**COURT OF APPEALS**
**DECISION**
**DATED AND FILED**

**July 2, 2013**

**Diane M. Fremgen**
**Clerk of Court of Appeals**



**Appeal No. 2012AP1194** **Cir. Ct. No. 2010CF4424**

**STATE OF WISCONSIN** **IN COURT OF APPEALS**
**DISTRICT I**

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**STATE OF WISCONSIN,**

**PLAINTIFF-RESPONDENT,**

**V.**

**AL A. HOLIFIELD,**

**DEFENDANT-APPELLANT.**

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APPEAL from a judgment and an order of the circuit court for Milwaukee County: DAVID L. BOROWSKI, Judge. *Affirmed*.

Before Fine, Kessler and Brennan, JJ.

¶1 PER CURIAM. Al A. Holifield, *pro se*, appeals from a judgment of conviction for five felonies and two misdemeanors, all of which are drug-

related.[1] He also appeals from an order denying his postconviction motion for a new trial. We affirm.

## BACKGROUND

¶2 On September 1, 2010, Investigator Jon Rivamonte of the Milwaukee Metro Drug Enforcement Group applied for a search warrant for a particular single-family house in the city of Milwaukee (hereafter, "the house"). He filed a seven-page affidavit in support of the search warrant. According to that affidavit, Rivamonte worked with a confidential informant who completed three heroin purchases from Holifield, on August 11, August 16, and August 31, 2010. The affidavit indicated that to arrange each sale, the confidential informant called Holifield in Rivamonte's presence and arranged to meet at a particular restaurant.

¶3 On August 16, after the second buy had taken place, officers followed Holifield's car to the block where the house is located. Shortly thereafter, an officer saw Holifield standing on the house's porch.

¶4 On August 31, officers observing the house saw Holifield enter and then exit the house, which is the same street address that Holifield listed with the Department of Transportation as his home address. The officers saw Holifield driving an older model blue Chevrolet Corsica, which was the same car in which the second and third drug transactions took place.

[1] This is Holifield's direct appeal. A lawyer was appointed to represent Holifield for postconviction and appellate proceedings, but Holifield asked him to withdraw and indicated that he wanted to proceed *pro se*. The circuit court granted the motion to withdraw and allowed Holifield to proceed *pro se*.

¶5 Based on the affidavit, a judicial court commissioner signed a no-knock search warrant for the house. Officers executed the warrant in the early morning hours of September 2, 2010. They found Holifield and his cousin Lamar Holifield sleeping in twin beds on the second floor. On the floor at the foot of Holifield's bed, officers found a pair of pants that contained cash, marijuana, heroin, one ecstasy pill, and a cell phone that was assigned the same phone number that the confidential informant used to contact Holifield to arrange the August 31 drug buy.

¶6 Officers searching the house also found: bags of crack cocaine in the living room under a cushion; marijuana and cocaine in a kitchen drawer; two digital scales; and about $30,000 in cash. Holifield, who was one of nine people in the house at the time the search warrant was executed, was placed under arrest.

¶7 Holifield was charged with three counts of delivering a controlled substance (heroin, three grams or less) for the August 11, August 16, and August 31 sales to the confidential informant, who was later identified as Kyle Bakalarski. Based on evidence recovered during the search of the house, Holifield was also charged with possession of a controlled substance (heroin) and keeping a drug house as a party to a crime.

¶8 Holifield's lawyer did not file any pretrial motions and the case proceeded to trial. At trial, the State presented detailed testimony about the three drug purchases, including testimony from Bakalarski, Rivamonte, and the officers who conducted surveillance during the drug purchases. The State also presented evidence about what they found at the house when they executed the search warrant.

¶9 Holifield took the stand in his own defense, asserting that he never sold drugs to Bakalarski and that the pants found next to his bed during the search were not his. His lawyer argued that Bakalarski erroneously identified Holifield as the man who sold him drugs, and that the seller was somebody else, possibly Holifield's brother. In support of this argument, Holifield's lawyer presented testimony to refute Bakalarski's claim that Holifield's girlfriend was in the car during the third drug sale. Holifield's girlfriend testified that she was actually working in Michigan at the time, so she could not have been in the car. Holifield's lawyer argued that if Bakalarski was mistaken about Holifield's girlfriend's identity, he could also be mistaken about Holifield's identity.

