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DISTRICT IV

February 15, 2016

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

2015AP826-CR

State of Wisconsin v. Leonard J. Sundsmo (L.C. # 2013CF337)

Before Kloppenburg, P.J., Lundsten and Sherman, JJ.

Leonard Sundsmo, pro se, appeals a judgment of conviction for operating with a prohibited alcohol concentration, fifth or sixth offense, and two counts of felony bail jumping, following a jury trial. 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 (2013-14).¹ We summarily affirm.

¹ All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

Sundsmo argues that a conflict of interest was created in this case when Sundsmo filed a federal lawsuit two days before his trial, naming as defendants the Sauk County District Attorney and various law enforcement officers. However, Sundsmo has not made “a prima facie showing of prejudice” generally required to justify “invalidating prior proceedings based on a conflict of interest,” nor has he made any showing “that a conflict of interest [was] so substantial that fundamental rights would be affected even though no specific allegation of prejudice is made.” See *State v. Stehle*, 217 Wis. 2d 50, 55-56, 577 N.W.2d 29 (Ct. App. 1998). We therefore reject Sundsmo’s claim that a conflict of interest invalidated the proceedings in the circuit court.

Sundsmo also contends that numerous members of the jury were biased against him. The State responds that Sundsmo forfeited that argument by failing to move to strike any of the jurors for cause. See *State v. Brunette*, 220 Wis. 2d 431, 439-40, 583 N.W.2d 174 (Ct. App. 1998). Sundsmo does not dispute that he failed to seek to strike any of the jurors he now claims were biased against him. Accordingly, we agree with the State that Sundsmo has forfeited this argument.

Sundsmo also contends that he was denied his constitutional right to confrontation under *Crawford v. Washington*, 541 U.S. 36 (2004), when the State of Wisconsin did not appear as a witness against him to allow Sundsmo to cross-examine it. Sundsmo does not specify any particular individual he believes was required to testify on behalf of the State, nor does he contend that he was denied the right to challenge the evidence put forth by the State at trial. We discern no violation of the right to confrontation in this case.

Finally, Sundsmo contends that the court lacked jurisdiction over him. He contends that he challenged the court’s jurisdiction in the circuit court, and that the State failed to establish that

the court had jurisdiction over him. However, Sundsmo does not develop any legal or factual argument that the court lacked jurisdiction or that the State was required to prove jurisdiction for the case to continue. As the State points out, the circuit court had jurisdiction to hear the criminal case against Sundsmo for criminal acts committed in the state. *See* WIS. STAT. § 939.03(1)(a) (“A person is subject to prosecution and punishment under the law of this state if ... [t]he person commits a crime, any of the constituent elements of which takes place in this state.”). Accordingly, we reject Sundsmo’s jurisdictional argument.

To the extent Sundsmo attempts to raise other issues not specifically addressed in this opinion, we have considered those arguments and deem them insufficiently developed to warrant a response. *See State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (we need not address undeveloped arguments).

Therefore,

IT IS ORDERED that the judgment is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

Diane M. Fremgen
Clerk of Court of Appeals