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DISTRICT IV

October 23, 2025

To:

Hon. Martin J. De Vries
Circuit Court Judge
Electronic Notice

Walter Arthur Piel Jr.
Electronic Notice

Kelly Enright
Clerk of Circuit Court
Dodge County Justice Facility
Electronic Notice

Shawn N. Woller
Electronic Notice

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

2024AP329

County of Dodge v. Dylan James Homuth (L.C. # 2022TR2467)

Before Blanchard, J.¹

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).

Dylan James Homuth appeals a judgment of conviction, following a jury trial, for a first-offense operation of a motor vehicle with a detectable amount of a restricted controlled substance in his blood, contrary to a Dodge County ordinance in conformity with WIS. STAT. § 346.63(1)(am). Homuth argues that the circuit court erred during the trial when it admitted, over his objection, the result of a chemical test of his blood that was not performed in compliance with the requirements of WIS. STAT. § 343.305(6) (setting forth requirements for

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

chemical analyses of blood, urine, or breath). Homuth acknowledges that compliance with § 343.305(6) is not the sole route to potential admissibility for a chemical test in a trial for operating while intoxicated, citing *State v. Wiedmeyer*, 2016 WI App 46, 370 Wis. 2d 187, 881 N.W.2d 805. However, he contends that the basis for admissibility offered by the prosecution at the trial in this case—expert testimony about the result as purportedly authorized under WIS. STAT. § 907.02—was also invalid because the testimony did not comply with the requirements imposed by § 907.02.

Dodge County has not filed a respondent’s brief. Instead, the County has notified this court that it is not filing a brief and that the County “does not contest the appeal further.” Having reviewed Homuth’s brief, I construe the County’s notice as a stipulation that Homuth’s conviction may be reversed. Accordingly, and based on the County’s decision not to contest Homan’s appeal,

IT IS ORDERED that the judgment of conviction is summarily reversed. *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IT IS FURTHER ORDERED that this summary disposition order will not be published.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