

**COURT OF APPEALS
DECISION
DATED AND FILED**

September 16, 1997

Marilyn L. Graves
Clerk, Court of Appeals
of Wisconsin

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No. 96-0628-CR

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

v.

EMMETT WHITE,

DEFENDANT-APPELLANT.

APPEAL from a judgment and an order of the circuit court for Milwaukee County: JANINE P. GESKE and MAXINE A. WHITE, Judges.¹
Affirmed.

Before Wedemeyer, P.J., Schudson and Curley, JJ.

¹ The Honorable Janine P. Geske presided over the trial and issued the judgment of conviction. The Honorable Maxine A. White presided over the postconviction hearing and issued the order denying the postconviction motion.

PER CURIAM. Emmett White appeals from a judgment of conviction entered after a jury found him guilty of four counts of first-degree intentional homicide, party to a crime, and one count of attempted first-degree intentional homicide, party to a crime. White also appeals from an order denying his motion for postconviction relief. White raises the following issues on appeal: (1) whether he received ineffective assistance of counsel; (2) whether the jury was misled by testimony that a State's witness did not have a plea agreement with the prosecution; (3) whether the trial court erred when it denied his motion to suppress his confession; and (4) whether the jury was biased as a result of pretrial publicity. We reject his arguments and affirm.

I. BACKGROUND.

On December 19, 1992, four people, including three teenage girls, were shot to death at a drug house on the north side of Milwaukee. White was charged with four counts of first-degree homicide and one count of attempted first-degree homicide, as a party to a crime. At White's jury trial, one of his accomplices, Joseph Young, testified that he and three other individuals, Elliot House, Eddie Schumaker and the defendant, Emmett White, were responsible for the shootings.

Young testified that he, White and House sold drugs from House's home, where Young lived. At some point several men began operating a rival drug house next door. According to Young, competition between the two drug houses caused problems.

Young testified that the events which led to the shooting started with House losing some money gambling. Rather than admitting the real reason for the money loss, House called White, who lived in Chicago, and told him that he had

been robbed by the people operating the drug house next door. Young testified that White told House that he and Schumaker planned to drive to Milwaukee and get House's money back. A few nights later Young awoke to find White and Schumaker in House's home. White was carrying an assault rifle, House had a "Tec 9" semiautomatic weapon, Schumaker had a 9-millimeter pistol, and Young was given a .45 pistol. The four men then walked to the drug house next door.

Young testified that the men yelled that they were the police while they kicked down the rival drug house's door. Three men, Lamar Hawkins, James Ware and Frank Cook, were inside the house, along with three teenage girls. Hawkins ran out the front door and escaped. Ware ran out the back door and was shot in the back, but survived. Cook and the three girls were shot and killed. Young testified that, after the shootings, the men left the house and fled in a new van.

Adam Martin, a friend of White's, testified for the State that the men arrived at his house in suburban Chicago early that morning. Martin testified that White and House then discussed the shooting with him. Martin also told police that White said Cook and the three girls were ordered to lie down on the floor and then shot.

White, House, Young, and Schumaker were arrested and charged with the homicides. White was arrested by an FBI agent in Chicago. He was taken to a Chicago police station and questioned three times. At first he denied any involvement. During the third interview, however, he admitted driving to Milwaukee with Schumaker and going to the rival drug house, but he denied being one of the shooters. White was transferred to Milwaukee and arraigned on three

counts of intentional homicide, and one count of attempted intentional homicide, party to a crime.

White filed a motion to suppress his confession which the trial court denied. White was found guilty after a jury trial and was sentenced to four consecutive life terms. After sentence was imposed, White filed a motion for postconviction relief, claiming that he received ineffective assistance of counsel, and that his constitutional rights were violated by Young's testimony that he did not have a plea agreement. The motion was denied. White now appeals both the judgment of conviction and the order denying postconviction relief.

