

Not guilty, says jury

He strangled man to death, burned body, but committed no crime

By Mike McIntyre

A Winnipeg man who tricked his way into a home armed with a steel bar, strangled the drunken resident and then set the body on fire to cover up the killing has been cleared of any criminal wrongdoing.

Roberto Nieto flashed a smile at yesterday's stunning verdict, which after only a few hours of deliberations by the nine-man, three-woman panel and left the Crown visibly shocked and the victim's son livid.

"How the hell does that work? This doesn't make any sense. This is supposed to be a free country and you can go and look for someone, kill them and just get out? What the (expletive)?" Ante Milas told the Free Press in a telephone interview. He was not in court for the verdict.

Nieto, 29, was charged with second-degree murder and jurors had the option of finding him guilty as charged, guilty of the lesser charge of

manslaughter or not guilty. They chose the latter, and Nieto was expected to be released from custody last night after spending nearly two years behind bars without bail.

Jankow Milas, 45, died in June 2004 following a violent struggle inside his Chalmers Street home in East Kildonan.

Nieto never disputed killing Milas but claimed innocence on the grounds he was provoked and acting in self-defence. His lawyer, Mark Wasyliw, also attacked the character of Milas which clearly resonated with jurors.

The Crown's main witness against Nieto was his former girlfriend, Veronica Miranda, who witnessed the killing and described a horrific scene during her testimony last week.

Her credibility also came under intense scrutiny from defence.

Miranda, 25, is an admitted alcoholic who was spending much of her days drinking with the much-older Milas and often neglecting her two-year-old son. On the night of the killing, she had left the boy sleeping in his crib and alone in

the apartment to go over to Milas' home.

Nieto disapproved of their relationship and was angry when Miranda's brother caught Milas raping her after she'd passed out while drinking with him one night, court was told. She was also rushed to hospital on two occasions suffering from alcohol poisoning after drinking with Milas.

Nieto admits he went looking for Miranda on the night of the killing and found her at Milas' home. He grabbed a steel weight bar and identified himself as "Winnipeg Police" to trick Milas into opening the door.

That's where the stories began to differ.

Miranda told jurors Nieto attacked without warning and quickly overpowered the heavily intoxicated Milas, who pleaded for help and promised to stay away from her while Nieto gave a running commentary.

"He was saying 'When are you going to leave my (expletive) girlfriend alone, you (expletive)? When are you going to stop (expletive) my girlfriend.

Don't you realize she's got a two-year-old son? This (expletive) is going to pay for everything'," she said.

Nieto didn't relent, choking the life out of Milas before burning his body and later disposing of his bloody clothes in the river, she said.

Nieto testified in his own defence and claimed it was a fair fight and he actually feared for his life as Milas had armed himself with a screwdriver. He said he was simply trying to rescue Miranda from his clutches.

"In my heart, I was never there to kill him. I felt I need to confront him and to intervene and take her home. Never in my mind did I think it would get out of control," he said.

Nieto said he panicked after realizing what he'd done and started the fire to save himself from being caught.

Nieto was arrested the next day after Miranda broke down during police questioning and admitted what happened.