

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**August 26, 2008**

David R. Schanker  
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. 2007AP1283-CR**

**Cir. Ct. No. 2005CF5158**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT I**

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**STATE OF WISCONSIN,**

**PLAINTIFF-RESPONDENT,**

**V.**

**CEDRIC LEON BAREFIELD, JR.,**

**DEFENDANT-APPELLANT.**

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APPEAL from a judgment of the circuit court for Milwaukee County: DENNIS P. MORONEY, Judge. *Affirmed.*

Before Curley, P.J., Fine and Kessler, JJ.

¶1 PER CURIAM. Cedric Leon Barefield, Jr., appeals from a judgment of conviction for eight armed robberies. The issue is whether the evidence found during a search of the apartment where Barefield was staying should have been suppressed because police did not have a search warrant. We

conclude that the violation of a probation warrant issued to take Barefield into custody was sufficient to justify that search pursuant to *State v. Pittman*, 159 Wis. 2d 764, 772, 465 N.W.2d 245 (Ct. App. 1990). Therefore, we affirm.

¶2 At the suppression hearing, Milwaukee Police Officers Chris Heidemann and Mark Harms testified that they were dispatched to an apartment building at approximately midnight on September 7, 2005, to look for Barefield, who was a suspect in numerous armed robberies. Officer Heidemann testified that Officer Harms had told him that “Barefield was wanted on outstanding felony warrants for violation of probation.” Officer Harms testified that an Officer Becker told him that Barefield was wanted for numerous armed robberies and “was wanted also for the probation violation”; Harms confirmed with the State and the National Crime Information Center that there was a warrant for Barefield. Officers Heidemann and Harms proceeded to the apartment building and knocked on the door of the apartment where they were told Barefield was staying. A woman answered. Police entered the apartment, found Barefield, and arrested him. The woman at the apartment asked why Barefield was being arrested, and Officer Harms told her that police had a probation warrant, and that Barefield was also wanted for numerous armed robberies. At that point, the woman consented to a search of the apartment, and Barefield consented to a search of his vehicle.

¶3 Barefield was charged with eight armed robberies with the use of force. He moved to suppress his statements and the evidence found during the search of the apartment and his vehicle. Following an evidentiary hearing, the trial court denied the motion, ruling that the search of the apartment was authorized by *Pittman*, that the woman living at the apartment consented to the search of the premises following Barefield’s arrest, and that Barefield consented to the search of his vehicle. Barefield then pled guilty to eight armed robberies with

the use of force, in violation of WIS. STAT. § 943.32(2) (2005-06).<sup>1</sup> The trial court imposed eight consecutive six-year sentences, each comprised of three-year periods of initial confinement and extended supervision. Barefield appeals, challenging only the police's entry and search of the apartment.

¶4 The trial court found that there was an outstanding warrant for Barefield's violation of probation. This finding was based on undisputed evidence. Barefield does not challenge this factual finding.

¶5 In *Pittman*, we held that “a judicially issued arrest warrant is not a constitutional prerequisite for the seizure of an alleged parole violator in his residence.” *Id.*, 159 Wis. 2d at 772. We therefore conclude that police were not required to obtain a search warrant of the apartment where Barefield was found because he was the subject of an outstanding warrant issued for a violation of his probation. Moreover, the woman living in the apartment gave consent. We therefore conclude that the entry and search of the apartment was valid, and the denial of Barefield's suppression motion was proper.

*By the Court.*—Judgment affirmed.

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

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2005-06 version.

