

**COURT OF APPEALS
DECISION
DATED AND FILED**

August 20, 2026

Samuel A. Christensen
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**Appeal No. 2024AP256-CR
STATE OF WISCONSIN**

Cir. Ct. No. 2022CF39

**IN COURT OF APPEALS
DISTRICT IV**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

ALAN LEE SCHADE,

DEFENDANT-APPELLANT.

APPEAL from judgments of the circuit court for Dodge County:
BRIAN A. PFITZINGER, Judge. *Affirmed.*

Before Blanchard, Kloppenburg, and Nashold, JJ.

Per curiam opinions 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).

¶1 PER CURIAM. Alan Schade appeals judgments, entered after his no-contest pleas, convicting him of one count of robbery of a financial institution,

one count of felony bail jumping, and one count of misdemeanor theft. *See* WIS. STAT. §§ 943.87, 946.49(1)(b), 943.20(1)(a). The sole issue on appeal relates to the circuit court’s denial of Schade’s suppression motion. Schade argues that the police lacked probable cause to arrest him and that all evidence derived from his arrest should be suppressed. We reject Schade’s arguments and affirm the judgments of the circuit court.

¶2 This case involves a bank robbery that occurred on January 26, 2022. An officer from the Dodge County Sheriff’s Office was dispatched around 3:19 p.m. to respond to a 911 call reporting a bank robbery that occurred a few minutes earlier. The officer responding to the bank, who was the same officer who would later arrest Schade, spoke with tellers who witnessed the robbery. According to one teller’s account of the events, the robber wore dark clothing, a mask, and sunglasses. At the bank, the officer viewed surveillance footage from both the robbery and from a suspected casing incident that occurred around noon that same day. The surveillance footage from both incidents showed the suspect wearing a disposable mask, baseball cap, and sunglasses. The suspect left in a black Chevrolet Silverado pickup truck with tinted windows. Shortly after the initial 911 call, a deputy sheriff in the area observed a black Chevrolet pickup truck with that same description just over one mile from the bank. The deputy called in to dispatch with the truck’s license plate, which came back as registered to Schade.

¶3 The State filed a criminal complaint charging Schade with robbery of a financial institution and three counts of felony bail jumping. The information added additional counts of misdemeanor theft and felony bail jumping. Schade was arrested the day after the robbery. A search incident to arrest revealed that Schade’s wallet contained marked “bait” money from the bank. After the arrest, Schade’s girlfriend consented to a search of her residence, which led to the discovery of a

sweatshirt and hooded jacket that, as explained in more detail below, were connected to the robbery. Law enforcement also learned after the arrest that GPS data from Schade’s ankle monitor placed him at the bank at the time of the robbery.

¶4 Schade filed a motion to suppress all evidence obtained as a result of what he argued was an unlawful arrest. The circuit court denied the suppression motion following an evidentiary hearing held over multiple days. Schade appeals the denial of the suppression motion, arguing that police lacked probable cause to arrest him because the “only link” between the suspected robber and Schade was that they both drove a black Chevrolet Silverado pickup truck. We reject this argument and conclude that the record supports the court’s determination that probable cause existed for arrest.

¶5 When reviewing a circuit court’s ruling on a motion to suppress evidence, this court upholds the court’s factual findings unless they are clearly erroneous, but the application of constitutional principles to those facts presents a question of law that we review de novo. *County of Grant v. Vogt*, 2014 WI 76, ¶17, 356 Wis. 2d 343, 850 N.W.2d 253.

¶6 The Fourth Amendment to the United States Constitution and article I, section 11 of the Wisconsin Constitution protect an individual’s right to be free from unreasonable seizures. *State v. Young*, 2006 WI 98, ¶18, 294 Wis. 2d 1, 717 N.W.2d 729. “(A)rrests are seizures and must be supported by probable cause.” *State v. VanBeek*, 2021 WI 51, ¶28, 397 Wis. 2d 311, 960 N.W.2d 32. ““Probable cause exists where the totality of the circumstances within the arresting officer’s knowledge at the time of the arrest would lead a reasonable police officer to believe that the defendant probably committed a crime.”” *State v. Riddle*, 192 Wis. 2d 470, 476, 531 N.W.2d 408 (Ct. App. 1995) (quoted source omitted).