¶10 The jury was asked to determine whether Holifield was guilty of the five aforementioned crimes, plus two misdemeanors that were added before the trial began: possession of THC and possession of a controlled substance.[2] The jury found Holifield guilty of all seven counts.

¶11 The trial court sentenced Holifield to four consecutive terms of one year of initial confinement and one year of extended supervision for the three counts of delivering heroin and the one count of possessing heroin. It imposed concurrent sentences of one year of initial confinement and one year of extended supervision for maintaining a drug house; thirty days in the house of correction for possession of THC; and ten days in the house of correction for possession of a controlled substance.

[2] The amended information also alleged that Holifield committed the three drug deliveries as a party to a crime.

¶12 After firing his postconviction/appellate lawyer, Holifield filed a *pro se* postconviction motion seeking a new trial.[3] The trial court denied the motion in a detailed, ten-page written decision. Holifield appeals the denial of that motion and his convictions.

## DISCUSSION

¶13 At the outset, we observe that Holifield has filed a fifty-page brief that raises seventeen specific issues, plus additional subissues within those seventeen issues. "An appellate court is not a performing bear, required to dance to each and every tune played on an appeal." ***State v. Waste Mgmt. of Wis., Inc.***, 81 Wis. 2d 555, 564, 261 N.W.2d 147, 151 (1978). Therefore, to the extent we do not address a particular issue or subissue, we reject it because it is unpersuasive, undeveloped, inadequate, or raised for the first time on appeal. *See* ***League of Women Voters v. Madison Cmty. Found.***, 2005 WI App 239, ¶19, 288 Wis. 2d 128, 140, 707 N.W.2d 285, 291 (we do not decide undeveloped arguments); ***Vesely v. Security First Nat'l Bank of Sheboygan Trust Dep't***, 128 Wis. 2d 246, 255 n.5, 381 N.W.2d 593, 598 n.5 (Ct. App. 1985) (we do not decide inadequately briefed arguments); ***State v. Van Camp***, 213 Wis. 2d 131, 144, 569 N.W.2d 577, 584 (1997) ("As a general rule, this court will not address issues for the first time on appeal."). Further, while we will not repeat the details of the State's forty pages of analysis in this opinion, we note that we agree with that analysis and the State's ultimate conclusion: Holifield has not presented any issue of merit that

[3] Holifield filed a postconviction motion that exceeded the circuit court's length limits, along with a motion to enlarge the length limit for his postconviction motion. The trial court denied the request to file a longer motion. Holifield then filed a shorter motion, which was accepted. We have considered only the motion that was accepted for filing and we have not considered the State's references to the first motion.

justifies reversal in this case. We now turn to our consideration of the seventeen issues Holifield identified in his brief.

**I. Challenge to the search warrant.**

¶14 Holifield argues that the search warrant was "unlawful, defective, invalid and unsigned."[4] He contends that "[t]he Magistrate should have placed the officer and his witness under oath and had their testimony transcribed and certified." Holifield further asserts that some of the information in the affidavit was untrue, such as the statements that Holifield's girlfriend was in the car for the drug transaction and that Holifield is a gang member. Within this section of his brief, Holifield also complains about the fact that Bakalarski did not testify at the preliminary hearing.

¶15 We reject Holifield's arguments. A search warrant signed by a court commissioner is valid. *See* WIS. STAT. § 757.69(1)(b) (2011–12).[5] Furthermore, we agree with the State that the supporting affidavit was "constitutionally adequate." The detailed facts in that affidavit—including details about the drug buys, the drugs recovered from Bakalarski after each sale, and the officers' observations of Holifield at the drug sales and at the house—established probable cause for the search warrant. The fact that Holifield later contested some of those facts does not mean they were insufficient to establish probable cause to issue the search warrant.

[4] The State notes that it does not appear that a copy of the search warrant that Holifield included in his postconviction motion's appendix was previously made part of the Record, but the State assumes that it is accurate for purposes of this appeal. We will do the same.

[5] All references to the Wisconsin Statutes are to the 2011–12 version unless otherwise noted.

