2019 IL App (1st) 162267-U

No. 1-16-2267

Order filed March 29, 2019

Third Division

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. 15 CR 18465
	)	
JOHN LEE WILLIAMS,	)	Honorable
	)	Geary W. Kull,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE ELLIS delivered the judgment of the court.
Presiding Justice Fitzgerald Smith and Justice Cobbs concurred in the judgment.

ORDER

¶ 1 *Held*: Affirmed. State presented sufficient evidence to convict defendant of residential burglary.

¶ 2 Following a bench trial, defendant John Lee Williams was convicted of residential burglary and sentenced to nine years in prison. On appeal, defendant challenges the sufficiency of the State's evidence. We affirm.

¶ 3 BACKGROUND

¶ 4 Defendant was charged by indictment with one count of residential burglary (720 ILCS 5/19-3(a) (West 2014)) and one count of theft of property of a value greater than $500 and less than $10,000 (720 ILCS 5/16-1(a)(1)(A) (West 2014)). The indictment stemmed from the August 5, 2015 burglary of Michelle Johnson's home in Oak Park.

¶ 5 At trial, Johnson testified that the front entrance to her house has an unlocked outer storm door of glass as well as an inner door of wood that locks. The inner wooden door has paneled glass windows. On the evening of August 4, 2015, she cleaned the paneled windows on her front door. Around 5:30 p.m. on August 5, Johnson left her house to run some errands. Johnson testified that she had two teenage sons who lived with her, but they both worked and were not expected home until 9 p.m. When Johnson left, she went through the front door and locked it behind her. At that time, the door was undamaged. The back door was also locked.

¶ 6 Johnson returned to her home around 7:30 p.m. After walking up the front steps and opening the storm door, Johnson saw that the inner front door was open and pieces of wood from the door were all over the floor just inside the doorway. She also saw a metal item shaped "like a big screw" lying on the floor. Johnson explained that the metal item had been in a flower pot on her back deck.

¶ 7 Johnson did not hear anyone inside the house, so she walked inside. In the living room, she saw that items from her bedroom closet had been strewn all over the floor and a TV stand, drawers, and cabinets had been opened. In the kitchen, the cabinets had been opened, other belongings were strewn on the floor, and the back door was open. The basement had been ransacked: a television was missing, the cable box was turned over, and controllers were all over

the floor. Upstairs, Johnson's bedroom had been "demolished." Items from her drawers and shelves strewn all over her bed and the floor, and several possessions were missing, including a framed portrait, jewelry, a digital camera, and an iPad. In the bathroom, Johnson noticed that items from the drawers were all over the floor. The mattress was moved in one son's bedroom, and his tablet was missing. Drawers were open in the other son's bedroom. Johnson went to a nearby aunt's house and called the police.

¶ 8 Johnson reiterated that both her front and back doors were locked when she left her house on the night in question. She testified that she did not give defendant or anyone else permission to enter her house or take her belongings. She also stated that she did not know defendant.

¶ 9 On cross-examination, Johnson admitted that she did not tell any police officers or detectives that she had washed the front door's windowpanes the night before the burglary. Rather, the first time she had mentioned the window-washing to anyone was when she told the Assistant State's Attorney about it on the date of trial. Johnson also acknowledged that she did not have a "no solicitors" sign on her front door and stated that when people come to her front door, they generally ring a bell.

¶ 10 Oak Park police officer Stan Bruno testified that it looked like the inner front door had been forced open. He noted that the door's wooden frame was broken, the door itself was cracked, and there were pieces of shattered wood on the ground. Inside the house near the front door, Officer Bruno found a four- or five-inch steel or iron railroad spike. After searching the house, Officer Bruno and a second evidence technician began canvassing for fingerprints. In all, Officer Bruno collected 16 fingerprint samples, including four samples from "exterior front door."

¶ 11 Charles A. Schauer testified as an expert in fingerprint analysis. Schauer testified that on August 10, 2015, the Oak Park police department requested that he review "17 fingerprint lifts" recovered during the investigation of a residential burglary. Schauer determined that two of the lifts were suitable for comparison. Schauer submitted the two prints to a fingerprint database and matched them to a fingerprint card bearing the name "Joe Williams." Later that month, the Oak Park police gave Schauer a fingerprint card that was made by Oak Park police detective James Sperandio at the Oak Park police department and that bore defendant's name, "John Lee Williams." After examining this card, Schauer determined that the two prints recovered from the scene of the burglary that were suitable for comparison were both made by defendant's left "little" finger.

