

No. 1-15-2810

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. 12 CR 11796
)	
AARON BARNES,)	Honorable
)	Charles P. Burns,
Defendant-Appellant.)	Judge, Presiding.

PRESIDING JUSTICE HOFFMAN delivered the judgment of the court.
Justices Connors and Delort concurred in the judgment.

ORDER

¶ 1 *Held:* We affirm the judgment of the trial court where (1) it did not err in denying the defendant's motion to quash his arrest and suppress the evidence against him, and (2) the evidence was sufficient to sustain the defendant's conviction of first-degree murder.

¶ 2 Following a 2014 jury trial, the defendant, Aaron Barnes, was convicted of three counts of first-degree murder and sentenced to natural life imprisonment. On appeal, he contends that (1) the trial court erred in denying his motion to quash his arrest and suppress the evidence

No. 1-15-2810

against him, and (2) the evidence was insufficient to prove his guilt beyond a reasonable doubt. For the following reasons, we affirm.

¶ 3 Based upon the fatal shootings of Chanda Thompson, Shawn Russell, and Cortez Champion, which occurred on November 5, 2011, the defendant was charged in a multi-count indictment with, *inter alia*, three counts of first-degree murder (720 ILCS 5/9-1(a)(1) (West 2010)).

¶ 4 Prior to trial, the defendant filed a motion to quash his arrest and suppress the evidence against him pursuant to section 114-12 of the Code of Criminal Procedure of 1963 (Code) (725 ILCS 5/114-12 (West 2012)). In the motion, he alleged that he was unlawfully arrested on January 17, 2012, because the arrest took place “in his house” without a warrant, probable cause, or exigent circumstances. The defendant argued that, because his arrest was unlawful, the trial court should suppress his subsequent confession to police as well as a witness’s identification of him while he was in custody. In support of the allegation that he was arrested in his home, the defendant stated: “(See video of the arrest, showing the defendant being taken from the house to the squadrol in handcuffs, tendered in [the] defendant’s answer to discovery).”¹ The defendant further alleged that Assistant State’s Attorney (ASA) Don Lyman did not believe there was “probable cause to arrest” him or sufficient evidence to charge him. In support of this assertion, the defendant attached a portion of Detective Richard Peck’s police report as an exhibit. The report stated, *inter alia*, that Detective Peck “related the facts of this case” to ASA Lyman, who “stated that based on the third party admission statement regarding the triple homicide given by

¹ This video was not attached as an exhibit to the motion and is not contained in the record on appeal.

[Julian] Chambers, felony charges will not be approved at this time.” The police report also stated that, on January 17, Detective Peck and another officer went to the defendant’s home and:

“were let into the residence by a male black who only identified himself as [the defendant’s] brother. [The defendant’s] mother asked what was going on and [Detective Peck] stated that [they] were looking for her son ***.

[The defendant’s] mother stated that he [wa]s in his room and pointed to the *** room. [The defendant] was located in his room and placed under arrest ***.”

¶ 5 At the hearing on the motion, Detective Peck testified that he arrested the defendant “at his residence” on January 17, 2012, without a search or arrest warrant. He explained that he had probable cause to arrest the defendant based upon events that had unfolded after the defendant was arrested on November 29, 2011, for possessing a firearm. According to Detective Peck, the police seized the defendant’s firearm during the November 29 arrest, and submitted it to the Illinois State Police for forensic testing. The test revealed that the firearm was “used in the *** murder[s]” of Thompson, Russell, and Champion. Detective Peck then traced the gun’s ownership to Chambers and interviewed him. During the interview, Chambers admitted that he had purchased the gun and sold it to the defendant, and that the defendant had told him that he shot the victims. Thereafter, Detective Clifford Martin informed Detective Peck that an investigative alert was going to be issued for the defendant and asked Detective Peck to assist in the arrest. Detective Peck acknowledged that, sometime after the defendant was arrested on January 17, he was released because the case was going to be investigated further.

¶ 6 Detective Peck also stated that, before he arrested the defendant on January 17, 2012, he spoke with ASA Lyman, but they did not discuss arresting the defendant or whether there was

No. 1-15-2810

probable cause for the arrest. Defense counsel thereafter attempted to impeach Detective Peck with prior statements regarding ASA Lyman in his police report; however, the State objected. The trial court sustained the objection, reasoning that ASA Lyman's opinion on probable cause was "irrelevant." At no time during the course of the hearing did defense counsel move to admit the police report into evidence.

¶ 7 The trial court denied the motion to quash and suppress. In so holding, it explained that "the record is devoid of any evidence that this was a warrantless arrest in a residence. There has been no testimony elicited that the [defendant] was inside a residence at the time he was arrested." The court went on to find that, "regardless of whether or not [the defendant] was *** released" after he was arrested, there was probable cause to arrest him based on the process of tracing the gun to Chambers, who then gave a statement implicating the defendant as the shooter.