¶16 Further, we agree with the trial court that the State was not required to present testimony from Bakalarski at the preliminary hearing. "The purpose of a preliminary hearing is to 'determin[e] if there is probable cause to believe a felony has been committed by the defendant.'" ***State v. White***, 2008 WI App 96, ¶10, 312 Wis. 2d 799, 806, 754 N.W.2d 214, 218 (quoting WIS. STAT. § 970.03(1)) (bracketing supplied by ***White***). Rivamonte's testimony was sufficient to establish probable cause and the State was not required to call Bakalarski or other witnesses to provide additional testimony in support of the charges.

¶17 Finally, the fact that one date in the search warrant states August 31, 2010, rather than September 1, 2010, does not render the search warrant invalid. *See* WIS. STAT. § 968.22 ("No evidence seized under a search warrant shall be suppressed because of technical irregularities not affecting the substantial rights of the defendant.").

**II. Challenge to the sufficiency of the evidence to convict Holifield of possession of THC and ecstasy.**

¶18 Holifield challenges the sufficiency of the evidence for the two misdemeanor counts. He asks:

> Is [the] mere presence of a defendant sleeping in a bed where drugs and money are found in pants laying on the bedroom floor make[] him guilty of delivering drugs or associating with individuals possessing or selling unlawful drugs … when other people were living in the same house … [a]nd when money found in [the] pants was given back to the owner?"

(Some capitalization omitted.)

¶19 When a defendant challenges a verdict based on sufficiency of the evidence, "[w]e give great deference" to the jury's determination and view the evidence in the light most favorable to the State. *See* ***State v. Hayes***, 2004 WI 80, ¶57, 273 Wis. 2d 1, 25, 681 N.W.2d 203, 215. Applying those standards here, we conclude that there was sufficient evidence to support the jury's findings that Holifield possessed THC and a controlled substance (ecstasy) on September 2, 2010, when they were found in a pair of pants that were on the floor at the foot of the bed where Holifield was sleeping. As the trial court noted in its written decision, the telephone number assigned to the cell phone that was found in the pants matched the number Bakalarski called when he set up the August 31, 2010 drug transaction and, therefore, "[t]he jury could have reasonably believed that the pants belonged to the defendant based on this evidence." While the jury could have found that the pants belonged to Holifield's cousin or some unknown person, circumstantial evidence supports the finding the jury chose to make: that the pants—and the drugs in them—belonged to Holifield.

**III. Effectiveness of Holifield's trial lawyer.**

¶20 Holifield argues that his lawyer provided constitutionally deficient representation by not: (1) challenging the fact that the search warrant was not signed by a judge; (2) raising "identification issue[s]"; (3) arguing that Holifield's "mere presence near drugs, pills, money in pants, [and] money in closet, does not make Al Holifield guilty of possessing these items and being a drug dealer"; (4) challenging the State's decision not to produce Bakalarski at the initial appearance and preliminary hearing; (5) "hav[ing] the judge … allow the jury to review the … alibi evidence" from Holifield's girlfriend; (6) establishing that the money found at the house belonged to Holifield's uncle; (7) telling the jury that the license plates on Holifield's car were stolen; (8) challenging the identification

of Holifield as the man who sold drugs to Bakalarski; (9) asserting that the police planted a $100 bill at the house that matched the serial number of a bill used to purchase drugs from Holifield; and (10) arguing that the police promised to dismiss a forgery case against Bakalarski in exchange for his testimony. We reject Holifield's arguments because they are belied by the Record, and we conclude that Holifield has failed to show that his trial lawyer's performance was constitutionally deficient. *See* ***Strickland v. Washington***, 466 U.S. 668, 687 (1984) (defendant must prove deficient performance and prejudice).

¶21 We have already rejected the merits of arguments (1), (3), and (4), so Holifield's lawyer was not deficient for not making those arguments. As to arguments (2) and (8) concerning identification, the crux of the defense case was that Bakalarski and the officers misidentified Holifield; to suggest that Holifield's lawyer failed to challenge the identification is frivolous. As for argument (5), Holifield's lawyer fought hard, albeit unsuccessfully, to have Holifield's girlfriend's pay stubs admitted, and Holifield's lawyer successfully presented the girlfriend's testimony. Thus, Holifield's lawyer did, in fact, present alibi evidence that Holifield's girlfriend was not present for the third drug purchase. Similarly, with respect to argument (6), Holifield's lawyer presented Holifield's uncle's testimony that the money found in a closet was his, so there is no basis to assert that Holifield's lawyer failed to make that argument. Holifield's arguments (7), (9), and (10) are mere assertions of facts not in the Record. Indeed, argument (10) is contradicted by the Record: Bakalarski testified that he was not promised anything for his testimony and Rivamonte confirmed that. There is no merit to Holifield's ineffective assistance claim.

