



OFFICE OF THE CLERK
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 III

July 7, 2026

To:

Hon. Christina M. Mayer
Circuit Court Judge
Electronic Notice

Tyler Jochman
Electronic Notice

Katie Schalley
Clerk of Circuit Court
Dunn County Judicial Center
Electronic Notice

Lisa E.F. Kumfer
Electronic Notice

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

2025AP666-CR State of Wisconsin v. Joshua V. Price (L. C. No. 2023CF246)

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).

Joshua Price appeals from a judgment convicting him of one count of operating a motor vehicle while intoxicated (OWI), as a seventh offense, and one count of felony bail jumping, as a repeater.¹ Price challenges the sufficiency of the evidence to support the OWI conviction. 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. We affirm.

¹ An additional conviction for operating a motor vehicle with a restricted controlled substance in the blood was merged with the OWI count by operation of law, pursuant to WIS. STAT. § 346.63(1)(c) (2023-24). All references to the Wisconsin Statutes are to the 2023-24 version.

We review the sufficiency of the evidence to support a criminal conviction by comparison to the instructions actually given to the jury, so long as those instructions conform to the statutory requirements of the charged offense. *State v. Beamon*, 2013 WI 47, ¶22, 347 Wis. 2d 559, 830 N.W.2d 681. We will sustain the verdict “unless the evidence, viewed most favorably to the [S]tate and the conviction, is so lacking in probative value and force that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt.” *State v. Poellinger*, 153 Wis. 2d 493, 507, 451 N.W.2d 752 (1990). Under this standard, we are required to search the record for “facts that support upholding the jury’s decision to convict.” *State v. Hayes*, 2004 WI 80, ¶57, 273 Wis. 2d 1, 681 N.W.2d 203.

The *Poellinger* standard is the same for a case based upon circumstantial evidence and inferences as it is for a case based upon direct evidence. *Poellinger*, 153 Wis. 2d at 501. The jury may, “within the bounds of reason,” reject inferences consistent with a defendant’s innocence based upon its credibility determinations, its resolution of conflicts in the testimony, its weighing of the evidence, and its view as to what inferences can reasonably be drawn therefrom. *Id.* at 506-07 (formatting altered). Therefore, if more than one reasonable inference can be drawn from the evidence, we must adopt the one that supports the verdict. *Id.* at 504.

Here, the circuit court properly instructed the jury on the OWI count that the State needed to prove that: (1) Price drove a motor vehicle on a highway (meaning that he exercised physical control over the speed and direction of the vehicle while it was in motion); and (2) Price was under the influence of methamphetamine at the time he drove the vehicle (meaning that his ability to operate a vehicle was impaired because of his consumption of methamphetamine). We conclude that the following evidence produced at trial was not so lacking in probative value as to preclude the jury from finding Price guilty of OWI beyond a reasonable doubt.

A farmer testified that he discovered an abandoned truck in a wooded area of his farm “[l]ater in the afternoon” on June 14, 2023. The truck had not been there when the farmer had last checked on his cows in the morning. Tracks from the truck led across several planted fields and pastures, and through three fences. The farmer immediately called the authorities. A responding law enforcement officer observed that the driver’s door on the truck was open, noted that there were no keys in the vehicle, ran the truck’s license plate, and learned that the truck was registered to Price.

About 45 minutes after receiving the dispatch call, another law enforcement officer located Price walking through a field about a mile away from the truck. Price was covered in bugs and bites, his clothing was very dirty, and he appeared to the second officer to be disoriented, confused, sweating profusely, fidgeting, and exhibiting exaggerated reflexes consistent with being under the influence of a stimulant. Price told the second officer that he was looking for his truck, which had gone missing while he was fishing. However, Price did not have a fishing pole or any other fishing equipment with him, and he could not provide a specific location from where he claimed his truck had disappeared. The second officer’s conversation with Price was recorded on a squad car video and was played for the jury.

A third law enforcement officer searched Price and recovered a butane torch lighter and some keys,² read him his *Miranda*³ rights, placed him in the back of a squad car, and transported him back to the farm where his truck was located. When the third officer questioned Price about

² There was no testimony establishing whether any of the keys found on Price were for the truck.

³ See *Miranda v. Arizona*, 384 U.S. 436, 458 (1966).

where his truck had been stolen, Price gave a range of locations up to 10 to 15 miles apart as to where he had parked the truck. Price claimed that he had been fishing and did not know that his truck had been stolen until the second officer had told him about it. When the third officer asked where Price's fishing equipment was, he said his tackle box was in his truck and he had left his pole by the creek.

The third officer subsequently transported Price to a hospital, where he conducted field sobriety tests. Price exhibited multiple clues of intoxication during the tests and then consented to a blood draw. Price's blood sample tested positive for methamphetamine.

Price argues that, without any direct evidence as to when he ingested methamphetamine in relation to when he last drove his truck, it was mere "conjecture and speculation" that he operated his vehicle while under the influence. We disagree. The erratic pattern of tire tracks across the farm supported a reasonable inference that the truck had been operated by an impaired driver. Price's ownership of the truck; his wandering through a field about a mile from the truck within an hour after the truck was found, while under the influence of methamphetamine; and his inability to give any plausible account about what he had been doing or where he had last seen his truck all supported a reasonable inference that Price had operated his truck while under the influence before abandoning it.

Upon the foregoing,

IT IS ORDERED that the judgment is summarily affirmed. 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