¶ 8 The defendant filed a motion to reconsider, asserting that any probable cause did not arise until a month after his January 2012 arrest. Specifically, the defendant alleged that Chambers's statement postdated his arrest; that a forensic firearm analysis was not conducted until at least February 2012; and any of Detective Peck's testimony to the contrary was "fabricated[.]" At the hearing on the motion to reconsider, the State, in response, contended that testing of the defendant's gun was expedited and took place in December 2011. According to the State, Chambers was also interviewed in December 2011. The trial court ultimately found that the police had probable cause to arrest the defendant before his January 2012 arrest and denied his motion to reconsider.

¶ 9 The case subsequently proceeded to a jury trial where the following evidence was adduced.

¶ 10 Markus Hobbs testified that, sometime before November 5, 2011, the defendant had purchased a gun and showed it to him “plenty of times[.]” On November 5, Hobbs asked the defendant for a ride home and the defendant picked him up in a brown Oldsmobile Alero with temporary license plates. The defendant, who was wearing black clothes, was driving and Timothy Garrette was also in the car. At some point while the three of them were driving, a green car drove past. The defendant made a U-turn and began following it, remarking, “[t]here go[es] C[hampion].” The green car eventually drove into the parking lot of a Church’s Chicken restaurant. Hobbs stated that, at that time, the defendant parked in a nearby alley, got out of the car, opened and closed the trunk, and then walked away. Because Hobbs and Garrette did not know what the defendant was doing, Hobbs got into the driver’s seat and began driving. He drove around several blocks and then returned to the alley, where he saw the defendant running. The defendant then jumped into the car and told Hobbs to drive away. Hobbs noticed that the defendant had his gun and that a green sports utility vehicle (SUV) was pursuing them. Hobbs drove until he lost control and crashed into a guardrail. He and Garrette thereafter exited the vehicle and fled on foot while the defendant got into the driver’s seat and continued driving. According to Hobbs, sometime after November 5, the defendant told him not to mention the events of that day.

¶ 11 Garrette testified consistently with Hobbs regarding the events of November 5, 2011, adding that he saw the defendant walking towards Church’s Chicken after he closed the trunk. Subsequently, while Garrette was at his apartment, the defendant came to his window and threatened to kill him if he told anyone about what happened.

¶ 12 Devonte Milhouse testified that, on November 5, 2011, he met briefly with Champion, one of the victims. He stated that Champion was sitting in a parked green car with a man and

woman who Milhouse did not know. Shortly after they drove away, Milhouse observed the defendant drive by in his Alero (which contained at least three people), make a U-turn, and follow the green car. Milhouse called Champion's phone to warn him that the defendant was following him, but Champion did not answer. Milhouse acknowledged that, at the time of trial, he had "a pending cannabis case[.]"

¶ 13 Elizabeth Cuevas, the manager of Church's Chicken, testified that, on November 5, 2011, she was driving into the parking lot of the restaurant when she observed a parked green car containing three occupants. She also noticed a man wearing a black "hoodie"—whom she identified in court as the defendant—"walk[ing] on the side of [her] truck" towards the green car. Cuevas stated that she was about to pull into a parking space when she heard three or four noises that sounded like fireworks. She turned and observed the defendant walking around the green car and shooting into it; he started at the front driver's side, walked around the rear of the vehicle, and ended at the front passenger's side. According to Cuevas, while this was occurring, the defendant was approximately 12 feet away from her and she could see his face—" [h]e didn't even make an attempt to cover" it. Cuevas also stated that it was "light" outside and she had an "[e]xcellent" view. After the defendant shot the occupants of the green car, he fled on foot down a nearby alley. Cuevas then ran into Church's Chicken to request that someone call 9-1-1 and went to the green car to help the victims, but "it was too late." When the police arrived, Cuevas described the defendant as a "small" man; he was about 5 feet, 5 inches, to 5 feet, 6 inches tall and weighed approximately 140 pounds.

¶ 14 Cuevas further testified that, on November 6, 2011, she identified Nicko Grayson as the shooter in both a photo array and lineup; however, on January 17, 2012, she viewed another lineup and identified the defendant. She attributed her identification of Grayson to recognizing

No. 1-15-2810

him as a customer of Church's Chicken. She also explained that, following the incident, she was feeling "nervous and confused[.]" and was at the police station for eight or nine hours "under a lot of questioning[.]" Cuevas stated that, after her initial identification of Grayson, she "was able to get some rest" and the incident "kept playing over and over in [her] mind" and "was all clear" to her. She eventually "went back and *** told" the police "that [she] picked the wrong" man. According to Cuevas, she identified the defendant in the January 17, 2012, lineup because she "remember[ed] his face."

