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DISTRICT II

November 25, 2026

To:

Hon. Anthony G. Milisauskas
Circuit Court Judge
Electronic Notice

Rebecca Matoska-Mentink
Clerk of Circuit Court
Kenosha County Courthouse
Electronic Notice

Sonya Bice
Electronic Notice

Leonard D. Kachinsky
Electronic Notice

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

2025AP2227-CR State of Wisconsin v. Allan M. Brown (L.C. #2021CF1344)

Before Gundrum, Grogan, and LoCoco, 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).

Allan M. Brown appeals his judgment of conviction for failure to comply with an officer's attempt to take him into custody, along with an order denying his postconviction motion to vacate the conviction. *See* WIS. STAT. § 946.415(2) (2023-24).[1] 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. For the following reasons, we affirm.

[1] All references to the Wisconsin Statutes are to the 2023-24 version.

Following reports of a stolen vehicle and homicide, four Kenosha deputies and a K9 deputy arrived at the gas station where the suspect—Brown—and the stolen vehicle were located. After they ordered Brown to exit the vehicle with his hands up, Brown exited the vehicle but took off running. Brown ran from the parking lot "along the fence line and up the driveway" adjacent to the highway. While the deputies and their K9 partner chased after Brown, Brown fired a gun at them. The K9 tackled Brown, and they wrestled and rolled into the "grassy area" "[b]etween the driveway and the road." Still in the "grass ditch," Brown shot the K9 and pointed his gun at the deputies. The pursuit ended when one of the deputies shot Brown. Brown proceeded to trial, the jury heard testimony and saw photos and videos, and the jury convicted Brown on all nine counts with which he was charged.

On appeal, Brown argues there was insufficient evidence to support his conviction on one of the counts: his violation of WIS. STAT. § 946.415(2), titled "Failure to comply with officer's attempt to take person into custody." The second element of this offense requires that a person "[r]etreats or remains in a building or place and, through action or threat, attempts to prevent the officer from taking him or her into custody." § 946.415(2)(b). According to Brown, the word "place" as used in this sentence "contains some ambiguity." Relying on legislative history, Brown argues we should read the term "place" to exclude a "random grassy area next to a state highway."

We conclude Brown has not met his "heavy burden" to convince us to set aside the jury's verdict on the ground of insufficient evidence. ***State v. Booker***, 2006 WI 79, ¶22, 292 Wis. 2d 43, 717 N.W.2d 676. A fundamental rule of statutory interpretation is that "[s]tatutory language is given its common, ordinary, and accepted meaning." ***State ex rel. Kalal v. Circuit Ct. for Dane Cnty.***, 2004 WI 58, ¶45, 271 Wis. 2d 633, 681 N.W.2d 110. A corollary of this principle

is that, "[w]ithout some indication to the contrary, general words (like all words, general or not) are to be accorded their full and fair scope. They are not to be arbitrarily limited." ***Benson v. City of Madison***, 2017 WI 65, ¶25, 376 Wis. 2d 35, 897 N.W.2d 16 (quoting ANTONIN SCALIA & BRYAN A. GARNER, READING LAW: THE INTERPRETATION OF LEGAL TEXTS, 101 (2012)). Thus, while "place" as used in WIS. STAT. § 946.415(2)(b) may be a broad and general word, that alone does not make it ambiguous, so we give it its ordinary meaning. The extensive definition of "place" Brown uses in his brief includes the word "site," and we agree with the State that the grassy area or ditch from which Brown resisted arrest fits this term. Brown does not otherwise develop a textual argument explaining why or how we should instead limit the apparent reach of the statute, and we will not do so for him. *See* ***State v. Pettit***, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992).

Brown does appeal to legislative history. Under our case law, however, legislative history may be used to address ambiguity, not create it. *See, e.g.*, ***Kalal***, 271 Wis. 2d 663, ¶50. Since, as we have explained, "the meaning of" the word place "is plain, we … stop the inquiry" and uphold the jury's verdict. ***Id.*** at ¶45.

Therefore,

IT IS ORDERED that the judgment and order of the circuit court are summarily affirmed. *See* 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