¶7 The evidence presented at the evidentiary hearing on the suppression motion showed that, before arresting Schade on the day after the robbery, police gathered substantial evidence linking Schade to both a preliminary casing incident around noon on the day of the robbery and to the robbery itself. Surveillance footage from the casing incident showed that the suspect doing the casing was a white male wearing a red sweatshirt with the word “Barnes” written on the back and the hood pulled up. The man also wore a hat and a disposable mask and drove away in a black Chevrolet Silverado pickup truck with tinted windows.

¶8 Subsequent investigation established physical similarities between Schade and the individual involved in the casing incident. Schade and the suspected caser shared a consistent height, build, and a distinct crease between his eyebrows. Additionally, this suspect wore a sweatshirt from Barnes Construction and Remodeling, a company where Schade was formerly employed. A comparison of Schade’s pickup truck to this suspect’s vehicle further revealed matching features: notably, an aftermarket window tint, dual exhaust, chrome bumpers, a chrome grille, regular non-tow mirrors, and a set of running boards. The arresting officer testified that he was “100 percent confident” that all three images were of the same truck, based on his personal observation of the bank surveillance footage of the truck from the casing event and the robbery, as well as his observation of the photos of the truck taken by another officer just over one mile away from the bank shortly after the robbery. The circuit court credited the officer’s testimony.

¶9 Substantial evidence also established similarities between Schade and the individual caught on surveillance footage as having committed the robbery. As the circuit court noted, the robber wore a dark baseball cap, a face mask, and dark sunglasses, matching the attire and items associated with Schade during the earlier casing incident. Moreover, the robber drove a pickup truck that the court noted had

a “tremendous uncanny similarity” to Schade’s truck. Beyond standard non-universal features for Chevrolet Silverado pickup trucks, such as silver-colored non-chrome wheels, a chrome bumper, and a chrome grille, the vehicles shared distinct aftermarket features, including a dual exhaust, matching tinted windows, and unusual white tire lettering. In addition, approximately 13 minutes after the 911 call, Schade’s vehicle was identified driving just over one mile away from the bank, a connection in time and proximity that reasonably contributed to the arresting officer’s conclusion that there was probable cause to believe Schade probably committed the robbery. Schade’s contention that the “only link” between him and the robber was that they both drove a Silverado pickup truck ignores the combined weight of the facts in the record, including Schade’s presence near the scene shortly after the robbery, his apparent involvement in the earlier casing incident, and the specific, unique attributes shared by his truck and the suspect’s vehicle, which was caught on surveillance footage of both the casing and the bank robbery.

¶10 Schade specifically challenges the circuit court’s factual finding that the robber’s truck was fitted with a dual exhaust, meaning an exhaust pipe on both the passenger’s side and the driver’s side of the vehicle. He argues that, in the bank’s video footage of the robber’s truck, there was no visible driver’s side exhaust pipe, suggesting that the record does not support the court’s finding that there was a dual exhaust. This argument ignores the fact that the arresting officer testified that he observed “exhaust vapor coming from the driver’s side” of the suspect truck when the officer reviewed both the courtroom footage and the higher-resolution bank video footage.

¶11 Schade fails to take a clear position on the standard of review for the circuit court’s finding that the robber’s truck had dual exhaust, arguing both that this court should review the video evidence de novo and that the circuit court’s finding

was clearly erroneous. The correct standard of review is the clearly erroneous standard, given the advantage that a circuit court has in personally observing disputed testimony on this topic. “[W]hen evidence in the record consists of disputed testimony and a video recording, we will apply the clearly erroneous standard of review when we are reviewing the [circuit] court’s findings of fact based on that recording.” **State v. Walli**, 2011 WI App 86, ¶17, 334 Wis. 2d 402, 799 N.W.2d 898. Schade fails to meet this standard. The circuit court’s finding that the robber’s truck had a dual exhaust system was based on its credibility determination regarding the arresting officer’s testimony that there was exhaust coming from the driver’s side of the robber’s truck in the bank’s surveillance video, and that such an aftermarket modification is unique. “When required to make a finding of fact, the [circuit] court determines the credibility of the witnesses and the weight to be given to their testimony and its determination will not be disturbed ... on appeal where more than one inference may be drawn from the evidence.” **State v. Turner**, 114 Wis. 2d 544, 550, 339 N.W.2d 134 (Ct. App. 1983). We have no reason to second-guess the court’s credibility determination here.

¶12 In sum, the facts as found by the circuit court establish that, given the totality of the circumstances within the arresting officer’s knowledge at the time of the arrest, there was probable cause to support the arrest. The court therefore properly denied Schade’s motion to suppress all evidence discovered incident to the arrest.

By the Court.—Judgments affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)5.