**IV. Confrontation claim.**

¶22 Holifield repeats his argument that Bakalarski should have been produced at the initial appearance and preliminary hearing. He adds his assertion that he was denied his constitutional right to confront Bakalarski. For the reasons outlined in Section I. above, we reject this argument. The State was not required to produce Bakalarski prior to trial, as long as the State was able to establish probable cause for the charges in other ways. Further, Bakalarski testified at trial and was subjected to cross-examination. Holifield's confrontation rights were not violated.

**V. Challenge to Bakalarski's identification of Holifield using a single photo and no line-up.**

¶23 Holifield argues that Bakalarski's identification of him "was highly suggestive and unlawful" because: (1) Holifield was never put in a lineup; and (2) Bakalarski was shown only a single photograph of Holifield, rather than a photo array. In response, the State, citing ***State v. Isham***, 70 Wis. 2d 718, 724–725, 235 N.W.2d 506, 510 (1975), argues: "The law does not require identification by line-up." We agree and reject Holifield's first argument.

¶24 The State next discusses the fact that after the second buy, when Rivamonte was still trying to determine the identity of the seller, Rivamonte showed Bakalarski a single photograph of Holifield. Bakalarski identified the man in the photograph as the seller. The State provides a detailed discussion of the applicable law. Quoting ***Kain v. State***, 48 Wis. 2d 212, 219, 179 N.W.2d 777, 782 (1970), the State notes that single photo arrays are "not impermissible per se," and that "'convictions based on eyewitness identification at trial following a pretrial identification by photograph will be set aside … only if the photographic

identification procedure was so impermissibly suggestive as to give rise to a very substantial likelihood of irreparable misidentification.'" *See* ***ibid.*** (one set of brackets omitted; ellipses supplied by State).

¶25 The State also argues that objections to the admission of out-of-court or in-court identifications are waived if not timely made, *see* ***State v. Waites***, 158 Wis. 2d 376, 389–390, 462 N.W.2d 206, 211 (1990), and notes that no objections were made in this case. The State further contends that it could prove that "Bakalarski's identification of Holifield was not impermissibly suggestive" and "'that the identification is nonetheless reliable under the totality of the circumstances.'" *See* ***State v. Drew***, 2007 WI App 213, ¶13, 305 Wis. 2d 641, 647, 740 N.W.2d 404, 407. The State provides Record cites to trial testimony that support its argument, as well as analysis of that testimony.

¶26 In his reply brief, Holifield does not even attempt to address the State's arguments concerning the application of Wisconsin law, except to belatedly assert in a single sentence that his lawyer "was ineffective for not challenging the identification." Holifield presents no meaningful response to the State's argument that a challenge to the use of the single photograph would have failed even if it had not been waived. We decline to abandon our neutrality to develop an argument for him, *see* ***Industrial Risk Insurers v. American Eng'g Testing, Inc.***, 2009 WI App 62, ¶25, 318 Wis. 2d 148, 170, 769 N.W.2d 82, 93, and we deem the State's arguments to be admitted, *see* ***Charolais Breeding Ranches, Ltd. v. FPC Secs. Corp.***, 90 Wis. 2d 97, 108-109, 279 N.W.2d 493, 499 (Ct. App. 1979) (unrefuted arguments are deemed admitted).

**VI. Argument that Holifield "was arrested without a valid warrant."**

¶27 Holifield argues that "[t]he warrants used in arresting [him] were invalid and the probable cause determination wasn't signed." He continues: "The law calls it a warrantless arrest and his conviction must be reversed."

¶28 There was no arrest warrant in this case and, therefore, there is no basis to allege that there was an invalid arrest warrant. Holifield was arrested without a warrant.