¶ 15 Edward Carter testified that, at about 5 p.m. on November 5, 2011, he was in the parking lot of a "dollar store" that was across the street from Church's Chicken, approximately 15 to 20 yards away. He heard a "loud barrage of gunshots" from that direction and then saw a man wearing "a black hood" and black pants running towards him, holding a gun. Carter observed the man run into an alley, but lost sight of him when he ran behind a wooden fence. Carter stated that, later that day, he went to the police station and viewed a photo array and lineup, but he did not identify anyone. He was never asked to make an in-court identification of the defendant.

¶ 16 Jerome Frazier testified that he lived across from Church's Chicken; between his house and the restaurant's parking lot, there was an alley and a fence. At approximately 5 p.m. on November 5, 2011, Frazier was in his green SUV, pulling out of his driveway and into the alley. While looking in his rearview mirror, he observed a man, wearing all black clothes, peering over the fence into the restaurant's parking lot. Because Frazier was concerned for his neighbors' safety, he did not leave. He then observed the man walk to the end of the alley, pass through a pedestrian opening in the fence, and run into the parking lot of Church's Chicken. A few seconds later, Frazier heard several gunshots and saw the man running past him in the alley, holding something in the front pocket of his sweatshirt. Frazier then began following the man in his

SUV. The man got into a vehicle with temporary license plates, which Frazier identified in court as the defendant's Oldsmobile Alero, and Frazier pursued the vehicle. At some point during the pursuit, Frazier observed the car crash into a guardrail. Three men exited and ran into a nearby condominium complex; however, one of the men eventually returned and continued driving. Frazier again followed the vehicle until he lost sight of it.

¶ 17 Frazier acknowledged that, on November 6, 2011, he identified Grayson as the shooter in a lineup; however, he stated that this identification was incorrect.² He did not identify anyone during a subsequent lineup in May 2012. At trial, when asked whether the defendant was the shooter, Frazier initially stated that he “d[id]n’t think” it was the defendant; he then stated, “I’m quite sure it wasn’t him. Doesn’t look like the person that I saw.”

¶ 18 Officer Victor Rivera, a police forensic investigator, testified that he examined the parking lot of Church's Chicken on November 5, 2011, and found several spent shell casings on and around the green car as well as spent bullets within the car. He also examined the location where the defendant's car struck the guardrail and found a piece of plastic debris.

¶ 19 Dr. Mitra Kalekar testified that she performed the autopsies of Champion, Thompson, and Russell, and recovered spent bullets from each of their bodies. She also stated that all three of them had multiple gunshot wounds—18 in total—and that they died from those wounds.

¶ 20 Police officer Joseph Treacy testified that, on November 29, 2011, he was patrolling when he noticed a parked gold Oldsmobile Alero with temporary license plates. Because he could not read the plates, he stopped to investigate and found the defendant sitting in the driver's seat and Devonte Goss sitting in the front passenger seat. After obtaining the defendant's permission to search the car, Officer Treacy discovered a loaded Glock 9-millimeter pistol in the

² He “vaguely remember[ed]” being shown a photo array that day at the police station.

No. 1-15-2810

back seat. He also observed that the defendant's car had a cracked front bumper. The defendant was subsequently placed in custody. Officer Treacy stated that, during processing, the defendant measured 5 feet, 7 inches tall and weighed 140 pounds.

¶ 21 Ellen Chapman, a forensic investigator, testified that the plastic debris that was recovered from the location of the guardrail collision after the incident matched the defendant's vehicle "perfectly."

¶ 22 Firearms examiner Jennifer Sher testified that she received the firearm evidence in this case on December 1, 2011. That same day, she conducted tests, which revealed that the defendant's gun had fired the spent shell casings that were recovered on and around the green car in the parking lot of Church's Chicken. Also on December 1, after another examiner confirmed her work, Sher informed the police of the test results. In early 2012, Sher conducted further tests and found that the recovered spent bullets had also been fired from the defendant's gun. She also stated that she examined the capacity of the gun's magazine and found that it could hold a total of 19 bullets.

¶ 23 Chester Colvin, an employee of an Indiana store that sells firearms, testified that the store's records showed the sale of a Glock 9-millimeter pistol to Chambers in September 2011.

¶ 24 Chambers testified that he saw the defendant sometime after 10 p.m. on November 5, 2011. At that time, the defendant showed Chambers a news article regarding the incident, remarking that he could not "believe" he killed the victims. Chambers stated that, on January 19, 2012, at the request of Hobbs's mother, Charisse Walker, he brought the defendant to Walker's home. When Walker asked the defendant if he had done anything wrong, he once again stated that he could not believe what he had done and explained that he did it to avenge the death of his friend, "Alex." Chambers admitted that he had previously been convicted of a felony.