II. ANALYSIS.

A. Ineffective Assistance of Counsel

1. Standard of Review

The familiar two-pronged test for ineffective assistance of counsel claims is found in *Strickland v. Washington*, 466 U.S. 668 (1984), which requires defendants to prove both: (1) deficient performance; and (2) prejudice. *Id.* at 687. To prove the first prong, a defendant must show specific acts or omissions of counsel which were “outside the wide range of professionally competent assistance.” *Id.* at 690. A defendant will fail if counsel’s conduct was reasonable, given the facts of the particular case, viewed as of the time of counsel’s conduct. *Id.* Courts will “strongly presume” counsel to have rendered adequate assistance. *Id.* To prove the second prong, a defendant must show that counsel’s errors were so serious that the defendant was deprived of a fair trial and a reliable outcome. *Id.* at 687. If we conclude that counsel’s performance was not deficient, we need not address the prejudice prong. *See id.* at 697. On appeal, the trial court’s

findings of fact will be upheld unless they are clearly erroneous. *State v. Pitsch*, 124 Wis.2d 628, 634, 369 N.W.2d 711, 714 (1985). But proof of either the deficiency or the prejudice prong is a question of law which this court reviews *de novo*. *Id.* at 634, 369 N.W.2d at 715.

2. Analysis

White claims that his trial counsel made a multitude of errors which deprived him of the effective assistance of counsel.

a. Counsel's Decision Not to Interview or Call Several Witnesses

It is undisputed that White's trial counsel failed to personally interview, or have an investigator interview, four witnesses located in Milwaukee. In his brief, White argues that his trial counsel's failure to interview these witnesses, standing alone, was deficient. Of course, if the police reports accurately and completely reflected the testimony that the witnesses would have given at trial, and White's trial counsel did not believe that testimony would be helpful, there was no reason to interview the witnesses. But if the police reports were inaccurate, counsel may have acted deficiently by not interviewing the witnesses. This court, however, has no evidence that the police reports were inaccurate or incomplete. In fact, during the *Machner*² hearing, White's appellate counsel argued that the witnesses' testimony would be the same as what they told the police. Furthermore, White's appellate counsel failed to call any of the four witnesses at the *Machner* hearing. Therefore, since the record fails to show that the four witnesses' trial testimony would have been different than their statements

² See *State v. Machner*, 92 Wis.2d 797, 285 N.W.2d 905 (Ct. App. 1979).

in the police reports, we conclude counsel was not deficient for failing to interview the witnesses.

White also claims that his trial counsel was deficient for failing to call the four witnesses at trial. White's counsel defended his decision not to call the witnesses on the ground that their testimony, as reflected in the police reports, would not have been particularly useful. The trial court concluded that White's trial counsel was not deficient. We agree.

Dorothy Martin: White claims that his trial counsel was deficient for failing to interview or call Dorothy Martin. According to the police report, Martin lived with her boyfriend, Spencer Townsend, across the street from the drug house where the homicides occurred. Martin, who initially gave the police a false name, told the police that she and Townsend bought crack cocaine at the drug house where the homicides occurred a few hours before the shootings. She said that about an hour later she was preparing to return to the house to buy more drugs when she witnessed some activity. As she was looking through her window, she saw two or three men kick down the front door of the house. She then heard shots coming from the home and saw one man run from the rear of the house. After hearing more shooting, she saw two or three men run out the front door.

At the *Machner* hearing, White's trial counsel testified that he decided not to interview Martin because, in his view, she would not have been particularly useful to the defense. He based this judgment upon the fact that she had been using crack cocaine earlier in the evening and had given the police a false name, and upon his belief that she was guessing about the number of people she saw enter the drug house.

White's trial counsel acted reasonably when he made the decision not to interview or call Dorothy Martin. The fact that Martin gave police a false name and had been under the influence of drugs earlier in the evening raised questions about the accuracy of her testimony. While her statement that she saw two or three, instead of four, men entering the house might have reduced the mathematical chances that White was involved, her testimony would not have eliminated the possibility of White's involvement. Also, her testimony that she saw two or three men leaving through the front door was still consistent with the State's theory that four men committed the shootings, since James Ware testified that one of the men followed him out the back door. Therefore, counsel's decision not to interview or call Dorothy Martin was reasonable.

Joyce Peavy: White also claims that his trial counsel should have interviewed and called Joyce Peavy. Police reports identify Peavy as Elliot House's girlfriend. Initially, Peavy told police that House was with her in her home at the time of the shootings. Later, she admitted that she made that statement because House had asked her to. She then said that House was one of the men involved in the shootings.

