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DISTRICT I

January 13, 2026

To:

Hon. John A. Franke
Reserve Judge

Timothy C. Drewa
Electronic Notice

Anna Hodges
Clerk of Circuit Court
Milwaukee County Safety Building
Electronic Notice

Eliot M. Held
Electronic Notice

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

2024AP2407-CR

State of Wisconsin v. Shaquelow D. Mills (L.C. # 2021CF3078)

Before White, C.J., Donald, and Geenen, 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).

Shaquelow D. Mills appeals a judgment convicting him of one count of being a felon in possession of a firearm. Mills challenges the circuit court's denial of a motion to suppress, arguing that the police lacked reasonable suspicion to conduct a warrantless search of his girlfriend's apartment. 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 (2023-24).¹ We summarily affirm.

¹ All references to the Wisconsin Statutes are to the 2023-24 version.

The State charged Mills with one count of being a felon in possession of a firearm and one count of cocaine possession as a second and subsequent offense. According to the complaint, Milwaukee police conducted a traffic stop on a vehicle for excessive window tint. Based upon an ongoing investigation, police suspected that the vehicle was operated by a street-level drug dealer. Upon the stop, the driver of the vehicle—Mills—immediately exited and put his hands up. Police learned that Mills was on extended supervision and, pursuant to an Act 79 search,² recovered over \$600 from his person and a set of keys. The currency exceeded the amount allowed by Mills’ conditions of extended supervision. A search of the passenger side and the passenger uncovered a firearm and a small amount of cocaine. Police then conducted a warrantless search of an apartment belonging to Mills’ girlfriend using the keys recovered from Mills, where they also recovered a firearm and a small amount of cocaine.

Mills moved to suppress the evidence recovered upon the search of his person and the apartment on the grounds that the searches were unconstitutional. Specifically, Mills argued that neither search was justified under Act 79.

At the suppression hearing, Milwaukee police testified that on April 23, 2020, a drug investigation led them to surveil 1948 West Mitchell Street, where they observed an Audi with an illegal excessive window tint. Officers activated their lights and the driver of the Audi initially pulled over, but then continued to drive slowly. The driver pulled over again, and again began to drive away slowly. When the vehicle finally stopped, the driver—Mills—exited

² As will be discussed, 2013 Wis. Act 79, §9 (Act 79) permits law enforcement to search a probationer or supervisee, his or her residence, and any property under his or her control “if the officer reasonably suspects that the person is committing, is about to commit, or has committed a crime or a violation of a condition of release to extended supervision.” WIS. STAT. § 302.113(7r).

unprompted by police and placed his hands in the air. An officer identified Mills, learned of Mills' extended supervision status, and then approached the passenger side of the vehicle, where he discovered a firearm in the passenger door pocket. The officer also found a magazine and a small amount of cocaine on the passenger. Officers further testified that they conducted an Act 79 search of Mills' person, where they found over \$600—a violation of the conditions of Mills' extended supervision. They also testified that Mills informed them that his girlfriend resided at 1948 West Mitchell Street, where he also stayed at times. Police conducted an Act 79 search of the apartment and found a firearm and a small amount of cocaine.

Following a suppression hearing, the circuit court denied the motion. The court found that police reasonably searched Mills' person at the scene of the stop because the officers knew he was on supervision for a drug offense, was in a car that had excessively tinted windows, and was with a passenger who had a gun and cocaine. The court also found that the search of Mills' person and the residence were both permitted under Act 79 based on the evidence obtained at the scene of the traffic stop, including Mills' possession of over \$600.

Mills ultimately pled guilty to one count of being a felon in possession of a firearm. The remaining charge was dismissed and read in. The circuit court sentenced Mills to two years of initial confinement and two years of extended supervision. This appeal follows.

In reviewing a decision on a suppression motion, we apply “a two-step standard of review.” *State v. Anderson*, 2019 WI 97, ¶19, 389 Wis. 2d 106, 935 N.W.2d 285. The circuit court's findings of facts will be upheld “unless they are clearly erroneous[.]” but we review de novo “the application of constitutional principles to those facts[.]” *Id.*, ¶20.

The Fourth Amendment protects against unreasonable searches and seizures. *State v. Brown*, 2020 WI 63, ¶9, 392 Wis. 2d 454, 945 N.W.2d 584 (“What the Constitution forbids is not all searches and seizures, but unreasonable searches and seizures.” (Citation modified)). However, “what is unreasonable for a probationer differs from what is unreasonable for a law-abiding citizen.” *State v. Purtell*, 2014 WI 101, ¶22, 358 Wis. 2d 212, 851 N.W.2d 417. Those serving the extended supervision portion of a sentence have “significantly diminished privacy interests.” See *Samson v. California*, 547 U.S. 843, 849-50 (2006).

Under Act 79, law enforcement may search a probationer or supervisee, his or her residence, and any property under his or her control “if the officer reasonably suspects that the person is committing, is about to commit, or has committed a crime or a violation of a condition of release to extended supervision.” WIS. STAT. § 302.113(7r). Here, the threshold inquiry is whether police officers had knowledge of Mills’ probation status so as to justify an Act 79 search. See *Anderson*, 389 Wis. 2d 106, ¶21. The second inquiry is whether, under the totality of the circumstances, the police officers had reasonable suspicion that Mills was committing, was about to commit, or had committed a crime. See *id.*

“Reasonable suspicion is a fairly low standard to meet.” *Id.*, ¶33. “An officer has reasonable suspicion if he or she has a suspicion grounded in specific, articulable facts and reasonable inferences from those facts, that the individual has committed a crime.” *State v. VanBeek*, 2021 WI 51, ¶52, 397 Wis. 2d 311, 960 N.W.2d 32 (citation and quotation marks omitted). The standard is an objective one, determined under the totality of the circumstances. See *id.* We review independently whether the facts as found by the circuit court constitute reasonable suspicion. See *State v. Young*, 2006 WI 98, ¶17, 294 Wis. 2d 1, 717 N.W.2d 729.

Once those requirements are present, an officer may lawfully search “any property” under the person’s control. *Anderson*, 389 Wis. 2d 106, ¶22.

On appeal, Mills does not challenge the search at the scene of the traffic stop. Rather, he contends that police lacked reasonable suspicion to extend the Act 79 search to the apartment because it was based on a “tenuous inference” and not supported by the totality of the circumstances. We disagree.

Based on the totality of the circumstances, we agree with the circuit court that officers had an objectively reasonable basis to believe that Mills was involved in criminal activity and lawfully searched the apartment pursuant to Act 79. As the circuit court noted, an independent drug investigation led police to 1948 West Mitchell Street, where they observed a vehicle with excessively tinted windows. Police attempted to conduct a traffic stop, however the car feigned pulling over twice before actually stopping. Upon the stop, Mills exited the vehicle unprompted and police discovered his supervision status. They also found a firearm in the vehicle, a magazine and cocaine on the passenger, and an excessive amount of money on Mills. It was not unreasonable for the officers to infer that Mills was involved in criminal activity. Therefore, it was not unreasonable for officers to search the apartment from where Mills was seen departing in a vehicle with an illegal window tint and where he admitted to staying. Based upon the totality of the circumstances, we conclude that the circuit court properly denied Mills’ suppression motion.

For the foregoing reasons, we affirm the circuit court.

Therefore,

IT IS ORDERED that the judgment is summarily affirmed. *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