

No. 1-11-0344, 1-11-0724, 1-11-0737 and 1-11-1396  
(Cons.)

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PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Circuit Court
	)	of Cook County
Plaintiff-Appellee,	)	
	)	
	)	No. 04 CR 18528
v.	)	04 CR 18529
	)	04 CR 18530
	)	04 CR 18531
	)	
ANGEL FORD-WRIGHT,	)	Honorable
	)	Stanley J. Sacks,
Defendant-Appellant.	)	Judge Presiding.

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JUSTICE PALMER delivered the judgment of the court.  
Justices McBride and Howse concurred in the judgment.

**ORDER**

¶ 1 *Held:* The trial court's denial of defendant's motion to quash arrest and suppress evidence was affirmed where the police had probable cause to believe that defendant had committed a crime. The trial court did not abuse its discretion when it granted the State's motion *in limine* to preclude defendant from introducing evidence that the person who committed the crimes with defendant, and who testified against her at trial, had been diagnosed with mental health problems and had committed violent acts while in prison. Defendant's right to confront the witnesses against her was not violated when a medical examiner testified to the contents of autopsy reports prepared by a person who was absent from trial. Defendant's mittimus corrected.

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¶ 2 On the morning of July 1, 2004, the body of Ayesha Epps was discovered in a Chicago alley. The subsequent homicide investigation led police to Caroline Peoples and ultimately defendant, Angel Ford-Wright. Defendant and Peoples were arrested and gave videotaped statements admitting their involvement in the armed robbery and murder of Epps and the armed robberies and murders of three men - Jose Marquez, Kenneth Redic and Kelvin Armstrong - that occurred on three separate dates in May and June of 2004. Defendant and Peoples were charged with murder, armed robbery and other felony offenses in all four cases.<sup>1 2</sup>

¶ 3 In April of 2009, defendant filed a motion to quash arrest and suppress evidence in all four cases. Defendant alleged that she was arrested without a warrant or probable cause to believe that she had committed a crime. Defendant further alleged that after the unlawful arrest the police elicited statements from her and learned of the existence of witnesses and physical evidence implicating defendant in a crime. Defendant requested that all of this evidence be suppressed as the product of her unlawful arrest. A hearing was held on defendant's motion, where the following evidence was presented.

¶ 4 Chicago police detective Eileen Heffernan testified that on the morning of July 1, 2004, she and her partner were assigned to investigate a deceased female found in an alley. The

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<sup>1</sup>Peoples pled guilty to the four murders and was sentenced to natural life in prison.

<sup>2</sup>The case involving Epps was assigned case number 04 CR 18528 in the trial court and number 11-1396 in this court. The case involving Marquez was assigned case number 04 CR 18529 in the trial court and number 11-0724 in this court. The case involving Redic was assigned case number 04 CR 18530 in the trial court and number 11-0737 in this court. The case involving Armstrong was assigned case number 04 CR 18531 in the trial court and number 11-0344 in this court.

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detectives responded to the scene and spoke to Dorothy Harris, who lived in a house adjacent to the alley where the victim's body was found. Harris told Detective Heffernan that she had been pulling her car out of the garage at approximately 5:25 that morning when she saw the victim's body lying in the alley with blood coming out of her head. The detectives next spoke to Christopher Snelling, who also lived along the alley where the victim was found. Snelling told the detectives that he returned home at approximately 1 a.m. and did not see anything unusual in the alley. Snelling stayed up until 2 a.m. and did not hear or see anything unusual during that time.

¶ 5 Detective Heffernan testified that on the afternoon of July 1, Marcus Thompson, Brian Heath and Latonya Harris arrived at the police station. Detective Heffernan interviewed Heath at 2 p.m. that day. Heath told the detective that he had known the victim for several years and had spoken to her on the previous afternoon, June 30, when they made plans to go out that evening. Heath later cancelled those plans and received a "joking" text message from the victim at 8:13 p.m. Heath also told the detective that the victim had a relationship with someone named "Manning" and a good friend named "Cal."

¶ 6 Detective Heffernan interviewed Thompson at 2:30 p.m. on July 1, 2004. Thompson said that he had been with the victim the previous night and that the victim had received two phone calls from "Cal" at approximately 10:30 p.m. While Detective Heffernan was conducting her interviews, her partner, Detective Filipiak, conducted a phone interview with Antoinette Bell. Detective Heffernan testified to what her partner told her about this interview. Bell told Detective Filipiak that the victim had been at Bell's home until 1 a.m. on July 1 and that Bell

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heard the victim on the phone asking someone to come and pick her up. Bell also stated that her cousin, Parnell Gomire, saw the victim get into a car. Detective Filipiak then conducted a phone interview with Gomire and the Detective Heffernan testified to what her partner said about this interview. Gomire told Detective Filipiak that he arrived at Bell's house at approximately 10:30 p.m. on June 30 and that the victim was there at that time. While Gomire was at Bell's home, the victim called someone on the telephone. At approximately 12:15 a.m. on July 1, a older four-door yellow car with dents and a vinyl top arrived near Bell's house and the victim entered the car. Gomire told the detective that the car contained "possibly" four males but that he could not be sure and could not see the faces of the people in the car.

¶ 7 Detective Heffernan interviewed Latonya Harris at the police station at 2:30 p.m. on July 1. Harris said that, according to Bell, the victim left Bell's house at about 1:20 a.m. on July 1 to go to "Cal's" house. Harris said that Cal lived at 77th and Essex in Chicago. After the interview, Detective Heffernan went to interview Bell at her house but Bell was not cooperative. At approximately 5 p.m. on July 1, Detective Heffernan and her partner went to the area of 77th and Essex to locate "Cal." Harris met the detectives at that location and identified Cal's apartment as being the third-floor apartment at 7646 South Essex. The detectives rang the doorbell for that apartment but received no response. They then called the building's management company, which sent an employee to meet them at the building. The detectives learned from that employee that "Cal" was Caroline Peoples. Detective Heffernan and her partner entered Peoples' apartment with the management employee but Peoples was not home. The detectives left the apartment and, as they were driving away, received a phone call from Harris. Harris said that she had found

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Peoples and that they were on their way back to Peoples' apartment. The detectives returned to Peoples' building at approximately 6:15 p.m. and saw Peoples standing outside with a woman named Antonia Frazier.

