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IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

THE PEOPLE OF THE STATE)	Appeal from the Circuit Court
OF ILLINOIS,)	of Du Page County.
)	
Plaintiff-Appellee,)	
)	
v.)	No. 13-CF-1369
)	
ANTUOINE N. ADAMS,)	Honorable
)	George J. Bakalis,
Defendant-Appellant.)	Judge, Presiding.

JUSTICE ZENOFF delivered the judgment of the court.
Presiding Justice Schostok and Justice McLaren concurred in the judgment.

ORDER

- ¶ 1 *Held:* Defendant's conviction of armed robbery was affirmed where the State proved beyond a reasonable doubt that a certain bludgeon introduced at trial was one of the objects brandished by the co-defendants during the robbery.
- ¶ 2 Following a bench trial, defendant, Antuoine Adams, was convicted of armed robbery (720 ILCS 5/18-2(a)(1) (West 2012)) and aggravated robbery (720 ILCS 5/18-1(b)(1) (West 2012)). He was tried jointly with his brother, Ronaldo Crawford. Defendant and Crawford were represented by separate trial counsel, and neither requested a severance. The court merged the aggravated robbery count into the armed robbery count and sentenced both men to 30 years'

imprisonment. Defendant and Crawford separately appealed. The present appeal involves only defendant. For the reasons that follow, we affirm.

¶ 3

I. BACKGROUND

¶ 4 Defendant and Crawford committed a string of robberies in 2013 that targeted electronics stores. This case involves the June 5, 2013, robbery of a Radio Shack in Lombard, Illinois. Defendant and Crawford were charged by indictment with armed robbery in that, “while armed with a dangerous weapon, a bludgeon, [they] knowingly took property, being United States Currency, cellular phones, and various other electronic merchandise from the person or presence of Brad M. Kruckenberg by the use of force or by threatening the imminent use of force.” They were also charged with aggravated robbery in that, “while indicating verbally or by [their] actions to Brad M. Kruckenberg that [they] had a firearm, [they] knowingly took property, being United States Currency, cellular phones, and various other electronic merchandise from the person or presence of Brad M. Kruckenberg by the use of force or by threatening the imminent use of force.”

¶ 5 At trial, defendant did not dispute that he participated in the June 5, 2013, robbery and that he and Crawford brandished objects resembling handguns such that a conviction for aggravated robbery, a Class 1 felony (see 720 ILCS 5/18-1(c) (West 2012)), was appropriate. Instead, his defense was that the State could not prove beyond a reasonable doubt that he committed armed robbery, a Class X felony (see 720 ILCS 5/18-2(b) (West 2012)). Specifically, he contended that the State could not link a particular bludgeon that was found in his car on June 27, 2013, to the June 5 robbery. Therefore, he argued, the State could not prove that the items that he and Crawford brandished during the robbery actually had the physical characteristics of bludgeons. See *People v. Ross*, 229 Ill. 2d 255, 276 (2008) (explaining that one way the State

may prove that an object is a “dangerous weapon” is by showing that it was “used or capable of being used as a club or bludgeon.”).

¶ 6 Kruckenberg testified that he was working alone at the Radio Shack in Lombard on June 5, 2013, when two men entered the store shortly before 1 p.m. One man was wearing a green sweater and the other was wearing a dark sweater. The parties stipulated at trial that Crawford wore the green sweater and defendant wore the dark sweater. According to Kruckenberg, Crawford first asked him if he had a particular cell phone in stock. Kruckenberg did not have that phone in stock, but he checked on whether he could obtain one. Crawford then pulled out what Kruckenberg believed was a gun and placed it on the counter, telling him to take the money out of the register and place it in a bag. Kruckenberg complied, and defendant instructed him to put the bills in the bag and leave the change. Kruckenberg was then instructed to grab five large bags from behind the counter and proceed to the back area of the store. Defendant directed him to remove “high volume merchandise” such as cell phones, laptops, cameras, and GPS units from a cage. As Kruckenberg was doing this, he noticed that defendant had what appeared to be a gun in his left hand. Once Kruckenberg finished retrieving merchandise from the back area, defendant and Crawford led him to a bathroom and told him to count to 300 or 500. While Kruckenberg was in the bathroom, the rear door to the store opened and he heard a car drive away.

