

SUPREME COURT OF WISCONSIN

Triplett v. State, 65 Wis. 2d 365

222 N.W.2d 689 (1974) · No. No. State 96 · Decided October 29, 1974

SUMMARY

The Supreme Court of Wisconsin affirmed a first-degree murder conviction, rejecting challenges to the voluntariness of the defendant's confession, the adequacy of the trial court's findings on admissibility, and the sufficiency of corroborating evidence. The court held that the confession was voluntary under the totality of the circumstances, that the trial court's findings were sufficient, and that significant facts corroborated the confession. The court also declined to reverse in the interest of justice.

CASE DETAILS

COURT	Supreme Court of Wisconsin
WRITING FOR THE COURT	Robert W. Hansen
JURISDICTION	Wisconsin
DECIDED	October 29, 1974
DOCKET	No. State 96
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant sought review by writ of the judgment convicting him of first-degree murder as a party to a crime, challenging the voluntariness and admissibility of his confession, the sufficiency of the trial court's findings, and the sufficiency of the corroborating evidence.
STANDARD OF REVIEW	The trial court's credibility determinations and findings concerning voluntariness are not disturbed unless the evidence is against the great weight and clear preponderance of the evidence. Although the Wisconsin Supreme Court may review evidentiary facts de novo when constitutional principles are involved, it declined to do so where the issue turned solely on comparative witness credibility. The court reviewed the sufficiency of corroboration to determine whether the confession was supported by evidence of any significant fact.
PRECEDENTIAL VALUE	Published Wisconsin Supreme Court opinion; precedential.
PARTIES	Triplett v. State

TOPICS

criminal procedure

suppression of evidence

evidence

appellate procedure

standard of review

PRACTICE AREAS

criminal law

criminal procedure

constitutional law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support the trial court's finding that Triplett's oral statements and written confession were voluntary.
2. Whether the trial court made sufficient findings of fact and conclusions of law regarding the admissibility of the confession.
3. Whether the evidence, including corroboration of Triplett's confession, was sufficient to sustain his conviction for first-degree murder as a party to a crime.
4. Whether reversal in the interest of justice was warranted.

HOLDINGS

1. The trial court's determination that Triplett's oral statements and written confession were voluntary was not against the great weight and clear preponderance of the evidence, and the confession was properly admitted.
2. The trial court's oral finding that the statements and written confession were made freely and voluntarily without promises or coercion was an adequate and sufficient finding of fact, even though the court did not provide the promised supplemental memorandum.
3. The conviction was supported by sufficient evidence because Wisconsin law requires only some corroboration of a confession, and the record contained corroboration of multiple significant facts concerning the offense.
4. Reversal in the interest of justice was not warranted because the record did not show a probable miscarriage of justice or establish that Triplett should not have been found guilty and deserved a new trial.

KEY QUOTATIONS

"A confession to be admissible in evidence must be the voluntary product of a free and unconstrained will." (368-369)

"Whether or not a confession is voluntary and not the product of coercion depends upon the "totality of the circumstances."" (368)

"The corroboration, however, can be far less than is necessary to establish the crime independently of the confession. If there is corroboration of any significant fact, that is sufficient under the Wisconsin test." (372)

FACTUAL BACKGROUND

Triplett told police that he had committed a murder, and he also signed a written confession. At the Goodchild hearing, Triplett testified that police repeatedly beat him and forced him to confess, while police officers and an assistant district attorney denied using force or promises and testified that they observed no injuries or complaints. Independent evidence connected Triplett to the murder, including testimony that he possessed the murder weapon, left an apartment with a .45 automatic and ammunition, returned hours later, and stated that he had killed the victim.

PROCEDURAL HISTORY

After a Goodchild hearing, the trial court found that Triplett's oral statements and written confession were made freely and voluntarily, without promises or coercion, and admitted them into evidence. The trial court convicted Triplett of first-degree murder as a party to a crime. The Wisconsin Supreme Court reviewed the asserted errors and affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- State v. Carter, 33 Wis. 2d 80, 146 N.W.2d 466 (1966)
- Phillips v. State, 29 Wis. 2d 521, 139 N.W.2d 41 (1966)
- Pulaski v. State, 24 Wis. 2d 450, 129 N.W.2d 204 (1964)
- State v. Brown, 25 Wis. 2d 413, 130 N.W.2d 760 (1964)
- State v. Hoyt, 21 Wis. 2d 284, 124 N.W.2d 47, 128 N.W.2d 645 (1964)
- State v. Wallace, 59 Wis. 2d 66, 207 N.W.2d 855 (1973)
- Fikes v. Alabama, 352 U.S. 191, 197, 77 S. Ct. 281, 1 L. Ed. 2d 246 (1957)
- State v. Hunt, 53 Wis. 2d 734, 193 N.W.2d 858 (1972)
- Madkins v. State, 50 Wis. 2d 347, 352, 184 N.W.2d 144 (1971)
- Bosket v. State, 55 Wis. 2d 121, 197 N.W.2d 767 (1972)
- State ex rel. Goodchild v. Burke, 27 Wis. 2d 244, 133 N.W.2d 753 (1965)
- La Claw v. State, 41 Wis. 2d 177, 163 N.W.2d 147, 165 N.W.2d 152 (1968)
- Jackson v. State, 29 Wis. 2d 225, 138 N.W.2d 260 (1965)
- Barth v. State, 26 Wis. 2d 466, 132 N.W.2d 578 (1965)
- Holt v. State, 17 Wis. 2d 468, 117 N.W.2d 626 (1962)
- Lock v. State, 31 Wis. 2d 110, 142 N.W.2d 183 (1966)