2016 IL App (1st) 142199-U

SECOND DIVISION
November 29, 2016

No. 1-14-2199

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 12 CR 15820
	)	
WALTER TATES,	)	Honorable
	)	Thomas J. Byrne,
Defendant-Appellant.	)	Judge Presiding.

JUSTICE MASON delivered the judgment of the court.
Presiding Justice Hyman and Justice Neville concurred in the judgment.

O R D E R

¶ 1 *Held*: Defendant's convictions for possession of controlled substances and cannabis with intent to deliver affirmed over his claims that (i) the judge who issued the search warrant to search the residence where the drugs were found did so without the warrant being supported by oath or affirmation and (ii) there was insufficient evidence to prove he had constructive possession of the drugs.

¶ 2 Following a bench trial, defendant Walter Tates was found guilty of possession of heroin, cocaine, cannabis and methamphetamine with intent to deliver. The trial court sentenced him to 10 years' imprisonment on both the heroin and cocaine convictions, 5 years' imprisonment on

the cannabis conviction and 4 years' imprisonment on the methamphetamine conviction, all to run concurrently. On appeal, Tates contends that: (1) the trial court erred in denying his motion to quash a search warrant and suppress evidence because the State failed to show that the warrant was supported by oath or affirmation and (2) the State failed to meet its burden to prove him guilty beyond a reasonable doubt because the evidence of his possession of the drugs was insufficient. We disagree and affirm.

¶ 3 We note at the outset our opinion in a companion case involving one of Tates' co-defendants, Terry Tates ("Terry"). *People v. Tates*, 2016 IL App (1st) 140619. In that case, we found the State's evidence insufficient to support various drug-related charges against Terry and reversed his convictions outright. *Id.*, ¶ 31. Although both cases arise out of the same facts, they do not warrant the same result.

¶ 4 On July 26, 2012, Tates, Terry and Robert Green were arrested during the execution of a search warrant on 505 West 62nd Street, Chicago. The search warrant authorized the police to search both the residence at that address and Tates and to seize, among other things, drugs and drug paraphernalia. The warrant was issued pursuant to a complaint based on facts subscribed and sworn to by Chicago police officer Raymond Wilke and an informant, "J. Doe." According to the complaint, Wilke and the informant subscribed and swore to the facts contained therein before Circuit Court of Cook County Judge Kennedy on July 26, 2012, at an unknown time. The search warrant states it was issued by Judge Kennedy on July 25, 2012, at 11:55 p.m.

¶ 5 All three men were jointly charged with possession of heroin, cocaine, cannabis and methamphetamine with intent to deliver, as well as armed violence based on the weapons and ammunition recovered during the search.

¶ 6 Prior to trial, Tates filed a motion to quash the search warrant and suppress the evidence recovered during the search, arguing, among other things, that the warrant was defective because the complaint had not been signed by Wilke, the informant or the issuing judge, and there was no evidence Wilke or the informant appeared before the issuing judge and swore to the facts contained in the complaint. The State attached a copy of the signed complaint to its response.

¶ 7 At the hearing on the motion, neither party presented any witnesses. Defense counsel stated he was unaware of the signed search warrant and complaint until it was attached to the State's response and withdrew that argument from the motion. Counsel noted a discrepancy, however, in that the warrant had been issued by Judge Kennedy on July 25, 2012, at 11:55 p.m., while the complaint for the warrant had been signed on July 26, 2012, at an unknown time.

¶ 8 In denying Tates' motion, the court found that the discrepancy between the dates on the warrant and the complaint was "obviously a typographical error. The judge saw the people on July 25th when he signed the search warrant, so 25, 26, he saw the people before the search warrant was signed. *** It's merely a typographical error."

¶ 9 Tates sought reconsideration, arguing that, based on the chronology, Wilke and the informant "were not placed under oath" at the time the warrant was issued, thus invalidating the warrant. Counsel further asserted that, while the trial court found the discrepancy was "[scrivener's] error," there was no evidence to that effect. The State responded that July 26 was five minutes after the time Judge Kennedy issued the warrant, and the five-minute differential was "not a defect in the warrant" and did not affect a probable cause determination. The court denied Tates's motion to reconsider.

¶ 10 The case proceeded to trial. Both Terry and Green elected jury trials while Tates elected a bench trial. The trials occurred simultaneously.