¶ 7 According to Kruckenberg, the two guns that he saw during the robbery looked like black handguns. During Kruckenberg’s testimony, the State played surveillance footage of the robbery that was captured by four video cameras throughout the store.¹ The surveillance video, along

¹ The trial exhibits were not submitted to this court as part of the record in defendant’s appeal. However, the exhibits were submitted to this court in connection with Crawford’s

with two still photographs taken from the video, showed that defendant brandished an object shaped like a handgun and which he held like a handgun. Crawford also briefly brandished an object during the robbery, although that object was not as distinct in the video and a photograph taken from the video as the object in defendant's hand. The State then questioned Kruckenberg about People's Exhibit 20, which was a Glock replica air soft firearm that had been recovered by police from defendant's vehicle 22 days after the Lombard robbery. Kruckenberg said that People's Exhibit 20 was consistent with the guns that he observed during the robbery.

¶ 8 On cross-examination, Kruckenberg acknowledged that Crawford and defendant were calm during the robbery and that they never grabbed him or yelled at him. Nor did they threaten to use the guns if he did not comply with their orders. Kruckenberg testified that police officers had not asked him to identify People's Exhibit 20 during their investigation of the case. Furthermore, Kruckenberg explained that People's Exhibit 20 looked similar to what he saw on the day of the robbery, but he could not identify it as being one of the objects that Crawford or defendant had in their hands.

¶ 9 Michael Heene, a detective with the Des Plaines police department, testified that he responded to a call at a vacant parking lot on the south side of Chicago at 2:30 p.m. on June 27, 2013, as part of a separate investigation. Once there, he observed two vehicles: a gold GMC SUV and a black four-door Infinity sedan. He also observed that three male subjects were in custody on the ground. After speaking with other officers at the scene, Heene looked inside the

separate pending appeal, which is docketed as *People v. Crawford*, No. 2-14-0911. On our own motion, we take judicial notice of the trial exhibits in Crawford's related pending appeal. See *People v. Jimerson*, 404 Ill. App. 3d 621, 634 (2010) (court may take judicial notice of public records and judicial proceedings in related but severed jury trial of co-defendant).

Infinity and saw electronics as well as what he believed was a Glock semi-automatic pistol in the back seat. In the course of ensuring that the pistol was unloaded, he determined that it was actually a replica air soft firearm. Heene testified that his own service weapon was a Polymer Springfield XD, which is similar to a Glock firearm. According to Heene, the item recovered from the back seat of the Infinity was similar in weight to his own service weapon. He had initially thought that the item in the car was an actual firearm based on its weight and characteristics, until he removed the magazine and determined that it did not handle live ammunition. Heene said that People's Exhibit 20 was the replica gun that he found in the Infinity.

¶ 10 Heene also testified that he spoke with defendant for the first time in the back of a Des Plaines police vehicle. Defendant told Heene that he owned the Infinity. Heene also spoke with Crawford, who said that the gold SUV belonged to him. According to Heene, the Infinity was towed to a garage and searched. Inside the car he found new electronics, cell phones, and tablet computers, along with the air soft pistol that he had noticed in the car at the scene of the arrests. Heene also recovered six large Radio Shack shopping bags from the trunk of the Infinity. The State introduced into evidence records from the Secretary of State showing that the Infinity was registered to defendant.

¶ 11 Heene further testified that he spoke with defendant again at the Des Plaines police station at 12:30 a.m. on June 28, 2013. According to Heene, defendant told him that he was in the black Infinity on June 27, 2013. When asked about the Glock replica found in the Infinity, defendant told Heene that he had purchased that item online along with another identical item and two air soft rifles approximately one year before. According to Heene, defendant did not know where the second air soft pistol was. Heene testified that defendant acknowledged having

held the air soft Glock replica pistol on June 27, 2013. Defendant also admitted to Heene that he was involved in the Lombard Radio Shack robbery.

¶ 12 Heene further testified about his conversation with Crawford at the Des Plaines police station at 4:40 a.m. on June 28, 2013. According to Heene, Crawford acknowledged having been in defendant's Infinity on June 27. Crawford also admitted to being involved in the Lombard robbery.