¶ 25 Walker corroborated the testimony of Chambers, adding that, when she asked the defendant if he had done anything wrong, he responded, “I think I shot some people.”

¶ 26 Bernard Norvell testified that, in late November 2011, he had a conversation with the defendant wherein the defendant asked him if he had heard about Champion’s death. When Norvell responded affirmatively, the defendant told him that he had “ran up” to a car containing Champion and “started shooting.” According to Norvell, the defendant also stated that “he was going to get all of them” and lifted his shirt to show Norvell that he was carrying a “Glock 19” gun in his waistband. Norvell admitted that he had been convicted of several felonies and, at the time of trial, he was serving time in the Illinois Department of Corrections.

¶ 27 Detective Martin testified that, on November 5, 2011, he was assigned to investigate the incident. He interviewed Cuevas and Frazier, and showed them a photo array that included Grayson, but not the defendant, and both of them identified Grayson as the shooter. On November 6, Grayson was arrested and placed in a lineup that did not contain the defendant; Cuevas and Frazier viewed the lineup and both of them again identified Grayson. Carter also viewed the lineup, but he did not make an identification. Detective Martin stated that, although Grayson had been identified by Cuevas and Frazier, he kept the investigation open due to his belief that there may be another suspect. On November 30, he learned of the defendant’s arrest by Officer Treacy and ordered expedited testing of the gun recovered from the defendant’s car.

¶ 28 Detective Martin further stated that, on December 1, 2011, Sher informed him that the expedited firearm testing was complete. Although Sher’s firearm testing report revealed that the gun was indeed the murder weapon, Detective Martin “wasn’t sure” whether the defendant was the perpetrator because “guns move around” and a photo array containing the defendant had not yet been shown to any of the witnesses. On December 2, Detective Martin testified before a

grand jury that his investigation showed Grayson to be the shooter; Grayson was thereafter indicted for the homicides of Thompson, Russell, and Champion. On December 6, Detective Peck informed Detective Martin that the gun had been traced to Chambers and Detective Martin interviewed Chambers on December 14. Detective Martin stated that, after interviewing Chambers, Grayson was still a “possible suspect[,]” but he was also “looking *** at” the defendant.

¶ 29 According to Detective Martin, after the defendant was arrested on January 17, 2012, he was interviewed and gave a statement. The defendant was also placed in a lineup and Cuevas identified him as the shooter. Detective Martin interviewed the defendant again on January 18; this time, with ASA George Canellis present. During this interview, the defendant gave a video-recorded statement, which is described *infra* ¶ 30. Later that day, he was released without charges. Detective Martin stated that, on January 20, the charges against Grayson were dropped. On January 25 and 26, Detective Martin interviewed Hobbs and Garrette, and both of them were released without charges. Detective Martin further testified that, on May 26, 2012, Frazier viewed a lineup that contained the defendant, but did not identify the defendant— “[h]e just wasn’t sure.” Frazier, however, did view a photograph of the Oldsmobile Alero that was registered to the defendant and identified it as the vehicle he pursued on the day of the incident.

¶ 30 ASA Canellis testified that, on January 18, 2012, he video-recorded the defendant’s statement. This statement was entered into evidence. The video depicts the defendant stating that he believed Champion was involved in the murder of his friend, Alex. After initially denying it, the defendant admitted that Chambers bought a gun for him in September 2011. He further stated that, on the afternoon of November 5, 2011, he was intoxicated and the people he was with pressured him into taking revenge against Champion. While the defendant was driving his

Oldsmobile Alero, one of his two passengers—neither of whom was Hobbs, Garrette, or Goss—told him to follow a green car containing Champion. Consequently, the defendant made a U-turn and followed the green car to the parking lot of Church’s Chicken. His two passengers then urged him to “do” Champion. Although he was reluctant, he went into the parking lot with his gun and, when he saw Champion in the car, he fired the gun until it was out of bullets. According to the defendant, he did not notice anyone else in the car. As he ran back to his own vehicle, the defendant observed a man in an SUV. This SUV followed him until his Alero crashed into a guardrail. At that time, the defendant’s passengers fled on foot and the defendant drove away. The defendant also admitted that, later that day, he told Chambers what had transpired.

¶ 31 Joseph Raschke, a special agent with the Federal Bureau of Investigation, testified that he analyzed Garrette’s cell phone records as well as the records of a cell phone that was registered to Karen Barnes.³ His analysis revealed that the two phones were within one mile of Church’s Chicken when the incident occurred.