¶ 11 Around 4:45 p.m. on July 26, 2012, Officer Wilke and approximately 10 other officers approached a single-family residence at 505 West 62nd Street to execute the search warrant. The officers announced their presence by knocking on the front door and verbally identifying themselves. Although the officers heard dogs barking inside the home, they received no response. As a result, several officers forcibly entered the residence while others remained outside, creating a perimeter around the residence. The officers that entered immediately searched the residence for occupants. As Wilke walked through the living room and into the dining room, he observed Tates, Terry and Green in the dining room. Tates was "seated at [the] dining room table" and did not have any drugs in his hands.

¶ 12 Upon seeing the officers, Tates, Terry and Green immediately ran from the dining room. Perimeter officers detained Tates and Terry, who had run outside the residence, while Green was detained in the kitchen. Officers then secured all three inside the residence, and the police proceeded to search the residence.

¶ 13 On the dining room table, Wilke observed "clumps" of suspect cannabis, bagged suspect cannabis, digital scales, "grinders," packaging material, "mixers" and other paraphernalia used to cut drugs. Some of the packaging materials were marked with a Nike "swoosh" emblem, which Wilke explained denotes a specific brand of drugs. On the dining room floor, Wilke observed plastic bags containing "ounce bags" of suspect cannabis inside various boxes, bags, and express mail containers, along with packaging and mailing materials. In a cabinet in the dining room, Wilke found a loaded 9-millimeter handgun, a 9-millimeter magazine, a piece of mail addressed to Tates at a different address than the residence subject to the search warrant and a prescription bottle, which Wilke did not believe contained Tates' name.

¶ 14 After searching the dining room, Wilke searched the kitchen. There, he found suspect heroin inside the refrigerator, and near the sink saw baking soda and a strainer containing a white residue, both of which he explained are used to make crack cocaine. In the compartment of a water cooler, he observed suspect crack cocaine, cocaine, heroin and methamphetamine. Wilke acknowledged that he did not recover any proof of residency showing Tates' name and the address subject to the search warrant.

¶ 15 Officers eventually placed Tates into custody and removed him from the residence. When Wilke took Tates outside, Tates told him he knew "it's going to be cold in lock up" and asked if he could "get a coat." Tates directed Wilke to a bedroom upstairs where Wilke "grabbed" a sweatshirt and gave it to Tates. The police then transported Tates to the police station. At the station Tates told Wilke that he "didn't know [the police] were coming in. And that if [the police] would have been there ten minutes sooner or ten minutes later [they] wouldn't have got him." Tates told Wilke that Wilke "got [his] big bust" and that Tates sold drugs "to take care of my kids and my mama" and "he makes it look like a legitimate business by putting them in Express Mail envelopes." Tates also stated that the residence belonged to his sister.

¶ 16 Wilke acknowledged authoring an arrest report for Green and attributing the above statements to him. Wilke stated that the attribution to Green was an error, but he did not correct the mistake. Wilke explained the statements were also included in Tates' arrest report and attributed to him there. Wilke testified that he never took a statement from Green and neither did any other officers in his presence.

¶ 17 Wilke also acknowledged that, he had "subscribed under oath to certain facts in the Complaint for Search Warrant" and signed the complaint for the search warrant on July 26, 2012. Wilke agreed the search warrant for the residence showed it had been issued on July 25,

2012, and the complaint stated it had been signed by him on July 26, 2012. He also agreed that a search warrant data sheet he had authored stated the warrant had been issued on July 26, 2012, at 2:51 p.m. Wilke explained this was a "computer error" that he could not correct and later stated he had "just noticed" the error at trial, after it was brought to his attention by defense counsel.

¶ 18 Immediately following Wilke's testimony, defense counsel renewed his motion to quash the search warrant and suppress the recovered evidence, arguing that, based on Wilke's trial testimony, the complaint for the warrant was signed after the warrant itself was issued. The trial court denied the renewed motion. Defense counsel also moved for a mistrial, which the court denied.

¶ 19 Officer Crenshaw testified that after he entered the residence, he observed Tates, Terry and Green in the dining room area, but never saw any of them seated. But he also testified that he immediately went upstairs upon entering the residence, although he could see the dining room from his vantage point. He later acknowledged going into the living room first, from where he could see the dining room before going upstairs.

