

**COURT OF APPEALS
DECISION
DATED AND FILED**

February 28, 2006

Cornelia G. Clark
Clerk of Court of Appeals

NOTICE

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

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

Appeal No. 2005AP2197-CR

Cir. Ct. No. 2004CF1193

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT III**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

CHARLES JEREMIAH JONES,

DEFENDANT-APPELLANT.

APPEAL from a judgment of the circuit court for Brown County:
SUE E. BISCHER, Judge. *Affirmed.*

Before Cane, C.J., Hoover, P.J., and Peterson, J.

¶1 PER CURIAM. Charles Jones appeals a judgment convicting him of possession with intent to deliver cocaine near a park and possession of a firearm by a felon. He argues the circuit court erred when it denied his motion to suppress evidence seized in a search of his home, which was conducted pursuant to a search

warrant. Jones contends there was no probable cause to support the search warrant. We disagree and affirm the judgment.¹

BACKGROUND

¶2 On November 23, 2004, Jones was charged with two counts of delivery of cocaine, one count of possession with intent to deliver cocaine near a park, and one count of possession of a firearm by a felon. The charges were based in part on evidence seized in a search of his apartment in Green Bay. The search was performed on November 18, pursuant to a search warrant.

¶3 The search warrant was issued after police conducted a series of controlled buys with the assistance of a confidential informant. The affidavit in support of the warrant detailed the controlled buys, as well as information provided by citizens familiar with Jones's apartment.

¶4 Jones moved to suppress the evidence seized in the search, attacking the validity of the warrant. He argued the warrant was deficient because there was no probable cause to believe that contraband would be found at his apartment.

¶5 The court denied Jones's motion. Jones pled guilty to the possession and firearm charges, and the remaining charges were dismissed and read in at sentencing.

¹ We therefore do not address the State's alternative argument that the good faith exception to the exclusionary rule applies. See *Gross v. Hoffman*, 227 Wis. 296, 300, 277 N.W. 663 (1938) (only dispositive issues need be addressed).

STANDARD OF REVIEW

¶6 Determining whether probable cause supports a search warrant involves making a “practical, commonsense decision whether, given all the circumstances set forth in the affidavit ... there is a fair probability that contraband or evidence of a crime will be found in a particular place.” *State v. Ward*, 2000 WI 3, ¶23, 231 Wis. 2d 723, 604 N.W.2d 517 (citing *Illinois v. Gates*, 462 U.S. 213, 238 (1983)). We give great deference to the magistrate’s determination that probable cause supported the warrant. *Ward*, 231 Wis. 2d 723, ¶21.

DISCUSSION

¶7 Jones concedes that the affidavit in support of the search warrant contained probable cause that he was a cocaine dealer. However, he argues the affidavit did not show probable cause that he had contraband at his apartment. Jones argues the affidavit did not provide a link between his residence and criminal activity and therefore lacked probable cause. *See id.*, ¶27.

¶8 Jones primarily attacks paragraphs seven and eight of the affidavit, which read:

7. On 11-18-04 the Affiant spoke to a citizen with personal knowledge of 1530 Morraine Terrace who told the Affiant that a black male who drove a blue Cadillac was staying with a female named Dawn Cook in apartment #3. The citizen told the Affiant that he/she had witnessed short-term traffic and drug deals in the parking lot from the occupants of apartment #3. The citizen was shown an unlabeled photo of Charles Jones and positively identified Jones as the male who drove the Blue Cadillac and was currently staying with a female named Dawn Cook in apartment #3.

8. The Affiant spoke to a building manager who also stated he had been informed that the black male who drove the blue Cadillac was staying with Dawn Cook in apartment #3.

Jones complains that the citizen in paragraph seven was not identified, nor does the affidavit explain what basis the citizen had for concluding there was short-term traffic at the apartment and drug deals in the parking lot. He contends there is no basis to believe the citizen's conclusory allegations. Jones further contends that there is no basis to support that the person spoken to in paragraph eight was, indeed, the building manager.

¶9 However, the State argues, and we agree, that the specific allegations Jones attacks should not be viewed in isolation. When determining whether probable cause exists, we must consider all of the circumstances set forth in the affidavit, including the veracity and basis of knowledge of persons supplying hearsay information. *See id.*, ¶23. Independent corroboration of the information provided can establish an informant's veracity and basis of knowledge. *See State v. Jones*, 2002 WI App 196, ¶15, 257 Wis. 2d 319, 651 N.W.2d 305.

¶10 Here, the two citizens corroborated each other as to who was residing in the apartment. Independent police investigation also corroborated that information. Police had observed Jones leave the residence in his blue Cadillac to go to a controlled buy and return to the residence in the vehicle after another controlled buy. Given the veracity of that information, it is reasonable to infer that the additional information supplied by the citizens was reliable. Additionally, the citizen reports show familiarity with the building and its occupants. *See id.*, ¶16 (specificity of informant's assertions provides an indication of reliability).

¶11 Taken as a whole, the information in the affidavit and the reasonable inferences drawn from that information constitute sufficient grounds to believe there was a fair probability that the apartment contained evidence linking Jones to criminal activity.

By the Court.—Judgment affirmed.

This opinion will not be published. See WIS. STAT.
RULE 809.23(1)(b)5.