¶ 32 Thereafter, the State rested and the defendant filed a motion for a directed verdict, which the trial court denied. The defense presented the stipulated testimony of Christian Harding. If called to testify, Harding would state that, “in the early morning hours of January 19th, 2011, he picked up [the defendant] alone and brought [him] to *** Walker’s house.” The defense then rested without the defendant testifying on his own behalf.

¶ 33 The jury found the defendant guilty of three counts of first-degree murder. The defendant filed a posttrial motion, which the trial court denied. The court then sentenced the defendant to natural life imprisonment.

³ Although Karen Barnes and the defendant share the same last name, there was no testimony elicited regarding whether they are related.

¶ 34 On appeal, the defendant first contends that the trial court erroneously denied his motion to quash his arrest and suppress the evidence against him.

¶ 35 A trial court's decision on a motion to quash and suppress presents both questions of law and fact. *People v. Williams*, 2016 IL App (1st) 132615, ¶ 32. The factual findings of the trial court are given great deference and a reviewing court will not disturb those findings unless they are against the manifest weight of the evidence. *Id.* "At a hearing on a motion to quash and suppress evidence, the trial court is responsible for determining the credibility of the witnesses, weighing the evidence, and drawing reasonable inferences therefrom." *Id.* The actual ruling on the motion, however, raises a question of law that we review *de novo*. *Id.*

¶ 36 The fourth amendment of the United States Constitution and article I, section 6, of the Illinois Constitution afford people the right to be free from unreasonable searches and seizures. U.S. Const., amend. IV; Ill. Const. 1970, art. I, § 6; *People v. Timmsen*, 2016 IL 118181, ¶ 9. "Generally, a *** warrantless entry into the home of an accused in order to make an arrest is impermissible." *People v. Smith*, 258 Ill. App. 3d 1003, 1018 (1994). For such an arrest, "probable cause by itself is not sufficient[.]" *People v. Calhoun*, 126 Ill. App. 3d 727, 735 (1984). Rather, "consensual entry given by someone who has control over the premises ***, or exigent circumstances must also be present." (Emphasis added.) *Id.* "Whether valid consent to enter was voluntarily given depends upon whether, under the circumstances presented, the police officers could reasonably have believed that they had been given consent to enter." *Smith*, 258 Ill. App. 3d at 1018.

¶ 37 Here, the defendant argues that the trial court erred in holding that "the record is devoid of any evidence that this was a warrantless arrest in a residence" because the exhibit to his motion to quash and suppress—a portion of Detective Peck's police report—establishes that he

was arrested in his bedroom. The State concedes that, based upon the police report, the defendant was arrested inside of his home; however, it argues that the report also indicates that the police were given consent to enter the residence.

¶ 38 We agree with the parties that Detective Peck’s police report shows that the defendant was arrested inside of his home. See *People v. Hieber*, 258 Ill. App. 3d 144, 151 (1994) (“when reviewing the propriety of a motion to suppress or quash, an appellate court may consider the *entire record* and is not confined to evidence presented at the hearing on the motion.” (Emphasis added.)). Although “[p]olice reports are generally not admissible into evidence under the business records exception to the rule against hearsay” (*People v. Shinohara*, 375 Ill. App. 3d 85, 113 (2007)), at hearings on motions to quash and suppress, “hearsay evidence is admissible” (*People v. Patterson*, 192 Ill. 2d 93, 111 (2000)). Here, the police report establishes that the defendant’s brother “let” Detective Peck and another officer “into the residence” and the defendant’s mother then directed them to his room where he was placed under arrest. The trial court was thus incorrect in finding that the record was “devoid” of any evidence that the defendant was arrested inside of his home. Nonetheless, we may affirm on any ground apparent in the record, even if it differs from the ground relied upon by the trial court. *People v. Quigley*, 365 Ill. App. 3d 617, 620 (2006). The police report in this case not only establishes the precise location of the defendant’s arrest, it also conveys that the officers could have reasonably believed that they were given consent to enter the defendant’s home by his brother and mother who opened the front door, invited them inside, and directed them to the defendant’s bedroom. *Smith*, 258 Ill. App. 3d at 1018.

¶ 39 Having found that the officers were given valid consent to enter the defendant’s home, we now move on to determine whether there was probable cause to arrest him.