¶ 13 Tiffany Wayda, a detective with the Du Page County sheriff's office, was the State's final witness. She identified surveillance footage taken on June 5, 2013, from a camera at M.S. Jewelers, a store that was near the Radio Shack that was robbed. The footage showed a black car driving in the area of the Radio Shack. Wayda further testified that she had the opportunity to interview both defendant and Crawford at the Des Plaines police station on June 28, 2013. According to Wayda, defendant told her that he was involved in the June 5 robbery. Wayda testified that she showed defendant a bulletin containing certain still frames from the surveillance footage of the June 5 robbery. Defendant identified both Crawford and himself in that bulletin. Furthermore, defendant identified the black vehicle shown in the bulletin as his own vehicle, acknowledging that it was the same vehicle that was currently in the custody of the Des Plaines police department. Defendant admitted that he committed the Lombard Radio Shack robbery with Crawford, but he wanted the police to know that he never carries a real gun and that he was never violent toward any victims.

¶ 14 Wayda explained that following her conversation with defendant, she spoke with Crawford. She informed him that he had been identified in the surveillance footage and photos by defendant and another suspect. Crawford then admitted to her that he was present with defendant during the armed robbery, and he identified himself in the photos. Crawford told

Wayda that he never carries a real gun, and he wanted to apologize if any victims were traumatized.

¶ 15 Wayda testified that she was alerted that Des Plaines police located the replica gun that was introduced into evidence as People's Exhibit 20. She had the opportunity to view People's Exhibit 20 and to compare it to a service weapon that one of her colleagues carried. Wayda identified People's Exhibit 21 as a photograph comparing her colleague's .40 caliber Glock 22 handgun with the air soft pistol that was found in defendant's car. The air soft pistol depicted in People's Exhibit 21 was a very realistic-looking replica of a handgun. Wayda explained that she held both her colleague's real handgun and the replica found in defendant's car, and they were almost identical in weight.

¶ 16 The State rested its case, and Crawford moved for a directed finding on both counts of the indictment. However, he made an argument only on the armed robbery count. Crawford emphasized that the State alleged that a bludgeon, not a firearm, was used in the commission of the robbery. He noted that People's Exhibit 20, the air soft pistol, was found in defendant's vehicle 22 days after the Lombard robbery and that the police never asked him or defendant whether that item was used in the robbery. Crawford acknowledged that he and defendant used items that looked like handguns during the Lombard robbery, but he urged that there was no evidence that People's Exhibit 20 was used in the robbery. According to Crawford, the items used in the commission of the crime could have been plastic guns or even bars of soap. Defendant joined in Crawford's motion for a directed finding.

¶ 17 The State responded that the evidence must be considered in context. This was a robbery, the State argued, and Crawford and defendant used realistic guns, not bars of soap. Moreover, a realistic-looking gun was found in defendant's car when he was arrested. The State

also noted that there was evidence that Crawford and defendant had been in defendant's car on the day of the arrest and that defendant had held the gun that day. Moreover, the State noted that People's Exhibit 20 matched Kruckenberg's description about items that looked like real guns. The State also recalled defendant's statement that he purchased two air soft guns online over a year before the robbery. Furthermore, the State noted that People's Exhibit 20 was found in the same car where police found cell phones that had been "hoisted from the Lombard robbery."

¶ 18 The court denied the motions for directed findings, concluding that there was circumstantial evidence that the replica gun found in defendant's car was used in the commission of the June 5, 2013, robbery. In its ruling, the court mentioned that defendant made a statement that "he purchased two of these weapons approximately a year ago, which means he would have owned them at the time in question." The court also recalled that Kruckenberg testified that People's Exhibit 20 resembled what he saw during the robbery. Moreover, the court said that one of the photographs from the surveillance video where defendant was "holding the gun at his side" showed "a strong resemblance" to the air soft gun.

¶ 19 Neither Crawford nor defendant presented any evidence. In closing arguments, the parties repeated many of the points that they made during arguments on the motions for directed findings. Crawford conceded that he committed aggravated robbery, but he argued that the State did not prove that the items used in the robbery were bludgeons so as to prove the offense of armed robbery. Defendant likewise confined his arguments to the armed robbery count.

