

2017 IL App (2d) 141173-U
No. 2-14-1173
Order filed February 6, 2017

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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 Lake County.
)	
Plaintiff-Appellee,)	
)	
v.)	No. 13-CF-3247
)	
TERRANCE A. SCOTT,)	Honorable
)	Mark L. Levitt,
Defendant-Appellant.)	Judge, Presiding.

JUSTICE McLAREN delivered the judgment of the court.
Justices Jorgensen and Burke concurred in the judgment.

ORDER

- ¶ 1 *Held:* The State proved defendant guilty beyond a reasonable doubt of first-degree murder: although no one saw defendant shoot the victim, defendant argued with the victim shortly before the shooting and was seen with a gun immediately after.
- ¶ 2 Defendant, Terrance A. Scott, was convicted of first-degree murder (720 ILCS 5/9-1(a)(1) (West 2012)) in the shooting death of Prentiss Carter at the home of Anton Bates and Sharita Walls in Zion on November 9, 2013. Defendant was sentenced to 56 years' imprisonment. He appeals, contending that the evidence did not prove him guilty beyond a reasonable doubt. We affirm.

¶ 3 On November 9, 2013, Walls and Bates were home with their four children, who were asleep. Scott arrived at the home with his sister, Tamyia Crump, and Carter—who was Tamyia’s boyfriend—sometime around 10 p.m. Carter was Walls’ cousin. Most of the group started drinking beer and vodka and playing cards while Bates was playing a video game.

¶ 4 Walls testified that defendant and Carter were not getting along. Carter kept trying to talk to defendant, but defendant was getting mad at him. As an example, she said that at one point Carter mentioned that he had cousins in Arkansas, but defendant said that he “didn’t give a fuck.” At another point, defendant asked Crump, referring to Carter, “ ‘Is that that bitch that keep on calling my Grandma’s phone?’ ” Another time, Carter called Crump an uncouth name and defendant responded, “ ‘You can’t call her that, that’s my sister.’ ” With reference to this exchange, Bates testified that he thought defendant and Carter were just joking. According to Bates, both men called Crump a bad name and she got mad at them.

¶ 5 Around midnight, Walls went to the liquor store, getting a ride from her sister. Before she left, she told Bates to make sure that everybody was gone by the time she got back. She wanted the guests to leave because everyone was drunk. When she got to the store, she realized she had Bates’s phone. She discovered that he had been receiving phone calls and text messages from someone with whom she did not want him to converse.

¶ 6 When Walls returned home, defendant, Crump, and Carter were sitting on a couch in the living room. Walls confronted Bates about the messages on his phone. They talked in the kitchen for a few minutes, then went to their bedroom to continue the conversation.

¶ 7 After about 10 minutes, they heard a gunshot from the living room. Walls heard Crump say, “ ‘Man, what the fuck, Bro?’ ” She heard the front screen door open. That door always

squeaked when it was opened. Walls said that the door had not been opened since she returned from the liquor store; she had locked it from the inside.

¶ 8 After hearing the gunshot, Walls heard footsteps coming down the hallway. She jumped up and started to leave the room, but Bates pushed her back toward the bathroom, which was off the master bedroom.

¶ 9 Bates testified that, at some point during the evening, Crump stepped outside to call her grandmother. Defendant said, “ ‘She called my grandmother to come get me because she thinks I’m going to shoot somebody.’ ” Later, Carter and Crump argued and she hit him. Carter made a remark to defendant, who said, “ ‘I ain’t pulling nothing out on you.’ ” However, Bates had not seen defendant with a gun that night. Carter borrowed Bates’s phone and was going to call “ ‘the brother.’ ” Bates said he had children in the house and asked him not to call anyone.

¶ 10 Cabs were called three times during the evening, but no one left. After Walls left for the liquor store, Bates could not find his phone. He asked defendant if he had it. Defendant patted himself to show that he did not have it.

¶ 11 When Walls returned from the liquor store, she was angry with Bates about the messages on his phone. Bates started to leave the house, but changed his mind and went back inside. Sometime later, he heard defendant say, “ ‘Come on, Sis, we going.’ ” Then he heard a gunshot. He stuck his head out the bedroom door and saw defendant walking toward him with a gun in his hand. Defendant started to raise the gun. Bates pushed Walls back toward the bathroom and went in behind her. He pushed out the screen and went out through the window. As he did, he looked behind him and saw defendant standing behind him, pointing the gun at him.

¶ 12 Crump testified that that she was sitting on the couch talking to Walls about dinner plans for her birthday. She observed a loud noise and a flash of light and took off running out the front door. She never saw a gun or anyone shooting a gun that night.

¶ 13 When police arrived, they found Carter with a gunshot wound to the head. Bates described a short black man wearing a doo-rag, jeans, and a red hooded sweatshirt. One of the officers remembered seeing such a man walking in the road while he was driving to the house. He returned to that spot and saw the man—whom he identified as defendant—without the red sweatshirt.

