed limit. Tauschek's laser speed device indicated that Bloomberg was driving at speeds of 80 and 81 mph in a 65-mph speed zone.<sup>2</sup> Tauschek issued Bloomberg a citation for speeding on an expressway, in violation of WIS. STAT. § 346.57(4)(gm)1. Bloomberg contested the citation.

Prior to trial, the State offered a plea agreement whereby it would amend the charge to traveling one to ten mph over the speed limit, with Bloomberg being assessed costs. The State informed Bloomberg that if the case were tried, it would seek a judgment for a violation based upon his actual speed. The circuit court also informed Bloomberg that it would determine the actual speed his vehicle was traveling based on the evidence presented. Bloomberg declined this plea offer, and the case proceeded to a bench trial.

At trial, Trooper Tauschek testified that on the date at issue, he was monitoring traffic from a stationary position on State Highway 29 while also operating a laser speed device. Tauschek testified that he observed Bloomberg's vehicle traveling at a speed that appeared, by sight, to exceed the posted 65-mph limit. Using the laser device, Tauschek obtained an initial speed measurement of 80 mph and a second measurement of 81 mph. Tauschek then conducted a traffic stop, during which Bloomberg did not deny that he was speeding. Instead, Bloomberg merely responded that he was passing someone at the time. During his cross-examination of Tauschek, Bloomberg asked questions implying that this other vehicle would have obstructed Tauschek's ability to accurately determine the speed of Bloomberg's vehicle.

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<sup>2</sup> Trooper Tauschek took two laser speed gun readings, one returning 80 mph and one returning 81 mph. On the scene, Tauschek issued the citation based on the lower reading of 80 mph.

Trooper Tauschek also provided details regarding his training and experience. He stated that he had been employed with the Wisconsin State Patrol for over six years. Tauschek further elaborated on his knowledge and use of laser speed devices, including how he prepares, tests and otherwise confirms the proper operation of those devices and how he properly uses them in the field. He additionally explained how those devices operate, including how and if they are susceptible to error. Regarding Bloomberg's speeding citation, Tauschek testified that nothing occurred with his use of the laser device that would cast doubt on his readings of Bloomberg's vehicle's speed.

Bloomberg, pro se, testified that there was another vehicle in front of him eastbound while Trooper Tauschek was operating the laser device. Bloomberg stated, "I know I was going a little fast. I did not think it was that fast. I was in a hurry. My furnace stopped working; it was very cold." Bloomberg then reiterated: "And so I know I was going a little fast and I was also, you know, with another vehicle there and I was focusing on getting there on time."

Bloomberg also testified to his belief that other factors impeded Trooper Tauschek's reading of his vehicle's speed. In particular, he alleged that Tauschek had limited visibility of his vehicle from where Tauschek was parked and that a nearby cell phone tower and its radio frequency interfered with the laser device. At no point during his testimony did Bloomberg deny that he was speeding.

After considering the testimony, the circuit court concluded that Bloomberg was speeding on an expressway, in violation of WIS. STAT. § 346.57(4)(gm)1., and it ordered Bloomberg to pay a \$250.90 forfeiture. The court expressly found that the laser speed detection device was functioning properly and that Trooper Tauschek's testimony was credible. In particular, the court

found that Tauschek was properly trained in the use of the laser speed detection device—having served as a state trooper for 6 years and issued approximately 50 speeding citations per month—and that the device was in proper working order, with Tauschek correctly using it to obtain the speed readings. The court also found there was no indication that the device had malfunctioned that day.

A person violates the speed limit provisions in WIS. STAT. § 346.57(4)(gm)1. if the State proves by clear, satisfactory and convincing evidence that the person drove “a vehicle at a speed in excess of ... [sixty-five] miles per hour on any expressway.” See WIS. STAT. § 345.45 (establishing the applicable burden of proof); see also *State v. Jacobson*, No. 2021AP1626, unpublished slip op., ¶8 (WI App May 16, 2023).<sup>3</sup> A violation of fixed speeding limits under § 346.57(4) is a strict liability civil offense. *State v. Brown*, 107 Wis. 2d 44, 52, 318 N.W.2d 370 (1982).