Peavy also told police that before the shootings she saw a dark van in an alley with one or two people inside. She then saw House and another man get in. After the shootings, she saw three or four men run to the van and flee the scene. She also stated that she recognized the person who got into the van with House as a man she knew as "Mo." Finally, she said that the man who was driving the van appeared to be a larger, well-built black male.

White's trial counsel said at the hearing on the postconviction motion that he decided not to pursue Peavy as a witness because she would have

linked White with Elliot House, who had been identified by a surviving victim as one of the assailants. Peavy could have linked White to House because she told police she met one of White's friends from Chicago who matched White's description and was named "Emmet." In addition to that fact, there were a number of other reasons Peavy might have been an unhelpful defense witness.

Peavy tried to fabricate an alibi for one of the defendants; thus, possibly making any attempted alibi of White's less plausible. Peavy corroborated the State's theory that there were four assailants. Also, the person that Peavy identified as "Mo" was Joseph Young. Thus, Peavy's identification of Young at the scene would have directly corroborated Young's testimony and implicitly corroborated Young's testimony that White was involved in the shootings. Finally, Peavy's description of the driver of the van was consistent with White's physical characteristics and could have implicated him in the shootings. Therefore, counsel, armed with this information, reasonably opted not to interview or call Peavy.

Lobertta Johnson: White claims that his trial counsel should have also interviewed and called Lobertta Johnson. According to the police reports, Johnson was a friend of Peavy and was with Peavy at the time of the shootings. Johnson, like Peavy, initially claimed that House was with her and Peavy when the shootings took place, but later admitted that was a lie. She eventually told the police basically the same story as Peavy but said that only three men, including House, were in the van before the shootings and ran back to the van afterwards.

White's trial counsel testified that he decided not to interview Johnson because she could also link White to House, and because he believed her testimony was consistent with part of the State's case. While counsel relied on

those factors, there were additional rationales for not pursuing Johnson as a witness. Like Peavy, her attempt to create a false alibi might have made any alibi attempt by White seem less believable. Although Johnson's testimony that there were only three people in the van made it slightly less likely that White was involved, her statement that House was one of those three would have made it more likely White was involved. Additionally, it would have been awkward to call Johnson without also calling Peavy, whose testimony would likely have been more harmful than helpful. Therefore, counsel acted reasonably by deciding not to pursue Johnson as a witness.

Christopher Wallace: Finally, White claims that his counsel was deficient because he failed to interview or call Christopher Wallace. Wallace, according to the police reports, was an acquaintance and customer of House. Wallace said House was dealing drugs with men from Chicago that he called his "family." He said that he saw up to four guns in House's home. He also said that on other visits to House's drug house he saw as many as six or seven men who had come up from Chicago, and that they also carried guns.

White's trial counsel stated that he decided not to interview or call Wallace because he did not think that his testimony would have been useful. We conclude that counsel's decision was reasonable. Peavy told police that White was a "so-called brother" of House. Thus, Wallace's testimony could have implicated "brother" White as a member of the Chicago drug "family." And Wallace's statement that the Chicago "family" members regularly brought guns to Milwaukee corroborated Young's testimony that White brought guns to Milwaukee to be used in the shootings. Therefore, counsel's decision not to interview or call Wallace was not deficient.

b. Counsel's Decision Not to Call Several Alibi Witnesses

White also complains that his counsel acted deficiently when he failed to call several alibi witnesses. White claims that his parents, and two other individuals, were willing to testify that they saw him in Chicago the night of the shootings, late enough in the evening to have made it difficult for White to have reached Milwaukee by the time the homicides occurred. White's counsel, however, found both of White's parents and the two other potential alibi witnesses lacking in credibility. We agree with White's counsel.

When White's counsel first interviewed White's parents, they claimed that on the night of the shootings, White was at their Chicago home with them and his girlfriend, Keva Cole. White's parents told White's counsel that White left their house and arrived at Adam Martin's suburban Chicago home "by midnight," and remained there "from midnight on." However, as the trial approached, White's counsel observed Mrs. White become increasingly "frantic," and the time she claimed to have been with White and White's girlfriend stretched later. Both of White's parents eventually told White's counsel that White had been in their Chicago home as late as 12:00 or 12:30 a.m., and White's mother claimed that White's girlfriend, Cole, was at their house almost that late. Cole, however, disagreed with White's mother and was prepared to testify for the State that she had left White's house much earlier in the evening. Because of these facts, White's counsel doubted White's parents' credibility and decided not to call them as alibi witnesses. We conclude that decision was reasonable.

