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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](http://www.wicourts.gov)

**DISTRICT II**

February 14, 2024

*To:*

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Circuit Court Judge  
Electronic Notice

John M. Carroll  
Electronic Notice

Tara Berry  
Clerk of Circuit Court  
Winnebago County Courthouse  
Electronic Notice

John D. Flynn  
Electronic Notice

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

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2023AP48-CR

State of Wisconsin v. Raymond Edward Seidl (L.C. #2022CF138)

Before Gundrum, P.J., Neubauer and Grogan, 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).**

Raymond Edward Seidl appeals a judgment of conviction for operating while intoxicated as a fourth offense. On appeal, Seidl argues police did not have 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 (2021-22).<sup>1</sup> We affirm.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

Officer Corey Haag ran a license plate check on a vehicle, it returned as canceled, and Haag stopped the vehicle. Seidl was driving, exhibited signs of impairment, and was ultimately arrested for operating while intoxicated. Seidl filed a suppression motion, arguing Haag did not have reasonable suspicion to stop the vehicle because Haag ran the wrong license plate in his squad computer. Specifically, Haag ran license plate MV5337, but Seidl's license plate was actually MV5337 B. Seidl's license plate was valid on the date of the stop.

At the motion hearing, Haag testified that he ran Seidl's license plate in his squad computer, entering MV5337. The MV5337 plate was listed as canceled from Madison. Haag knew the MV designation was on all dealer plates followed by four numbers. He testified that, on Seidl's plate, after 5337, there was a space, then the letter B. Haag believed the letter B referred to the vehicle's weight class and should not be entered. He explained truck license plates have a sticker with the weight class designation after the numbers, and that letter (A, B, or C) does not get entered when officers verify license plates or the computer will not return a result. Haag testified that SUVs are often registered as trucks, and Seidl was driving a small SUV. In his eleven years as a police officer, Haag had stopped numerous cars with dealer plates and had never seen a dealer plate with a space and then a letter after the four numbers. In response, Seidl produced a letter from the Department of Transportation that stated license plate MV5377 B was valid on the day of the stop.

The circuit court denied Seidl's motion. The court noted that the exclusionary rule does not generally apply to instances where an officer "makes a reasonable, good faith, actual mistake." It found that Haag, based on his eleven years of experience and familiarity with truck plates, thought that the "B" on Seidl's plate referred to a weight class. The court concluded that

Officer Haag made a reasonable, good faith mistake when he did not include the “B” when running Seidl’s license plate. Seidl later pled no contest to operating while intoxicated.

On appeal, Seidl argues the circuit court erred by denying his suppression motion. “Whether evidence should have been suppressed is a question of constitutional fact.” *State v. VanBeek*, 2021 WI 51, ¶22, 397 Wis. 2d 311, 960 N.W.2d 32. An appellate court reviewing the denial of a motion to suppress will uphold the circuit court’s findings of fact unless clearly erroneous, but it reviews de novo whether those facts constitute reasonable suspicion. *State v. Post*, 2007 WI 60, ¶8, 301 Wis. 2d 1, 733 N.W.2d 634.

A police officer may stop a vehicle when, “under the totality of the circumstances, he or she has grounds to reasonably suspect that a ... traffic violation has been or will be committed.” *State v. Popke*, 2009 WI 37, ¶23, 317 Wis. 2d 118, 765 N.W.2d 569. The officer’s suspicion must be based on “‘specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant’ the intrusion of the stop.” *Id.* (citation omitted). What constitutes reasonable suspicion is a common-sense test. *State v. Waldner*, 206 Wis. 2d 51, 56, 556 N.W.2d 681 (1996). The reasonableness of the officer’s action must be viewed “in light of his or her training and experience.” *Id.*

As a threshold matter, the parties agree that it is illegal to operate a vehicle without valid license plates. *See* WIS. STAT. §§ 341.03(1), 341.04(1) (it is unlawful to operate an unregistered motor vehicle or a vehicle with canceled registration). Seidl concedes that “if Haag had run the plate correctly, and it returned canceled he could commence a traffic stop for that violation.”

The issue before us is whether Haag made a reasonable mistake of fact when he ran the wrong license plate—omitting the “B” at the end. “[S]earches and seizures *can* be based on

mistakes of fact.” *State v. Houghton*, 2015 WI 79, ¶75, 364 Wis. 2d 234, 868 N.W.2d 143. A reasonable mistake of fact does not render a stop constitutionally infirm. *See Heien v. North Carolina*, 574 U.S. 54, 57 (2014). An officer’s mistake of fact is reasonable if it is supported by “specific and articulable facts” and constitutes a “rational inference[] from those facts.” *Popke*, 317 Wis. 2d 118, ¶23 (citation omitted).

Here, the circuit court found that Haag made a good-faith mistake when he thought that the “B” referred to a weight class and omitted it when he ran the license plate. The circuit court’s finding that Haag acted in good faith, despite the mistaken entry, is supported by the record. *See Post*, 301 Wis. 2d 1, ¶8 (we uphold the circuit court’s findings of fact unless those findings are clearly erroneous.). Haag admitted he did not include the “B” on Seidl’s license plate when he ran it on his squad’s computer. He explained he was familiar with the A, B, and C weight class letters on truck license plates, knew SUVs are sometimes registered as trucks, Seidl’s vehicle was a SUV, and thought the “B” following the four numbers on Seidl’s dealer plate was a weight class. Haag stated that in his eleven-year career he had stopped numerous vehicles with dealer plates and had never seen a space and a letter after the four numbers. We conclude that given the totality of the circumstances, and despite Haag’s good-faith reasonable factual mistake, Haag had a lawful basis to stop Seidl’s vehicle as he reasonably suspected the vehicle was not properly registered. *See Popke*, 317 Wis. 2d 118, ¶23.

Upon the foregoing,

IT IS ORDERED that the judgment of the circuit court is summarily affirmed pursuant to 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*