¶ 8 Detective Heffernan asked Peoples if she would get into the squad car and Peoples agreed to do so. Peoples told Detective Heffernan that she had spoken to the victim at 11:15 p.m. on June 30 and that the victim said that her friend could drive her to where Peoples was at the time. Peoples also said that she stayed at Antonia Frazier's apartment on the night of June 30 and that she had been there all evening except when she briefly left to buy cigarettes.

¶ 9 After speaking with Peoples, the detectives left the squad car to speak with Frazier. Frazier said that she was Peoples' babysitter and that Peoples had been at her home all day on June 30 but that she had left Frazier's between 10:30 and 11:30 p.m. When Frazier went to bed at approximately 1:30 p.m., Peoples had not yet returned. When Frazier awoke at 8 a.m. on July 1, Peoples was asleep on the floor.

¶ 10 The detectives then asked Peoples to accompany them to the police station and she agreed to do so. At approximately 7:20 p.m., Detective Heffernan and other detectives spoke with Peoples in an interview room at the police station. Peoples told the detectives that on June 30, she had been at Frazier's apartment and called "Little Man" and arranged to meet him. She left the apartment but returned at 11 p.m. and found Frazier asleep. The detectives spoke with Peoples again at 7:40 p.m. During that conversation, Peoples said she got high in a car with Little Man and that she returned to the apartment and got high with Frazier. In another conversation at 8 p.m., Detective Heffernan confronted Peoples with the inconsistencies in her

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previous stories. Peoples responded that she had lied, that she knew with whom the victim had left with but that she did not want to get involved.

¶ 11 Peoples then told Detective Heffernan the following version of events. On the night of June 30, she and defendant, who was her cousin, picked up the victim from Bell's home at approximately 11:30 p.m. They eventually went to defendant's house and had a few drinks. Throughout the evening, defendant and Epps were "giving each other little digs." This made Peoples uncomfortable, so after a while she asked defendant to take her home. Defendant, Peoples and Epps got into a cream-colored car driven by defendant's boyfriend, Anthony.<sup>3</sup> Peoples was dropped off at home and that was the last time she saw or heard from Epps. The following day, Harris told Peoples that Epps was dead and Peoples' first thought was that "[defendant] and Anthony had done that."

¶ 12 Peoples also told the detectives that several weeks earlier, defendant had told her that Anthony had "killed a Mexican a few weeks ago." Peoples said that two weeks after defendant told her this, Peoples and defendant were driving down Phillips street when defendant pointed to a house and said "that's where the Mexican lived." When Peoples asked defendant how she knew a "Mexican" in that area, defendant responded that "the Mexican" used to come into the doctor's office where defendant worked. A few weeks later, defendant picked Peoples up in a white Sports Utility Vehicle (SUV) and told Peoples that she got the SUV when she and Anthony "jacked that end" and that they had "hit a lick." Peoples then provided the detectives with a

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<sup>3</sup>Anthony, also known as Demetrius Milan, died in March 2005.

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description of defendant and her boyfriend Anthony. As a result of this conversation, the detectives searched the homicide files and discovered that Jose Marquez, of 7655 South Phillips, had been killed on May 23, 2004.

¶ 13 At 1 a.m. on July 2, Detectives Heffernan and another detective drove Peoples to 7245 S. Sangamon, where Peoples pointed out where defendant lived. The detective saw an older yellow four-door car with lots of dents parked in front of the building that matched the description provided by Peoples. The detectives then drove Peoples back to the police station.

¶ 14 Detective Heffernan and other detectives returned to defendant's building at 2 a.m. on July 2. The yellow car that they had previously seen in front of the building was gone. The detectives went to defendant's home and were told by two people there that defendant and Anthony were not home. The detectives parked nearby to conduct surveillance on defendant's house. At approximately 3 a.m., a woman approached the detectives and identified herself as defendant. Detective Heffernan identified herself and asked defendant if she would accompany them to the police station. Defendant agreed to do so and the detectives drove her back to the station. According to Detective Heffernan, defendant was under arrest at that point. Peoples had already told the detectives that Anthony's real name was Demetrius Milan and that he lived with defendant at 7245 South Sangamon. She had also identified a photograph of him from a photo array.

¶ 15 The trial court ruled that police had probable cause to arrest defendant because the information provided to the police by Peoples was corroborated in "numerous ways" and because Peoples had indicated that defendant was among the last people to see the victim alive. The

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court stated that this showed that Peoples was a reliable source. The court also found probable cause to arrest defendant because Peoples had indicated that defendant and the victim were not getting along during the evening of the victim's murder and because defendant was connected to the "Mexican" homicide victim, who was a patient at the clinic where defendant worked, and to Anthony, who was defendant's boyfriend and the person who allegedly killed "the Mexican."

¶ 16 Prior to trial, the State filed a motion to admit evidence of other crimes of which defendant and Peoples were charged. The State specifically sought to admit evidence of the murder and armed robbery of Jose Marquez that occurred on or about May 22, 2004, the murder and armed robbery of Kenneth Redic that occurred on or about June 1, 2004, and the murder and armed robbery of Kelvin Armstrong that occurred on or about June 18, 2004. The State sought to admit this evidence in the three respective trials for the murder of those victims. The trial court ruled that the evidence could be admitted to show identification and intent to commit armed robbery. At defense counsel's request, the cases involving Marquez, Redic and Armstrong were joined for a single jury trial. The case involving Epps was tried in a separate bench trial. The following evidence was presented at defendant's trial for first degree murder and armed robbery of Marquez, Redic and Armstrong.