White's counsel also obtained the names of two other potential alibi witnesses from White's parents just before trial. Both witnesses claimed to have seen White at White's Chicago home around midnight on the night of the

shootings. One witness claimed that he saw White in his garage, while the other said that he saw White working on his car in front of his house. These claims conflicted with White's parents' assertions that White was at their house around midnight on the night of the shootings. The claims also conflicted with the assertion of Phillip Collins, an auto mechanic living with Adam Martin, that White's car was sitting inoperable in Collins's garage at that time. Therefore, White's counsel doubted the credibility of these two witnesses and decided not to call them at trial. We conclude that his decision was also reasonable.

White himself, in his statements to the Milwaukee police, said that he and Eddie Schumaker left Milwaukee in a stolen van "a little after midnight." He told his attorney, however, that he had been with his mother and his girlfriend in Chicago and was already present at Adam Martin's home when the other three drug raid participants arrived at about three in the morning. But counsel found out that Martin would not corroborate that story. Worse, Martin testified that White arrived with the other defendants and that White and House told him they had just come from Milwaukee where they shot the people in the house they raided. When confronted with this information, White asked his attorney "what if I say that I had been at home and the other three stopped and picked me up and I went out to Adam Martin's house with them?" Given this information which would strongly suggest an attempt by White to fabricate an alibi, counsel's decision not to pursue the potential alibi witnesses appears even more appropriate.

Counsel stated at the hearing on the postconviction motion that he believed presenting no alibi to the jury was better than presenting a bad alibi. We decline to second-guess counsel's legal judgment. *See Strickland*, 466 U.S. at 689 (Judicial scrutiny must be deferential to avoid the distorting effects of hindsight

and second-guessing). Therefore, we conclude that his decision did not constitute deficient performance under *Strickland*.

c. Counsel's Decision Not to Impeach Two Prosecution Witnesses

White also claims that his counsel was deficient for failing to impeach Adam Martin with a letter Martin had written to White, and for failing to more fully impeach James Ware. We conclude that counsel's decisions with respect to the impeachment of both Martin and Ware were reasonable and did not constitute deficient performance under *Strickland*.

Adam Martin: The State called Martin as a witness and Martin testified that White admitted being in Milwaukee with Young, House and Schumaker the night of the drug house homicides. Before the trial, White's trial counsel obtained a letter Martin wrote to White. Martin claimed in the letter that he told the police that White was involved only after the police stabbed him with a pen and threatened to put him back in jail unless he implicated White.

White's trial counsel testified at the hearing on the postconviction motion that he had planned to use the letter to impeach Martin before Martin took the stand, but changed his mind after listening to Martin testify. White's counsel stated that he made that conscious decision because Martin's testimony made it appear as though White had not been present during the shootings. In addition, White's counsel believed that using the letter would open the door for the prosecution to introduce Martin's prior statements to the police, which would have been more damaging than Martin's trial testimony.

Martin testified at trial that House was "talking to Emmett White" about the shootings in Milwaukee. When asked whether White made any

statements, Martin twice answered, “No.” When asked if White had said that he laid the victims on the floor and shot them, Martin answered, “No.” When the prosecutor then asked Martin if he remembered saying that to the police, he said “No.” Martin said that White was “listening to what [House] had to say.”

Later, Martin testified that White said “they shot ‘em up.” Counsel could have argued that this was inconsistent with Martin’s previous statements, but the value of impeaching this single comment from Martin with his letter was probably not worth the risk that the prosecution could then introduce Martin’s highly damaging statements to the police that White had laid down his victims and shot them. Impeaching Martin with the letter also ran the risk that he would deny the truth of the letter and reaffirm his testimony more consistently with the police reports. Therefore, counsel’s decision was a reasonable tactical move based on the specifics of Martin’s actual trial testimony and prior statements.

James Ware: White also claims that his trial counsel should have more fully impeached James Ware’s testimony. Specifically, White complains of counsel’s decision not to impeach Ware with his failed photo identification of White and with his prior inconsistent statement that there were three assailants, instead of four.

At trial, Ware admitted on cross-examination that he told the police he saw three men, when he actually only saw two. He identified one of the two men as House. He also admitted on cross-examination that he told the police he could describe the second man with the assault rifle, but stated that he actually did not get a good enough look at the person to be able to describe him.

