2018 IL App (1st) 172515-U

SIXTH DIVISION
Order filed: June 1, 2018

No. 1-17-2515

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

In re JAMARI W., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Cook County
	)	
Petitioner-Appellee,	)	
	)	
v.	)	No. 16 JD 00225
	)	
Jamari W., a Minor,	)	Honorable
	)	Terrence V. Sharkey,
Respondent-Appellant.)	)	Judge, Presiding.

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

ORDER

¶ 1 *Held*: The respondent's convictions are affirmed where there was sufficient evidence to find him guilty of robbery, burglary, theft from a person of less than $500, aggravated battery, and battery.

¶ 2 Following a bench trial, the respondent, Jamari W., was adjudicated a delinquent minor for the offenses of robbery, burglary, theft from a person of less than $500, aggravated battery, and battery, and was sentenced as a habitual and violent juvenile offender and committed to the

Department of Juvenile Justice (DJJ) until his twenty-first birthday pursuant to sections 5-815(f) and 5-820(f) of the Juvenile Court Act of 1987 (705 ILCS 405/5-815(f), 5-820(f) (West 2016)). On appeal, the respondent argues that the evidence was insufficient to prove him guilty beyond a reasonable doubt. For the following reasons, we affirm.

¶ 3 In the amended petition for adjudication of wardship, the State alleged that, on or about December 24, 2015, the respondent committed robbery (720 ILCS 5/18-1 (West 2014)), burglary (720 ILCS 5/19-1(a) (West 2014)), possession of a stolen vehicle (625 ILCS 5/4-103(a)(1) (West 2014)), theft from a person of a value not exceeding $500 (720 ILCS 5/16-1(a)(3) (West 2014)), theft exceeding $500 (720 ILCS 5/16-1(a)(1) (West 2014)), aggravated battery (720 ILCS 5/12-3.05(c) (West 2014)), and battery (720 ILCS 5/12-3(a)(2) (West 2014)). The State *nol-prossed* the possession-of-a-stolen-vehicle charge, and, on September 6, 2017, the case proceeded to a bench trial on all other charges.

¶ 4 At trial, Officer Tracy Hoover testified that, at approximately 4:15 p.m. on December 24, 2015, she was off-duty and in plain clothes, pumping gas into the driver's side of her personal vehicle—a van—at a gas station located at the 4300 block of South Wentworth Avenue in Chicago. She had left her purse, which contained a gun, on the front passenger-side seat. She explained that, due to her training as a police officer, she was "always kind of looking around making sure that [her] environment is safe and *** paying attention to what's going on." While she was pumping gas, she was looking through the windows of her van when she "notice[d] a black sedan pull in next to" her passenger side, approximately 10 feet away; the respondent—whom she identified in court—was sitting in the driver's seat.

¶ 5 Officer Hoover stated that she watched the respondent get out of the sedan and walk towards the rear of her van. When he got there, the two of them made eye contact, and he turned

around and "began to walk back *** between [their] two vehicles." According to Officer Hoover, the respondent then opened her passenger door, grabbed her purse, ran back to the black sedan, and sat in the driver's seat. Officer Hoover ran to the sedan, opened the passenger door, and entered the car. She stated that the respondent was holding her purse and "putting the car in drive to try to pull away." Officer Hoover put the car in "park," pulled the keys out of the ignition and threw them on the floor, and a "struggle over" her purse ensued. She was pulling one side of the purse while he was pulling the other. He was also "smacking" her arms and "kind of punching" her hands "to get [her] to let go of the purse." Officer Hoover testified that, during that time, they were "nose to nose, maybe inches" away from each other. Eventually, Officer Hoover managed to remove her gun from her purse and announce that she was a police officer. The respondent "immediately" let go of her purse, got out of the sedan, and fled on foot.

¶ 6 Officer Hoover stated that, before the respondent opened the door of her van and took her purse, she could see his face "the entire time[.]" Additionally, when asked if she was able to see the respondent's face clearly while they were in the black sedan together, she answered, "[a]bsolutely[,]" explaining that "[n]othing" was obstructing her view of his face and that he was not wearing a mask. On January 23, 2016, Officer Hoover identified the respondent in a photo array. She stated that, as a police officer, she had been trained to "identify*** people through not just clothing but through facial features and differences within their height, weight, textures of skin, facial hair, things like that to *** be able to pull those out [*sic*] of a crowd."

