

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

October 25, 2000

Cornelia G. Clark  
Clerk, Court of Appeals  
of Wisconsin

**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.

**No. 00-0739-CR**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT II**

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**STATE OF WISCONSIN,**

**PLAINTIFF-RESPONDENT,**

**V.**

**ARMANDO SALINAS,**

**DEFENDANT-APPELLANT.**

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APPEAL from judgments of the circuit court for Manitowoc County: FRED H. HAZLEWOOD, Judge. *Affirmed.*

Before Brown, P.J., Anderson and Snyder, JJ.

¶1 PER CURIAM. Armando Salinas appeals from the judgments of conviction entered against him for two counts of first-degree intentional homicide. Salinas argues on appeal that statements he made to the police should not have been admitted at trial because the State failed to show that he knowingly and

intelligently waived his *Miranda*<sup>1</sup> rights. Because we conclude that any error that may have been committed was harmless in light of the other evidence presented of Salinas's guilt, we affirm.

¶2 Salinas was convicted of first-degree intentional homicide in the deaths of Santiago Neri-Quezada and Inocencio Santos-Martinez. The two men were found lying dead by the side of a road in rural Manitowoc county. Both men had been shot. Salinas, whose first language is Spanish, was arrested and questioned by the police. Eventually, Salinas confessed to the crimes. The police also recovered the gun which had been used to shoot the two men and personal items which had been taken from the victims.

¶3 Before trial, Salinas moved to suppress the statements he made to the police. The basis for this motion was that there had not been any evidence that Salinas understood the *Miranda* warnings which had been given to him in English. The court denied Salinas's motion to suppress the evidence.

¶4 On appeal, Salinas again argues that his statements, and any evidence obtained as a result of his statements, should be suppressed because the State did not prove that he knowingly and intelligently waived his constitutional rights when he made the statements to the police. For the purposes of this appeal, we assume that there was error. However, based on the other evidence offered at trial of Salinas's guilt, we conclude that the error was harmless.

¶5 Federal constitutional error is harmless if the reviewing court can conclude it was harmless beyond a reasonable doubt. *See Chapman v. California*,

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<sup>1</sup> *Miranda v. Arizona*, 384 U.S. 436 (1966).

386 U.S. 18, 23-24 (1967). When there is error, the judgment should be reversed unless the reviewing court is sure that the error did not contribute to the guilty verdict. *See State v. Dyess*, 124 Wis. 2d 525, 547, 370 N.W.2d 222 (1985). We conclude that given the other evidence at trial, the jury would have found Salinas guilty even without the evidence of his confessions. Therefore, we affirm the judgments of conviction.

¶6 Both Salinas's girlfriend, Arica Martinez, and her mother, Veronica Villegas, offered testimony at trial sufficient to establish Salinas's guilt. Both women testified that Salinas had told them that he had shot and killed the two men. Martinez testified that Salinas had told her that he shot the two men in the head and the chest. Villegas testified that Salinas had repeatedly stated to her, "I killed them."

¶7 Moreover, Salinas's custodial statements did not lead the police to his girlfriend and her mother as potential witnesses. On the night of the murder, Martinez had a conversation with a friend, Orleana Batiste, about Salinas. Two days later, Batiste contacted the police about this conversation.

¶8 Further, the police were going to Villegas's home to speak to her, when they discovered Salinas inside and arrested him. The police interviewed both Villegas and Martinez at the same time that they interviewed Salinas. We conclude that the police would have obtained the information from Martinez and Villegas without Salinas's custodial statements.

¶9 The police also would have obtained the gun which was used in the homicides without Salinas's custodial statements. Villegas told the police and testified at trial that she was with Salinas when he threw a white bag off a bridge in Green Bay onto the frozen river. The police recovered the gun used to kill the

two men from the frozen river. The police would have been able to recover the murder weapon as a result of Villegas's statement and without Salinas's statements.

¶10 Based on all of this evidence, we conclude that the jury would have convicted Salinas of the homicide of the two men even without the evidence of his confessions. Assuming there was error in obtaining those confessions, that error was harmless.

*By the Court.*—Judgments affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)5 (1997-98).