¶ 17 The State presented witnesses who testified to the circumstances surrounding the deaths of Marquez, Redic and Armstrong. For Marquez, a neighbor testified that on the morning of May 23, 2004, she entered the open door of his first-floor apartment located at 7655 South Phillips Street. The neighbor found Marquez dead, having been shot once in the back of the head. Marquez had last been seen alive by the neighbor at approximately 5 p.m. the preceding

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day. Police who responded to the scene found no signs of forced entry at either the front or back door of Marquez's apartment. According to Diana Sharp, the office manager at the Wu Medical Center, Marquez had been a patient at the clinic in the spring of 2004 and defendant had been employed at the clinic as a receptionist during that time. Marquez sometimes came to the center just to see defendant and he sometimes gave her lunch money and picked her up and drove her home. Marquez had surgery on his leg in April of 2004 and defendant told Sharp she would be helping Marquez at home while he recovered. Defendant also told Sharp that Marquez wanted to marry her so that he could remain in the country and that, in exchange, Marquez agreed to give defendant money each pay period and obtain insurance for her children.

¶ 18 Kelvin Armstrong was last seen by his mother at approximately 9:30 p.m. on June 17, 2004, when he left their house to cash a paycheck at a currency exchange. At approximately 5 a.m. on June 18, police found Armstrong's body in a parking lot behind a bowling alley at 100 East 75th Street. Armstrong was lying on his back and appeared to have been killed by a single gunshot wound to the back of the head. He was not wearing shoes and police found no money, wallet or identification on his body.

¶ 19 At 10 a.m. on June 2, 2004, police found the body of Kenneth Redic in his apartment at 8202 South Commercial. Redic was lying on his back and was naked except for socks. He had sustained a single gunshot wound to the back of the head. Police learned that Redic's friends had gone to his residence, an apartment in a three-story multi-unit building with a secure entrance, and found his body. Police found no signs of forced entry to the building or to Redic's apartment. It appeared that some items had been taken from atop the television set. Redic's wallet, car keys,

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cell phone, DVD player and DVD's were missing. Redic's car, a 1994 Jeep Cherokee, was also missing.

¶ 20 Nickole Jones, Redic's upstairs neighbor, heard loud music and female voices in Redic's apartment at approximately 9:30 or 10 p.m. on June 1, 2004. Jones could still hear the loud music when she went to bed at 11 p.m. Approximately 5 minutes later, Jones heard a "pop" sound from Redic's apartment but the music continued so she went back to sleep. The next morning Jones learned that Redic had been killed. He drove a white Jeep Cherokee and parked it in front of the building.

¶ 21 Several weeks after the murder, police recovered Redic's vehicle from Michael Dudko, who lived in "Romeo" and bought the vehicle from Daiva Lutz. Lutz testified that in 2004 she befriended "Angel," who she identified in court as defendant, and "Tony." In June of 2004, defendant and Tony asked Lutz to help them sell a white Jeep belonging to defendant's mother. Lutz sold the Jeep to Dudko for \$1000. Lutz gave \$500 to defendant and Tony and kept the other \$500 for herself.

¶ 22 Dr. Joseph Cogan of the Cook County Medical Examiner's Office testified that Armstrong, Redic and Marquez each died from a single gunshot wound to the back of the head and that the manner of death in each case was homicide.

¶ 23 Caroline Peoples testified that in March and April of 2004, defendant was working at Dr. Wu's medical clinic. Defendant had told Peoples about "Jose," who was a patient at the clinic and for whom defendant was providing home health care. On May 22, 2004, defendant told Peoples that she wanted to go to Jose's apartment to borrow money from him. They drove to

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Jose's apartment in a van belonging to defendant's uncle. The three were sitting in Jose's apartment and defendant went to the kitchen to get coffee. She returned to the living room and then Peoples went to the kitchen. When Peoples returned to the living room, defendant was sitting in a chair next to Jose, who was on the couch. Defendant asked Jose to change the station on the radio and, when he turned to do so, defendant pulled out a gun and shot him in the back of the head. Peoples was shocked, as she did not know defendant had a gun. As they left the apartment, defendant took a black case which contained cash and other items. Defendant drove to a cash machine where she tried to withdraw money using a bank card that she took from Jose's black case. Defendant did not know Jose's password and could not withdraw money. They drove to defendant's house, where they encountered "Uncle Boo" and defendant's boyfriend, Anthony. On their way to drop Peoples off at her home, defendant and Anthony stopped at a cash machine.

¶ 24 On or about June 1, 2004, Peoples and defendant discussed robbing defendant's ex-boyfriend, Kenneth Redic. Although they were no longer dating, Redic still paid defendant for sex. Defendant told Peoples that Redic wanted them to come to his apartment and strip for them and that Redic had a lot of money and that she knew where he kept it. Defendant said they would have to kill Redic if they robbed him because he knew who defendant was and where she lived, and Peoples agreed. Defendant and Peoples drove to Redic's apartment in Anthony's car. Anthony had a gun in the car's armrest, which defendant removed and gave to Peoples. Peoples put the gun in her jacket pocket. When they arrived, Redic was waiting outside in his white Jeep and took the women inside his apartment. Redic made drinks and put on some music while

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Peoples sat on the couch. Defendant began to dance for Redic, who was sitting in a chair, and she eventually undressed completely. Peoples also danced and undressed except for her underwear. Redic took his clothes off and danced as well. At some point Peoples was standing behind Redic, who was behind defendant. Peoples told defendant to bend over and told Redic to spank defendant. Peoples testified that she told defendant to bend over because she did not want to accidentally shoot defendant when she fired the gun at Redic. As Redic was spanking defendant, Peoples took the gun from her jacket, held it behind Redic's head and pulled the trigger. The gun did not fire because the safety was engaged. Peoples disengaged the safety and shot Redic once in the back of the head. Peoples returned the gun to her jacket and she and defendant got dressed. Defendant went into Redic's bedroom but returned and said the money was not there. Peoples took Redic's DVD player and some items that she feared had her fingerprints. Defendant gave Peoples some money that she found in Redic's apartment. As they drove away, Peoples put the gun back in the armrest of the car.