¶29 As to the legality of Holifield's warrantless arrest, the State cites ***Lampkins v. State***, 51 Wis. 2d 564, 570–571, 187 N.W.2d 164, 167–168 (1971) and ***State v. Wilkens***, 159 Wis. 2d 618, 624–625, 465 N.W.2d 206, 209 (Ct. App. 1990), and argues: "A defendant must challenge the legality of his arrest at or before trial in order to preserve the issue for appellate review." We agree, and because Holifield did not file a pretrial motion challenging the legality of his arrest prior to or at trial, he forfeited this claim. Moreover, as the State explains, the Record contains little information about the circumstances of Holifield's arrest, so "[t]he [R]ecord is simply inadequate to allow this court to examine this issue on the merits."

**VII. Argument that Holifield's juvenile record "was unlawfully used" at sentencing.**

¶30 Holifield argues that his juvenile record should not have been considered at sentencing pursuant to ***In re Gault***, 387 U.S. 1 (1967). The State acknowledges that a "sentencing court may not consider pre-***Gault*** juvenile adjudications or convictions." *See* ***Moore v. State***, 83 Wis. 2d 285, 308, 265 N.W.2d 540, 550 (1978) (bolding and italics added). But in this case, the State explains, the trial court did not consider pre-***Gault*** adjudications because

"Holifield was born in 1975, eight years after the ***Gault*** decision," so "[c]learly, he cannot have any 'pre-***Gault*** juvenile adjudications or convictions.'" *See* ***id.*** (bolding and italics added). We agree. Holifield's argument fails.

**VIII. Challenge to the admissibility of the drug report and stipulation.**

¶31 At trial, the parties stipulated to the admissibility of the crime lab report in lieu of testimony from a chemist. Holifield signed a written stipulation and the trial court also conducted a colloquy with Holifield about the stipulation. On appeal, Holifield argues that his lawyer did not properly explain the stipulation to him and that in any event, the stipulation "is inadmissible when there wasn't any expert to test the drugs to see whether the drugs found were actually heroin and cocaine." He contends that his confrontation clause rights were violated because he did not see the drug report, and he complains about a delay in testing the drugs.

¶32 Holifield's argument fails. Holifield forfeited his right to challenge the results of the drug testing and the right to confront the chemist when he agreed to the stipulation. His bald assertion that his lawyer did not explain the stipulation or that he had "no time" to think about it are belied by the representations he personally made at trial. We agree with the trial court's assessment:

> The defendant agreed on the [R]ecord that the crime lab report could be admitted in lieu of testimony by a chemist that those were the actual substances. He cannot now claim that his lawyer should have summoned an expert or a drug analyst. His claim that the stipulation was unlawful is rejected.

## IX. Alleged *Brady* violation.[6]

¶33 Holifield asserts that he had "the right to review [the] statement that the police used to procure the search warrant" and that the State intentionally kept that statement from him. Holifield does not identify specifically what document(s) the State failed to provide to his lawyer, and there is nothing in the Record that supports Holifield's bald assertion that his lawyer was not provided all discovery materials. We reject Holifield's argument.

## X. Argument that Holifield's lawyer failed to request a jury instruction.

¶34 Holifield argues that his lawyer should have requested "a jury instruction … on the informant's credibility." He does not identify a particular standard instruction that should have been given or provide the language of a nonstandard jury instruction that he believes should have been given. In this case, the trial court gave the standard jury instruction on witness credibility. Holifield has not adequately developed his argument and we decline to do it for him. *See* ***Industrial Risk Insurers***, 2009 WI App 62, ¶25, 318 Wis. 2d at 170, 769 N.W.2d at 93.

¶35 Holifield also makes at least four other assertions within this section that do not seem to be directly related to his lawyer's alleged failure to request a jury instruction. The State explains:

> [Holifield] says that he is "entitled to [a] jury charge that reflects his defense," but doesn't reveal what defense he is talking about, what instruction should have been given, why the other instructions were inadequate, or what evidence proved the defense. Thus, he fails to satisfy the test for a theory-of-defense instruction. *See* ***State v.***

[6] *See* ***Brady v. Maryland***, 373 U.S. 83 (1963).

