

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

February 28, 1996

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

No. 95-2933-CR

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT II**

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

JOHN H. ROCKETT,

Defendant-Appellant.

APPEAL from a judgment of the circuit court for Racine County:

WAYNE J. MARIK, Judge. *Affirmed.*

NETTESHEIM, J. John H. Rockett appeals from a judgment of conviction for thirteen counts of alteration of property identification marks pursuant to § 943.37(3), STATS. The judgment followed the trial court's denial of Rockett's motion to suppress evidence and Rockett's ensuing no contest pleas.

The issue on appeal is whether the search and seizure of property not authorized by a properly issued search warrant was valid. While searching Rockett's residence for controlled substance related materials pursuant to a valid search, the officers discovered that identification marks on certain electronic equipment had been altered or removed. The police seized the items.

In the trial court, Rockett contended that: (1) the incriminating nature of the property was not immediately apparent to the officers, (2) the discovery of the property was not inadvertent, (3) the police improperly expanded their search to find the missing identification data on the property, and (4) there was insufficient nexus between the property searched and seized and the nature of the criminal activity being investigated pursuant to the search warrant. The State contends that the missing identification marks were discovered in the course of the officers' legitimate search for the items authorized by the search warrant.

The parties agree that the issue is governed by the law of plain view. In a thorough, scholarly and well-spoken seventeen-page bench decision, the trial court denied Rockett's motion to suppress. We have read this decision in detail. We conclude that the decision correctly analyzes the applicable law governing this type of situation, particularly *Arizona v. Hicks*, 480 U.S. 321 (1987). After this review, we conclude that we could not improve on this decision. Indeed, if we were to write a detailed decision, we would plagiarize

the trial court word by word and line by line. As such, we adopt and incorporate the trial court's decision as our own.

By the Court. – Judgment affirmed.

This opinion will not be published. See RULE 809.23(1)(b)4, STATS.