¶ 25 Peoples further testified to the circumstances surrounding Armstrong's murder. In the early morning hours of June 18, 2004, defendant picked Peoples up from her babysitter's house. Defendant was driving her uncle's van and she and Peoples discussed finding someone to rob. They decided to park by a currency exchange and wait for someone to leave the exchange with a lot of money. At some point, defendant told Peoples that she saw someone inside the exchange put money in his sock. Defendant gave Peoples a gun and told her to hide in the back of the van. While Peoples did so, defendant pulled out and drove alongside the man, who was on foot. Defendant asked him if he wanted a ride and, when he got into the vehicle, she asked him if he

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wanted oral sex. Peoples felt the van stop and the man and defendant continued to talk. Peoples crept up to the middle of the van and shot the man in the back of the head. They put a garbage bag over his head because it was bleeding a lot and dropped the body off behind a bowling alley on 75th Street. Defendant took the money from the man's sock and gave some of it to Peoples. They drove to a carwash and cleaned the interior of the van.

¶ 26 On July 1, 2004, Peoples met Detective Heffernan and other detectives in front of her building and they questioned her about an "unrelated incident."<sup>4</sup> She agreed to accompany them to the police station. She was taken to an interview room and questioned about an "unrelated incident." She told the detectives that evening about Marquez's murder. Several hours later the detectives brought defendant into the interview room with Peoples and said that their stories were inconsistent. Peoples told defendant to tell the truth, to which defendant responded "I wasn't the only one there, I wasn't the only person that was killing people." During the evening of July 2, Peoples gave statements to detectives and an Assistant State's Attorney (ASA) about the murders of Marquez, Redic and Armstrong.

¶ 27 Evidence adduced at trial also established that DNA matching Peoples' DNA profile was discovered on a cigarette butt taken from Marquez's apartment. A firearms identification expert testified that the three bullets recovered from Marquez, Armstrong and Redic came from the same firearm. Stipulated testimony indicated that Marquez's ATM card was used on nine separate occasions at three different locations on May 22 and 23, 2004. An invalid password was

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<sup>4</sup>The unrelated incident was Epps's murder.

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entered each time.

¶ 28 Detective Heffernan testified consistently with her testimony at the suppression hearing. The detective explained how she and her partner came into contact with Peoples on the street on July 1 and how Peoples was brought to the police station for questioning. At that point, Detective Heffernan was not aware of murders of Marquez, Redic or Armstrong. Detective Heffernan also testified consistently with the testimony she gave at the suppression hearing regarding the circumstances that led police to defendant in the early morning hours of July 2, 2004. Detective Heffernan further testified that defendant was brought to the police station and taken to an interview room. Defendant was read her *Miranda* rights, which she acknowledged and waived. Peoples was already at the police station at this time. Detective Heffernan first questioned defendant about a gun. Defendant told the detective that the gun she used on a "previous occasion" belonged to her boyfriend Anthony and could be found either inside his vehicle or in a dresser in the apartment they shared. Defendant signed a consent to search form allowing police to search her residence but no gun was recovered. Defendant also identified her boyfriend Anthony's car, a 1985 Pontiac Parisienne.

¶ 29 Detective Heffernan explained how defendant was questioned at the police station regarding the homicides. According to the detective, defendant told her about her relationship with Marquez. This included that Marquez needed a wife to stay in the country and that he agreed to give defendant \$5000 in exchange for her marrying him. Defendant also took care of Marquez after his surgery in exchange for money. Defendant became upset with Marquez because he had not paid her all of the money he owed her and she suspected he had more money

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than he was telling her. Defendant told the detective about the events leading to Marquez's death and her version of events was substantially the same as the events testified to by Peoples at trial. However, defendant told Detective Heffernan that it was Peoples who shot Marquez in the back of the head. Defendant also stated that she found \$30 in Marquez's wallet but found no other money in his apartment.

¶ 30 Detective Heffernan and defendant discussed Redic's murder and the events the detective testified to, as related to her by defendant, were substantially the same as the events testified to by Peoples at trial. Detective Heffernan added that defendant told her that she spoke with Redic on the day of the murder and that she was upset with him and jealous because he asked about the "threesome." Defendant called Peoples about Redic's request but told her that they did not have to have sex with Redic and that they could just rob him instead. Defendant also told the detective that after Peoples shot Redic in the back of the head, defendant went through his wallet and found \$200. She split the money with Peoples and discarded the wallet. After defendant drove Peoples home, she went home and asked her boyfriend if he would accompany her to pick up a truck. They drove to 8202 South Commercial and defendant gave Anthony the keys to Redic's Jeep Cherokee. Anthony parked the Jeep near their home but it was gone when defendant went to look for it several days later.

¶ 31 Detective Heffernan and defendant discussed the Armstrong murder. The events that defendant related to the detective were essentially the same as the events described by Peoples at trial. Defendant admitted that she and Peoples went to the currency exchange to find someone to rob. They chose that particular exchange because they could see in the windows and observe

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who was cashing a check. Peoples went into the back of the van so that it would appear that defendant was alone and defendant gave Peoples her boyfriend's gun. They saw Armstrong obtain money inside the exchange and put it in his sock. Defendant and Peoples chose Armstrong because he was alone and did not have a car. Defendant and Peoples split the \$200 they found in Armstrong's sock.

¶ 32 ASA Jeff Allen interviewed defendant in the presence of Detective Heffernan at the police station on the evening of July 2. The ASA explained to defendant that he was an attorney but that he did not represent her or Peoples. He then advised defendant of her *Miranda* rights and defendant indicated that she understood them. The ASA and defendant spoke for approximately 45 minutes about the murders of Marquez, Armstrong and Redic. The ASA then asked Detective Heffernan to step out of the room and asked defendant how she been treated by the police. Defendant said that she had been fine and that she had been given food and allowed to use the restroom. The ASA then discussed the different options for memorializing defendant's statement and defendant elected to give a videotaped statement. That statement was published to the jury at defendant's trial and for purposes of this appeal, the statement was consistent with what defendant told Detective Heffernan.

