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DISTRICT II

July 21, 2026

To:

Hon. Michael O. Bohren
Circuit Court Judge
Electronic Notice

Jill Marie Skwor
Electronic Notice

Monica Paz
Clerk of Circuit Court
Waukesha County Courthouse
Electronic Notice

Kathleen E. Wood
Electronic Notice

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

2024AP1285-CR

State of Wisconsin v. Joanne M. Randell (L.C. #2022CF15)

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

Joanne M. Randell appeals a judgment of the circuit court convicting her of operating a motor vehicle while under the influence fifth offense. She challenges an order denying her motion to suppress statements she made to law enforcement at a grocery store, arguing that she was subjected to custodial interrogation without *Miranda*¹ warnings. Based upon our review of

¹ *Miranda v. Arizona*, 384 U.S. 436, 444 (1966).

the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2023-24).² We affirm.

A Piggly Wiggly employee called 911 because he was concerned about an intoxicated woman in the store. Detective Timothy Wacker and two other officers responded. Wacker approached Randell after she finished checking out and asked to speak with her in the vestibule. During their discussion, Randell made statements indicating that she had driven to the store. Wacker then administered field sobriety tests, after which he handcuffed and arrested her.

Miranda requires warnings before custodial interrogation. ***Miranda***, 384 U.S. at 444. The test for custodial interrogation is objective: whether there was a formal arrest or a restraint on freedom of movement of the degree associated with formal arrest. ***State v. Lonkoski***, 2013 WI 30, ¶27, 346 Wis. 2d 523, 828 N.W.2d 552. Circuit courts consider the totality of the circumstances, including the person’s freedom to leave, the purpose, place, and length of the questioning, and the degree of restraint. ***State v. Gruen***, 218 Wis. 2d 581, 594, 582 N.W.2d 728 (Ct. App. 1998). When reviewing the circuit court’s decision on a motion to suppress, we uphold the circuit court’s findings of fact unless they are clearly erroneous, but we independently determine whether those facts establish custody. *See State v. Dobbs*, 2020 WI 64, ¶28, 392 Wis. 2d 505, 945 N.W.2d 609.

Randell contends she was in custody when she made the statements she seeks to suppress. Under the totality of the circumstances, we conclude she was not in custody.

² All references to the Wisconsin Statutes are to the 2023-24 version.

The encounter was brief. Wacker testified that less than ten minutes elapsed between the initial contact and Randell's admission that she had driven to the store. The questioning also occurred in a public place. Wacker approached Randell after she completed her purchases, asked to speak with her, and moved with her to the vestibule rather than to a squad car, police station, or interrogation room. The vestibule remained open to public view, and other people continued moving through it.

The restraint before arrest was limited. Randell was not handcuffed, searched, frisked, or placed in a squad car before making the statements she seeks to suppress. One officer questioned her, one stood nearby, and a third spoke with the reporting employee. That level of police presence falls short of the degree of restraint ordinarily associated with formal arrest. *See Gruen*, 218 Wis. 2d at 594-96.

Randell's strongest point is that Wacker denied her requests to leave and testified that he would have physically prevented her from doing so. Those facts weigh in favor of custody, but they do not decide the issue. A person may be temporarily not free to leave during an investigative detention without being in *Miranda* custody. *See Lonkoski*, 346 Wis. 2d 523, ¶27; *Gruen*, 218 Wis. 2d at 594-96. Here, the encounter remained brief and public. Before arrest, Randell was not handcuffed, transported, or otherwise subjected to the degree of restraint ordinarily associated with formal arrest.

The sequence of events confirms the point. After Randell admitted driving, Wacker administered field sobriety tests. Only after she failed those tests did he handcuff and arrest her. That sequence supports the conclusion that the earlier questioning, though restrictive, had not yet become the functional equivalent of a formal arrest.

Under the totality of the circumstances, we conclude that Randell was not in custody when she made the challenged statements.

Upon the foregoing reasons,

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