¶ 7 On cross-examination, although Officer Hoover acknowledged that the respondent had "his hoodie *** up[,]" and that, at the time of the incident, it was "dark out[,]" she stated that she "had a front view of the [respondent] pretty consistently[.]" She affirmed that, after the respondent fled the scene, she called 9-1-1 and reported that a black male, wearing a "gray hoodie[,]" between

the ages of 18 and 25, had "robbed" her. Officer Hoover admitted that she did not tell the dispatcher about the respondent's hairstyle or whether he had any tattoos or scars.

¶ 8 The entire incident was captured by the gas station's video surveillance system and Officer Hoover confirmed that the recording was a true and accurate depiction. This video substantially corroborates her testimony. It shows a black male—who is wearing a gray hoodie—exit a black sedan, remove an object from the passenger side of a van, and run back to the driver's seat of the black sedan. The video also shows a woman pumping gas, looking at the black male as he walks towards her van and enters it. The woman then runs into the passenger side of the sedan. The recording does not show what happened once the respondent and Officer Hoover got into the black sedan, but the brake lights turn on and then off.

¶ 9 Officer Myron Seltzer, an evidence technician at the Chicago Police Department (CPD), testified that, at approximately 5:15 p.m. on December 24, 2015, he went to the gas station to process the crime scene. He searched the black Toyota Camry present at the scene and observed "an orange juice bottle" in the front console as well as a red winter cap. Before Officer Seltzer "collected *** and secured" this evidence, he took photographs of it, which were admitted into evidence. Officer Seltzer next "checked" the rear-view mirror for fingerprints and found one "right in the middle of" it, which he "lifted" and "secured[.]" He took "elimination fingerprints" from the owner of the vehicle, Bette Tillman, and someone else who had recently driven the car, Roger Gray. Officer Seltzer stated that he brought all of the evidence back to the police station and took "a biological swab" from "the neck and the mouth" of "the orange juice bottle[.]" He proceeded to inventory the evidence in accordance with CPD procedures. Officer Seltzer confirmed that the swabs were inventoried under "No. 1357336" and the bottle was inventoried under "No. 13597328[.]" When asked whether "all [of] the evidence was kept in [his] constant care, custody,

and control until it was placed in th[e] facility" where it would be routed for processing, Officer Seltzer answered affirmatively and defense counsel did not object.

¶ 10 On cross-examination, Officer Seltzer and defense counsel engaged in the following colloquy regarding the orange juice bottle:

> "Q And when you entered the vehicle, Officer, you saw—I think you told us it was *** two bottles; right?
>
> A Not two, one.
>
> Q You saw one bottle in the black sedan?
>
> A That I saw, yeah, that I recall.
>
> * * *
>
> Q And eventually you took swabs from the neck of the bottle; right?
>
> A Yes."

Officer Seltzer acknowledged that he was not able to tell how long the evidence had been in the black Camry.

¶ 11 The State tendered Officer Michael Malone, a latent-fingerprint examiner at CPD, as an expert in fingerprint analysis. During the *voir dire* examination, Officer Malone testified that his unit uses the "ACE-V"—an acronym for Analysis, Comparison, Evaluation, and Verification—method, which is generally accepted in the field of latent-print examination. He explained that the verification step "is an independent examination by another qualified examiner to either corroborate or refute the findings of the original examiner." On cross-examination, when asked whether his unit has "any error management system[,]" Officer Malone stated, "we have corroborators for every identification that's made." Although he acknowledged that there was not an external "quality assurance *** or error management mechanism[,]" he explained that the

verification step of the ACE-V method was a measure of quality control. Officer Malone admitted, however, that his unit does not document when examiners disagree about the results of fingerprint analyses. Over the defense's objection, the trial court deemed Officer Malone an expert in fingerprint analysis.

¶ 12 Officer Malone went on to testify that, in January 2016, he used the ACE-V method to examine "Lift A," the latent fingerprint found on the black Camry's rear-view mirror. After he determined that the impression was suitable for comparison, he compared it to Tillman's and Gray's "elimination prints[,]" and concluded that they did not match. He then input the latent print into the Automated Fingerprint Identification System (AFIS) and the respondent appeared as 1 of the 10 generated candidates; the system associated the latent print with a "known" print from his right thumb. Officer Malone thereafter compared Lift A to the respondent's "known prints" and "found *** [a] sufficient quantity of ridge characteristics matching in type, direction, and unit relationship to each other[.]" He, therefore, determined that "both prints were made by the same person." To complete the final step of the ACE-V method, another fingerprint examiner, Thurston Daniels, conducted an independent evaluation and comparison, and "verified" Officer Malone's finding.

