OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS
110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT II

November 11, 2026

To:

Hon. Steven M. Cain
Circuit Court Judge
Electronic Notice

Connie Mueller
Clerk of Circuit Court
Ozaukee County Justice Center
Electronic Notice

John W. Kellis
Electronic Notice

Matthew S. Pinix
Electronic Notice

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

2025AP1670-CR State of Wisconsin v. Richard M. Adkins (L.C. #2022CF382)

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

Richard M. Adkins appeals from a judgment convicting him of operating a motor vehicle while under the influence of an intoxicant. He argues that the circuit court erred by denying his suppression motion because the officer lacked reasonable suspicion to stop his vehicle. 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.

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

Adkins was charged with operating a motor vehicle while under the influence of an intoxicant and with a prohibited alcohol concentration, each as a seventh, eighth, or ninth offense. Adkins moved to suppress the evidence gathered after his traffic stop on the ground that the arresting officer lacked reasonable suspicion to lawfully seize him.

The arresting officer testified at two evidentiary hearings on Adkins's suppression motion. While patrolling late one evening, the officer observed Adkins's truck approaching from the opposite direction. The officer's squad vehicle's headlights illuminated the truck's front license plate, allowing him to obtain its license number for entry into his onboard computer. As Adkins's vehicle passed, the officer looked into his driver's side mirror and observed that the truck's rear license plate was not illuminated. The officer testified that, although he was "well within 50 feet," he could not distinguish any numbers or letters on the plate and instead saw "a dark empty mass."

The officer turned around and stopped the truck. Once he was behind it, his squad vehicle's headlights illuminated the rear license plate. During the stop, he observed that the truck's license plate lamps were operational, but dim. He explained that the lamps were not casting sufficient light onto the plate.

In the motion to suppress, Adkins challenged the officer's account with still images from the officer's body camera showing that the license plate lamps were illuminated during the stop. In his testimony, the officer acknowledged that the lamps were operating but maintained that the light illuminating the plate in those images came from his squad vehicle's headlights.

The circuit court denied the suppression motion. It credited the officer's testimony that he could not read the plate from within 50 feet and found that the license plate lamps were dim but operational. The court concluded that the officer had a lawful basis to stop the truck.

Adkins later moved for reconsideration and submitted an expert report challenging the officer's ability to make the observations he described. The circuit court denied the motion for reconsideration because of Adkins's delay in bringing the motion and his attempts to introduce new evidence into the record that he could have "explored and developed" when his suppression motion was first litigated.

We review a circuit court's denial of a suppression motion under a mixed standard of review. ***State v. Campbell***, 2024 WI App 17, ¶17, 411 Wis. 2d 439, 5 N.W.3d 870. We uphold its findings of historical fact unless clearly erroneous, but independently determine whether those facts satisfy constitutional requirements. ***Id.*** The circuit court is the ultimate arbiter of witness credibility and the weight given to conflicting evidence. ***State v. Ayala***, 2011 WI App 6, ¶10, 331 Wis. 2d 171, 793 N.W.2d 511.

"A traffic stop is reasonable at its inception if it is supported by reasonable suspicion that a traffic violation has been or will be committed." ***State v. Adell***, 2021 WI App 72, ¶15, 399 Wis. 2d 399, 966 N.W.2d 115. Reasonable suspicion exists if the officer's suspicion is "grounded in 'specific and articulable facts,' and reasonable inferences from those facts, that an individual was engaging in illegal activity." ***State v. Pickens***, 2010 WI App 5, ¶14, 323 Wis. 2d 226, 779 N.W.2d 1 (2009) (quoting ***Terry v. Ohio***, 392 U.S. 1, 21 (1968)).

As relevant here, WIS. STAT. § 347.13(3) requires a vehicle operated on a highway during hours of darkness to have a lamp that illuminates its rear license plate with white light and renders the plate clearly legible from 50 feet to the rear.

Adkins challenges the circuit court's decision to credit the officer's testimony, arguing that the officer could not have entered the license plate information while also observing the rear plate.[2] But reading the front plate, observing the rear plate, and entering the license plate information did not require simultaneous acts. The court credited the officer's account, and it concluded that the officer had "more than reasonable suspicion to stop [Adkins's] vehicle." Adkins's competing inference does not establish that the findings are clearly erroneous.

The body camera images likewise do not compel a contrary finding. The officer acknowledged that the lamps worked but explained that they were dim and that his squad car's headlights supplied the illumination shown in the images. The circuit court credited that explanation. Operating lamps alone do not establish that the plate was clearly legible from 50 feet, as the statute requires. *See* WIS. STAT. § 347.13(3).

We defer to those findings because they are based upon the credibility of the witnesses, which the circuit court is in a better position to assess. *See* ***State v. Quarzenski***, 2007 WI App 212, ¶19, 305 Wis. 2d 525, 739 N.W.2d 844. We conclude that the officer had reasonable

[2] In his brief, Adkins relies on an expert report that had originally been submitted with his reconsideration motion. The circuit court had declined to reopen the evidentiary record because the proposed evidence could have been developed or explored further at the suppression motion hearings. Adkins does not challenge that ruling or the court's earlier exclusion of a mechanic's document, purportedly verifying that the rear license plate lamps were original and functional, for lack of a supporting witness. Therefore, those materials provide no basis to overturn findings made on the evidence admitted at the suppression hearings.

suspicion to stop Adkins's truck because, during hours of darkness and from well within 50 feet, the officer could not discern the rear license plate's numbers or characters. Thus, we conclude that the circuit court did not err in denying Adkins'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