¶ 20 The trial court found Crawford and defendant guilty of armed robbery and aggravated robbery, but it merged the aggravated robbery convictions into the armed robbery convictions. The court found that the State proved by circumstantial evidence that People's Exhibit 20 was used in the robbery, mentioning that: (1) Kruckenberg testified that People's Exhibit 20 looked

like what he saw during the robbery; (2) one of the still photographs taken from the surveillance footage showed defendant carrying a weapon by his side that had a “strong resemblance” to People’s Exhibit 20; (3) People’s Exhibit 20 was found in defendant’s vehicle along with items that the court inferred were related to the Lombard robbery; (4) both Crawford and defendant made statements that they never use a real gun; and (5) defendant admitted that he “purchased two of these weapons,” and the video clearly showed that both Crawford and defendant had weapons.

¶ 21 The trial court denied the posttrial motions and proceeded to sentencing. The court sentenced defendant to 30 years’ incarceration. The court subsequently denied defendant’s motion to reconsider the sentence. Defendant timely appealed.

¶ 22

II. ANALYSIS

¶ 23 Defendant contends that the State failed to prove the offense of armed robbery beyond a reasonable doubt.

¶ 24 The State charged defendant with violating section 18-2(a)(1) of the Criminal Code of 2012, which provides that a person commits armed robbery when he or she commits a robbery and “carries on or about his or her person or is otherwise armed with a dangerous weapon other than a firearm.” 720 ILCS 5/18-2(a)(1) (West 2012). The trier of fact may infer that an object that was brandished during the robbery was a “dangerous weapon” if the State presents evidence of the physical characteristics of the object. See *Ross*, 229 Ill. 2d at 276 (the trier of fact may make an inference of dangerousness if there is evidence that the object was “used or capable of being used as a club or bludgeon”); *People v. Thorne*, 352 Ill. App. 3d 1062, 1072 (2004) (“In all the cases that have found guns that are incapable of firing bullets to be dangerous weapons under the armed robbery statute, there was either evidence (1) that the gun was actually used in a

dangerous manner, or (2) that the character of the weapon was such that it could conceivably be used as a bludgeon.”); *People v. Lindsay*, 263 Ill. App. 3d 523, 530 (1994) (9-inch metal object with a jagged edge “conceivably could be used as a bludgeon” such that it could be considered a dangerous weapon). The State’s theory at trial was that People’s Exhibit 20, a replica air soft pistol that was recovered from defendant’s car approximately three weeks after the June 5, 2013, robbery, was a bludgeon that had been brandished by one of the co-defendants during the robbery. Defendant did not dispute at trial, nor does he dispute now, that People’s Exhibit 20 constituted a bludgeon. He likewise does not dispute that he committed the robbery in question. He argues only that the State did not provide sufficient evidence to connect this particular bludgeon to the robbery.

¶ 25 In evaluating the sufficiency of the evidence, “the proper inquiry is whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” (Emphasis in original.) *People v. McCullough*, 2015 IL App (2d) 121364, ¶ 73 (citing *Jackson v. Virginia*, 443 U.S. 307, 318-19 (1979)). Where the State’s case is based on circumstantial evidence, “it is improper to segregate each piece of evidence *** and try to locate the doubt therein.” *McCullough*, 2015 IL App (2d) 121364, ¶ 74. Instead, “the evidence is sufficient if all of it, taken together, satisfied the trier of fact that the defendant is guilty beyond a reasonable doubt.” *McCullough*, 2015 IL App (2d) 121364, ¶ 74. A court is “not bound to search out all possible explanations consistent with innocence or be convinced beyond a reasonable doubt as to each link in the chain.” *McCullough*, 2015 IL App (2d) 121364, ¶ 74.

¶ 26 The trial court reasonably concluded that People’s Exhibit 20 was one of the objects brandished by Crawford and defendant during the June 5, 2013, robbery. The circumstantial

evidence connecting this particular bludgeon to the crime was overwhelming. The surveillance footage and two photographs taken from the video clearly depicted defendant carrying an object during the robbery that was shaped like a handgun. The video and a photograph from the video likewise showed that Crawford briefly held an object in his hand during the robbery. Additionally, Kruckenberg insisted that the items he saw Crawford and defendant carrying looked like real handguns, and he said that People's Exhibit 20 was similar to what he had seen during the robbery. Furthermore, People's Exhibit 20—an item that was so realistic-looking that even Heene, a police officer, initially mistook it for an actual firearm—was recovered from defendant's vehicle only 22 days after the robbery. Radio Shack shopping bags and unopened electronic devices were also recovered from the trunk of defendant's vehicle at the same time. Moreover, defendant admitted to police that he was involved in the June 5, 2013, robbery. He further acknowledged that he had been in the Infinity on June 27, the day that People's Exhibit 20 was discovered. Defendant also told police that he never carries a real gun, which further supports the inference that the replica weapon found in his car was connected to the Lombard robbery. Defendant admitted that, one year before the robbery, he purchased the Glock replica along with another identical item. When considered collectively, this evidence supports defendant's conviction beyond a reasonable doubt.