> ***Coleman***, 206 Wis. 2d 199, 212–13, 556 N.W.2d 701 (1996). He says that the [trial] court should have instructed the jury on the substantive law; it clearly did so. He says that the jury should have been instructed on the identification issue. Again, he fails to cite any legal authority for such a requirement and the State knows of none. He says that it is "police's procedure to record audio or visual audio of all interrogations concerning confidential informant, Bakalarski." This contention is false.

(Record and brief citations omitted; bolding added.) We agree with the State. Further, Holifield has not adequately developed these arguments and we do not consider them further. *See* ***Industrial Risk Insurers***, 2009 WI App 62, ¶25, 318 Wis. 2d at 170, 769 N.W.2d at 93.

¶36 Finally, in a single paragraph, Holifield argues that Rivamonte and Bakalarski "should have went on record as a hostile witness according to 972.09 Stats." He argues that WIS. STAT. § 972.09 "clearly states that the police officer's testimony cannot be used as substantive evidence until his inconsistencies can be read to him and he has an opportunity to clean them up." Section 972.09 provides:

> Where testimony of a witness at any preliminary examination, hearing or trial in a criminal action is inconsistent with a statement previously made by the witness, the witness may be regarded as a hostile witness and examined as an adverse witness, and the party producing the witness may impeach the witness by evidence of such prior contradictory statement. When called by the defendant, a law enforcement officer who was involved in the seizure of evidence shall be regarded as a hostile witness and may be examined as an adverse witness at any hearing in which the legality of such seizure may properly be raised.

We do not understand Holifield's argument. He has not provided any Record cites or adequately explained how the statute applies to Rivamonte and Bakalarski. We are unconvinced the statute provides a basis for relief.

## XI. Argument that the State "imputed the entrapment to Al Holifield."

¶37 In Holifield's postconviction motion, he included the following two-sentence argument:

> The State Of Wisconsin imputed the entrapment to Al Holifield.
>
> The law states when undercover agents (police) or informers engineer and direct [a] criminal enterprise from start to finish due [sic] prevents conviction of even [a] predisposed defendant. U.S. v. Mitchell, 915 F.2d 521.

(Record citation omitted.) This argument was not developed or comprehensible. On appeal, Holifield provides additional explanation of his argument, which we infer to be that he believes he was entrapped. We reject this argument because it was inadequately argued in his postconviction motion and on appeal. *See* ***Vesely***, 128 Wis. 2d at 255 n.5, 381 N.W.2d at 598 n.5. Further, the few sentences of explanation and bald assertions he has added to this argument on appeal do not convince us that Holifield's conviction should be overturned due to entrapment.

## XII. Allegation of "Malicious Prosecution."

¶38 Holifield argues that he was "singled out and maliciously prosecuted intentionally due to having a criminal background." He complains that no one else at the house was arrested or charged and asserts that the pants found at the foot of his bed were not his. He presents no legal authority or analysis. We decline to consider the merits of his allegations. *See* ***State v. Pettit***, 171 Wis. 2d 627, 646, 492 N.W.2d 633, 642 (Ct. App. 1992) ("Arguments unsupported by references to legal authority will not be considered.").

**XIII. Challenge to the sufficiency of the evidence.**

¶39 Holifield argues that the State failed to prove its case beyond a reasonable doubt; we infer from his reference to Bakalarski that he is referring to the charges that he delivered drugs. He continues: "There was no evidence what-so-ever that [I] was guilty." Holifield asserts that an "unreliable witness" (presumably Bakalarski) gave testimony, and notes that there are no recordings or "physical evidence that connect[] [him] to these crimes." He concludes: "The [R]ecord speaks for itself that [the trial court] did not take the defendant's story as being true facts and believed the credibility of the informant in this case. Reversal is warrant[ed] in this case."

¶40 "[T]his court will not upset a jury's determination of credibility unless the fact relied upon is inherently or patently incredible," ***Simos v. State***, 53 Wis. 2d 493, 495, 192 N.W.2d 877, 878 (1972), and we will sustain a jury's guilty verdict if it is supported by any credible evidence, *see* ***Morden v. Continental AG***, 2000 WI 51, ¶38, 235 Wis. 2d 325, 351, 611 N.W.2d 659, 672. Bakalarski's testimony that Holifield sold him drugs was not "inherently or patently incredible," *see* ***Simos***, 53 Wis. 2d at 495–496, 192 N.W.2d at 878, and was, in fact, corroborated by Rivamonte's testimony. Bakalarski's testimony was sufficient to support Holifield's convictions. Holifield's challenge to the sufficiency of the evidence fails.