¶ 33 At the close of the State's case, the prosecution stated that it would submit only the felony murder and armed robbery counts to the jury. Defense counsel demanded that trial proceed on all counts, but the court refused and stated that double jeopardy had attached to the dismissed charges.

¶ 34 The jury found defendant guilty of the armed robbery and (felony) first degree murder of

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all three victims. The trial court sentenced defendant to three consecutive terms of natural life in prison.

¶ 35 Defendant was tried for the armed robbery and murder of Epps in a separate bench trial. After that trial, she was found guilty of armed robbery and first degree murder. Because defendant's only challenge to her convictions in the Epps case is the denial of her motion to suppress, we need not set out the evidence adduced at that trial. However, in summary, after defendant was arrested she gave a statement to police admitting that she and Peoples each shot Epps while the three of them were in a vehicle and that they split \$200 that they found in Epps' bag.

¶ 36 Defendant filed separate notices of appeal in all four cases. Those appeals were later consolidated by this court.

¶ 37 On appeal, defendant first contends that the trial court erred when it denied her motion to quash arrest and suppress evidence because the police lacked probable cause to believe that she was responsible for the murder of Epps or any other crimes when they arrested her. Defendant claims that Peoples was not a credible source of information and that the information she provided police was not sufficiently corroborated. We disagree.

¶ 38 When reviewing a ruling on a motion to quash arrest and suppress evidence, we apply a two-part standard of review. *People v. Hopkins*, 235 Ill. 2d 453, 471 (2009). We accord great deference to the trial court's factual findings and will reverse those findings only if they are against the manifest weight of the evidence. *Id.* However, we review *de novo* the court's ultimate ruling on a motion to suppress involving probable cause. *Id.*

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¶ 39 To be valid, an arrest executed without a warrant must be supported by probable cause. *People v. Jackson*, 232 Ill. 2d 246, 275 (2009). "Probable cause to arrest exists when the facts known to the officer at the time of the arrest are sufficient to lead a reasonably cautious person to believe that the arrestee has committed a crime." *People v. Wear*, 229 Ill. 2d 545, 563–64 (2008). The existence of probable cause depends upon the totality of the circumstances known to police at the time of the arrest. *Jackson*, 232 Ill. 2d at 275. "In dealing with probable cause, \*\*\* we deal with probabilities. These are not technical; they are the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act." *People v. Love*, 199 Ill. 2d 269, 279 (2002), quoting *Brinegar v. United States*, 338 U.S. 160, 175 (1949). "Thus, whether probable cause exists is governed by commonsense considerations, and the calculation concerns the probability of criminal activity, rather than proof beyond a reasonable doubt." *Jackson*, 232 Ill. 2d at 275. "Indeed, probable cause does not even demand a showing that the belief that the suspect has committed a crime be more likely true than false." *People v. Wear*, 229 Ill. 2d 545, 564 (2008).

¶ 40 "It has long been the law in Illinois that where the defendant is among the last to see the victim alive, this is a significant factor in determining whether probable cause exists." *People v. Hardaway*, 307 Ill. App. 3d 592, 604 (1999). Additionally, there is less difficulty establishing probable cause when it is known that a crime has been committed. *Hopkins*, 235 Ill. 2d at 476. "The police need less of a factual basis to establish probable cause when they are acting in response to a recent serious crime than when it is not known if a crime has been committed." *Id.* Information from a suspect which implicates another provides sufficient grounds for probable

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cause if buttressed by corroborating evidence or by the officer's knowledge and experience.

*People v. Johnson*, 187 Ill. App. 3d 756, 771 (1989).

¶ 41 In this case, the following facts and circumstances were known to police at the time of defendant's arrest. On July 1, 2004, at 7 a.m., police were called to an alley where Epps's body had been found. Police determined that she had been murdered between 1 and 5 a.m. on July 1. The evidence indicated to police that the body was likely left in the alley after 2 a.m. Through interviews, police learned that Epps received two phone calls from "Cal," who was her good friend and who lived in the area of 76th and Essex. Police also learned that Epps had been at Bell's house until approximately 1 a.m. on July 1, that she had called someone and asked to be picked up at Bell's house and that she left Bell's home to go to Cal's home. She was picked up in front of Bell's house in a older four-door yellow car with dents. Police also learned that Cal was Carolyn Peoples and that she lived at 7647 South Essex. Based upon this information, police had reason to believe that Peoples had information regarding Epps' whereabouts shortly before her death.

¶ 42 After interviewing Peoples and her babysitter, police discovered inconsistencies as to Peoples' whereabouts on the night of June 30. The police confronted Peoples with these inconsistencies and she admitted that she had lied to police about Epps's last known location. Peoples then gave police a detailed account of the previous night. This included that she and defendant picked Epps up from Bell's home. This statement was corroborated by information provided to police by Thompson, Bell, Gomire and Harris. Peoples also told detectives that while she, defendant and Epps were at a party, defendant and Epps were not getting along to the

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extent that Peoples felt uncomfortable and asked to be driven home. Peoples told police that defendant's boyfriend Anthony agreed to drive her home and that they all entered a yellowish, "creamish" colored car with a lot of dents. Peoples said that defendant, Anthony and Epps were in the car when she was dropped off at home. Peoples later identified this car when it was parked in front of defendant's home. Peoples' description and identification of the car was corroborated by Gomire's description of the car that Epps was last seen entering as a yellow car with dents.

¶ 43 The information provided by Peoples regarding Anthony and the conversations with people at defendant's home during the early hours of July 2 confirmed to police that defendant and Anthony had left their home together. This information also suggested that defendant and Anthony had taken the car that was identified by Peoples because it was parked in front of defendant's house when Peoples identified it to the detectives but it was gone when the detectives returned to defendant's home an hour later.

¶ 44 Thus, contrary to defendant's argument, the corroboration of the details provided by Peoples demonstrated to police that she was providing reliable information about the events that took place during the hours before Epps was murdered. Peoples had also told police that defendant was her cousin. Considering all of the circumstances, the police reasonably believed that the information provided by Peoples during her final interview was reliable.