¶ 13 Officer Malone stated that, in February 2016, he was assigned to compare Lift "A to a confirmatory known standard" or "suspect card" from the respondent. Again using the ACE-V method, including the verification step, he compared the latent print to the respondent's right thumbprint—the digit that AFIS recommended for comparison—and found that they were a match; there was a "sufficient quantity of ridge characteristics matching in type, direction, and unit relationship to each other[.]" Officer Malone testified that, "to show the basis or foundation for [his] identification[,]" he created a document consisting of two enlarged images; one image was of

the latent print and the other was of the respondent's confirmatory right thumbprint. Officer Malone placed 15 red dots on each image "as a way to plot or mark the ridge characteristics that are visible in both prints matching in type, direction, and unit relationship to each other[,]" *i.e.*, to show the points of comparison. When asked whether there is "a magic number of points and similarities that [he] look[s] for" when making an identification, he answered, "[n]o."

¶ 14 On cross-examination, Officer Malone acknowledged that he has only been trained to examine fingerprints using the ACE-V method; however, he stated that, if every step is completed, it is considered "the accepted method" in the field. He admitted that certain "areas of [the] fingerprint comparison" process are "subjective," but denied that every step of the ACE-V method is subjective. He also acknowledged that examiners may disagree about the suitability of a print for comparison, features seen on prints, and conclusions. Officer Malone clarified that "there's *** no minimum number of points [he has] to see before" making an identification and that, once an identification has been made, he can exclude "all others" in the world as possible sources for a latent print.

¶ 15 The parties stipulated that, if called to testify, Ronald Tomek, a forensic scientist in the biology unit of the Illinois State Police (ISP) Forensic Sciences Command, would be qualified as an expert in the field of forensic biology. The stipulation, in relevant part, provides as follows:

> "Mr. Tomek received a swab recovered from the neck, top of a Mr. Juice Bottle under CPD inventory 13597336 which was assigned laboratory exhibit number 3.
>
> Mr. Tomek marked the swab as exhibit 3A and preserved the swab for DNA analysis.
>
> Mr. Tomek received a glass bottle under CPD inventory 13597328 which

was assigned laboratory exhibit 4.

Mr. Tomek noted black staining on the inside of the bottle and cap, possibly mold.

Mr. Tomek took a swab from the mouth opening of the bottle and inside cap to collect possible cellular material. The swab, marked 4A, was preserved for DNA analysis."

The parties stipulated that Tomek would also state that he "maintained a proper chain of custody over the evidence items while they were in his possession and control."

¶ 16 Another stipulation provided that, on April 14, 2016, an investigator from the State's Attorney's Office took a buccal swab from the respondent using the "proper protocol" and then submitted it to the ISP Crime Lab for DNA analysis. The parties further stipulated that, if called to testify, Kenan Hasanbegovic, a forensic scientist with the ISP, would be qualified as an expert in the field of DNA analysis. The stipulation, in relevant part, states:

"Mr. Hasanbegovic would testify that DNA from exhibits 1A (the knit hat), *** 3A (the Mr. Juice bottle), and 4A (the glass bottle) was amplified using the Polymerase Chain Reaction[.]

* * *

*** [H]uman male DNA profiles were identified on the Mr. Juice bottle (Ex. 3A) and the glass bottle (Ex. 4A) which match the profile of [the respondent] at every tested location ***.

> The profile identified on the two bottles would be expected to occur in approximately 1 in 1.9 quintillion black unrelated individuals."[1]

Hasanbegovic would further testify that the DNA profile found on the knit cap matched that of Demetrius Brown. The parties stipulated that Hasanbegovic would also state that he "maintained a proper chain of custody over the evidence items while they were in his possession and control."

¶ 17 After the State rested its case-in-chief, the defense filed a motion for a directed finding, which the trial court denied. The respondent then rested without presenting any evidence or testifying on his own behalf.

