



OFFICE OF THE CLERK  
**WISCONSIN COURT OF APPEALS**

110 EAST MAIN STREET, SUITE 215  
P.O. BOX 1688  
MADISON, WISCONSIN 53701-1688  
Telephone (608) 266-1880  
TTY: (800) 947-3529  
Facsimile (608) 267-0640  
Web Site: [www.wicourts.gov](http://www.wicourts.gov)

**DISTRICT IV**

June 24, 2021

To:

Hon. Karl R. Hanson  
Circuit Court Judge  
Rock County Courthouse  
51 S. Main St.  
Janesville, WI 53545

Jacki Gackstatter  
Clerk of Circuit Court  
Rock County Courthouse  
51 S. Main St.  
Janesville, WI 53545

Carl W. Chesshir  
Law Office  
S101 W34417 Hwy LO, Ste. B  
Eagle, WI 53119

Kara Lynn Janson  
Assistant Attorney General  
P.O. Box 7857  
Madison, WI 53707-7857

Criminal Appeals Unit  
Department of Justice  
P.O. Box 7857  
Madison, WI 53707-7857

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

---

2020AP439-CR

State of Wisconsin v. Lee Michael Sedwick (L.C. # 2015CF1888)

Before Blanchard, Kloppenburg, and Nashold, 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).**

Lee Sedwick appeals judgments convicting him of three counts of sexual assault, as well as an order denying his postconviction motion for plea withdrawal. On appeal, Sedwick argues that the circuit court erred when it denied his motion to suppress a statement that Sedwick made to a social worker while in custody. 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 (2019-20).<sup>1</sup> We summarily affirm based on the lack of a developed argument.

Sedwick was picked up on a probation hold and transported to a police station by a police officer. At the station, the officer informed Sedwick that he was a suspect in an alleged sexual assault of a child and advised him of his *Miranda*<sup>2</sup> rights. Sedwick invoked his right to have an attorney present during questioning. The officer stopped the interview and had Sedwick transferred to the county jail. A social worker employed by Rock County Child Protective Services (CPS) interviewed Sedwick at the jail. According to the social worker, Sedwick admitted to sexually assaulting a twelve-year-old child.

Sedwick moved to suppress the statements he made to the social worker. He argued that his constitutional rights were violated when the social worker questioned him at the jail because the social worker was acting as an agent of police and did not provide any *Miranda* warning. The circuit court held an evidentiary hearing at which the officer and the social worker both testified. After the close of testimony, the court concluded that the social worker had not been acting as an agent of police and denied the suppression motion.

Sedwick later pleaded no contest to two counts of fourth-degree sexual assault. He separately entered a guilty plea to one count of first-degree sexual assault of a child, as part of a hold-open agreement. On the two fourth-degree sexual assault counts, the circuit court withheld sentence and placed Sedwick on three years of probation. On the first-degree sexual assault

---

<sup>1</sup> All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

<sup>2</sup> *Miranda v. Arizona*, 384 U.S. 436 (1966).

count, pursuant to the terms of the hold-open agreement, the court withheld entering a finding of guilt. Sedwick's probation was later revoked, and the State moved to revoke the hold-open agreement on the first-degree sexual assault count. The circuit court granted the State's motion, entered the finding of guilt, and sentenced Sedwick to prison.

Sedwick filed a postconviction motion for plea withdrawal, arguing that the circuit court erred by determining that his statements made to the social worker while in custody were admissible at trial. Sedwick pointed to the fact that, under WIS. STAT. § 48.981(3)(a)4., in certain circumstances the appropriate social work agency and police agency "shall coordinate the planning and execution of the investigation" of a report of suspected or threatened abuse. Therefore, according to Sedwick, the social worker's interview was part of the police investigation and Sedwick's statements made in that interview should have been suppressed.

The circuit court denied Sedwick's postconviction motion following briefing. The court based its ruling on a finding that the social worker was not acting as an agent of law enforcement when he interviewed Sedwick, but instead conducted an investigation that "was separate and distinct, and it was not done at the direction, either incidentally or explicitly, of law enforcement." Sedwick now appeals.

Sedwick's appellate briefs are not internally consistent and not developed. His opening brief suggests a possible constitutional argument but also asserts that his statement to the social worker was obtained in violation of WIS. STAT. § 48.981(3)(a)4. and should have been suppressed for that reason. However, Sedwick explicitly abandons any constitutional argument in his reply brief: "Whether [the social worker's] conduct evidenced [his] acting as an agent of the police is not relevant. The issue is that Sedwick's statement was not in compliance with the

statute.” However, having abandoned any constitutional argument in favor of the exclusive argument involving statutory interpretation of § 48.981(3)(a)4., Sedwick fails to develop any such statutory interpretation argument. That is, his briefing fails to develop coherent arguments that apply relevant legal authority to the facts of record, and instead relies largely on conclusory assertions. To cite only one example, even if we were to assume without deciding that a violation of § 48.981(3)(a)4. occurred, Sedwick fails to cite any applicable authority suggesting that suppression of his statement would be the proper remedy. This court need not consider arguments that are unsupported by relevant legal authority or are otherwise undeveloped. *See State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (undeveloped legal arguments). Here, we would have to guess at any supported argument that Sedwick might make, and for this reason we affirm the circuit court.<sup>3</sup>

IT IS ORDERED that the judgments and order are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

---

*Sheila T. Reiff*  
*Clerk of Court of Appeals*

---

<sup>3</sup> The State asserts that Sedwick failed to make his statutory interpretation argument in his initial suppression motion and that, therefore, the argument is forfeited. We assume without deciding that Sedwick did not forfeit the statutory interpretation argument.