Ware failed to identify White’s photograph when he was shown a photo array by police before the trial. White claims that his trial counsel should

have further impeached Ware with this evidence. White's counsel testified that although he read the reports of the police interviews with Ware, he did not use them because he thought that Ware's value as a State's witness had been damaged enough and that his prior statements could rehabilitate him.

Counsel's decision was reasonable. The value of Ware's prior statements was minimal and possibly not worth the risk of introducing the particulars of Ware's description of the man who carried the assault rifle. The most that the failed identification could have shown was that Ware was mistaken in his belief that he could identify the second man. Ware's failed identification would not have eliminated White as a suspect, but merely provided more evidence that he had failed to identify White. The jury already knew that Ware could not identify White. On rebuttal, however, the prosecution could have introduced the particulars of Ware's description of the man carrying the assault rifle. This description was consistent with White's appearance. Young testified that he observed White carry the assault rifle during the raid on the rival drug house. Therefore, an attempt at further impeachment might have been more harmful than helpful to White's case.

While Ware originally told the police three men were involved in the homicides, at trial he stated there were "three or more." White claims that his trial counsel should have impeached Ware with his prior inconsistent statement to the police.

White's counsel did get Ware to admit that he incorrectly told the police he saw three men. Ware also admitted at trial that he only saw two of the men, and estimated the total number of men involved based on the sound of their voices. Given these facts, additional cross-examination would not have been

particularly useful. Even if the jury were convinced there were only three men involved, White could have been one of the three. Also, an attempt to use these prior statements from the police reports would have run the same risk of introducing Ware's description of the second man he saw. Therefore, counsel acted reasonably by appropriately limiting his cross-examination of Ware.

We conclude that White has failed to show any deficiency on his trial counsel's part. Since we conclude that White has failed to prove *Strickland*'s deficiency prong with respect to any of the actions of his trial counsel, we need not address the prejudice prong. See *Strickland*, 466 U.S. at 697. Thus, we affirm the trial court's decision finding White's counsel was not ineffective.

B. Denial of Motion to Suppress

White claims that the trial court erred when it denied his motion to suppress his confession. At the hearing, White stated that Chicago police detectives beat and kicked him in order to secure his confession, while the detectives denied any abuse occurred. White opines that the trial court erred when it found the police officers credible and White incredible.

State v. Clappes, 136 Wis.2d 222, 235, 401 N.W.2d 759, 765 (1987), outlines the appropriate standard of review of a trial court's grant or denial of a motion to suppress a defendant's confession. Findings of evidentiary or historical facts by the trial court will not be overturned on appeal unless they are clearly erroneous. *Id.* However, the application of constitutional principles to the facts found by the trial court will be reviewed *de novo*. *Id.*

It is undisputed that White had a facial abrasion when he was questioned by the Chicago police. White claimed that he received the injury when

the Chicago police beat him, threw him to the floor and stepped on his face. However, two Chicago detectives testified that no one threatened or beat White. Both detectives said that they did not notice any injuries when White arrived at the station, but one detective said he later observed a slight facial abrasion which could only be seen in the brighter lights of a bathroom. That detective also testified that White said he got the abrasion when he fell while being chased by police in the process of his arrest. Two Milwaukee detectives also said that White made no complaints about the abrasion, which they said he told them he had received when he was tackled during his arrest. The FBI agent who arrested White said that he did not see White fall during the chase, but that White did lay down when he finally gave up. The FBI agent testified that he got on top of White and handcuffed him while he was face-down on the ground.

The trial court found that the testimony of the various Chicago and Milwaukee detectives was credible, and that White's testimony was "totally incredible." The trial court noted that White claimed that he had given no statement whatsoever to the Chicago detectives. The court reasonably stated that it would make little sense for detectives to beat up White and then fabricate a statement which only partially implicated him in the homicides. The court also noted that if White had been beaten in the manner he indicated, his injuries would have likely been much greater. Finally, the court noted that the reddened scrape area on White's cheek was consistent with an abrasion caused by contact with a sidewalk. The court then expressly found that White was not beaten by the Chicago police.

This court concludes that the trial court's findings are well-supported by the record and, thus, are not clearly erroneous. Therefore, we affirm the trial court's denial of White's motion to suppress his confession.

