STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED May 22, 2001
v	No. 220067 Macomb Circuit Court
WILLIAM DONALD SEARS, Defendant-Appellant.	LC No. 97-002356-FH

Before: White, P.J., and Wilder and Zahra, JJ.

PER CURIAM.

Defendant was charged with four counts of third-degree criminal sexual conduct, MCL 750.520d(1)(b); MSA 28.788(4)(1)(b). He was convicted by a jury of one count of fourth-degree criminal sexual conduct, MCL 750.520e(1)(a); MSA 28.788(5)(1)(a), and was sentenced to three years' probation, with the first six months to be served in county jail. Defendant appeals as of right. We affirm.

Defendant was given *Miranda*[1] warnings at the time of his arrest and prior to being formally questioned by the police. Defendant's sole argument on appeal concerns whether he exercised his right to remain silent during police questioning, thereby rendering any statements he made inadmissible at trial.[2]

[1] *Miranda v Arizona*, 384 US 436; 86 S Ct 1602; 16 L Ed 2d 694 (1966).

[2] Defendant's argument in his brief on appeal begins with the conclusory statement that the trial court erred by ruling that defendant's statements were voluntarily made. However, the balance of defendant's argument was devoted to whether defendant exercised his right to remain silent. In fact, defendant cites no authority supporting his assertion that the statements were involuntary, although some of the facts—such as defendant's alleged intoxication and fatigue—facially support the argument. Failure to develop argument or cite authority in support of an issue deems that issue waived for appellate review. *People v Griffin*, 235 Mich App 27, 45; 597 NW2d 176 (1999). Accordingly, we decline to review the trial court's conclusion that defendant's statements were voluntary, despite defendant's allegations of fatigue and intoxication.

The trial court denied defendant's motion to suppress his statements to the police after a *Walker*[3] hearing.

> On appeal from a ruling on a motion to suppress evidence of a confession, deference must be given to the trial court's findings. *People v Cheatham*, 453 Mich 1, 29-30 (Boyle, J), 44 (Weaver, J); 551 NW2d 355 (1996). We review the record de novo but will not disturb the trial court's factual findings unless the findings are clearly erroneous. *Id*. [*People v Kowalski*, 230 Mich App 464, 471-472; 584 NW2d 613 (1998).]

Upon review of the record in the present case, we cannot conclude that error occurred.

Prior to questioning by the police, defendant indicated he understood the *Miranda* warnings. Thereafter, the following exchange occurred between the interrogating officer and defendant:

> Q. Do you wish to talk to us today about what happened earlier regarding [the victim]?
>
> A. Not really. I don't really remember.
>
> Q. You don't remember what happened? Do you remember her being at your house?

Defendant then proceeded to answer several questions regarding the incident.

A defendant must unequivocally invoke his right to remain silent. *People v Todd*, 186 Mich App 625, 628-629; 465 NW2d 380 (1990); see *People v Adams*, __ Mich App __; __ NW2d __ (Docket No. 208006, issued 4/6/01), slip op p 5. Here, it is not clear from defendant's response: "Not really. I don't really remember" that defendant desired to invoke his right to remain silent. At most, defendant's statement indicates he was unsure whether he wanted to talk about the incident, perhaps because he was having trouble remembering the details. Because defendant did not unequivocally invoke his right to remain silent, we conclude that the continued questioning by police was not improper. Accordingly, the trial court did not err in denying defendant's motion to suppress the statements he made during the interrogation.

Affirmed.

/s/ Helene N. White
/s/ Kurtis T. Wilder
/s/ Brian K. Zahra

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[3] *People v Walker (On Rehearing)*, 374 Mich 331; 132 NW2d 87 (1965).