¶ 18 The trial court found the respondent not guilty of theft exceeding $500 because there was no evidence presented regarding the monetary value of Officer Hoover's purse, but guilty of robbery, burglary, theft from a person (the object's value not exceeding $500), aggravated battery, and battery. In support of its holding, the court explained that it found Officers Hoover, Seltzer, and Malone "credible[,]" and that the "most important" evidence was "the identification by Officer Hoover of the minor respondent both at the photo lineup and the in-court identification today, and ancillary to that is the fact that the DNA puts the minor at least in the car *** along with the fingerprint test." In finding Officer Hoover's identification testimony reliable, the court considered each of the five factors set forth in *Neil v. Biggers*, 409 U.S. 188 (1972) (herein after referred to as the *Slim-Biggers* factors).

¶ 19 After a sentencing hearing, the trial court sentenced the respondent to a mandatory term of commitment to the DJJ until his twenty-first birthday. This appeal followed.

[1] As we will discuss *infra*, the language of this stipulation suggests that two bottles exist when, in fact, there is only one.

¶ 20 The respondent's sole assignment of error on appeal is that the evidence was insufficient to prove him guilty beyond a reasonable doubt. Specifically, he contends that Officer Hoover's identification of him and the fingerprint evidence were unreliable, and "the DNA evidence was plagued with chain-of-custody issues." We disagree.

¶ 21 In addressing challenges to the sufficiency of the evidence, a reviewing court will not retry a defendant, *i.e.*, we "will not substitute [our] judgment for that of the fact finder on questions involving the weight of the evidence or the credibility of the witnesses[.]" *People v. Campbell*, 146 Ill. 2d 363, 375 (1992); see also *People v. Givens*, 237 Ill. 2d 311, 334 (2010). It is also within the province of the trier of fact to draw inferences from the evidence and resolve any conflicts in the evidence. *Campbell*, 146 Ill. 2d at 375. This is because the trier of fact saw and heard the witnesses; therefore, its credibility determinations are entitled to great weight. *People v. Wheeler*, 226 Ill. 2d 92, 114-15 (2007). Instead, when reviewing sufficiency-of-the-evidence claims, we view " 'the evidence in the light most favorable to the prosecution*** [to determine whether] *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.' " (Emphasis in original.) *People v. Davison*, 233 Ill. 2d 30, 43 (2009) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319, 99 S.Ct. 2781, 2789 (1979)). We will not overturn a criminal conviction "unless the evidence is so improbable or unsatisfactory that it creates a reasonable doubt of the defendant's guilt." *Givens*, 237 Ill. 2d at 334.

¶ 22 We first address the respondent's argument that Officer Hoover's identification of him, which "[t]he trial court indicated *** [was] the 'most important' evidence in this case[,]" was unreliable.

¶ 23 "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 five *Slim-Biggers* factors, which are as follows: (1) the witness's opportunity to view the respondent 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 respondent; (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.

¶ 24 With respect to the first *Slim-Biggers* factor, Officer Hoover had a good opportunity to view the respondent. Although the respondent was wearing a hooded sweatshirt and it was dark outside, Officer Hoover stated that she had a frontal view of him "pretty consistently[.]" Before the respondent opened the door of her van and took her purse, she could see his face "the entire time" and they made eye contact. The surveillance video corroborates Officer Hoover's testimony; it depicts her watching the respondent while he is walking near her van and then stealing her purse. Officer Hoover further testified that she was "face to face, maybe inches" away from the respondent while they were inside of the black sedan together and that she "[a]bsolutely" saw his face clearly then, explaining that "[n]othing" was obstructing her view.

¶ 25 Although the respondent contends that Officer Hoover's opportunity to view him during the offense was hindered by the "high stress conditions[,]" we find that this argument is unpersuasive because Officer Hoover testified that she observed his face and made eye contact with him *before* any of the "conditions" that could cause "stress" commenced; namely, the respondent entering her van and stealing her purse, and the events that unfolded thereafter. We further note that police officers are trained to operate under high-stress conditions.

¶ 26 The second factor, the witness's degree of attention at the time of the crime, also weighs in favor of finding Officer Hoover's identification of the respondent reliable. Officer Hoover

explained that, because of her training as a police officer, she generally paid attention to her surroundings—she was "always kind of looking around making sure that [her] environment [wa]s safe[.]" There was no evidence to suggest that she was distracted or that her attention was directed elsewhere during this time. In fact, Officer Hoover's degree of attention was high as demonstrated by her ability to testify in detail regarding the events that took place, and the surveillance video, which shows how quickly she reacted to the crime.