¶ 12 Oak Park police detective James Sperandio testified that he was one of several detectives assigned to investigate the burglary in question. During the course of his investigation, he located defendant in Cook County jail. Defendant was thereafter brought to the Oak Park police department, where Sperandio took his fingerprints.

¶ 13 Among the exhibits entered into evidence were People's Exhibit No. 2 and a number of photographs of the scene. One of the photographs depicts the damage to the wood on the front door, immediately adjacent to the doorknob and lock.

¶ 14 Defense counsel made a motion for directed finding, which the trial court denied.

¶ 15 In closing, the State argued, among other things, that it was reasonable to infer from the location of defendant's fingerprints on the window "right where" the pry marks were made by the door knob that "clearly what the defendant was doing was bracing himself with his left hand and using his right hand to pry open the door." Defense counsel again challenged the accuracy of

the fingerprint evidence. He also noted that the prints in question were on the exterior of the house, and argued that there were "any number" of innocent explanations for defendant's fingerprints to be in that location. As an example, counsel observed that Johnson did not have a "no soliciting" sign on her door and asserted that "at any point perhaps someone could have knocked on the door."

¶ 16 After closing argument, the court found defendant guilty of residential burglary and theft. The court subsequently denied defendant's motion for a new trial and, based on defendant's criminal history, sentenced him as a Class X offender to nine years in prison for residential burglary and a concurrent term of three years in prison for theft. The trial court later entered a corrected mittimus, on its own motion, indicating that the theft count merged into the residential burglary count.

¶ 17 Following sentencing, defendant raised an allegation of ineffective assistance of counsel. The trial court held a *Krankel* hearing, after which it found no ineffectiveness and denied defendant's oral, *pro se* motion for a new trial. This appeal followed.

¶ 18 ANALYSIS

¶ 19 On appeal, defendant contends that the evidence was insufficient to prove beyond a reasonable doubt that he committed residential burglary. In defendant's view, the State's evidence established, at best, that he was outside Johnson's house at some undetermined point in the approximately 24 hours between the time when Johnson washed her windows and when the burglary occurred. Characterizing the evidence against him as feeble, defendant argues that the State's entire case against him consisted of a "single fingerprint" left on a readily and lawfully accessible, public window on the exterior of the front door of the house, and implies that he

could have left the print while knocking on the door for an innocent purpose, such as to leave an advertising flyer, pass out literature, collect for a charity, ask for yard work, beg for money, or ask directions. Defendant maintains that a conviction that relies on such uncertain fingerprint evidence cannot be sustained.

¶ 20 When reviewing the sufficiency of the evidence, the relevant inquiry is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 318-19 (1979). Under this standard, a reviewing court must allow all reasonable inferences from the record in favor of the prosecution. *People v. Cunningham*, 212 Ill. 2d 274, 280 (2004). The credibility of the witnesses, the weight to be given their testimony, and the resolution of any conflicts in the evidence are within the province of the trier of fact, and a court of review will not substitute its judgment for that of the trier of fact on these matters. *People v. Brooks*, 187 Ill. 2d 91, 131 (1999). Reversal is justified only where the evidence is "so unsatisfactory, improbable or implausible" that it raises a reasonable doubt as to the defendant's guilt. *People v. Slim*, 127 Ill. 2d 302, 307 (1989).