¶ 45 Moreover, Peoples implicated defendant when she told police that she knew that defendant and Anthony were involved in Epps's murder. Peoples also told police about defendant's statement to her that her boyfriend had killed a "Mexican" and that defendant had pointed out this person's home while Peoples and defendant were driving down Phillips Street.

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Defendant further told Peoples that she knew the victim from the clinic where she worked. Once again, this information was corroborated by an independent source. The police reviewed their homicide files and discovered that a Mexican male who lived on South Phillips had been murdered during the time frame that defendant had indicated to Peoples. The fact that defendant knew this murder victim from work and knew where he lived created the inference that she was somehow involved in his murder. Additionally, the corroboration of Peoples' statements to police regarding what defendant told her about the "Mexican" further supports the reliability of Peoples' statement to police indicating that defendant and her boyfriend were the last people seen with Epps before her death. As noted above, when a defendant is among the last people seen with a victim before her death, this is a significant factor in determining whether probable cause exists. See *Hardaway*, 307 Ill. App. 3d at 604.

¶ 46 Given the totality of the circumstances known to police at the time of defendant's arrest, we conclude that the police had probable cause to believe that defendant was involved in the murder of Epps. Therefore, we affirm the trial court's denial of defendant's motion to quash arrest and suppress evidence.

¶ 47 Defendant next contends that she was denied her due process right to present a complete defense when the trial court barred her from introducing evidence of Peoples' other bad acts and mental health diagnoses. Defendant claims that such evidence would have supported her theory at trial that Peoples acted alone and surprised defendant when she impulsively shot Marquez, Redic and Armstrong. Defendant also claims that evidence of Peoples' mental health diagnoses was relevant to impeach her credibility as a witness.

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¶ 48 Before the State called Peoples as a witness, it filed a motion *in limine* to bar the defense from eliciting evidence that a doctor had diagnosed Peoples with depression and post-traumatic stress disorder (PTSD). Defense counsel told the court that a doctor's report indicated that symptoms of Peoples' mental disorders included sudden and explosive anger, impulsiveness, memory gaps and dissociation. According to counsel, "People[s] allegedly told the doctor who interviewed her that she never planned any of the murders" and that instead "her behavior was impulsive." Defense counsel claimed that such behavior was probative of Peoples' lack of planning with defendant, from which the jury could conclude that the State had not proven the criminal intent necessary for the crimes of which defendant was charged. The defense also sought to elicit evidence of numerous violent acts that Peoples allegedly committed in jail after her arrest, claiming that this evidence further illustrated how Peoples' anger and impulsiveness manifested itself. Defense counsel further argued that the doctor's report noted that Peoples suffered from some memory gaps from childhood and adulthood and that, whenever a violent situation occurred, Peoples' mind went elsewhere, she went into herself and could not hear what others were saying. Defense counsel claimed that this evidence bore on Peoples' ability to perceive events as they occurred and to recall events when she testified at trial. The trial court ruled that the evidence was irrelevant and that it could not mitigate the other evidence against defendant. The court questioned how the evidence "would've affected what defendant did" and stated that the defense could not "get into diagnoses" as "it's not Caroline Peoples on trial."

¶ 49 Rulings on evidentiary matters, including motions *in limine*, are within the sound discretion of the trial court and will not be reversed absent an abuse of that discretion. *People v.*

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*Harvey*, 211 Ill. 2d 368 (2004). An abuse of discretion occurs when the trial court's decision is arbitrary, fanciful, unreasonable, or when no reasonable person would take the same view as the trial court. *People v. Smith*, 406 Ill. App. 3d 747 (2010). Evidence is relevant if it has the tendency to make the existence of a fact that is important to the determination of a case more or less probable than it would be without the evidence. *People v. Decaluwe*, 405 Ill. App. 3d 256 (2010).

¶ 50 We begin by observing that defendant has failed to include a copy of the alleged doctor's report in the record on appeal. It is the defendant's burden to provide a reviewing court with a sufficiently complete record to allow for meaningful appellate review. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984); see also *People v. Fair*, 193 Ill. 2d 256, 264 (2000) (applying *Foutch* in a criminal appeal). In the absence of a sufficiently complete record, a reviewing court will presume that the trial court's ruling had a sufficient legal and factual basis and will resolve any doubts that may arise from the incompleteness of the record against the defendant. *Foutch*, 99 Ill. 2d at 391-92. In this case, our review of defendant's claims is hindered by the absence of the report in the record. For example, when the parties argued this issue before the trial court, the State claimed that the report was irrelevant because the doctor did not conclude that Peoples was suffering from PTSD on the nights of the murders but rather that Peoples had suffered from the disorder for some time. The State also argued that Peoples' memory gaps occurred earlier in life and that the doctor's report did not state that Peoples had any memory problems during the time of the murders. Reviewing the doctor's report is necessary to resolve these disagreements and to properly review the trial court's determination that the report was not relevant. Ultimately, we

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cannot find an abuse of discretion where the evidence sought to be used is not contained in the record.

¶ 51 Moreover, defendant was convicted of felony murder and therefore evidence showing that Peoples surprised defendant when she impulsively shot Marquez, Redic and Armstrong was not relevant. A person commits the offense of felony murder when she, without lawful justification, causes a person's death while "he is attempting or committing a forcible felony other than second degree murder." 720 ILCS 5/9-1(a)(3) (West 2010). A defendant can be convicted of felony murder without knowing or intending that a murder be committed. See *People v. Phillips*, 383 Ill. App. 3d 521, 535 (2008) ("Felony murder differs from other forms of first degree murder in that the State is not required to provide evidence of the defendant's mental state at the time of the offense").

¶ 52 In this case, even if the evidence defendant sought to elicit supported her theory that Peoples impulsively shot the victims, that theory was not relevant because defendant was convicted of felony murder and therefore she need not have even known that the victims would be killed. The evidence defendant sought to introduce also did not explain the actions that defendant took or have a bearing upon the question of whether those actions were sufficient to find her guilty of armed robbery. Therefore, we cannot say the trial court's ruling on the motion *in limine* was an abuse of discretion.