¶ 20 As a result of the search, Crenshaw inventoried approximately 700 bags of suspect cannabis and 214 bags of suspect heroin, as well as suspect cocaine, suspect methamphetamine, drug paraphernalia, a firearm and an ammunition magazine. He acknowledged that two inventory documents stated that drugs had been recovered on July 27, 2012, but he could not tell from the documents where the items referred to had been recovered in the residence. Crenshaw later testified that the two inventory documents contained a notation stating a desk sergeant approved them at 12:27 a.m. on July 27, 2012.

¶ 21 The parties stipulated that the drugs recovered consisted of: 272.3 grams of heroin, 139 grams of cocaine, 2070.3 grams of cannabis and 0.5 grams of methamphetamine. The State rested.

¶ 22 Tates testified in his defense. On July 26, 2012, Tates was living with his fiancée in Burnham. On that day, he left the clothing store where he worked as a salesman around 3 p.m. and went to his mother's house on the 5700 block of South Normal Boulevard. Tates's mother gave Tates a piece of mail that was addressed to him at his Burnham residence. The mail had been dropped off at his mother's house by his fiancée "[b]ecause she couldn't catch up with [him]" that day. Tates put the mail in the back pocket of his shorts. Eventually, he left his mother's house and walked to a convenience store where he bought food. While he was outside the store talking with his daughter, two police officers, including Wilke, drove up to him and told him they had a warrant for him. The officers searched Tates, handcuffed him and drove him to his sister's house located at 505 West 62nd Street.

¶ 22 At the residence, Wilke walked Tates to the kitchen and made him sit down on the floor with Terry and Green, who were already there and also handcuffed. The police proceeded to search the cabinets. About an hour later, Wilke walked Tates to the front porch and put a jacket on him that had been lying on a couch. Tates did not request a jacket and did not know to whom it belonged. Wilke then transported Tates to the police station. Tates denied making any statements to the police and denied possessing or selling drugs from his sister's residence. Tates stated he did not have a key for the residence and had never stayed there overnight.

¶ 23 The trial court found Tates guilty of all the drug offenses, but not guilty on the armed violence charge.[1] The court observed that, based on the officers' forcible entry, they were able to enter the residence in "short order," which caused Tates, Terry and Green to be in "shock[]" and "scramble to get out." It noted that, while both Officers Wilke and Crenshaw observed Tates in the dining room upon entering the residence, Tates testified he had been taken there by the police. The court found the officers' testimony was "credible" and Tates's testimony "[wa]sn't credible." Further, the court found Tates's statements to Wilke "link[ed]" him to the residence, drugs and paraphernalia.

¶ 24 Tates moved for a new trial, arguing, *inter alia*, that the trial court erred in denying his motion to quash the search warrant and suppress the evidence recovered because the warrant had been issued before the facts giving rise to probable cause were attested to by Wilke and the informant. The court denied the motion and imposed the concurrent sentences referenced above. This appeal followed.

¶ 25 Tates first contends that the trial court erred in denying his motion to quash and suppress because the State failed to show the warrant was supported by oath or affirmation. Specifically, Tates points to the fact that the warrant was issued by Judge Kennedy on July 25, 2012 at 11:55 p.m., while the complaint for the search warrant was signed by the informant and Officer Wilke on July 26, 2012, at an unknown time. Tates concludes from this variance that it "is undisputed that the complaint was not subscribed to until sometime after the warrant had already been issued."

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[1] Green was acquitted of all of the charges against him while Terry was convicted of possession of heroin, cocaine and cannabis with intent to deliver, and possession of methamphetamine. As noted, this court reversed all of Terry's convictions in *People v. Tates*, 2016 IL App (1st) 140619.

¶ 26 The fourth amendment to the United States Constitution states that "no Warrants shall issue, but upon probable cause, supported by Oath or affirmation." U.S. Const., amend. IV; see Ill. Const. 1970, art. I, § 6 ("No warrant shall issue without probable cause, supported by affidavit.") Consistent with both our federal and state constitutions, section 108-3 of the Code of Criminal Procedure of 1963 (725 ILCS 5/108-3(a) (West 2012)) states, in relevant part, that a search warrant may be issued "upon the written complaint of any person under oath or affirmation which states facts sufficient to show probable cause." The requirement that the person alleging facts in the complaint be under oath or affirmation is an integral requirement for the issuance of a search warrant. See *People v. Kleinik*, 233 Ill. App. 3d 458, 460-61 (1992). However, "[n]o warrant shall be quashed nor evidence suppressed because of technical irregularities not affecting the substantial rights of the accused." 725 ILCS 5/108-14 (West 2012).

