

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

NOVEMBER 4, 1997

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

NOTICE

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

No. 97-0898-CR

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT III**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

JOSEPH P. SUCHLA,

DEFENDANT-APPELLANT.

APPEAL from judgments of the circuit court for Trempealeau County: JOHN A. DAMON, Judge. *Affirmed in part; reversed in part and cause remanded.*

Before Cane, P.J., Myse and Hoover, JJ.

PER CURIAM. Joseph P. Suchla appeals judgments convicting him of causing the death of one person and injuring two others by intoxicated use of a vehicle and with a prohibited alcohol concentration. He argues that the trial court erroneously exercised its discretion when it allowed Sergeant Daniel

Lonsdorf, a Wisconsin State Patrol Accident Reconstruction Coordinator, to testify as an expert witness. We reject this argument and affirm the conviction. However, §§ 940.09(1m) and 940.25(1m), STATS., allow only a single conviction and sentence for each death or injury. Therefore, the cause is remanded with directions to allow the prosecutor to elect entry of a judgment based on intoxicated use or BAC. The court shall then enter a judgment reflecting one conviction and sentence per victim.

Lonsdorf was called as a rebuttal witness regarding the location of the cars on the highway at the time of the accident. He testified that the location of debris on the roadway is a poor indicator of the point of impact, impeaching Suchla's expert witness. Lonsdorf testified that the presence of vehicle fluids indicated that the point of impact between Suchla's southbound vehicle and Schutz's northbound vehicle was in the northbound lane of travel.

Section 907.02, STATS., allows a party to call an expert witness who is qualified by "knowledge, skill, experience, training, or education." Qualification of an expert is not a matter of licensure or formal education, but of experience. *See State v. Robinson*, 146 Wis.2d 315, 332, 431 N.W.2d 165, 171 (1988). Whether a witness has presented sufficient credentials to qualify as an expert is a matter for the trial court's discretion. *See id.* Discretion is properly exercised when a decision is made in accordance with accepted legal standards and the facts of record. *See State v. Wollman*, 86 Wis.2d 459, 464, 273 N.W.2d 225, 228 (1979).

The trial court properly concluded that Lonsdorf possessed sufficient credentials and experience to qualify as an expert witness in accident reconstruction. Lonsdorf's formal education consisted of training in police

science and numerous accident reconstruction seminars. He received mathematics and physics instruction as it relates to accident reconstruction at these seminars. He has investigated and reconstructed accidents since 1980 for the Wisconsin State Patrol, as well as other government agencies and private parties, investigating 2,000 accidents and reconstructing between 500 and 600 accidents. He teaches accident reconstruction and vehicle dynamics at the State Parole Academy and is accredited as a traffic accident reconstructionist through the Accreditation Commission for Traffic Accident Reconstruction.

Citing *City of Milwaukee v. Bub*, 18 Wis.2d 216, 224-25, 118 N.W.2d 123, 127-28 (1962), Suchla argues that Lonsdorf's credentials are inadequate because being a police officer does not qualify one as an expert regarding the position of vehicles at the time of an accident. Lonsdorf's credentials are not limited to those of a police officer. In *Bub*, the court noted that police experience "in itself" does not qualify an officer as an expert on the point of impact. Lonsdorf does not rely solely on his credentials as a police officer, but on substantial additional training and experience. His experience, along with his technical and academic training, provides an adequate basis for giving expert testimony. See *State v. Hollingsworth*, 160 Wis.2d 883, 896, 467 N.W.2d 555, 560 (Ct. App. 1981).

By the Court.—Judgments affirmed in part; reversed in part and cause remanded with directions.

This opinion will not be published. See RULE 809.23(1)(b)5, STATS.

