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**DISTRICT I**

October 6, 2026

To:

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Robert F. Voelkel Jr.  
5061 W. Forest Hills Avenue  
Franklin, WI 53132

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

2025AP349

County of Milwaukee v. Robert F. Voelkel, Jr.  
(L.C. # 2024TR19571)

Before Colón, P.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).**

Robert Voelkel, Jr., pro se, appeals from the judgment of the trial court finding him guilty of reckless driving in violation of the Milwaukee County ordinance adopting WIS. STAT. § 346.62(2). Voelkel argues that the evidence is insufficient to support the trial court's decision. Based upon our review of the briefs and record, we conclude that this case is appropriate for summary disposition. See WIS. STAT. RULE 809.21. For the following reasons, we affirm.

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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 September 19, 2024, Milwaukee County Sheriff Deputy Adriean Williams was on patrol in the area of I-94 westbound and North 44th Street when he noticed a silver van, later determined to be driven by Voelkel, travelling at a high rate of speed passing all other vehicles and driving aggressively. The exact speed Voelkel was travelling at is unknown. Deputy Williams conducted a traffic stop and cited Voelkel for reckless driving under the Milwaukee County ordinance adopting Wis. STAT. § 346.62(2). Voelkel contested the citation and the case proceeded to a court trial.

At the court trial, the trial court heard testimony from Deputy Williams, Voelkel, and reviewed dashcam video footage captured by Deputy Williams' squad car. Deputy Williams testified to his observations of Voelkel's driving on the day of the citation. He described Voelkel's lane changes as "aggressive," noting Voelkel's lack of signaling. Deputy Williams also testified that other vehicles did not have enough stopping distance following Voelkel's quick lane changes and that Voelkel cut through a gore area.<sup>2</sup> In particular he described how Voelkel forced one vehicle to abruptly break to avoid a collision. In contrast, Voelkel testified that he was going the speed limit, did not drive through a gore area, had plenty of space to change lanes, and that he signaled when he did so.

In making its decision, the trial court did not take into consideration Deputy Williams' testimony that Voelkel was traveling at a high rate of speed stating, "That part I don't really feel was substantiated, and no speed was actually stated." The trial court also resolved the conflict between Deputy Williams' testimony and Voelkel's testimony regarding whether Voelkel

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<sup>2</sup> Deputy Williams further explained that gore areas are the triangular areas of highways denoted with white lines at the beginning and end of highway off ramps.

signaled while changing lanes. It explained that, upon viewing the dashcam footage, Voelkel did signal; however, he signaled as he was already changing lanes, “so that really doesn’t give anybody an opportunity to know what you are doing.” Otherwise, the trial court explained that Deputy Williams’ testimony was credible, and found Voelkel guilty of reckless driving by clear, satisfactory, and convincing evidence. Voelkel appeals.

On appeal, Voelkel contends that the evidence presented at trial was insufficient to find him guilty of reckless driving because: (1) the trial court based its decision solely on an “aggressive lane change”; (2) Deputy Williams’ testimony was not credible; and (3) Voelkel’s clean driving record of over nine years demonstrates that he was not driving recklessly and should be guilty of a different offense. We disagree.

This court’s review of a challenge to the sufficiency of the evidence on appeal is “highly deferential.” *State v. Beamon*, 2013 WI 47, ¶21, 347 Wis. 2d 559, 830 N.W.2d 681. Our review is limited to “whether a reasonable trier of fact could be convinced of the defendant’s guilt” by clear, satisfactory and convincing evidence. *City of Milwaukee v. Wilson*, 96 Wis. 2d 11, 21-22, 291 N.W.2d 452 (1980); WIS. STAT. § 345.45.

It is the function of the factfinder, not this court, to resolve conflicts in the testimony, to weigh the evidence, and to draw reasonable inferences from the facts. *State v. Poellinger*, 153 Wis. 2d 493, 506, 451 N.W.2d 752 (1990). We “may not substitute [our] judgment for that of the trier of fact,” and cannot reverse “[i]f any possibility exists that the trier of fact could have drawn the appropriate inferences from the evidence adduced at trial to find the requisite guilt [.]” *Id.* at 507.

In order to find Voelkel guilty of reckless driving, the County was required to prove that: (1) Voelkel operated his vehicle upon a highway, and (2) endangered the safety of any person or property by the negligent operation of his vehicle. See WIS. STAT. §§ 346.61, 346.62(2). “Negligent operation” occurs when a driver’s operation of his vehicle created a “substantial and unreasonable risk of death or great bodily harm to another” and the driver should have been aware that his operation of the vehicle created this risk. WIS. STAT. § 939.25(1).

First, Voelkel argues that the evidence presented at trial was insufficient because it amounted to an aggressive lane change. We disagree. Both the dashcam footage and Deputy Williams’ testimony supported that Voelkel passed other vehicles, rapidly changing lanes without giving other drivers sufficient space, and caused another driver to abruptly break to avoid a collision. Repeatedly changing lanes in a manner that forces another vehicle to abruptly brake to avoid a collision is conduct that endangers the safety of others on the road. Based on this evidence, the trial court could have drawn the appropriate inferences to find Voelkel guilty of reckless driving.

Second, Voelkel argues that Deputy Williams was not credible because parts of his testimony conflicted with the dashcam footage. It is the function of the trial court, not this court, to weigh the evidence and resolve any conflicts. See *Poellinger*, 153 Wis. 2d at 506. The trial court reviewed both Deputy Williams’ testimony and the dashcam footage. While it is true that the trial court found some of Deputy Williams’ testimony inconsistent with the dashcam footage, the court did not rely on those portions of testimony. The trial court was not in error to rely on some portions of Deputy Williams’ testimony and not others.

Finally, Voelkel argues that his clean driving record demonstrates that he did not engage in reckless driving and he should instead be found guilty of a different lesser offense. However, a defendant's driving history is not a defense to reckless driving, and Voelkel provides no authority suggesting it can be used as such. To find Voelkel guilty of reckless driving, the County only needed to prove that he was operating his vehicle on the highway in a manner that endangered any person or property at the time at issue. *See* WIS. STAT. § 346.62. Whether the evidence may also be sufficient to satisfy the burden of another, uncited lesser offense has no bearing on our evaluation of whether there was sufficient evidence for the trial court to find Voelkel guilty of reckless driving. *See Poellinger*, 153 Wis. 2d at 508 (“An appellate court need only decide whether the theory of guilt accepted by the trier of fact is supported by sufficient evidence[.]”). Therefore, we reject Voelkel's arguments.

For all the foregoing reasons,

IT IS ORDERED that the judgment is summarily affirmed. *See* 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*