¶ 14 Defendant was taken to the police station, where Officer Steven Vines performed tests for gunshot residue (GSR) on his hands and face. GSR tests were also done on Bates and Walls, but both of them said that they had washed their hands before the test was done. Forensic scientist Mary Wong testified that defendant's left hand tested positive for GSR, but that his right hand did not. Wong stated that a positive test on a hand does not mean that a gun was held in that hand or definitively prove that the person fired a gun.

¶ 15 Dr. Manuel Montez, the medical examiner, opined that Carter died from a single gunshot wound to the top of the head. A bullet jacket found on a windowsill was approximately .38-caliber. Police did not locate the gun, but found a red jacket, identified as defendant's, near the area where the officer originally saw him.

¶ 16 The jury found defendant guilty. The trial court sentenced him to 31 years' imprisonment, plus a 25-year enhancement for personally discharging a firearm. Defendant timely appeals.

¶ 17 On appeal, defendant claims that he was not proved guilty beyond a reasonable doubt. He points out that there were no eyewitnesses to the crime and that he did not confess to it. He

further argues that evidence of a motive was either weak or nonexistent, and that the only physical evidence—the results of the GSR test—was inconclusive. Where the sufficiency of the evidence is challenged on appeal, the relevant question is whether, after viewing all the evidence in the light most favorable to the prosecution, a rational trier of fact could have found all the elements of the offense beyond a reasonable doubt. *People v. Collins*, 214 Ill. 2d 206, 217 (2005). A reviewing court is not permitted to substitute its judgment for that of the trier of fact on questions involving the weight of the evidence, the credibility of the witnesses, or the resolution of conflicting testimony. *People v. Campbell*, 146 Ill. 2d 363, 375 (1992).

¶ 18 “Circumstantial evidence is sufficient to sustain a conviction if it satisfies proof beyond a reasonable doubt of the elements of the crime charged.” *People v. Gomez*, 215 Ill. App. 3d 208, 216 (1991). Each link in the chain of circumstances need not be proved beyond a reasonable doubt. *Id.* Rather, it is enough that all of the circumstantial evidence, taken together, satisfies the trier of fact beyond a reasonable doubt of the defendant’s guilt. *Id.*; *In re Gregory G.*, 396 Ill. App. 3d 923, 929 (2009).

¶ 19 Here, the evidence, while circumstantial, was more than sufficient to prove defendant’s guilt. First, although defendant attempts to minimize the evidence of motive, both Walls and Bates testified that defendant and Carter argued throughout the evening. See *People v. Hawkins*, 326 Ill. App. 3d 992, 1000 (2001) (although State has no obligation to prove motive, it may introduce evidence that tends to show that an accused had a motive for killing the deceased). While their testimony varied in some particulars, both testified that defendant and Carter exchanged insults and accusations throughout the evening. Both testified that Carter insulted defendant’s sister. Defendant twice made comments that could be interpreted as references to

shooting someone. Thus, there was evidence that defendant was angry with Carter and made veiled threats to shoot him.

¶ 20 Other evidence clearly points to defendant as the shooter. Most obviously, Bates saw defendant with a gun almost immediately after the shooting. Defendant twice leveled the gun at Bates, in an apparent attempt to discourage Bates from following him. Defendant apparently ditched his red jacket in an attempt to avoid detection and (inferentially) disposed of the gun. Finally, defendant had GSR on his hand. While defendant correctly notes that Bates and Walls claimed to have washed their hands before taking the test, and that the presence of GSR does not conclusively establish that defendant fired a gun, the fact remains that defendant was the only one of the four adults in the house to have GSR on his hand, and the jury could consider this as evidence that he fired the gun.

¶ 21 Defendant, apparently acknowledging the lack of evidence that any of the other four adults in the house shot Carter, speculates that another person entered the house and committed the murder. He suggests that this explanation is at least as plausible as the theory that defendant committed the crime. We disagree.

¶ 22 Defendant's theory would require us to accept that some unknown person entered the house through the notoriously noisy front door without attracting anyone's attention and at almost the exact moment that defendant told his sister it was time to leave. Further, the intruder would have to have left the house the same way, again without attracting attention. Under this theory, defendant then inexplicably picked up the gun that had just been used in a murder and pointed it at Bates, then shed his jacket and hid the gun to avoid detection although he had done nothing wrong. Of course, defendant is not obligated to develop a cohesive alternative theory of

the crime, but his attempt to show that other theories are equally plausible is not convincing. The evidence allowed the jury to conclude beyond a reasonable doubt that defendant was guilty.

¶ 23 The judgment of the circuit court of Lake County is affirmed. 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).

¶ 24 Affirmed.