¶ 27 Trial judges are presumed to know the oath or affirmation requirement for the issuance of a search warrant and follow the proper procedures when issuing one. See *People v. Howery*, 178 Ill. 2d 1, 32 (1997) ("[T]he trial court is presumed to know the law and apply it properly."); *People v. Pettis*, 2015 IL App (4th) 140176, ¶ 21 ("Absent a showing to the contrary, we presume an issuing judge knew and followed the law."); *People v. Vera*, 393 Ill. App. 3d 94, 99 (2009) (appellate court would not presume that the judge "would have issued the search warrant without the oath, affirmation, or affidavit"). This presumption can only be overcome with strong affirmative evidence in the record to the contrary. *Howery*, 178 Ill. 2d at 32.

¶ 28 Although Tates contends that Judge Kennedy issued the search warrant without an oath or affirmation from Wilke and the informant, nothing in the record convinces us that Tates's claim has merit. The search warrant itself states that, on July 25, 2012, both Wilke and the

informant "subscribed and swor[e] to a complaint for search warrant" before Judge Kennedy. The complaint for the search warrant states that both Wilke and the informant "appear[ed] before [Judge Kennedy] and request[ed] the issuance of a search warrant to search" Tates and the residence at 505 West 62nd Street. The complaint also states that the informant "appeared before [Judge Kennedy] and was made available and swore to the facts described in the *** affidavit." While it is indisputable the search warrant states it was issued on July 25, 2012, at 11:55 p.m., clearly *before* the date on the complaint, this is not strong affirmative evidence that Judge Kennedy made a false statement in the search warrant or issued the search warrant without the oath or affirmation from Wilke and the informant. With no evidence in the record to the contrary, we will not presume Judge Kennedy failed to follow the law. See *Vera*, 393 Ill. App. 3d at 99.

¶ 29 Moreover, we find the discrepancy in dates to be a technical irregularity not affecting Tates' substantial rights. 725 ILCS 5/108-14 (West 2012). "[S]earch warrants should not be quashed for hypertechnical reasons." *People v. Aiuppa*, 48 Ill. App. 2d 95, 100 (1964). When determining whether an irregularity is technical in nature, we must look at the entirety of the documents in question. See *People v. Johnson*, 13 Ill. App. 3d 1020, 1022 (1973) (where the judge verified the signatures of the police officers on the first page of a complaint for search warrant but not on the second page, no defect in the complaint occurred because it was only a complete document when viewed in its entirety); *People v. LaValley*, 7 Ill. App. 3d 1051, 1053-54 (1972) (rejecting the defendant's claim that a two-page complaint for a search warrant did not establish probable cause because, although "the oath and judge's signature appeared only on the first page" of the complaint, the complaint had to be viewed in its entirety). Viewing the complaint and search warrant together, both documents clearly indicate that Officer Wilke and the informant subscribed and swore to the facts contained in the complaint before Judge

Kennedy, thereby providing an oath or affirmation for the issuance of the search warrant. Given the statements in the complaint and search warrant, the discrepancy in the dates of the documents does not convince us that Judge Kennedy issued the search warrant absent an oath or affirmation. Rather, the discrepancy is a mere technical irregularity that does not affect Tates' substantial rights. See 725 ILCS 5/108-14 (West 2012). Consequently, there was no basis to quash the search warrant, and the trial court properly denied Tates's motion. See *id.*

¶ 30 We also reject Tates's related claim that the informant's allegations were insufficient to establish probable cause because the informant did not have a track record from which to judge his or her veracity, the police did not independently corroborate any of the informant's allegations and the informant did not predict any of Tates's future behavior.

¶ 31 In *People v. Lyons*, 373 Ill. App. 3d 1124 (2007), this court stated:

> " '[w]hen the informant has appeared before the issuing judge, the informant is under oath, and the judge has had the opportunity to personally observe the demeanor of the informant and assess the informant's credibility, additional evidence relating to informant reliability and corroboration by police as discussed in *Illinois v. Gates*, 462 U.S. 213, 238-39 *** (1983), is not necessary.' " *Id.* at 1128-29 (quoting *People v. Hancock*, 301 Ill. App. 3d 786, 792 (1998)).