¶ 27 As to the third factor, the accuracy of the witness's prior description of the respondent, Officer Hoover described a black male, wearing a "gray hoodie[,]" between the ages of 18 and 25, which is substantially accurate. The respondent is a black male and, at the time of the incident, he was wearing a gray hoodie and was one day away from his seventeenth birthday. Although the respondent argues that Officer Hoover's initial description was "too broad" and "generic" to be considered accurate, "omissions as to facial and other physical characteristics are not fatal, but merely affect the weight to be given the identification testimony." *People v. Negron*, 297 Ill. App. 3d 519, 530 (1998). Here, the trial court acknowledged that Officer Hoover's description "could apply to half the population *** out south[;]" however, it nonetheless considered her description accurate and found that this factor weighed in favor of finding her identification of the respondent reliable.

¶ 28 With respect to the fourth *Slim-Biggers* factor, Officer Hoover identified the respondent with a high level of certainty; there was no evidence that she hesitated or seemed unsure when she told the police that the respondent was the individual who robbed her at the photo array. Additionally, she identified the respondent in open court during the trial and nothing in the record suggests that the in-court identification was anything less than certain.

¶ 29 The fifth and final factor, the length of time between the crime and the identification, also weighs in favor of finding Officer Hoover's identification of the respondent reliable because she identified him less than one month after the incident. Illinois courts have upheld convictions where the identifications were made after significantly longer periods of time. See, *e.g.*, *People v. Rodgers*, 53 Ill. 2d 207, 213-14 (1972) (identification made two years after the crime); *People v. Malone*, 2012 IL App (1st) 110517, ¶ 36 (identification made one year and four months after crime).

¶ 30 Because our analysis of the *Slim-Biggers* factors leads us to conclude that Officer Hoover's identification of the respondent was reliable, her identification alone is sufficient to sustain the respondent's convictions. See *Slim*, 127 Ill. 2d at 307. However, the State also presented corroborating physical evidence, which implicated him. We now move on to address the respondent's arguments that this evidence was "suspect."

¶ 31 The respondent contends that the fingerprint evidence was unreliable for two reasons. First, Officer Malone's unit does not "maintain*** [a] minimum standard as to the number of comparison points an analyst must examine to determine a match[;]" consequently, the process is "entirely subjective" rather than based on "an objective, scientific standard." Second, although the respondent acknowledges that Officer Malone's conclusion was "corroborated by another analyst within the unit," he takes issue with the fact that the unit does not document when analysts reach different conclusions as "a safeguard*** to ensure reliability." We reject each of these arguments in turn.

¶ 32 The respondent's argument concerning the number of comparison points is unpersuasive because Illinois courts have previously held that a minimum number is not required to find a fingerprint identification sufficient; rather, "the number of similarities *** goes to the weight of

the evidence and, thus, whether there is a sufficient number to make a positive identification is a question for the" trier of fact. *Campbell*, 146 Ill. 2d at 384-85; see also *People v. Ford*, 239 Ill. App. 3d 314, 317-18 (1992) ("no Illinois case expressly states a requisite number of points of similarity between a latent print and an exemplar to be sufficient"). Additionally, although Officer Malone acknowledged that some aspects of the ACE-V method are subjective, he denied that every step is subjective. See *People v. Luna*, 2013 IL App (1st) 072253, ¶ 84 (ACE-V is a generally accepted methodology within the relevant scientific community).

¶ 33 We also find that the respondent's contention that Officer Malone's identification was unreliable because his unit does not document disagreements between analysts fails. The evidence here supports an inference that Officer Malone and Daniels, the examiner who conducted an independent comparison and evaluation, did not disagree during the final step of the ACE-V method, verification. Officer Malone testified that, in determining that the respondent was the source of the latent print found in the black Camry, he completed all of the steps in the ACE-V method, including verification. This court has previously explained that " '[v]erification occurs when another qualified examiner repeats the observations and *comes to the same conclusion[.]*' " (Emphasis added.) *Id.* ¶¶ 61, 81 (quoting National Research Council of the National Academy of Sciences, *Strengthening Forensic Science in the United States: A Path Forward* 37 (2009)). Moreover, when the assistant State's Attorney asked what "markings" were on the respondent's "confirmatory print card" (People's Exhibit No. 13), Officer Malone, in relevant part, answered, "my initials and *the corroborator's* initials." (Emphasis added.) Defense counsel did not object to this testimony or to the admission of People's Exhibit No. 13 into evidence. We, therefore, hold that it was not unreasonable for the trial court to conclude that Daniels and Officer Malone reached

the same result and, consequently, the fact that Officer Malone's unit does not document disagreements did not cast doubt upon his reliability.

