

**COURT OF APPEALS
DECISION
DATED AND FILED**

February 13, 2003

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. 02-1063-CR
STATE OF WISCONSIN**

Cir. Ct. No. 00 CF 3419

**IN COURT OF APPEALS
DISTRICT I**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

SHAFIQ K. IMANI,

DEFENDANT-APPELLANT.

APPEAL from a judgment of the circuit court for Milwaukee County: JOHN J. DI MOTTO, Judge. *Affirmed.*

Before Dykman, Roggensack and Lundsten, JJ.

¶1 PER CURIAM. Shafiq Imani appeals a judgment of conviction on several felony counts. He argues that the trial court erred by admitting certain evidence, but we conclude that if the evidence was indeed admitted in error, it was harmless. We affirm.

¶2 Imani was charged with several felonies, including first-degree intentional homicide, in connection with an incident in which he was alleged to have entered a residence and sexually assaulted and killed a fourteen-year-old girl. The jury found him guilty on all counts. On appeal, Imani argues that the trial court erred on two evidentiary issues. First, he argues that the court erred by admitting portions of a statement he made to police in which he stated that he had owned a pistol, but it had been stolen from him by his cousin, and that Imani had received scratches on his neck from fighting with his cousin over the gun and the cousin's accusation that Imani had stolen cocaine from him. Second, Imani argues that the court erred by allowing a police witness to testify that a witness's testimony at trial was consistent with her statement to police before trial.

¶3 We conclude that, if these were errors, they were harmless. Error is harmless if it is clear beyond a reasonable doubt that a rational jury would have found the defendant guilty absent the error. *State v. Moore*, 2002 WI App 245, ¶16, ___ Wis. 2d ___, 653 N.W.2d 276. This formulation of the test for harmless error is not a substantive change from the formulation previously used, which was whether there is a reasonable possibility that the error contributed to the conviction. *Id.*

¶4 The evidence of Imani's guilt was overwhelming. Imani was apprehended driving a car stolen from the victim's residence. The evidence included his own statements to police admitting the sexual assault and homicide. With information obtained from Imani, police recovered from his aunt's residence items Imani removed from the victim's residence. Imani was identified by eyewitnesses as being at the victim's residence at the time of the crimes. Compared with this evidence, the evidence that is contested on appeal is peripheral. We are satisfied that it is clear beyond a reasonable doubt that a

rational jury would have found Imani guilty without the evidence at issue in this appeal.

By the Court.—Judgment affirmed.

This opinion will not be published. WIS. STAT. RULE 809.23(1)(b)5 (1999-2000).