¶ 53 Moreover, the evidence that defendant was a willing participant in the armed robberies was overwhelming. This evidence included Peoples' testimony that she and defendant planned and intended to rob Redic and Armstrong. The evidence also indicated that defendant selected

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the victims. She knew Marquez and Redic and selected Armstrong as the victim seeing him obtain money in the currency exchange. Defendant told Detective Heffernan that she and Peoples went to the currency exchange to rob someone and she told Peoples that they could rob Redic if they went to his apartment. Defendant also directed Peoples to get into the back of the van and gave her the gun while they were stalking Armstrong. She went through Marquez's wallet and tried to use his ATM card. Defendant told Detective Heffernan that she took Redic's wallet and that she and Peoples went through the wallet and split the \$200 that they found. Defendant also had someone help her sell Redic's vehicle. Because this evidence overwhelmingly established that defendant was guilty of armed robbery, the trial court's ruling on the motion *in limine* did not contribute to the jury's verdict and was therefore harmless.

¶ 54 Defendant also claims that evidence of Peoples' mental state was relevant to her credibility as a witness. Again, however, we cannot properly evaluate this claim or find an abuse of discretion in regard to this issue where we do not have the doctor's report in the record on appeal. Moreover, we reject defendant's claim that she was prejudiced by the court's ruling because other than her own statements, the key evidence against her was Peoples' testimony. Defendant's videotaped statements alone were more than sufficient to prove her guilty of armed robbery beyond a reasonable doubt. Evidence of People's alleged mental disorders would have offered no explanation for defendant's confessions to the armed robberies or detracted from them.

¶ 55 Defendant next contends that her right to confront the witnesses against her was violated when a medical examiner was allowed to testify to the contents of two autopsy reports prepared by other doctors who defendant did not have the opportunity to cross-examine. Whether

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defendant's confrontation rights were violated presents a question of law that we review *de novo*. See *People v. Leach*, 2012 IL 111534.

¶ 56 At trial, Dr. Joseph Cogan of the Cook County Medical Examiner's office was allowed to testify regarding the findings and conclusions following the autopsies of Marquez, Redic and Armstrong. Dr. Cogan did not perform the autopsies of Marquez and Armstrong, but instead testified based upon the reports authored by two different doctors who conducted those autopsies. Specifically, Dr. Cogan testified that Dr. Arumkumar examined Marquez and prepared the corresponding autopsy report and that Dr. Arumkumar was on maternity leave at the time of trial. Dr. Cogan testified to the contents of the report, including the presence of a single gunshot wound to the back of the head, and that Dr. Arumkumar was of the opinion that the cause of death was the single gunshot wound to the head and that the manner of death was homicide. Dr. Cogan testified that he arrived at the same conclusion as to the cause and manner of death. Similarly, Dr. Cogan testified that Armstrong's autopsy was conducted by Dr. An, who had since retired from the medical examiner's office. Dr. Cogan further testified that Dr. An determined that Armstrong died from a single gunshot wound to the back of the head and that the manner of death was homicide. After reviewing Dr. An's report, Dr. Cogan reached the same opinion as to the cause and manner of death. Defendant objected to the doctor being allowed to testify about reports that he did not prepare but the trial court overruled the objection.

¶ 57 The sixth amendment of the United States Constitution provides that "[i]n all criminal prosecutions, the accused shall enjoy the right \* \* \* to be confronted with the witnesses against him." U.S. Const., amend. VI. In *Crawford v. Washington*, 541 U.S. 36, 53-54 (2004), the

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United States Supreme Court held that testimonial statements made by a witness absent from trial may only be admitted where the declarant is unavailable and the defendant has had a prior opportunity to cross-examine him. However, "the Confrontation Clause 'does not bar the use of testimonial statements for purposes other than establishing the truth of the matter asserted.' "

*Williams v. Illinois*, 132 S. Ct. 2221, 2235 (2012) (quoting *Crawford*, 541 U.S. at 59, n. 9).

¶ 58 In *Bullcoming v. New Mexico*, 564 U.S. ----, 131 S. Ct. 2705 (2011), the defendant was found guilty of aggravated driving while under the influence of intoxicating liquor. *Bullcoming*, 564 U.S. at ----, 131 S. Ct. at 2709. On review, the Court, relying on *Melendez–Diaz v. Massachusetts*, 557 U.S. 305 (2009), found that a certified blood-alcohol concentration (BAC) report which was prepared "solely for an 'evidentiary purpose' "and made in "aid of a police investigation" was testimonial. *Bullcoming*, 564 U.S. at ----, 131 S. Ct. at 2717 (quoting *Melendez–Diaz*, 557 U.S. at ----, 129 S. Ct. at 2532). Therefore, its admission into evidence required either live testimony from the analyst who performed the test and certified the report, or a finding that the analyst who performed the test was unavailable and the defendant had a prior opportunity to cross-examine that analyst. *Bullcoming*, 564 U.S. at ----, 131 S. Ct. at 2713. The court further held that the "surrogate" testimony of another analyst who did not personally perform or observe the performance of the test was insufficient to satisfy the requirements of the Confrontation Clause. *Bullcoming*, 564 U.S. at ----, 131 S. Ct. at 2710.

¶ 59 Subsequently, in *Williams*, 132 S. Ct. at 2240, the Supreme Court held that an expert's testimony referring to a report of a DNA testing facility (Cellmark) that a DNA profile was produced from semen found on the victim's vaginal swab did not violate the Confrontation

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Clause. The Court came to a different result than in *Bullcoming* for two reasons. First, the Court found that the testimony was admitted only as the basis of the expert's opinion and thus not for the truth of the matter asserted. *Id.* Second, the Court found that even if the testimony had been admitted for its truth it would not have violated the Confrontation Clause. *Id.* at 2242. The Court noted:

" [T]he principal evil at which the Confrontation Clause was directed,' the Court concluded in *Crawford*, 'was the civil-law mode of criminal procedure, and particularly its use of *ex parte* examinations as evidence against the accused.' 541 U.S., at 50, 124 S. Ct. 1354. '[I]n England, pretrial examinations of suspects and witnesses by government officials "were sometimes read in court in lieu of live testimony.'" *Bryant*, 562 U.S., at \_\_\_\_, 131 S. Ct., at 1152 (quoting *Crawford*, *supra*, at 43, 124 S. Ct. 1354). The Court has thus interpreted the Confrontation Clause as prohibiting modern-day practices that are tantamount to the abuses that gave rise to the recognition of the confrontation right. But any further expansion would strain the constitutional text.