On appeal, we uphold the factual findings of the circuit court unless they are clearly erroneous. *Phelps v. Physicians Ins. Co. of Wis.*, 2009 WI 74, ¶34, 319 Wis. 2d 1, 768 N.W.2d 615. A finding of fact is clearly erroneous if it is against the great weight and clear preponderance of the evidence. *Lowe’s Home Ctrs., LLC v. City of Delavan*, 2023 WI 8, ¶25, 405 Wis. 2d 616, 985 N.W.2d 69. It is the role of the circuit court, sitting as the factfinder, not the appellate court, to resolve conflicts in testimony and determine witness credibility. *Global Steel Prods. Corp. v. Ecklund Carriers, Inc.*, 2002 WI App 91, ¶10, 253 Wis. 2d 588, 644 N.W.2d 269.

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<sup>3</sup> Unpublished opinions authored by a single judge and issued on or after July 1, 2009, may be cited for their persuasive value. See WIS RULE 809.23(3)(b).

When the [circuit] court acts as the finder of fact, it is the ultimate arbiter of the credibility of the witnesses and of the weight to be given to each witness's testimony. The trier of fact is in a far better position than an appellate court to make this determination, because it has the opportunity to observe the witnesses and their demeanor on the witness stand.

*Lessor v. Wangelin*, 221 Wis. 2d 659, 665, 586 N.W.2d 1 (Ct. App. 1998) (citation omitted).

We search the record for evidence supporting the court's findings and accept the reasonable inferences drawn from the evidence. *Global Steel Prods. Corp.*, 253 Wis. 2d 588, ¶10.

After reviewing the testimony of both witnesses and all other trial evidence, we are satisfied that the circuit court's findings of fact are not clearly erroneous. In particular, the record supports the court's finding that Bloomberg was traveling at a speed of 81 mph in the 65-mph zone. Accordingly, Bloomberg's appeal—which fundamentally asks this court to reweigh the testimony and other evidence provided—must fail.

Bloomberg contends that the circuit court failed to sufficiently focus on Trooper Tauschek's "lack of clear recall and the factual inaccuracies resulting due to lack of recall." To elaborate, Bloomberg testified at trial—and again contends on appeal—that Tauschek lacked a clear recollection of certain details of the events leading up to the traffic stop.<sup>4</sup> Bloomberg also testified that when Tauschek operated the laser device, there was limited visibility from where Tauschek was parked to Bloomberg's vehicle, including there being another vehicle, and that there was a radio frequency interference of the laser device caused by a nearby cell phone tower.

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<sup>4</sup> Bloomberg further argues that Trooper Tauschek's frequent enforcement activity undermined the reliability of his recollection in this particular case. This argument is unpersuasive. In any event, the circuit court was entitled to consider Tauschek's experience, testimony and potential conflation of other citations in assessing his credibility, and we defer to that determination.

The circuit court considered this testimony, as outlined above, and reasonably determined that Trooper Tauschek's account of the speed measurement remained credible, based upon a multitude of evidence offered by the State. Tauschek testified that he viewed Bloomberg's vehicle speeding and took two laser measurements confirming his sight-based observation, and he further elaborated on properly using laser speed measurement devices and his experience with them, including in this particular instance. The record shows that Bloomberg presented no convincing evidence that anything interfered with the operation of the device or affected the accuracy of the laser reading.

As we noted, when a circuit court acts as a factfinder, its role is to resolve conflicts in the testimony and determine witness credibility. *Id.* The circuit court was in the best position to determine the credibility of the witnesses, and we see nothing inherently unreasonable about the court's credibility determinations. Any concerns Bloomberg raised about the equipment were matters for consideration as factual issues, and the court resolved those issues against him after weighing the credibility of the witnesses. In short, Bloomberg received his day in court; the court simply found against him upon its consideration of the evidence.

Bloomberg also attempts to raise questions of fact that he never presented at trial. Bloomberg contends that Trooper Tauschek's laser was not clear of obstructions and, in fact, it scanned and read the speed for the incorrect vehicle—the vehicle that Bloomberg was passing in the opposite lane. Because Bloomberg did not raise this issue with sufficient prominence in the circuit court (at best, he implied that Tauschek used his laser device on the other vehicle), we decline to consider it on appeal. See *Onderdonk v. Lamb*, 79 Wis. 2d 241, 249, 255 N.W.2d 507 (1977) (“Any and all factual matters referred to in the briefs which are not set forth in the complaint are disregarded.”).

In sum, the circuit court heard the testimony and reviewed the other evidence. It then evaluated the credibility of the witnesses and determined that Trooper Tauschek's testimony established that Bloomberg was traveling 81 mph in a 65-mph zone. Bloomberg has not demonstrated that any of the court's findings are clearly erroneous. We therefore affirm the judgment of conviction.

IT IS ORDERED that the judgment is summarily affirmed. WIS. STAT. RULE 809.21.

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

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*