As the informant appeared before Judge Kennedy and, as held above, was under oath or affirmation, additional evidence concerning his or her reliability and corroboration by the police was unnecessary. *Id.* at 1129. Consequently, this related claim also fails.

¶ 32 Tates next contends that the State failed to prove him guilty beyond a reasonable doubt of possession of the controlled substances and cannabis with intent to deliver. He argues the State's

evidence was insufficient to show that he constructively possessed the various drugs found in the residence.

¶ 33 When a defendant challenges his convictions based upon the sufficiency of the evidence presented against him, we must ask whether, after viewing the evidence in the light most favorable to the State, any rational trier of fact could find all the elements of the crimes proven beyond a reasonable doubt. *People v. Brown*, 2013 IL 114196, ¶ 48 (citing *Jackson v. Virginia*, 443 U.S. 307, 318-19 (1979)). All reasonable inferences must be allowed in favor of the State. *People v. Lloyd*, 2013 IL 113510, ¶ 42. While we must carefully examine the evidence before us, we must give proper deference to the trier of fact who observed the witnesses testify (*Brown*, 2013 IL 114196, ¶ 48), because it was in the "superior position to assess the credibility of witnesses, resolve inconsistencies, determine the weight to assign the testimony, and draw reasonable inferences therefrom." *People v. Vaughn*, 2011 IL App (1st) 092834, ¶ 24. Despite this highly deferential standard, if the evidence is "so unreasonable, improbable, or unsatisfactory as to justify a reasonable doubt of the defendant's guilt," we will overturn his conviction. *Brown*, 2013 IL 114196, ¶ 48.

¶ 34 To sustain a conviction for possession of a controlled substance or cannabis with intent to deliver, the State had to prove that (1) defendant had knowledge of the presence of the drugs, (2) the drugs were in his immediate possession or control, and (3) he intended to deliver them. *People v. Robinson*, 167 Ill. 2d 397, 407 (1995). Tates makes no argument concerning his intent to deliver the drugs, but rather argues there was insufficient evidence to show he had constructive possession of them.

¶ 35 Although possession may be actual or constructive (*People v. Pittman*, 2014 IL App (1st) 123499, ¶ 36), the State does not claim that Tates had actual possession of the drugs. Instead, it

argues Tates's guilt was sufficiently supported by his constructive possession of the drugs. Constructive possession is shown when the defendant (1) has knowledge of the presence of the drugs and (2) exercised immediate and exclusive control over the area where the drugs were found. *People v. Spencer*, 2012 IL App (1st) 102094, ¶ 17.

¶ 36 "Knowledge is rarely proven by direct evidence and may be established by evidence of the defendant's acts, declarations or conduct from which the inference may be fairly drawn that he knew of the existence of the contraband where it was found." *People v. Maldonado*, 2015 IL App (1st) 131874, ¶ 40. "Control is established when a person has the 'intent and capability to maintain control and dominion' over an item, even if he lacks personal present dominion over it." *Spencer*, 2012 IL App (1st) 102094, ¶ 17 (quoting *People v. Frieberg*, 147 Ill. 2d 326, 361 (1992)). Control of the location where the contraband is found is not essential to support a conviction based on constructive possession. *People v. Minniweather*, 301 Ill. App. 3d 574, 578 (1998).

¶ 37 Here, there was sufficient evidence that Tates constructively possessed the drugs found in the residence. First, Officers Wilke and Crenshaw saw Tates in the dining room, in the presence of large quantities of drugs and drug paraphernalia in plain view, demonstrating his knowledge of the drugs. See *People v. Macias*, 299 Ill. App. 3d 480, 487 (1998) (knowledge can be inferred when contraband is in plain view to the defendant).

¶ 38 Second, Wilke testified that Tates confessed to his possession and intent to deliver. "A confession is the most powerful piece of evidence the State can offer." *People v. Fillyaw*, 409 Ill. App. 3d 302, 316 (2011). Tates's confession was direct evidence of his possession and control over the drugs in the residence. See *People v. Miller*, 2013 IL App (1st) 110879, ¶¶ 16, 85 (the defendant's statement to a detective that he attempted to flee because the vehicle he had been

driving was stolen was direct evidence of his knowledge that the vehicle was stolen). Tates's confession to Wilke also established his intent and capability to maintain control and dominion over the drugs, as Tates admitted the drugs belonged to him when he told Wilke that he "sell[s] that [] s*** to take care of [his] kids and *** mama." Consequently, Tates's confession to Wilke, coupled with his presence in a room full of narcotics in plain view, provided sufficient evidence of his constructive possession of the drugs. See *People v. Feazell*, 248 Ill. App. 3d 538, 546 (1993) (holding that although there was testimony that other people had access to an apartment where drugs and weapons were found, evidence, including the defendant's admissions to ownership of the drugs and weapons, was sufficient to establish constructive possession of the contraband).

