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**DISTRICT III**

August 26, 2025

To:

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

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2023AP88

State of Wisconsin v. Matthew Scott Eggebrecht  
(L. C. No. 2021TR224)

Before Stark, P.J.<sup>1</sup>

**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).**

Matthew Scott Eggebrecht appeals following his conviction for operating a motor vehicle while intoxicated (OWI), first offense. Eggebrecht argues that the traffic stop was unsupported by reasonable suspicion because law enforcement was acting solely on a citizen informant's tip. Based upon our review of the briefs and record, we conclude that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. We affirm.

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2) (2023-24). All references to the Wisconsin Statutes are to the 2023-24 version.

On January 24, 2020, at approximately 7:00 p.m., Trooper Daniel Langer, with the Wisconsin State Patrol, was informed by dispatch of an attempt to locate a silver Audi. Based on a phone call from a citizen informant (the tipster), dispatch stated that the Audi had just entered Marathon County and was heading westbound on State Highway 29. The tipster, who was following the vehicle, provided the Audi's license plate and stated that the Audi was traveling at a high rate of speed, above 80 miles per hour; that the Audi was unable to maintain its designated lane; and that it nearly struck two other vehicles that were parked on the shoulder. The tipster stated that they would provide a statement to law enforcement and that they would flash their headlights to help law enforcement identify the correct vehicle.

After positioning himself ahead of the reported location of the Audi, Langer observed a silver Audi and observed the vehicle behind the Audi flash its headlights. Langer then followed and caught up to the Audi and was able to confirm that the license plate matched the tipster's report. Langer testified that he continued to follow the Audi for approximately one mile before initiating a traffic stop and that during that time, he did not personally observe any speeding or erratic driving. When Langer approached the Audi, he identified the driver as Eggebrecht. Langer testified that he did not speak with the tipster at any point prior to initiating the stop.

Eggebrecht filed a motion to suppress, asserting that the traffic stop was unlawful because Langer lacked reasonable suspicion to initiate the traffic stop. The circuit court denied the motion after concluding that there was sufficient reasonable suspicion for the stop. Eggebrecht was thereafter convicted of OWI, first offense.

It is well established that a traffic stop must be supported by reasonable suspicion. *State v. Floyd*, 2017 WI 78, ¶¶19-20, 377 Wis. 2d 394, 898 N.W.2d 560. "Reasonable suspicion,"

however, “is ‘a low bar.’” *State v. Nimmer*, 2022 WI 47, ¶25, 402 Wis. 2d 416, 975 N.W.2d 598 (citation omitted). “Reasonable suspicion requires that ‘[t]he officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant the intrusion of the stop.’” *Floyd*, 377 Wis. 2d 394, ¶20 (alteration in original; citation omitted). This standard requires that the stop be based on “more than an officer’s ‘inchoate and unparticularized suspicion or hunch.’” *State v. Post*, 2007 WI 60, ¶10, 301 Wis. 2d 1, 733 N.W.2d 634 (citation omitted).

Whether reasonable suspicion exists depends on the totality of the circumstances and “is dependent upon both the content of information possessed by police and its degree of reliability.” *State v. Williams*, 2001 WI 21, ¶22, 241 Wis. 2d 631, 623 N.W.2d 106. When, as here, reasonable suspicion is based solely on a citizen informant’s tip, the tip must exhibit “sufficient indicia of reliability,” which are provided when the tip is “suitably corroborated.” See *id.*, ¶¶26-28, 31 (citation omitted). Citizen informants are generally the most reliable category of informants. See *State v. Miller*, 2012 WI 61, ¶31 n.18, 341 Wis. 2d 307, 815 N.W.2d 349.

Whether a traffic stop is reasonable is a question of constitutional fact. *Post*, 301 Wis. 2d 1, ¶8. We review questions of constitutional fact using a mixed standard of review. *Id.* A circuit court’s findings of historical fact will not be overturned unless they are clearly erroneous; however, we review the application of constitutional principles to those findings of fact de novo. *State v. Smiter*, 2011 WI App 15, ¶9, 331 Wis. 2d 431, 793 N.W.2d 920 (2010).

On appeal, Eggebrecht argues that “[t]he veracity and reliability of the reporting party and their allegations [were] questionable at best.” He asserts that “[a]t no time prior to, or after the traffic stop did Marathon County dispatch advise Trooper Langer of any other parties

reporting erratic driving behavior with a vehicle matching the description of the silver Audi,” that Langer also followed “Eggebrecht’s vehicle for a period of time before initiating the traffic stop and observed no traffic violations or driving behavior that corroborated the reporting party’s allegations,” and that Langer “did not have any information as to how a lay-citizen reporting party purportedly ‘estimated’ the Audi’s speed in a congested roadway.” Accordingly, he asks us to reverse the circuit court’s denial of his motion to suppress.<sup>2</sup>

We conclude that the information provided by the tipster contained sufficient indicia of reliability to warrant an investigatory stop. First, the tipster was a concerned citizen who, upon contacting law enforcement, identified himself and offered to provide a statement. *See Williams*, 241 Wis. 2d 631, ¶36 & n.12 (“[W]e view citizens who purport to have witnessed a crime as reliable, and allow the police to act accordingly, even though other indicia of reliability have not yet been established.”); *State v. Rutzinski*, 2001 WI 22, ¶20, 241 Wis. 2d 729, 623 N.W.2d 516 (“[The] threat of potential arrest ... could lead a reasonable officer to conclude that the informant would not provide a false tip.”).

Second, Langer was able to corroborate the information the tipster provided. For example, the tipster identified the type and color of the vehicle, the license plate, the location of the vehicle, and the vehicle’s direction of travel. When Langer located the vehicle, he was able to confirm those details. *See Williams*, 241 Wis. 2d 631, ¶¶39-40. Eggebrecht argues that these details are insufficient because Langer was able to verify only the “easily obtainable

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<sup>2</sup> Eggebrecht did not file a reply brief in this case. We will address the merits of this appeal despite the fact that by failing to file a reply, he has arguably conceded any arguments raised in the State’s response brief. *See Apple Hill Farms Dev., LLP v. Price*, 2012 WI App 69, ¶14, 342 Wis. 2d 162, 816 N.W.2d 914 (noting that failure to file a reply brief deemed a concession to respondent’s argument).

information” but did not observe any of the erratic driving behavior. However, “independent corroboration of the alleged criminal conduct” is not required. *See id.*, ¶41.

Thus, Langer was not acting on a hunch when he stopped Eggebrecht’s vehicle. The tipster reported to being an eyewitness and that Eggebrecht was traveling in excess of 80 miles per hour in a 65-mile-per-hour zone, which the tipster was able to gauge because they were following Eggebrecht in their own vehicle. *See id.*, ¶33. The tipster also reported that Eggebrecht was failing to stay within his lane and that he almost hit two other vehicles on the shoulder. Further, the tipster told law enforcement that they would flash their vehicle’s lights to help the trooper identify the correct vehicle, which the tipster ultimately did. Taken together, these facts gave the tipster’s report enough “indicia of reliability” to warrant further investigation. *See id.*, ¶31.

Given that the tipster’s report was sufficiently reliable to provide reasonable suspicion to stop Eggebrecht’s vehicle, we conclude that the investigatory stop did not violate his constitutional rights. Accordingly, the circuit court properly denied Eggebrecht’s motion to suppress, and we affirm his conviction.

Upon the foregoing,

IT IS ORDERED that the judgment of conviction is summarily affirmed. 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*