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DISTRICT IV

November 5, 2026

To:

Hon. W. Andrew Voigt
Circuit Court Judge
Electronic Notice

Julie Kayartz
Clerk of Circuit Court
Columbia County Courthouse
Electronic Notice

Adam P. Nero
Electronic Notice

John M. Ruzzin
Electronic Notice

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

2025AP2115 County of Columbia v. Alex C. Wilson (L.C. # 2025TR2987)

Before Nashold, J.[1]

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).

The circuit court issued an order that adopted the terms of a plea agreement pursuant to which Alex Wilson pleaded no contest to the charge of operating a motor vehicle with a prohibited alcohol concentration. The order also, however, included a requirement that was not part of the parties' plea agreement: that an ignition interlock device (IID) be installed on any vehicle that Wilson operates, which the court stated, without explanation, was "mandatory under the circumstances." Wilson argues that the court did not have the authority to impose the IID.

[1] 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.

Having reviewed the briefs and record, I conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. Because the court did not demonstrably exercise its discretion in imposing the IID, I reverse and remand for further proceedings.

Wilson was cited for operating a motor vehicle with a prohibited alcohol concentration as a first offense, in violation of WIS. STAT. § 346.63(1)(b). In separate cases arising from the same course of conduct, he was also cited for the following offenses: operating a motor vehicle while under the influence of an intoxicant as a first offense, in violation of § 346.63(1)(a); following too closely, in violation of WIS. STAT. § 346.14(1m); and deviation from designated lane, in violation of WIS. STAT. § 346.13(3). Pursuant to a plea agreement, Wilson and the County agreed that Wilson would plead no contest to the charge of operating with a prohibited alcohol concentration, and that the other charges would be dismissed. The parties jointly recommended that: Wilson's operating privileges be revoked for seven months, Wilson pay a $1,146.30 forfeiture, Wilson undergo an alcohol-and-other-drug assessment, and six demerit points be assessed against Wilson's driving record. The parties' agreement was submitted to the court as a stipulation.

The circuit court accepted Wilson's plea and the parties' joint recommendations but additionally required that for a period of one year, any vehicle that Wilson operate have an IID installed. Specifically, the court stated the following in its written order:

> The attached stipulation is hereby adopted as [the] Order of the Court, with one addition. It is the opinion of this Court that an ignition interlock device is mandatory under the circumstances presented. As a result, in addition to the consequences included in the stipulation, the Court will impose a 12-month IID requirement.

The court thus imposed the IID because it believed that doing so was mandatory, but it did not state why it believed that imposing the IID was mandatory.

On appeal, Wilson argues that the circuit court did not have the authority to impose the IID, and that this court must reverse the part of the circuit court's order imposing the IID, but otherwise affirm the court's adoption of the parties' stipulation.[2] The County, for its part, argues that the court "could not validly approve the stipulation" because the court had a reasonable basis to believe that Wilson's blood alcohol concentration (BAC) was .15 or more based on how the charge was described in documents submitted to the court—"Operating w/ PAC >= 0.15(1st)." The County further observes that, pursuant to WIS. STAT. § 343.301(1g)(a)2.a., a court "shall" install an IID if a defendant violates WIS. STAT. § 346.63 and has a BAC of .15 or more. The County agrees, however, that the record is insufficient to establish that Wilson had a .15 BAC or more. Accordingly, the County asks that this court vacate the judgment and remand to the circuit court so that the circuit court can confirm whether Wilson's BAC was .15 or more, either by holding a hearing on the issue or by having the parties stipulate to that fact.

I conclude that when the circuit court imposed the IID, it did not demonstrably exercise its discretion. Accordingly, I reverse and remand for further proceedings.

Sentencing involves a circuit court's exercise of its discretion. ***State v. Taylor***, 2006 WI 22, ¶17, 289 Wis. 2d 34, 710 N.W.2d 466. Similarly, the approval of a plea agreement is left to a circuit court's discretion. ***State v. Waldman***, 57 Wis. 2d 234, 237, 203 N.W.2d 691 (1973). "A

[2] In arguing that this court must reverse the part of the circuit court order imposing the IID but otherwise affirm, Wilson relies, as persuasive authority, on an unpublished one-judge decision: ***State v. Green***, No. 2024AP1104, unpublished slip op. (WI App Mar. 5, 2025). This court need not address unpublished opinions. *See* WIS. STAT. RULE 809.23(3)(b). Here I do not discuss ***Green*** other than to observe that, although the ***Green*** court reversed the part of the judgment imposing the IID after concluding that the circuit court did not have authority to impose the IID, whether a remand for further proceedings was appropriate was apparently not at issue in that case.

circuit court properly exercises its discretion when it examines the relevant facts, applies a proper standard of law, and uses a demonstrably rational process to reach a conclusion that a reasonable judge could reach." ***American Fam. Mut. Ins. Co. v. Golke***, 2009 WI 81, ¶43, 319 Wis. 2d 397, 768 N.W.2d 729. A court's exercise of discretion "'contemplates a process of reasoning'" that "'must depend on facts that are of record or that are reasonably derived by inference from the record and a conclusion based on a logical rationale founded upon proper legal standards.'" ***Taylor***, 289 Wis. 2d 34, ¶17 (quoting ***McCleary v. State***, 49 Wis. 2d 263, 277, 182 N.W.2d 512 (1971)). "'There should be evidence in the record that discretion was in fact exercised and the basis of that exercise of discretion should be set forth.'" ***Holbrook v. Holbrook***, 103 Wis. 2d 327, 339-40, 309 N.W.2d 343 (Ct. App. 1981) (quoted source omitted).

Here, the circuit court imposed the IID because it concluded that doing so "was mandatory under the circumstances presented." However, the court did not explain the legal or factual basis for its conclusion that it was required to impose an IID, and the court therefore did not demonstrably exercise its discretion. Relatedly, even if the County is correct that the court imposed the IID because certain documents, including the citation, suggested that Wilson's BAC was .15 or higher, the County also correctly concedes that such documents are insufficient to establish a .15 BAC or more. Accordingly, I reverse and remand for further proceedings consistent with this opinion and order. The court's options on remand include the following: removing the IID requirement from the judgment, rejecting the parties' stipulation, or holding further proceedings on the issue of whether there is a legal or factual basis for including the IID requirement. *See* ***King v. King***, 224 Wis. 2d 235, 253-54, 590 N.W.2d 480 (1999) (stating that when an appellate court concludes that the circuit court failed to properly exercise its discretion, the proper remedy is to remand so that the circuit court may properly exercise its discretion); *see also* ***LaRocque v. LaRocque***, 139 Wis. 2d 23, 43, 406 N.W.2d 736 (1987) (concluding that the reviewing court "cannot and should not exercise the discretion which is properly the circuit court's").

IT IS ORDERED that the judgment of the circuit court is summarily reversed and the cause remanded to the circuit court for further proceedings consistent with this opinion and order. *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