¶ 39 Lastly, Tates attempted to flee the residence upon the officers' entry, which is evidence of his consciousness of guilt. See *People v. Harris*, 225 Ill. 2d 1, 23 (2007). Therefore, viewing the evidence in the light most favorable to the State, and taking all reasonable inferences in the State's favor, a rational trier of fact could have found that Tates constructively possessed the drugs found in the residence, supporting his convictions for possession of the controlled substances and cannabis with intent to deliver. See *People v. Newman*, 211 Ill. App. 3d 1087, 1094 (1991) (finding sufficient evidence to prove the defendant's constructive possession of cocaine where he was found in the back room of an apartment that contained more than 53.3 grams of cocaine, the rest of the apartment was "filled with drugs and drug-related paraphernalia" and the defendant attempted to escape from a second-story window when the police entered the apartment).

¶ 40 Tates mounts various attacks on the credibility of the testimony of Officers Wilke and Crenshaw. He argues, *inter alia*, it is "unbelievable" that he, Terry and Green would still be in

the dining room, at a table "covered in drugs," when the police entered if, as the officers claimed, they had knocked loudly on the front door, announced their presence and then forcibly entered the residence. Tates further questions Crenshaw's credibility because he gave conflicting versions of his actions after entering the residence and how he observed Tates in the dining room. Tates asserts that his confession to Wilke cannot be believed because Wilke attributed the confession to Green in one of his police reports and, although Wilke stated this was an error, he never attempted to correct the report. Tates also highlights that Crenshaw's inventory records show that some of the items were recovered on July 26, 2012, the day of the warrant's execution, and other items were recovered the next day, on July 27, but no evidence was presented that any officers collected evidence from the residence the following day.

¶ 41 Tates's arguments involve credibility questions, which are matters reserved for the trier of fact, here the trial court, who heard the witnesses testify and observed their demeanor. See *People v. Daheya*, 2013 IL App (1st) 122333, ¶ 61. As to Tates's arguments about inconsistent and contradictory evidence, we again must defer to the trier of fact, who was in a superior position to resolve any such inconsistencies and contradictions. See *Vaughn*, 2011 IL App (1st) 092834, ¶ 24. The trial court found the officers credible and Tates incredible, and we will not disturb these findings on appeal. See *Daheya*, 2013 IL App (1st) 122333, ¶ 61.

¶ 42 Tates also argues that there was no evidence explaining where the methamphetamine, which was the basis for one of his convictions, was found. He asserts that Wilke never testified to recovering any methamphetamine and Crenshaw, although stating he inventoried suspect methamphetamine, could not remember where in the residence it was located. Contrary to Tates's assertion, Wilkes testified that he found "suspect methamphetamines" inside the compartment of a water cooler located in the residence, as depicted in People's Exhibit No. 14.

¶ 43 Lastly, Tates analogizes the facts of his case to those in *People v. Ray*, 232 Ill. App. 3d 459 (1992). In *Ray*, this court found insufficient evidence to establish that the defendants constructively possessed cocaine to support their convictions for possession of a controlled substance with intent to deliver because the only evidence connecting them to the cocaine was their mere proximity to a table that had cocaine on top of it. *Id.* at 461-63. Here, however, Tates was not only found in proximity to a table containing large quantities of drugs, in a house with more drugs hidden in the kitchen, he also made statements to the police wherein he acknowledged both his knowledge and control over the drugs, he attempted to flee the scene and he had clothing in an upstairs bedroom of the residence. These facts clearly distinguish the evidence supporting defendant's guilt from the evidence in *Ray*.

¶ 44 In sum, the evidence supports the finding that Tates had constructive possession of the drugs and is not "so unreasonable, improbable, or unsatisfactory as to justify a reasonable doubt of [his] guilt." *Brown*, 2013 IL 114196, ¶ 48. Accordingly, we affirm Tates's convictions.

¶ 45 Affirmed.