

**COURT OF APPEALS
DECISION
DATED AND FILED**

November 9, 1999

Marilyn L. Graves
Clerk, Court of Appeals
of Wisconsin

NOTICE

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

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.

No. 99-0393-CR

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT III**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

WILLIE T. DURHAM,

DEFENDANT-APPELLANT.

APPEAL from a judgment of the circuit court for Brown County:
PETER J. NAZE, Judge. *Affirmed.*

Before Cane, C.J., Hoover, P.J., and Peterson, J.

¶1 PER CURIAM. Willie Durham appeals his conviction for delivery of cocaine as a party to the crime, after a jury trial. Green Bay police had learned from an informant that Keith Lasher would be getting cocaine from some people from Milwaukee. Under police observation, a car containing Durham and others

arrived at a Green Bay bar parking lot. Lasher entered the car and exited with a package. The police followed Durham's car as it left the bar parking lot. They later stopped the car and arrested Durham while he was traveling on Interstate Highway 43 south from Green Bay toward Milwaukee. The police confiscated from Durham's car prerecorded money Lasher used in the drug deal. On appeal, Durham argues that the police lacked adequate grounds to stop his car and arrest him. We reject these arguments and affirm his conviction.

¶2 Police may stop persons to investigate possible criminal behavior without probable cause to arrest. *See Terry v. Ohio*, 392 U.S. 1, 22 (1968). For such a stop, police must have no more than a reasonable suspicion of criminal activity. *See State v. Jackson*, 147 Wis.2d 824, 833-34, 434 N.W.2d 386, 390 (1989). This is a practical, common sense standard. *Id.* Probable cause to arrest is also a practical, nontechnical concept. *See Illinois v. Gates*, 462 U.S. 213, 231 (1983). Under that standard, police must reasonably believe that the target probably committed a crime. *See State v. Koch*, 175 Wis.2d 684, 701, 499 N.W.2d 152, 161 (1993). The legality of the stop and the arrest are questions of law since the material facts are undisputed. *See State v. Guzy*, 139 Wis.2d 663, 671, 407 N.W.2d 548, 552 (1987) (stop); *State v. Drogsvold*, 104 Wis.2d 247, 262, 311 N.W.2d 243, 250 (Ct. App. 1981) (arrest).

¶3 Here, the police had sufficient grounds to meet both the *Terry* stop standard and the more stringent, probable cause arrest standard. The police had information from a variety of sources. They had a report from an informant that Lasher would be getting cocaine from people from Milwaukee. They observed a car in the bar parking lot. State motor vehicle records showed that the car's owner lived in Milwaukee, and the car was the same one police had seen used in a prior drug transaction at the bar. The police saw Lasher enter the car and exit with a

package. After the car left and the police started to follow, the police learned over the police radio that Lasher had fled on foot. These facts gave the police in their collective knowledge probable cause to believe that Durham had helped deliver cocaine to Lasher. This furnished the police substantial, objective grounds to stop Durham's car and make an arrest. Therefore, because the police had adequate grounds to stop his car and arrest him, the conviction is affirmed.

By the Court.—Judgment affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.

