

**COURT OF APPEALS
DECISION
DATED AND FILED**

March 15, 2016

Diane M. Fremgen
Clerk of Court of Appeals

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 WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2015AP623-CR

Cir. Ct. No. 2013CF4912

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

KENNETH LEONARD LONG,

DEFENDANT-APPELLANT.

APPEAL from a judgment of the circuit court for Milwaukee County: STEPHANIE ROTHSTEIN, Judge. *Affirmed.*

Before Kessler, Brennan and Brash, JJ.

¶1 PER CURIAM. Kenneth Leonard Long, *pro se*, appeals a judgment convicting him of kidnapping and first-degree sexual assault, with use of a dangerous weapon. Long argues that: (1) his arrest was illegal; (2) he was not

timely brought before a magistrate after his arrest; and (3) his confession was involuntary because the police deceived him. We affirm.

¶2 Long first argues that his arrest was illegal because the police did not have a warrant to arrest him and the arrest was not supported by probable cause. He contends that evidence the police obtained subsequent to his arrest should therefore be suppressed. Long does not adequately develop this argument. He does not explain what evidence he believes should have been suppressed and does not cogently explain the legal basis for his argument. Nor does he sufficiently explain the factual circumstances of his arrest.¹ Because Long has inadequately briefed his argument, we do not consider it further. *See State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992).

¶3 Long next argues that he was not timely brought before a magistrate after his warrantless arrest in violation of *County of Riverside v. McLaughlin*, 500 U.S. 44, 55-57 (1991). “An objection based on a defect in the institution of a criminal proceeding must be raised before trial by motion or be deemed waived.” *State v. Evans*, 187 Wis. 2d 66, 85, 522 N.W.2d 554 (Ct. App. 1994); WIS. STAT. § 971.31(2) (2013-14).² Assuming for the sake of argument that there was a *Riverside* violation, Long forfeited his right to raise the issue because he did not raise it before he was tried.

¹ Trial testimony established that the victim identified Long in a photo array before his arrest and the police were executing a warrant to search his home when he was arrested.

² All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

Finally, Long argues that his confession was involuntary because the police deceived him in order to obtain it. Long contends that the police falsely told him that they had DNA evidence and video surveillance showing he committed the crime. A defendant must raise an argument that the police obtained evidence by illegal means before trial or the issue is forfeited. *See* WIS. STAT. § 971.31(2); *State v. Ndina*, 2009 WI 21, ¶¶29-31, 315 Wis.2d 653, 761 N.W.2d 612. Long moved to suppress his confession on the grounds that it was involuntary because he was intoxicated, but did not raise the argument that the police improperly deceived him. Therefore, he forfeited his right to raise this issue. *See* § 971.31(2).³

By the Court.—Judgment affirmed.

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

³ Misleading a suspect about the strength of the evidence does not, by itself, render a confession involuntary. *State v. Triggs*, 2003 WI App 91, ¶¶15-16, 264 Wis.2d 861, 663 N.W.2d 396.