**XIV. Challenge to the prosecutor's closing argument.**

¶41 Holifield argues that the prosecutor's comments at closing argument "were so prejudicial that they require[] a mistrial and a new trial." He quotes at length from the prosecutor's closing argument, emphasizing phrases such as: "[T]here is no evidence whatsoever in this case that anyone else in that house …

had anything to do with this or any other drug" and "I'm going to ask you to walk into court and find him guilty on all his counts." (Underlining and Record citations omitted.)

¶42 We reject Holifield's argument. First, "it is well established that failure to make a contemporaneous objection or to move for a mistrial in the trial court waives the issue." ***State v. Adams***, 221 Wis. 2d 1, 18, 584 N.W.2d 695, 703 (Ct. App. 1998). Holifield's lawyer made only a single objection during the State's closing argument and that did not concern any of the quoted language that Holifield argues in this brief.[7] Second, we agree with the State that the prosecutor's comments on the evidence and credibility of witnesses were not improper. Holifield is not entitled to relief.

**XV. Argument entitled "Authentication Requirements."**

¶43 This section of Holifield's brief is essentially a laundry list of inadequately argued assertions. For instance, Holifield asserts that Rivamonte, rather than a detective, should have signed the complaint. But Holifield provides no legal authority for that conclusion. *See* ***Pettit***, 171 Wis. 2d at 646, 492 N.W.2d at 642 (litigants must include references to legal authority). Holifield also falsely asserts that the complaint was never filed; it was, in fact, file stamped on the back side of the fourth page of the complaint. Holifield provides no Record cites to accompany his complaints about various filings, and this court is not obligated to search the Record to investigate his claims. *See* ***Tam v. Luk***, 154 Wis. 2d 282,

[7] Specifically, when the State in its rebuttal said that Holifield's lawyer had intimated that a witness "was somehow untruthful," Holifield's lawyer objected, adding, "I did not say he was untruthful." The State said it would withdraw the remark.

291 n.5, 453 N.W.2d 158, 162 n.5 (Ct. App. 1990) (it is a party's obligation to provide Record cites in the appellate brief and this court is not obligated to search the Record when none are provided). Further, we decline to develop Holifield's arguments for him. *See* ***Industrial Risk Insurers***, 2009 WI App 62, ¶25, 318 Wis. 2d at 170, 769 N.W.2d at 93.

**XVI. Challenge to Holifield's conviction for keeping a drug house.**

¶44 Holifield argues that "[t]here is no proof that [he] manufacture[d] and delivered controlled heroin at his grandparent[s'] home as a [party to a crime]." The State notes that the element of the crime at issue required the jury to find that the house was used for manufacturing, keeping or delivering controlled substances. *See* WIS JI—CRIMINAL 6037B (2010). The jury had evidence before it that the house was used to keep or deliver heroin, including: drug scales, large amounts of cash, large amounts of illegal drugs prepared for sale, and a $100 bill that Bakalarski used to purchase drugs from Holifield. There was sufficient evidence to support Holifield's conviction.

**XVII. Allegations of prosecutorial misconduct.**

¶45 Holifield baldly asserts that the prosecutor "knew that there was no valid arrest or search warrant that led to prosecuting Holifield lawfully" and further alleges that the State "failed to disclose[] exculpatory evidence as mentioned in this appeal." Holifield complains that the State relied on Rivamonte's testimony and calls Rivamonte an unreliable witness. He contends that the State knew there was no basis to execute the no-knock search warrant or charge Holifield with running a drug house.

¶46 We reject Holifield's undeveloped and conclusory allegations of misconduct. *See* ***Pettit***, 171 Wis. 2d at 646, 492 N.W.2d at 642 (refusing to consider arguments "supported by only general statements" rather than legal reasoning). Further, we have already rejected the basis for several of Holifield's complaints. For instance, we have concluded that the search warrant was valid. We conclude Holifield is not entitled to relief based on his allegations of prosecutorial misconduct.

*By the Court*.—Judgment and order affirmed.

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