¶ 27 Defendant nevertheless asserts that “the mere fact that Kruckenberg testified that the recovered air-soft pistol looked similar to the weapon he saw on June 5 should carry little weight,” because the replica pistol “likely looked like thousands of other guns” and “there was nothing particularly distinguishable about” it. Defendant also proposes that Kruckenberg's identification of People's Exhibit 20 at trial was questionable, as he had not seen it for over a year and he was not asked to identify the object during the police investigation. Additionally,

defendant contends that Kruckenberg's description of the objects he saw during the robbery as "black handguns" should be given little significance, because "thousands of handguns are black" and "black handgun-like objects would be indistinguishable from one another." Furthermore, defendant submits that "the discovery of an air-soft pistol in [defendant's] car three weeks after the June 5 robbery was far too tenuous a connection on which to base an armed robbery conviction." To that end, he notes that at one point during the trial, the court asked the prosecutor whether he would be able to tie People's Exhibit 20 to the robbery. According to defendant, the State did not thereafter "introduce any meaningful evidence" linking that bludgeon to the crime.

¶ 28 All of these arguments are unavailing. Defendant is simply asking us to reweigh the evidence, and it is not our role to do so. See *McCullough*, 2015 IL App (2d) 121364, ¶ 74 ("In a bench trial, the judge determines the credibility of witnesses and the weight to be given to the witnesses' testimony, and the judge draws reasonable inferences from the evidence."). Defendant also inappropriately focuses on the strength of each individual link in the chain as opposed to the totality of the evidence.

¶ 29 Defendant's attempt to analogize the matter to *In re Nasie M.*, 2015 IL App (1st) 151678, is similarly unavailing. In *Nasie M.*, a juvenile who sustained gunshot wounds to his foot was charged with various gun offenses on the theory that he had accidentally shot himself. *Nasie M.*, 2015 IL App (1st) 151678, ¶ 5. Police located a spent shell casing in the vicinity of the shooting. *Nasie M.*, 2015 IL App (1st) 151678, ¶ 6. They then searched the juvenile's girlfriend's apartment and found a .38 caliber revolver. *Nasie M.*, 2015 IL App (1st) 151678, ¶ 6. However, that revolver did not contain any spent rounds, and a police witness testified that a revolver does not eject shell casings. *Nasie M.*, 2015 IL App (1st) 151678, ¶¶ 8, 10. When police first

interviewed the juvenile, he allegedly admitted that he had accidentally shot himself in the foot and then brought the gun to his girlfriend's apartment; at trial he denied having made those statements. *Nasie M.*, 2015 IL App (1st) 151678, ¶¶ 7, 14. The juvenile was found guilty, but the appellate court reversed, holding that the State did not prove that he possessed a firearm at the time of the shooting. *Nasie M.*, 2015 IL App (1st) 151678, ¶ 3.

¶ 30 The present case is distinguishable from *Nasie M.* Unlike in that case, where there were no eyewitnesses to the crime, Kruckenberg testified that he saw what appeared to be firearms, and surveillance footage corroborated this. Furthermore, in *Nasie M.*, the weapon that was recovered from the juvenile's girlfriend's home contained no spent cartridges and was not the type of weapon that ejected cartridges, so it could not have been the weapon used in the shooting. In contrast, there was no evidence in the present case that People's Exhibit 20 could not have been used during the commission of the June 5, 2013, robbery. Under these circumstances, the trial court rationally found that the State proved the elements of armed robbery beyond a reasonable doubt.

¶ 31

III. CONCLUSION

¶ 32 For the reasons stated, we affirm the judgment of the circuit court of Du Page County. As part of our judgment, we grant the State's request that defendant be assessed \$50 as costs for this appeal. 55 ILCS 5/4-2002(a) (West 2014); see also *People v. Nicholls*, 71 Ill. 2d 166, 178 (1978).

¶ 33 Affirmed.