¶ 40 Probable cause to arrest exists when the facts known to the police at the time of the arrest are sufficient to lead a reasonably cautious person to believe that the defendant has committed a crime. *People v. Wear*, 229 Ill. 2d 545, 563 (2008). “Mere suspicion is inadequate to establish probable cause to arrest, but the evidence relied upon by the arresting officers does not have to be sufficient to prove guilt beyond a reasonable doubt.” *People v. Sims*, 192 Ill. 2d 592, 614-15 (2000). The “calculation” of whether probable cause is present “concerns the probability of criminal activity[;]” it “does not even demand a showing that the belief that the suspect has committed a crime be more likely true than false.” (Internal quotation marks and citations omitted.) *People v. Hopkins*, 235 Ill. 2d 453, 472 (2009). This is because arrests not only produce people for prosecution, but they also serve an investigative function. *Sims*, 192 Ill. 2d at 614-15. When police officers work together to investigate a crime, the knowledge of each officer is imputed to all of them, and probable cause may be established from all of the information that they collectively received. *People v. Wallace*, 2015 IL App (3d) 130489, ¶ 38. Probable cause is objective, and an officer’s state of mind or subjective motivation is irrelevant. *Wear*, 229 Ill. 2d at 566.

¶ 41 In this case, the hearing on the motion established that, at the time of the defendant’s January 17, 2012, arrest, the police knew that the gun found in his possession in November 2011 had been used to kill Champion, Thompson, and Russell. They were also aware that Chambers had purchased the gun for the defendant and that the defendant told Chambers that he had committed the murders. We find that this evidence was sufficient to sustain a finding that probable cause existed as it would lead a reasonably cautious person to believe that the defendant had committed a crime. *Id.* at 563. The defendant’s arrest was thus lawful and his subsequent statements to police and the physical identification procedures he was subjected to while in

custody should not have been suppressed. Accordingly, the trial court properly denied his motion to quash and suppress.

¶ 42 In so holding, we note that the defendant raises certain arguments that we do not find persuasive. He emphasizes that, according to Detective Peck's police report, ASA Lyman did not approve felony charges before his January 2012 arrest and that he was released after that arrest. However, as the trial court correctly held, the subjective beliefs or intentions of officers or other officials are irrelevant to a court's objective evaluation of whether there was probable cause to arrest a defendant. See *id.* at 566. The defendant also points out that Grayson was arrested and charged in this case. However, as stated *supra*, an arrest is an investigative tool and probable cause does not require that it be more likely true than false that the suspect committed a crime. See *Hopkins*, 235 Ill. 2d at 472. Although Grayson was initially suspected of these offenses, the charges against him were dropped shortly after the defendant gave his video-recorded statement on January 18, 2012. Additionally, at trial, Detective Martin explained why Grayson remained a suspect in early December 2011 although he had received Sher's firearm test results—he stated that “guns move around” and a photo array containing the defendant had not yet been shown to any of the witnesses. See *Almond*, 2015 IL 113817, ¶ 55 (citing *Richardson*, 234 Ill. 2d at 252) (“When reviewing the trial court's ruling on a motion to quash arrest and suppress evidence, * * * we may consider evidence presented at [the] defendant's trial and at the suppression hearing.”). The defendant finally emphasizes that, although Detective Martin possessed more information about the case than Detective Peck, Detective Peck was the officer who arrested him. This is of no import, however, because Detective Martin and Detective Peck worked on portions of this case together and probable cause may be established from all of the information that they collectively received. See *Wallace*, 2015 IL App (3d) 130489, ¶ 38.

¶ 43 The defendant's next assignment of error is that the evidence was insufficient to prove him guilty of first-degree murder beyond a reasonable doubt. We disagree.

¶ 44 To sustain a conviction of first-degree murder, the State was required to prove that the defendant killed someone without lawful justification and, in doing so, "he either intend[ed] to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another[.]" 720 ILCS 5/9-1(a)(1) (West 2010).

¶ 45 A conviction will only be reversed where the evidence is so unreasonable, improbable, or unsatisfactory that a reasonable doubt of the defendant's guilt remains. *People v. Bradford*, 2016 IL 118674, ¶ 12. On a claim that the evidence was insufficient to sustain a conviction, we, as the reviewing court, must determine whether, taking the evidence in the light most favorable to the State, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *Id.* The trier of fact need not be satisfied beyond a reasonable doubt as to each link in the chain of circumstances; instead, the evidence as a whole should prove the defendant guilty beyond a reasonable doubt. *In re Jonathon C.B.*, 2011 IL 107750, ¶ 60. Additionally, the trier of fact is not required to disregard inferences that flow normally from the evidence or to seek all possible explanations consistent with innocence and elevate them to reasonable doubt. *Id.* "A conviction will not be reversed simply because the defendant tells us that a witness was not credible." (Omitting internal quotation marks.) *Id.* Rather, it is the responsibility of the trier of fact to weigh, resolve conflicts in, and draw reasonable inferences from the testimony and other evidence, and it is better equipped than this court to do so as it heard the evidence. *Id.* ¶ 59; *Bradford*, 2016 IL 118674, ¶ 12. We thus will not substitute our judgment for that of the trier of fact on questions of witness credibility or the weight of evidence. *Bradford*, 2016 IL 118674, ¶ 12.

