

**COURT OF APPEALS
DECISION
DATED AND FILED**

May 3, 2001

Cornelia G. Clark
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 WIS. STAT. § 808.10 and RULE 809.62.

No. 00-3298-CR

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

STANLEY E. YOUNG,

DEFENDANT-APPELLANT.

APPEAL from a judgment of the circuit court for Dane County:
STEVEN D. EBERT, Judge. *Affirmed.*

¶1 ROGGENSACK, J.¹ Stanley E. Young appeals a judgment of the circuit court convicting him of obstructing a police officer contrary to WIS. STAT.

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(f) (1999-2000). All further references to the Wisconsin Statutes are to the 1999-2000 version unless otherwise noted.

§ 946.41(1). He argues that the circuit court erred in finding him guilty in a trial to the court because the officer did not warn him that lying to the officer could result in criminal charges. Because we conclude that the circuit court correctly concluded that the State had proved all the elements of the crime of obstructing a police officer, which do not include a prior warning of what conduct contravenes the law, we affirm the judgment of the circuit court.

BACKGROUND

¶2 On July 26, 1999, Georgia Holden attempted to cash a forged check at a Madison bank. Bank employees refused to cash the check, confiscated the Minnesota driver's license she presented as identification, and followed her as she walked to a nearby hotel. A few minutes later, a bank employee saw her get into a Cadillac driven by a man. The bank employee noted the car's license plate number. Subsequent investigation revealed that the car was registered to Young.

¶3 On August 9, 1999, City of Madison Police Detective Kevin Linsmeier went to Young's apartment in an attempt to locate Holden. Linsmeier informed Young that he was a police detective conducting a criminal investigation; he then showed Young the confiscated driver's license containing Holden's photograph and asked Young whether he knew her. Young denied knowing Holden. Linsmeier later spoke with three neighbors who told him that Holden had been living in Young's apartment for several months. When Linsmeier met with Young a second time, Young admitted to knowing Holden and to allowing her to use his address on a job application, but he denied that she had ever lived with him.

¶4 Based on his statements to Linsmeier, Young was charged with obstructing an officer in violation of WIS. STAT. § 946.41(1). He waived his right

to a jury trial and was found guilty in a trial to the court. He appeals from the judgment of conviction.

DISCUSSION

Standard of Review.

¶5 Determining the statutory elements of a crime is a question of law; therefore, our review is *de novo*. *State v. Ruesch*, 214 Wis. 2d 548, 552, 571 N.W.2d 898, 900 (Ct. App. 1997).

Obstructing an Officer.

¶6 The elements of obstruction of an officer are set forth in WIS. STAT. § 946.41. It provides in relevant part:

946.41. Resisting or obstructing officer. (1)
Whoever knowingly resists or obstructs an officer while such officer is doing any act in an official capacity and with lawful authority, is guilty of a Class A misdemeanor.

(2) In this section:

(a) “Obstructs” includes without limitation knowingly giving false information to the officer or knowingly placing physical evidence with intent to mislead the officer in the performance of his or her duty including the service of any summons or civil process.

(b) “Officer” means a peace officer or other public officer or public employee having the authority by virtue of the officer’s or employee’s office or employment to take another into custody.

Therefore, in the context of this case, the State was required to prove the following elements: (1) that Young gave false information to Linsmeier; (2) that he did so knowing the information he gave was false; (3) that Linsmeier was doing an act in

his official capacity; and (4) that Linsmeier was acting with lawful authority. *State v. Grobstick*, 200 Wis. 2d 242, 248, 546 N.W.2d 187, 189 (Ct. App. 1996).

¶7 Young does not contest that the prosecution proved the elements established in WIS. STAT. § 946.41(1). Instead, he seeks to add another element to the crime: that an officer must warn in advance that lying to police could result in criminal charges.² Young cites no authority to support his argument, and we have found none. Furthermore, even in the unlikely event that Young did not know that lying to police is criminally punishable, his ignorance does not afford him a defense. *State v. Britzke*, 108 Wis. 2d 675, 683, 324 N.W.2d 289, 292 (Ct. App. 1982) (citing *State v. Collova*, 79 Wis. 2d 473, 488, 255 N.W.2d 581, 588 (1977)). Therefore, we conclude that the circuit court correctly concluded that the State had proved all the elements of the crime of obstructing an officer, and we affirm the judgment of conviction.

² Young also argues that because people frequently lie to police officers, police officers must exercise discretion in deciding whom to charge with obstruction, and there are no standards to govern that exercise of discretion. He concludes as a result that the decision to charge with obstruction is arbitrary and therefore unconstitutional under the Fourteenth Amendment. However, he does not develop the argument sufficiently for us to be able to analyze it, and we decline to develop it for him. As we stated in *Cemetery Services v. Department of Regulation and Licensing*:

Constitutional claims are very complicated from an analytic perspective, both to brief and to decide. A one or two paragraph statement that raises the specter of such claims is insufficient to constitute a valid appeal of these constitutional issues to this court. For us to address undeveloped constitutional claims, we would have to analyze them, develop them, and then decide them. We cannot serve as both advocate and court.

221 Wis. 2d 817, 831, 586 N.W.2d 191, 198 (Ct. App. 1998).

CONCLUSION

¶8 Because we conclude that the circuit court correctly concluded that the State had proved all the elements of the crime of obstructing a police officer, which do not include a prior warning of what conduct contravenes the law, we affirm the judgment of the circuit court.

By the Court.—Judgment affirmed.

This opinion will not be published. WIS. STAT. RULE 809.23(1)(b)4.

