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WISCONSIN COURT OF APPEALS

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

DISTRICT II

April 22, 2026

To:

Hon. Jeffrey S. Froehlich
Circuit Court Judge
Electronic Notice

Tyler Tod Fredrickson
Electronic Notice

Kayla Bembenek
Clerk of Circuit Court
Calumet County Courthouse
Electronic Notice

Sara Lynn Shaeffer
Electronic Notice

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

2024AP2445-CR

State of Wisconsin v. Carrie A. Frechette (L.C. #2022CF226)

Before Neubauer, P.J., Gundrum, and Lazar, 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).

Carrie A. Frechette appeals a judgment of conviction for operating with a prohibited alcohol concentration as a third offense with a minor in the vehicle. On appeal, Frechette argues the circuit court erred by denying her suppression motion that alleged police unlawfully seized her. 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 affirm.

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

At the suppression hearing, an officer testified that on October 13, 2022 at around 10:00 p.m., he was traveling southbound in his fully-marked squad car and approaching an intersection when he heard “two short blasts of an automotive horn” coming from “the only vehicle in sight.” That vehicle was traveling westbound, and, at the time the vehicle sounded its horn, it was just east of the intersection. As the officer approached the intersection, he observed the vehicle activate its left turn signal, but then it did not turn left. Instead, the vehicle extinguished its turn signal and continued to drive westbound through the intersection. The officer then began following the vehicle. He testified that in addition to the improper use of a horn and the failure to follow an indicated turn, he was “concerned for possibly the welfare of the occupants if they’re trying to signal for police help after seeing a fully-marked patrol vehicle.”

As the officer followed the vehicle, he “noticed that the right-hand turn signal was activated ... for quite a while, an unusually long time without making a turn. We were traveling only in the mid 40-mile-per-hour range in a 55-mile-per-hour zone, which I also felt was unusual driving behavior.” Eventually, the vehicle began to slow “to turn into a driveway.” As the vehicle turned into a private driveway, it pulled onto a grassy area and the officer activated his lights for a traffic stop. The officer made contact with the vehicle’s driver, who he identified as Frechette. He asked Frechette, “Do you live here?” and “Is everything okay?” Eventually, Frechette was arrested for operating while intoxicated.

The circuit court found the officer did not activate his lights until the vehicle was on the private driveway. The court found that a video of the stop showed Frechette “stopped short of the house at the edge of the driveway, not up into a garage or what the [c]ourt would consider curtilage of the house or any outbuildings.” The court ultimately determined that the officer

lawfully seized the vehicle based on the community caretaker doctrine. The court denied the suppression motion. Frechette subsequently pled to operating with a prohibited alcohol concentration with a minor in the vehicle, and the court imposed and stayed a jail sentence, and placed Frechette on probation. She appeals.

On appeal, Frechette argues the circuit court erred by denying her suppression motion based on the community caretaker doctrine. Frechette contends the officer's actions in this case were "clearly investigatory police functions and not a bona fide caretaker function."

The State responds that the officer lawfully seized Frechette under the community caretaker doctrine. Alternatively, the State argues the officer had reasonable suspicion to stop Frechette's vehicle.

Frechette did not file a reply brief responding to the State's reasonable suspicion argument. We take the lack of a reply as a concession by Frechette regarding the State's reasonable suspicion argument. See *United Coop. v. Frontier FS Coop.*, 2007 WI App 197, ¶39, 304 Wis. 2d 750, 738 N.W.2d 578 (lack of reply taken as concession).

In any event, we also conclude that the officer had reasonable suspicion to stop Frechette's vehicle. See *State v. Baudhuin*, 141 Wis. 2d 642, 648, 416 N.W.2d 60 (1987) (where the circuit court's decision is correct, this Court may affirm on grounds not utilized by that court). A police officer may initiate an investigatory stop based on "reasonable suspicion that a crime has been committed, is being committed, or is about to be committed." *State v. Genous*, 2021 WI 50, ¶7, 397 Wis. 2d 293, 961 N.W.2d 41 (citation omitted). Reasonable suspicion exists if there are "specific and articulable facts which, taken together with rational inferences from those facts," would lead a reasonable officer to believe that unlawful activity

might be afoot. *State v. Post*, 2007 WI 60, ¶10, 301 Wis. 2d 1, 733 N.W.2d 634 (citation omitted)

The stop in this case was supported by reasonable suspicion. *See Genous*, 397 Wis. 2d 293, ¶¶7-9. The record reflects that at around 10:00 p.m., an officer observed a vehicle sound its horn twice for no apparent reason as it approached his fully-marked squad car. The officer then observed the vehicle activate its left-turn signal without turning, and it then activated its right-turn signal. The right-turn signal was activated and remained on for “quite a while.” Then, when the vehicle did turn into the driveway of a residence, it did not approach the residence or garage, but pulled into the grassy area next to the gravel driveway. Under the totality of the circumstances, reasonable suspicion existed that unlawful activity might be afoot, such as an impaired person was driving. The circuit court properly denied Frechette’s motion to suppress the evidence.

Upon the foregoing reasons,

IT IS ORDERED that the judgment of the circuit court 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