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DISTRICT II

September 16, 2026

To:

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Circuit Court Judge
Electronic Notice

Thomas E. Hayes
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Monica Paz
Clerk of Circuit Court
Waukesha County Courthouse
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Michael C. Sanders
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You are hereby notified that the Court has entered the following opinion and order:

2025AP1937-CR

State of Wisconsin v. Jennifer S. Bruss (L.C. #2024CF1363)

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

Jennifer S. Bruss appeals from a judgment of conviction for operating a motor vehicle while intoxicated (OWI), fourth offense, entered on her guilty plea. She contends the circuit court erred in denying her motion to suppress key evidence from a traffic stop, asserting the arresting officer did not have the necessary reasonable suspicion to lawfully conduct the stop. Based upon our review of the briefs and record, we conclude at conference that this case is

appropriate for summary disposition. See WIS. STAT. RULE 809.21 (2023-24).¹ For the following reasons, we affirm.

We apply a two-step analysis in reviewing a circuit court’s determination that an officer had reasonable suspicion to initiate an investigative traffic stop. *State v. Post*, 2007 WI 60, ¶8, 301 Wis. 2d 1, 733 N.W.2d 634. We will uphold the court’s factual findings unless they are clearly erroneous; however, we review de novo the application of those facts to constitutional standards. *Id.*

In order to conduct an investigative stop consistent with the Fourth Amendment’s prohibition against unreasonable searches and seizures, a police officer must have at least reasonable suspicion that the person has committed, is committing, or is about to commit an offense. *Post*, 301 Wis. 2d 1, ¶¶10, 13. “[W]hat constitutes reasonable suspicion is a common sense test: under all the facts and circumstances present, what would a reasonable police officer reasonably suspect in light of his or her training and experience.” *State v. Young*, 212 Wis. 2d 417, 424, 569 N.W.2d 84 (Ct. App. 1997). Although acts and circumstances by themselves may be lawful behavior that falls short of reasonable suspicion, the rational inferences drawn from those facts taken together as a whole may constitute reasonable suspicion. *State v. Popke*, 2009 WI 37, ¶23, 317 Wis. 2d 118, 765 N.W.2d 569. In this case, the officer who conducted the traffic stop on Bruss had reasonable suspicion she was operating her vehicle while intoxicated, and thus, the stop was lawful.

¹ All references to the Wisconsin Statutes are to the 2023-24 version.

At the hearing on Bruss' suppression motion, the arresting officer testified that prior to the stop, dispatch had "advised that an intoxicated driver had left the bar in the Village of Pewaukee called 4 Keeps." Dispatch relayed that a friend of the intoxicated driver—who provided her name—had called the police to report that she and the driver "had gotten into an argument at the bar and information was relayed to the friend that [the driver] had taken five shots and was seen stumbling out to her vehicle before leaving the bar." The friend also provided the name of the driver, Jennifer Bruss, a specific description of the vehicle, the license plate number, and indicated she believed Bruss was heading back to her residence in the Town of Oconomowoc, all of which information was relayed to the officer.

The officer testified that he was familiar with Bruss because he had been "a back up officer for the last OWI she had." He was also familiar with where she lives and what vehicle she drives. The officer set up in a location where he expected Bruss would pass by him, and when she did, he performed the traffic stop leading to her arrest.

On cross-examination, the officer clarified that it was his understanding at the time that it was Bruss herself who had informed the friend "that she had taken five shots." The relevant dispatch call log was admitted into evidence at the hearing. Based on a log entry stating, "C[aller] adv[ised] she was not in the bar drinking // Got notified [Bruss] was there by locals and tried to de escalate the situation ...," the officer explained that "[w]hat we were told was that [the friend] originally wasn't there [at the bar] but then she went there after she was called by the locals. That was my understanding at that time." (Formatting altered.) The officer agreed that the dispatch log entry stating "ADV, she took at l[e]ast five shots // [Bruss] could barely walk out of the bar" did not specifically indicate that it was Bruss who told the friend that she (Bruss) had consumed five shots. The officer further agreed that it was his understanding that when the

friend got to the bar, she and Bruss got into an argument, and then Bruss departed from the bar and the friend called dispatch to make the drunk driver report regarding Bruss. The officer clarified again that his “understanding was [that] the information coming from [the friend] was from her involvement or interaction with Ms. Bruss at the bar.”

The dispatch call log contains the following relevant entries: (1) “10-56 [Bruss] just left *here*”; (2) “C[aller] is not following her *anymore*”; (3) “Adv[ised] she took at least 5 shots // [Bruss] could barely walk out of the bar”; (4) “C[aller] and [Bruss] got into a fight and [Bruss] *left*”; (5) “[Driver] is Bruss, Jennifer // Bday is late October”; (6) “C[aller] adv[ised] she was not in the bar drinking // Got notified [Bruss] was there by locals and tried to de escalate the situation” (Emphasis added; formatting altered.)

Based on the totality of the evidence, a reasonable officer would have reasonably suspected Bruss was operating her vehicle while intoxicated. The officer was aware that a *friend* had called to report Bruss as an intoxicated driver. Friends generally do not call the police on friends absent real and significant concern. Moreover, the caller identified herself to police by name, providing strong indicia of reliability, particularly because, as the caller must have known, eventually Bruss would learn the identity of the person who called the police on her. The officer understood that the caller was called to the bar by locals concerned about Bruss, and the caller and Bruss got into an argument at the bar. While friends can certainly get into arguments even when they have not consumed excessive amounts of alcohol, it is also common experience that liquid courage can dull a person’s ability to view and handle situations in a calm, rational manner, leading to arguments. The caller reported that Bruss had consumed five shots, which information apparently was told to the caller by Bruss herself. While the caller may or may not have personally seen Bruss “stumbling out to her vehicle,” even if this was told to the caller by

others at the bar, it is corroborated by the other evidence pointing to the conclusion that Bruss had consumed too much alcohol. Furthermore, the officer testified that he was familiar with Bruss because of his involvement on her “last OWI.” Knowledge of a prior OWI adds to the conclusion that the officer had reasonable suspicion. See **State v. Goss**, 2011 WI 104, ¶24, 338 Wis. 2d 72, 806 N.W.2d 918. For all these reasons, we conclude the circuit court did not err in determining that the officer had reasonable suspicion to perform a traffic stop on Bruss and thus did not err in denying Bruss’s suppression motion.

Therefore,

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