

**COURT OF APPEALS
DECISION
DATED AND FILED**

November 11, 1999

Marilyn L. Graves
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 § 808.10 and RULE 809.62, STATS.

No. 99-0693-CR

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

TROY R. HAAKENSTAD,

DEFENDANT-APPELLANT.

APPEAL from a judgment of the circuit court for Dane County:
STEVEN D. EBERT, Judge. *Affirmed.*

Before Dykman, P.J., Vergeront and Deininger, JJ.

¶1 PER CURIAM. Troy R. Haakenstad appeals from a judgment convicting him of a felony theft. The issue is whether the trial court admitted evidence that was inadmissible and prejudicial other acts evidence, as Haakenstad

contends. We conclude that, even if admission of the evidence were error, it was harmless. We therefore affirm.

¶2 The State charged Haakenstad with possessing stolen cash, including Swiss francs and other foreign currency, and traveler's checks. Witness Misty Louis testified that Haakenstad came to her home possessing a large amount of cash shortly after the theft occurred. Over Haakenstad's objection, the prosecutor asked Louis if she recalled telling a police officer that she asked Haakenstad if he "was back breaking into cars again." She responded, "I might have said that. I don't ... I might have said that." The jury subsequently found Haakenstad guilty. Haakenstad characterizes the above question and answer, as introducing inadmissible other acts evidence of past car break-ins. We need not decide whether the trial court erred because no reasonable possibility exists that Louis's testimony quoted above contributed to Haakenstad's conviction.

¶3 "The test for harmless error is whether there is a reasonable possibility that the error contributed to the conviction. The conviction must be reversed unless the court is certain the error did not influence the jury." *State v. Sullivan*, 216 Wis.2d 768, 792, 576 N.W.2d 30, 41 (1998) (citations omitted). Here, the State's evidence included testimony that Haakenstad not only possessed a large amount of money shortly after the theft, but also possessed bags matching the description of the bags the money came in. Haakenstad admitted to Louis that some of the cash was Swiss francs, and she testified she saw other foreign currency as well. Additionally, the jury heard testimony that Haakenstad's brother attempted to exchange Swiss francs at two banks after the theft. Given that substantial if not overwhelming evidence of guilt, under any reasonable view, Louis's uncertain testimony, that she might have mentioned prior car break-ins by Haakenstad, had no discernable impact on the verdict.

By the Court.—Judgment affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.

