

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**May 17, 2005**

Cornelia G. Clark  
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. 2004AP3286-CR**

**Cir. Ct. No. 2003CM5696**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT I**

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**STATE OF WISCONSIN,**

**PLAINTIFF-RESPONDENT,**

**v.**

**CRISSY MARIE MONCHAMP,**

**DEFENDANT-APPELLANT.**

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APPEAL from a judgment of the circuit court for Milwaukee County: MARSHALL B. MURRAY, Judge. *Affirmed.*

¶1 WEDEMEYER, P.J.<sup>1</sup> Crissy Marie Monchamp appeals from a judgment entered after she was found guilty, following a bench trial, of one count

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2) (2003-04).

of disorderly conduct, contrary to WIS. STAT. § 947.01 (2003-04).<sup>2</sup> Monchamp claims that the conviction should be reversed because it was based solely on her statement to the police, without any corroboration from other sources. Because the evidence was sufficient to support a conviction of disorderly conduct, we affirm.

### BACKGROUND

¶2 On July 19, 2003, West Allis Police Officers Brad Sterling and Anthony Zingale responded to a report of a fight at 6322 West Greenfield Avenue in West Allis, Wisconsin. Officer Sterling proceeded to talk to Monchamp and Officer Zingale proceeded to talk to Robert Conti. Monchamp reported that she was involved in a physical altercation with Conti due to a “drinking party” and her desire to have Conti leave the premises. She reported that she struck (either slapped, pushed, or both) Conti in an effort to get him to leave the premises. She also reported that she had been struck sometime during this altercation, but that she could not remember who had struck her.

¶3 Conti corroborated this story with Officer Zingale. Conti told Officer Zingale that there was, in fact, drinking going on. Officer Zingale noticed that Conti appeared to be intoxicated. Officer Zingale further observed that Conti had what looked like a reddened area in his cheek/jaw bone area. Conti also told Officer Zingale that he did not strike Monchamp and did not know who struck Monchamp.

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<sup>2</sup> All references to the Wisconsin Statutes are to the 2003-04 version unless otherwise noted.

¶4 Based on the information provided by both Monchamp and Conti, Monchamp was placed under arrest and taken into custody. Monchamp was charged with one count of disorderly conduct and this appeal arises from her conviction.

## DISCUSSION

¶5 Monchamp claims that the evidence presented at the bench trial was insufficient to convict her of disorderly conduct. Specifically, she claims that the only evidence in the case was her statement and that that statement was not corroborated by any other evidence. Monchamp's contention is that her statement alone, with no other corroborating evidence, is not enough to sustain her conviction.<sup>3</sup> The State's response is that there was sufficient corroboration of Monchamp's statement to prove beyond a reasonable doubt that Monchamp was guilty of disorderly conduct. This court agrees with the State.

¶6 The standard for reviewing the sufficiency of the evidence in either a direct or circumstantial evidence situation is the same. *State v. Poellinger*, 153 Wis. 2d 493, 501, 451 N.W.2d 752 (1990). Under that standard, the court may not reverse the conviction "unless the evidence, viewed most favorably to the state and the conviction, is so insufficient in probative value and force that it can be said as a matter of law that no trier of fact, acting reasonably, could have found guilt beyond a reasonable doubt." *Id.* In fact, the courts have noted on numerous occasions that sometimes circumstantial evidence can be considered stronger and

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<sup>3</sup> Monchamp does not contest the reliability or the voluntary nature of her statement and, therefore, we need not address it here.

more compelling evidence than direct evidence. See *Clark v. State*, 62 Wis. 2d 194, 197, 214 N.W.2d 450 (1974).

¶7 Monchamp asserts that the only evidence in this case was her confession to the police that she did, in fact, strike the victim. Monchamp asserts that because a conviction cannot rest on this confession alone, the conviction in this case must be reversed. See *State v. Verhasselt*, 83 Wis. 2d 647, 661, 266 N.W.2d 342 (1978). The corroboration rule, which requires some corroboration of a confession in order to sustain a conviction, ensures the reliability of the confession. *Id.* at 662. “[T]he main concern behind the corroboration rule is that an accused will feel ‘coerced or induced’ when he or she ‘is under the pressure of a police investigation’ and make a false confession as a result.” *State v. Hauk*, 2002 WI App 226, ¶25, 257 Wis. 2d 579, 652 N.W.2d 393. The corroboration must be of a “significant fact” before the conviction can stand. *Schultz v. State*, 82 Wis. 2d 737, 753, 264 N.W.2d 245 (1978).

¶8 The court has also stated that “all the elements of the crime do not have to be proved independently of an accused’s confession—it is enough that there be some corroboration of the confession in order to sustain the conviction.” *Triplett v. State*, 65 Wis. 2d 365, 372, 222 N.W.2d 689 (1974). “If there is corroboration of any significant fact, that is sufficient under the Wisconsin test.” *Id.* (internal quotemarks omitted).

¶9 While the main evidence in this case is Monchamp’s confession that she struck the victim, there is also sufficient corroborating evidence of the crime based on Monchamp’s and Conti’s statements. Monchamp told Officer Sterling that there was a “drinking party” going on. She also told Officer Sterling that

there was an argument, followed by a physical altercation, during which she struck Conti.

¶10 Officer Sterling testified that Monchamp smelled of alcohol and he could tell that she had been drinking. Further, Officer Zingale smelled alcohol on Conti and observed that he had been drinking as well. Conti told Officer Zingale that he was intoxicated. Officer Zingale also observed a reddening of Conti's jaw area and Officer Zingale testified that, based on Conti's statement, Monchamp was placed under arrest. Although Officer Zingale never specifically recounted to the court that Conti indicated Monchamp had struck him, Officer Zingale did testify that: (1) Conti was irritated by what had transpired between Monchamp and himself; (2) Conti did not feel he deserved what he got; and (3) there was a dispute/argument between Monchamp and Conti. Thus, the clear inference from this recounting was that Monchamp struck Conti. Lastly, although Monchamp appeared cooperative and apologetic, Officer Zingale observed that Conti appeared irritated and upset. All of these observations and statements that occurred at the scene corroborate Monchamp's confession about what happened that evening. Because we find that there was corroboration of "significant facts" here, we affirm the trial court's ruling.

*By the Court.*—Judgment affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)4.