The abuses that the Court has identified as prompting the adoption of the Confrontation Clause shared the following two characteristics: (a) they involved out-of-court statements having the primary purpose of accusing a targeted individual of engaging in criminal conduct and (b) they involved formalized statements such as affidavits, depositions, prior testimony, or confessions. In all but one of the post- *Crawford* cases in which a Confrontation Clause violation has

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been found, both of these characteristics were present." *Williams*, 132 S. Ct. at 2242.

¶ 60 The Court then found that as the Cellmark report plainly was not prepared for the primary purpose of accusing a targeted individual or to create evidence for use at trial the Confrontation Clause was not violated. *Id.*

¶ 61 Recently, in *Leach*, our supreme court addressed the issue that defendant raises in this case. Specifically, the court considered whether the defendant's confrontation rights were violated when a medical examiner testified to the contents of an autopsy report prepared by an individual who was retired from the medical examiner's officer at the time of trial. *Leach*, 2012 IL 111534, ¶ 4. The court initially noted that the report was admitted into evidence without limitation and therefore found that it was admitted for the truth of the matters asserted therein. *Id.* at ¶ 67. However, the court found that the report was admissible under the business records exception to the hearsay rule (Ill. R. Evid. 803(6) (eff. Jan. 1, 2011)) and the public records and reports exception (Ill. R. Evid. 803(8) (eff. Jan. 1, 2011)). The court also found that the report was admissible under section 115-5.1 of the Code of Criminal Procedure of 1963, which provides that reports of autopsies "kept in the ordinary course of business of the coroner's office" and "duly certified" are admissible "[i]n any civil or criminal action pursuant to state statute." 725 ILCS 5/115-5.1 (West 2010). *Id.* at ¶ 75. The court further found that the autopsy report was not testimonial hearsay because "it was (1) not prepared for the primary purpose of accusing a targeted individual or (2) for the primary purpose of providing evidence in a criminal case." *Id.* at ¶ 122. The court reasoned that the report was not certified or sworn in anticipation of being

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used as evidence, that the report did not bear testimony against the defendant because nothing in it directly linked the defendant to the crime and that "[a]n autopsy report is prepared in the normal course of operation of the medical examiner's office, to determine the cause and manner of death, which, if determined to be homicide, could result in charges being brought." *Id.* at ¶ 130 -32. Accordingly, the court found that the defendant's confrontation rights were not violated. *Id.* at ¶ 137. The court also found that even if the report was testimonial hearsay, any error in its admission and of any opinion offered by the medical examiner based upon the report was harmless. The court reached this finding in light of other evidence presented at trial and because the defendant did not dispute the cause and manner of death and therefore the contents of the report had a "negligible" effect on the verdict. *Id.* at ¶ 150.

¶ 62 Applying the principles set forth above, we first find that Dr. Cogan's reliance upon the autopsy reports of Dr. An and Dr. Arumkumar can be considered a basis of his opinion testimony and thus not hearsay. However, it appears that these reports were admitted into evidence without any limiting instruction. In that event, as in *Leach*, we find that the reports would have been admissible as business records (Ill. R. Evid. 803(6) (eff. Jan. 1, 2011)), public records (Ill. R. Evid. 803(8) (eff. Jan. 1, 2011)) and by statute (725 ILCS 5/115-5.1 (West 2010)). We further find that the autopsy reports testified to by Dr. Cogan were not testimonial in nature because those reports were not prepared for the primary purpose of accusing defendant of a crime or for the primary purpose of providing evidence at trial. Accordingly, defendant's confrontation rights were not violated. Finally, we conclude that any error was harmless beyond a reasonable doubt. Defendant does not dispute the cause and manner of the victims' death and they were not

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disputed issues at trial. In light of the other evidence presented at trial, including defendant's statements to police, Peoples' testimony and evidence showing that Marquez and Armstrong were each found with a single gunshot wound to the back of the head, Dr. Cogan's testimony and the autopsy reports did not play a material part in defendant's conviction.

¶ 63 Defendant's final contention is that her mittimus should be corrected in case number 04 CR 18528, the murder and armed robbery of Epps. Defendant was found guilty of three counts of first degree murder and one count of armed robbery in that case. The trial court stated that because there was only one death, Count 8 (strong probability murder) and Count 9 (felony first degree murder based on armed robbery) would merge into Count 7 (intentional murder), which alleged that defendant "intentionally or knowingly shot and killed Ayesha Epps with a firearm, and during the commission of that offense \*\*\* personally discharged a firearm that proximately caused death." However, defendant's mittimus reflects three separate murder convictions.

¶ 64 The State concedes that defendant's mittimus should be corrected to reflect a conviction for only one count of murder. We agree. See *People v. Lego*, 116 Ill. 2d 323, 344 (1987) (where only one person has been murdered, there can only be one conviction of murder; when multiple convictions are obtained for offenses arising out of a single act, sentence is imposed on the most serious offense). We also agree with the parties that defendant's conviction for intentional murder under Count 7 is the most serious offense. This court has the authority to correct the mittimus at any time without remanding the matter to the trial court. *People v. Harper*, 387 Ill. App. 3d 240, 244 (2008). Accordingly, we direct the clerk of the circuit court of Cook County to correct defendant's mittimus to reflect only one conviction and sentence for first degree murder

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on Count 7 and that the remaining Counts 8-9 are merged.

¶ 65 Affirmed; mittimus corrected.