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DISTRICT III

January 21, 2026

To:

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Circuit Court Judge
Electronic Notice

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Electronic Notice

Kelly Schremp
Clerk of Circuit Court
Marathon County Courthouse
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Kathleen E. Wood
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You are hereby notified that the Court has entered the following opinion and order:

2023AP1455-CR

State of Wisconsin v. Trinity J. Klasinski
(L. C. No. 2018CF1170)

Before Stark, P.J., Hruz, and Gill, 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).

Trinity Klasinski appeals a judgment of conviction for operating a motor vehicle while intoxicated, as a sixth offense. He argues that the circuit court erred by denying his motion to suppress evidence supporting his conviction because Officer Matthew Loveless lacked probable cause to arrest him. 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

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

We conclude that, under the totality of the circumstances, Klasinski's arrest was supported by probable cause, and, therefore, we summarily affirm.²

The relevant facts are not disputed. Loveless was dispatched shortly before 10:00 p.m. based on a citizen complaint that a red Chevrolet pickup truck was driving very erratically on Interstate Highway 39. After arriving near the highway exit the truck reportedly used, Loveless observed a red Chevrolet pickup truck parked away from the designated parking stalls at a gas station. This was the first red Chevrolet he observed matching the general description in the complaint, and the truck drew his attention because it was not properly parked.

As Loveless approached in his marked squad car, he saw Klasinski open the driver's side door and exit the truck. When Klasinski noticed the squad car, he immediately turned back toward the driver's side door of the truck, reached into the driver's side near the steering-wheel ignition area, removed something, closed the door, and began to walk away. Loveless activated his emergency lights and called out to Klasinski, who continued walking.

Loveless then shouted to Klasinski, saying that he would like to talk to him. Loveless testified that during his interactions with Klasinski, he observed that Klasinski exhibited several indicators of impairment. In particular, his eyes were glassy and bloodshot, he had difficulty balancing, his responses were delayed, and he appeared confused. Loveless also detected a strong odor of intoxicants on Klasinski's breath. When Loveless asked for identification, Klasinski reached into his back pocket, fumbled around trying to get out his identification, and then dropped his wallet on the ground.

² Klasinski did not appeal the order denying his postconviction motion for sentence modification.

Loveless testified that Klasinski denied driving the truck, which was registered in his name, and he also denied drinking. Klasinski referenced a “buddy” who was driving, but he refused to identify that person and was unable to provide any meaningful details about his “buddy.” Klasinski told Loveless that he had been sitting in the passenger seat and that he slid over to exit the truck through the driver’s side door, which Loveless testified would have been difficult because the center console was down and there were numerous items on it. Loveless testified that he saw no one else in the parking lot who could have been associated with the truck. Klasinski declined to perform field sobriety tests and refused a preliminary breath test. Loveless then arrested Klasinski for operating while intoxicated.

A warrantless arrest is lawful when the facts known to the officer would lead a reasonable officer to believe that the person probably committed a crime. *State v. Felix*, 2012 WI 36, ¶28, 339 Wis. 2d 670, 811 N.W.2d 775. Probable cause requires more than a possibility of guilt, but it does not require proof beyond a reasonable doubt or even proof that guilt is more likely than not. *State v. Secrist*, 224 Wis. 2d 201, 212, 589 N.W.2d 387 (1999). The standard is objective. *State v. Kutz*, 2003 WI App 205, ¶12, 267 Wis. 2d 531, 671 N.W.2d 660. Where, as here, the relevant facts are undisputed, whether the facts establish probable cause for a warrantless arrest is a question of law that we review de novo. See *Felix*, 339 Wis. 2d 670, ¶22.

Applying that standard, we conclude that Loveless had probable cause to arrest Klasinski for operating while intoxicated. While the citizen’s complaint about a red truck driving erratically provided context for Loveless’s decision to investigate the gas station, our probable cause determination rests primarily on Loveless’s direct observations at the scene. He saw Klasinski exit the driver’s side of the truck, return to the driver’s area upon seeing the squad car, reach into the ignition area, and then walk away despite Loveless’s commands to stop. No

one else was present who might reasonably have been driving the truck. Klasinski showed several objective signs of intoxication, and his statements regarding a “buddy” driving were vague, unsupported, and did not comport with the fact that Klasinski exited the driver’s side door and had the car keys in his possession. In addition, Klasinski’s claim that he had been in the passenger seat and climbed over the console to exit on the driver’s side was suspicious. Taken together, these circumstances gave Loveless a reasonable basis to conclude that Klasinski had recently operated the truck while under the influence of an intoxicant. *See State v. Felton*, 2012 WI App 114, ¶9, 344 Wis. 2d 483, 824 N.W.2d 871 (probable cause is a flexible, common-sense standard).

Klasinski relies on the six factors discussed in *State v. Guzy*, 139 Wis. 2d 663, 676-77, 407 N.W.2d 548 (1987), to argue that Loveless lacked probable cause. That reliance is misplaced. *Guzy* addressed reasonable suspicion for an investigative stop—not probable cause for an arrest—and the factors relating to the description of the suspect, size of the search area, number of people in the vicinity, and known direction of travel speak to the justification for the initial detention. *Id.* at 674-75. Klasinski does not challenge that detention. The relevant inquiry here is whether Loveless had probable cause to believe that Klasinski operated a motor vehicle while intoxicated. The observations Loveless made at the gas station directly supported that conclusion, and the *Guzy* factors do not undermine it. Because probable cause supported the arrest, the circuit court properly denied the motion to suppress.

Upon the foregoing,

IT IS ORDERED that the judgment of conviction 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