¶ 46 Here, the defendant contends that the evidence would have been insufficient to convict him if his video-recorded statement to the police was suppressed. However, having found that there was probable cause to arrest him and that the trial court did not err in denying his motion to quash and suppress, we need not address this argument; his video-recorded confession stands. We note that, in addition to his video-recorded statement, there was also evidence establishing that the defendant made admissions to Chambers, Walker, and Norvell. See *People v. R.C.*, 108 Ill. 2d 349, 356 (1985) (“[A] confession is the most powerful piece of evidence the State can offer, and its effect on a jury is incalculable.”).

¶ 47 The defendant also argues that the eyewitnesses to the shooting—Cuevas, Frazier, and Carter—either failed to identify him or identified Grayson. According to the defendant, although Cuevas and Frazier were in “very close proximity” and had a good view, they nonetheless identified Grayson as the shooter only “hours or days after” the incident, which was when “their recollection and description[s] *** would have been the most reliable and credible.” He also points out that Frazier and Carter never identified him before or during trial.

¶ 48 “A single witness’ identification of the accused is sufficient to sustain a conviction if the witness viewed the accused under circumstances permitting a positive identification.” *People v. Slim*, 127 Ill. 2d 302, 307 (1989). When assessing identification testimony, Illinois courts analyze the following five factors set forth in *Neil v. Biggers*, 409 U.S. 188 (1972): (1) the witness’s opportunity to view the defendant during the offense; (2) the witness’s degree of attention at the time of the crime; (3) the accuracy of the witness’s prior description of the defendant; (4) the witness’s level of certainty at the identification; and (5) the length of time between the crime and the identification. *Slim*, 127 Ill. 2d at 307-08.

¶ 49 The defendant attempts to apply the *Slim-Biggers* factors to Frazier and Carter; however, as the State correctly points out, analysis of these factors is not appropriate when a witness has not identified the defendant. See *People v. Campbell*, 252 Ill. App. 3d 624, 627 (1993) (“in the face of overly suggestive pre-trial identification procedures employed by police, any in-court identification by a witness, in order to be admissible, must possess certain indicia—the five factors—of reliability independent of the tainted pre-trial procedures.” (Emphasis omitted.)). Here, Frazier and Carter never identified the defendant before or during trial. Cuevas, on the other hand, identified the defendant before and during trial, so an assessment of the five *Slim-Biggers* factors is appropriate for her.

¶ 50 With respect to the first factor, Cuevas had a good opportunity to view the defendant. She testified that, before the incident, she saw the defendant walking past her vehicle. She also stated that, while he was shooting into the victims’ car, his face was not covered and she had an “[e]xcellent” view. It was light outside and she was only 12 feet away.

¶ 51 The second factor also weighs in favor of finding that Cuevas’s identification of the defendant was reliable. Although Cuevas was in the process of parking her car when she heard three or four gunshots, she stated that she then turned to look at the green car where she observed the defendant firing a gun into it. There was no evidence to suggest that Cuevas was distracted or that her attention was directed elsewhere during this time. In fact, her degree of attention was high as demonstrated by her recollection of what the defendant was wearing and the manner in which he walked around the vehicle (she stated that he started at the front driver’s side and walked around the rear of the vehicle until he came to the front passenger’s side).

¶ 52 The third factor, the accuracy of the witness’s prior description of the defendant, also weighs in favor of finding Cuevas’s identification reliable. After the incident, Cuevas described

No. 1-15-2810

the shooter as being approximately 5 feet, 5 inches to 5 feet, 6 inches tall, and weighing 140 pounds; when Officer Treacy arrested the defendant, he measured 5 feet, 7 inches tall and weighed 140 pounds.

¶ 53 The defendant takes issue with the fourth *Slim-Biggers* factor, the witness's level of certainty at the identification, because Cuevas identified Grayson immediately after the incident in both a photo array and a physical lineup. However, this mistaken identification does not necessarily render Cuevas's subsequent identification of the defendant unreliable. See, *e.g.*, *People v. Malone*, 2012 IL App (1st) 110517, ¶¶ 32, 35 (finding that the identification testimony was sufficient to sustain the defendant's conviction although the eyewitness identified two other suspects who "possibly resembled the offender" before she identified the defendant). At trial, Cuevas explained that she initially identified Grayson because she recognized him as a customer of Church's Chicken and, after the incident, she was subjected to a lot of police questioning and was feeling nervous and confused. She further stated that she realized that she had wrongly identified Grayson once she had been able to rest and think more about the events that unfolded on November 5, 2011. Once the defendant was arrested and Cuevas viewed him in a lineup on January 17, 2012, she identified him, explaining that she recognized his face. There was no evidence that she hesitated or seemed unsure when she identified the defendant at this time. Additionally, she identified the defendant in open court during the trial and nothing in the record suggests that the in-court identification was anything less than certain. Consequently, although Cuevas initially identified someone else, this factor still weighs in favor of a finding that her identification of the defendant was reliable.