C. Young's Alleged Plea Agreement

White also claims that his constitutional rights were violated by Joseph Young's testimony that he entered into no plea agreements with the prosecutor, and by the fact that the prosecutor's closing argument supported Young's testimony concerning the lack of a plea agreement. White seems to make two alternative arguments: (1) that there was an actual agreement between Young and the prosecution which Young and the prosecutor failed to disclose; and (2) that there was no deal, but the prosecutor's closing argument wrongly implied that Young could not receive any benefit in the future in exchange for his testimony.

At the postconviction motion hearing, the trial court made a finding of fact that Young did not have a plea agreement with the State. This court will uphold the trial court's finding unless it is clearly erroneous. *See State v. Richardson*, 156 Wis.2d 128, 137, 456 N.W.2d 830, 833 (1990).

Young testified that he was offered nothing in exchange for his testimony. He claimed that he was testifying because he wanted people to believe that he was an honest person. The prosecutor testified at the postconviction hearing that she would have given Young a plea agreement before he testified, but that he did not want one. She also said that she did offer a plea agreement to Young after White's trial, but had not anticipated doing so when Young testified. At Young's guilty plea hearing, the prosecutor said that her reasons for reducing Young's charges after White's trial had to do with the fact that Young had only acted as a lookout and had cooperated with the State.

Young's attorney confirmed that there were no offers of, discussions about, understandings about, or intimations of a plea agreement before Young

testified. Young's counsel agreed with the prosecutor that there were no negotiations until after White's trial was over. In contrast, White obtained the statements of two prison inmates that Young told them he had a "deal" for his testimony.

Clearly, the trial court had an ample basis for its finding that Young had no plea agreement with the prosecution. Although the fact that Young testified without an agreement is unusual, it is not unbelievable that a person would act as the evidence shows he did. Thus, we affirm the trial court's finding that there was no "deal."

Even in the absence of a plea agreement, White argues that the prosecutor had a duty to tell the jury that White *could* get favorable future treatment in exchange for his testimony. White claims the prosecutor violated this duty by implying that White could not benefit in the future as a result of his testimony.³

A prosecutor "has an ongoing duty to disclose to the defense exculpatory and inculpatory evidence that the State has in its possession, including evidence that applies only to the credibility of a witness." *State v. Randall*, 197

³ The prosecutor stated in her closing argument:

Joe Young came forward during the course of this trial – He is a co-actor, he is charged, he is facing the same offenses, the same exposure that this defendant is – for no consideration, no deals.

Do not kid yourself If his attorney had come and tried to negotiate a deal for him, I am going to tell you he could have got one. Joe Young did not want any deals to testify here about what happened. I submit to you that what he demonstrated is that little core of decency which some people have. They want the truth to be known. They want a right – a wrong to be righted.

Wis.2d 29, 37, 539 N.W.2d 708, 712 (Ct. App. 1995). A prosecutor also has a duty not to use knowingly false evidence, including false testimony. *Napue v. Illinois*, 360 U.S. 264, 269 (1959). But a prosecutor has no duty to make the defense's case by telling the jury that a codefendant who has testified without a plea agreement *could* receive future favorable treatment. Therefore, we find that the prosecutor's closing argument was proper and affirm the trial court's decision.

D. Biased Jury Claim

White also claims that he was denied his constitutional right to a fair and impartial jury when the trial court denied his challenges for cause. White complains that there was "massive pretrial publicity" and that unnamed jurors said during "voir dire" that the publicity had affected them.

Prospective jurors are presumed to be impartial, and the challenger to that presumption bears the burden of proving bias. *State v. Louis*, 156 Wis.2d 470, 478, 457 N.W.2d 484, 487 (1990), *cert. denied*, 498 U.S. 1122 (1991). A circuit court should not strike a juror for cause unless it is more probable than not that the juror is biased. *Id.* at 478, 457 N.W.2d at 488. This court will only overturn a circuit court's determination that a prospective juror was impartial where bias was "manifest." *Id.*

White has not named a single juror whose bias was "manifest." Instead, White has opted to make conclusory statements about unnamed jurors without supplying any record references or specific supporting facts. Therefore, this court concludes that White has not met his burden of proof and upholds the trial court's denial of White's challenges for cause.

By the Court.—Judgment and order affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.