¶ 34 The respondent next asserts that the DNA evidence "must *** be viewed with caution" and has "limited probative value" where there was conflicting testimony; namely, Officer Seltzer's testimony that he only recovered one "orange juice bottle" from the black Camry, and Tomek's and Hasanbegovic's stipulated testimony, which suggests that there was a glass bottle *and* a juice bottle. The parties stipulated that Tomek would testify that he received and preserved a swab from "a Mr. Juice Bottle" and that he also "took a swab" from "a glass bottle under CPD inventory 13597328[.]" Similarly, Hasanbegovic's stipulated testimony twice referred to a "Mr. Juice bottle *** *and* [a] glass bottle[,]" and stated that the respondent's DNA was identified on both of those bottles. (Emphasis added.) The respondent argues that the orange-juice bottle's CPD inventory number, 13597328, "is the same as the inventory number for the glass bottle that was presented through stipulation[,]" which "suggests that *** the DNA evidence[] was not properly stored while in police custody."

¶ 35 The State, in pertinent part, replies: "To the extent that [the] respondent claims that there is ambiguity in the inventory numbers in the stipulation, the record makes it clear that one of the inventory numbers is the actual swab taken from the bottle, and the other is the glass orange juice bottle itself." We agree with the State.

¶ 36 We first note that it was within the province of the trial court, as the trier of fact, to resolve conflicts in the testimony and determine whether there were one or two bottles containing the respondent's DNA. See *Campbell*, 146 Ill. 2d at 375. That being said, our review of the record shows that there was one glass orange-juice bottle and one set of biological swabs taken from that bottle. The record on appeal contains one "Mr. Pure" orange-juice bottle, which is made of glass

and has "black staining on the inside," and one set of biological swabs from "THE NECK/TOP OF A MR. JUICE BOTTLE[.]" The orange-juice bottle's inventory number is 13597328 and the swabs' are 13597336. This evidence is corroborated by Officer Seltzer's testimony that he recovered one bottle—"[n]ot two"—from the black Camry, and that the bottle was inventoried under "No. 13597328" and the biological swabs he collected from the neck of the bottle were inventoried under "No. 1357336[.]"

¶ 37 Even assuming, *arguendo*, that there were two bottles, we find that the respondent has forfeited any chain-of-custody challenge by stipulating that Tomek and Hasanbegovic maintained the proper chain of custody over the DNA evidence.[2] See *People v. Carodine*, 374 Ill. App. 3d 16, 27-28 (2007) (finding that the "defendant [wa]s precluded from arguing that the chain of custody was insufficient for the first time on appeal because [he] *** stipulated to chain of custody at trial, thus depriving the State of the opportunity to correct any deficiency."); see also *People v. Alsup*, 241 Ill. 2d 266, 275 (2011) ("a challenge to the chain of custody does not serve as a challenge to the sufficiency of the evidence to support a conviction and is not exempt from forfeiture."). Consequently, the evidence would establish that there were two bottles—instead of just one—containing the respondent's DNA.

¶ 38 The respondent's final assertion is that, if we find that the physical evidence was sufficient to corroborate Officer Hoover's testimony, as we have, it merely established that he was inside of the black Camry; it did not prove that he was the man who robbed Officer Hoover. He points out that Brown's DNA was found on the knit hat that was also recovered from the vehicle and argues that, "[g]iven the weaknesses in the eyewitness identification, it is just as likely that Brown

[2] Defense counsel also did not object to Officer Seltzer maintaining the proper chain of custody.

committed this offense." We reject this argument because Officer Hoover identified *the respondent*—not Brown—as the person who robbed her under circumstances permitting a positive identification.

¶ 39 For the foregoing reasons, we affirm the respondent's convictions.

¶ 40 Affirmed.