¶ 54 With respect to the fifth and final factor, the length of time between the crime and the identification, Cuevas identified the defendant more than two months after the incident.

However, we do not find that this fact renders her identification unreliable because identifications that were made after significantly longer periods of time have been upheld. See, e.g., *People v. Rodgers*, 53 Ill. 2d 207, 213-14 (1972) (identification made two years after the crime); *Malone*, 2012 IL App (1st) 110517, ¶ 36 (identification made one year and four months after crime).

¶ 55 Because our analysis of the five *Slim-Biggers* factors leads us to conclude that Cuevas's identification of the defendant was reliable, her identification alone is sufficient to sustain the defendant's conviction. See *Slim*, 127 Ill. 2d at 307.

¶ 56 The defendant next contends that the other occurrence witnesses—namely, Hobbs, Garrette, Milhouse, Norvell, Chambers, and Walker—were not credible because they did not actually witness the incident and they all had motivation to lie. According to the defendant, they were either “arguable accomplices or co-conspirators,” were convicted felons, had charges pending against them at the time of the trial, were friends with Champion, or were family members of one of the accomplices or co-conspirators. The defendant argues that Hobbs and Garrette, in particular, “had little to no credibility whatsoever” because they were treated as suspects in this case and the jurors were given Illinois Pattern Instruction (IPI) 3.17, which states that “[w]hen a witness says he was involved in the commission of a crime with the defendant, the testimony of that witness is subject to suspicion and should be considered by [the jury] with caution. It should be carefully examined in light of the other evidence in the case.”

¶ 57 These arguments concerning credibility are essentially asking us to reweigh the trial evidence; however, the jury, as the trier of fact, was responsible for weighing, resolving conflicts in, and drawing reasonable inferences from the evidence. *Bradford*, 2016 IL 118674, ¶ 12; *Jonathon C.B.*, 2011 IL 107750, ¶ 59. Although the jury was presented with the evidence casting

doubt on these witnesses' credibility, it nonetheless found their testimony compelling. Because such a determination was within its province and was not unreasonable, we decline the defendant's invitation to reweigh the evidence. As to the defendant's argument concerning Hobbs and Garrette, we note that "[t]he jury is presumed to follow the instructions that the court gives it." *People v. Taylor*, 166 Ill. 2d 414, 438 (1995). Even viewing Hobbs's and Garrette's testimony with suspicion and caution, and carefully examining it in light of the other evidence pursuant to IPI 3.17, the jury still could have found that the defendant was guilty beyond a reasonable doubt as the evidence against him was overwhelming. Hobbs and Garrette testified that the defendant followed Champion to Church's Chicken and subsequently fled that area with a gun in his hand; their testimony thus places the defendant at the restaurant immediately before and after the murders. This is powerful circumstantial evidence that is amply corroborated by other witnesses. Milhouse testified that he observed the defendant following the green car that Champion was in that day. According to Frazier, a man wearing black clothes went into the parking lot of Church's Chicken, gunshots were fired, and the man fled—at first, on foot and, then, in the defendant's car, which he followed. Hobbs's, Garrette's, and Frazier's accounts of the pursuit were corroborated by the piece of the defendant's bumper that was found at the site of the collision with the guardrail. Additionally, the cell phone evidence established that the defendant and Garrette were near Church's Chicken at the time of the incident.

¶ 58 The defendant finally asserts that the evidence concerning his car, the gun, and the cell phones "could just as easily have been attributed to" Hobbs, Garrette, and Chambers, rather than himself; however, he does not elaborate on this assertion other than to say that Hobbs and Garrette had access to his vehicle at the time the incident occurred. We reject this argument because, when the defendant was arrested on November 29, 2011, weeks after the incident, the

No. 1-15-2810

gun was found inside of his car, and Hobbs, Garrette, and Chambers were not present. The defendant also admitted that Chambers purchased the gun for him. To the extent that the defendant argues that Hobbs and Garrette could have taken his car and cell phone, and then carried out the murders, we note that Cuevas identified *the defendant* as the shooter under circumstances permitting a positive identification. Additionally, Frazier stated that, after the defendant's car crashed into the guardrail, three men—not two—ran out of the vehicle.

¶ 59 In conclusion, we do not find the evidence so unreasonable, improbable, or unsatisfactory that a reasonable doubt of the defendant's guilt remains. Accordingly, the judgment of the trial court is affirmed.

¶ 60 Affirmed.