

No. 1-15-1898

NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	No. 13 CR 4251
)	
ALONZO DUKES,)	Honorable
)	Joseph M. Claps,
Defendant-Appellant.)	Judge, presiding.

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

ORDER

- ¶ 1 *Held:* Conviction affirmed where the evidence was sufficient to establish that defendant was guilty of burglary.
- ¶ 2 Following a bench trial, defendant Alonzo Dukes was convicted of one count of burglary (720 ILCS 5/19-1(a) (West 2012)) and sentenced to eight years' imprisonment. On appeal, Dukes contends the State failed to prove him guilty beyond a reasonable doubt. We affirm.

¶ 3 Dukes and co-defendant Kenneth Hicks were charged with burglary and possession of burglary tools.¹

¶ 4 On January 25, 2013, about 11:00 a.m., Kevin Lopez saw two men exiting the rear of a vacant house next to his home. One of the men was carrying a large item that appeared to be a television or air conditioner. The other man was carrying something, but Lopez could not see what it was. Lopez called the police.

¶ 5 When Chicago police officer Henry Woodson arrived in the alley to the property in response to the call, he saw two men, later identified as Dukes and Hicks, loading a hot water heater into a van. Hicks told Woodson he had permission to remove items from the residence. In addition to the hot water heater, there was copper tubing, tools, and an air conditioning condenser inside the van. When officers entered the residence, they found several walls that had been broken out, copper tubing that had been cut, and air conditioning and heating ducts lying on the floor. Woodson did not see either man inside of the building and it was not determined who owned the van until “later on in the investigation.”

¶ 6 The vacant property was owned by Wells Fargo, which had hired Crane Realty to manage the property following foreclosure. Crane Realty’s field inspector, Joel Meneses, had last inspected the property two weeks prior and it was locked and in good condition with no significant damage. Meneses had not given anyone permission to enter or remove items from the property. The damage shown in a series of photographs was not there when he last visited the property.

¶ 7 The court denied Dukes’s motion for a directed finding and he rested without presenting

¹ We affirmed Hick’s conviction for burglary. *People v. Hicks*, 2016 IL App (1st) 153553-U.

evidence. The court later found him guilty of burglary and not guilty of possession of burglary tools, and sentenced him to eight years' imprisonment. This appeal followed.

¶ 8 On appeal, Dukes contends the State failed to prove him guilty of burglary beyond a reasonable doubt where constructive possession of highly fungible copper tubing was the only evidence against him, he did not flee when the police approached, and the State never established when the vacant home was allegedly entered or that entry into the home was forced.

¶ 9 On a challenge to the sufficiency of the evidence, we must determine whether, after viewing the evidence in the light most favorable to the State, any rational trier of fact could have found the essential elements of the offense proven beyond a reasonable doubt. *People v. Brown*, 2013 IL 114196, ¶ 48. The reviewing court will not retry the defendant or substitute its judgment for that of the trier of fact on issues pertaining to conflicts in testimony, the credibility of witnesses, or the weight of the evidence. *Id.* Additionally, the trier of fact is not required to disregard inferences that normally flow from the evidence or to seek out all possible explanations consistent with innocence and raise them to a level of reasonable doubt. *People v. Jackson*, 232 Ill. 2d 246, 281 (2009). A conviction will be reversed only if the evidence is so improbable or unsatisfactory as to justify a reasonable doubt of the defendant's guilt. *People v. Siguenza-Brito*, 235 Ill. 2d 213, 225 (2009).

¶ 10 To sustain Dukes's conviction for burglary as charged, the State was required to prove he knowingly and without authority entered the building or any part thereof, with the intent to commit a theft therein. 720 ILCS 5/19-1(a) (West 2012). Circumstantial evidence is sufficient to sustain a burglary conviction. *People v. Richardson*, 104 Ill. 2d 8, 13 (1984).

¶ 11 The evidence viewed in the light most favorable to the State was undeniably sufficient to prove Dukes's guilt beyond a reasonable doubt. The evidence showed that two men were seen exiting a vacant house carrying items in their hands. No one had been given permission to enter the house or remove any property from within. Officer Woodson arrived at the property and saw Dukes and his co-defendant putting a water heater into a van. There were also copper tubing, tools, and an air conditioning condenser inside the van. The house had been damaged with several walls broken out, copper tubing cut, with air conditioning and heating ducts lying on the floor. Any rational trier of fact could infer that the property found in the van came from the vacant house and Dukes was the one who removed it. Dukes's argument that no one actually saw him enter the property, while relevant, is not enough to raise a reasonable doubt regarding his guilt. *In re Jonathan C.B.*, 2011 IL 107750, ¶ 60 ("A trier of fact is not required to disregard the inferences that normally flow from the evidence or to seek out all possible explanations consistent with a defendant's innocence and elevate them to reasonable doubt).

¶ 12 Because the evidence was sufficient to sustain Dukes's conviction, we affirm the judgment of the circuit court of Cook County.

¶ 13 Affirmed.