

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**February 28, 2006**

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. 2005AP1804-CR**

**Cir. Ct. No. 2003CF97**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT III**

---

**STATE OF WISCONSIN,**

**PLAINTIFF-RESPONDENT,**

**V.**

**ANTWAN I. SLATER,**

**DEFENDANT-APPELLANT.**

---

APPEAL from a judgment of the circuit court for Marathon County:  
RAYMOND THUMS, Judge. *Affirmed.*

Before Cane, C.J., Hoover, P.J., and Peterson, J.

¶1 PER CURIAM. Antwan Slater appeals a judgment convicting him of burglary with concealed identity, armed robbery with concealed identity, and substantial battery. He argues that the trial court improperly exercised its

discretion when it refused to require the State to disclose the identities of confidential informants. We reject that argument and affirm the judgment.

¶2 Slater was convicted after a trial to the court that included testimony from the victims, his confessions to his girlfriend and the police, and the testimony of another participant in these crimes, Crystal Baldwin. The victims testified that they were robbed at gunpoint in their home and were beaten when they resisted. The two men who entered the residence wore a bandana and a gorilla mask. They stole over \$5,000.

¶3 Rachel Lutze, Slater's former girlfriend, testified that Slater used her car on the day of the robbery. She had seen him with a silver handgun and a blue bandana. Slater confessed to her that he had been involved in the robbery and had used a bandana and a gorilla mask. He told Lutze that the robbery was planned by a girl who knew the victims. He was upset that others were blaming him for everything. Lutze urged him to confess to the police. Slater then approached a city police officer and "turned himself in" because others were trying to blame him. Lutze also testified that Slater wore Lugz boots and an officer testified Lugz boot prints were left at the robbery scene.

¶4 Baldwin testified that she was in the car with three other individuals, including Slater, when they went to the victims' residence. She testified that Slater wore a bandana and Toby Thompson wore a gorilla mask. After Slater and Thompson returned from the residence, they had a lot of money. After the robbery, the four participants went to the home of Chris Cassidy's girlfriend Melissa Rydzinski, where Slater, Cassidy, Thompson and Baldwin divided the money.

¶5 Slater seeks the identities of confidential informants whose statements are recited in police reports. Whether to disclose the identity of an informant involves a two-step process. First, Slater must make an initial showing that there is a reasonable probability that an informant may be able to give testimony necessary to the fair determination of the issue of guilt. If that showing is made, the State may show, *in camera*, facts relevant to determining whether the informant can provide such testimony. See *State v. Vanmanivong*, 2003 WI 41, ¶32, 261 Wis. 2d 202, 661 N.W.2d 76. If the court determines that an informant's testimony is necessary to the defense in that it could create a reasonable doubt of the defendant's guilt, the State must identify the informant. This court must uphold the trial court's decision unless it erroneously exercised its discretion. See *State v. Norfleet*, 2002 WI App 140, ¶9, 254 Wis. 2d 569, 647 N.W.2d 341.

¶6 The record supports the trial court's decision to withhold the identity of the informants because nothing suggests their testimony is necessary to a fair determination of Slater's guilt. The police reports show that the informants were not present at the time of the crime. The informants offered the police no reason to believe they had any firsthand knowledge of who participated in the robbery. The informants suggested complicity of two other individuals, Joshua High and Sam Smith. High lived with Baldwin and, after the robbery, was seen with a "stack of bills." The informants stated that Smith was given \$100 to "keep quiet." These statements do not suggest Slater's noninvolvement in the crimes. An officer testified at trial that he investigated High's potential involvement but "fell into a dead end." The potential proof that High and Smith shared in the proceeds of the robbery is inconsistent with Slater's participation as one of the four individuals who actually committed these crimes.

¶7 Slater also argues that the informants could have been helpful to the defense by showing Baldwin's prior inconsistent statements. Slater identifies two alleged inconsistencies between Baldwin's statements to the informants and her testimony at trial. Neither alleged inconsistency creates a reasonable doubt about Slater's guilt. First, Baldwin's statements to the informants did not identify Slater as one of the participants in the robbery. There is no contradiction between Baldwin's testimony and the statements she made to the informants. Her statements to the informants merely failed to elaborate on all of the participants. The second alleged inconsistency involves Baldwin's failure to describe the driver of the car used in the robbery. She testified at trial that the driver was "a white guy with a crew cut." The informants' statements describe "Chris" as the driver, a man with "dishwater blond colored hair that is short in appearance." The police report's recitation of the informants' statements does not impeach Baldwin's testimony or offer any reason to doubt Slater's participation in these crimes.

*By the Court.*—Judgment affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)5.

