

FILED

MAY 30 2025

STATE OF WISCONSIN

CLERK OF SUPREME COURT
OF WISCONSININ THE SUPREME
COURT

IN THE MATTER OF

DISCIPLINARY PROCEEDINGS AGAINST
WARREN LEE BRANDT,
ATTORNEY AT LAWOFFICE OF LAWYER REGULATION,
Complainant

v.

CASE NO. 2024AP1943-D

WARREN LEE BRANDT,
Respondent

ORDER

Respondent has filed a motion in limine to exclude evidence of a preliminary breath test (PBT) administered to him on February 15, 2024. He argues that a PBT cannot be used to establish a quantitative level of alcohol in a person's system, citing to limitations on use of chemical testing in traffic cases.

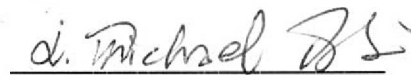
Complainant asks for the opportunity to present foundational evidence regarding the accuracy of the PBT.

This disciplinary proceeding is not a traffic case involving an allegation of operating with a prohibited alcohol concentration. Respondent's alleged consumption of alcohol is arguably relevant to the allegations in OLR's

complaint, irrespective of whether OLR can prove a specific blood alcohol concentration. OLR may attempt to establish a foundation to admit PBT evidence at the fact-finding hearing, subject to Respondent's opportunity to challenge the sufficiency of the foundational evidence.

For the reasons stated above, Respondent's Motion in Limine to exclude evidence of the PBT is denied.

Dated this 27th day of May, 2025.

A handwritten signature in cursive script, appearing to read "L. Michael Tobin", is written over a horizontal line.

L. Michael Tobin

Referee

State Bar No. 1010349