¶ 21 A person commits residential burglary when, without authority, he knowingly enters another's dwelling place, or any part thereof, with the intent to commit a felony or theft therein. 720 ILCS 5/19-3(a) (West 2014). The elements of burglary may be proved by circumstantial evidence, *i.e.*, "facts and circumstances from which the trier of fact may infer other connected facts which reasonably and usually follow according to common experience." *People v. Smith*, 2014 IL App (1st) 123094, ¶ 13. It is the responsibility of the trier of fact to draw reasonable inferences from basic facts to ultimate facts. *Id.* In determining whether an inference is

reasonable, the trier of fact is not required to look for all possible explanations consistent with innocence or " 'be satisfied beyond a reasonable doubt as to each link in the chain of circumstances.' " *Id.* (quoting *People v. Wheeler*, 226 Ill. 2d 92, 117 (2007)). Rather, it is sufficient if all the evidence, taken as a whole, satisfies the trier of fact that the defendant is guilty beyond a reasonable doubt. *Id.*

¶ 22 Fingerprints constitute circumstantial evidence. *People v. Rhodes*, 85 Ill. 2d 241, 249 (1981). Our supreme court has repeatedly recognized that a conviction may be sustained solely on fingerprint evidence if the defendant's fingerprints have been found in the immediate vicinity of the crime under such circumstances as to establish beyond a reasonable doubt that the fingerprints were impressed at the time the crime was committed. See, *e.g.*, *People v. McDonald*, 168 Ill. 2d 420, 445 (1995), *abrogated in part on other grounds by People v. Clemons*, 2012 IL 107821, ¶ 40; *People v. Campbell*, 146 Ill. 2d 363, 386 (1992); *Rhodes*, 85 Ill. 2d at 249. In some cases, evidence of the particular location of the fingerprint satisfies the time/placement criterion. *McDonald*, 168 Ill. 2d at 446; *Campbell*, 146 Ill. 2d at 387. In addition, "attendant circumstances" can support an inference that a print was made at the time of the commission of the offense. *McDonald*, 168 Ill. 2d at 446; *Campbell*, 146 Ill. 2d at 387. There is no requirement that the State seek out and negate every conceivable possibility that a print was impressed at another time. *McDonald*, 168 Ill. 2d at 446; *Campbell*, 146 Ill. 2d at 387.

¶ 23 Here, we find that there are sufficient attendant circumstances to support the inference that defendant impressed his fingerprints on Johnson's front door at the time her house was burglarized. Johnson testified at trial that she washed the windows of her inside wooden front door the night before the burglary. Following the burglary, two prints made by defendant's left

little finger were found on a pane of glass on that door, just above and to the left of the doorknob area, the wood of which had been damaged and splintered. We agree with the State that it was reasonable and logical for the trial court to infer from the location of the damage and the fingerprints that defendant had braced his left hand on the door, with his little finger on the windowpane, while he used his right hand to pry open the door. Thus, the fingerprint evidence supports the court's finding of guilt.

¶ 24 Defendant complains that the trial court improperly shifted the burden of proof to him, based on the following remarks made by the trial court when announcing its guilty finding:

> "The question is how is it that [defendant's] prints get on the inside of two doors—on the outside of an inside door at two separate spots on this door. And there's no explanation to it. Although the defense argues admirably and extensively that any number of reasons that it could be there. None of those reasons are before us. There is no indication that [defendant] had any reason to be in that neighborhood, had any reason to be a solicitor, had any reason to be a neighbor, or had any reason to have his hand on that door for any reason. And the coincidence of that fingerprint being on that door within the two-hour time frame—or within the day time frame of this house being ransacked is more than enough for me to be able to say it's proof beyond a reasonable doubt."

¶ 25 A trial court's efforts to test, support, or sustain theories put forward by the defense cannot be viewed as improperly diluting the State's burden of proof or improperly shifting that burden to the defendant. *People v. Howery*, 178 Ill. 2d 1, 34-35 (1997). Here, defense counsel argued in closing that that there were "any number" of innocent explanations for defendant's fingerprints to be on the window, and offered, as an example, that any solicitor may have

knocked Johnson's front door. In our view, the trial court's remarks, quoted above, were a response to the defense theory and simply show that the court considered and rejected defendant's reasonable-doubt defense. Importantly, we note that after rejecting the solicitor-knocking-on-the-door theory, the trial court affirmatively stated that the evidence against defendant constituted "proof beyond a reasonable doubt" of his guilt, which was an accurate statement of the burden of proof. When the record shows that a trial court applied the proper burden of proof in finding defendant guilty, it is free to comment on the implausibility of the defense's theories. *Id.*

¶ 26 For these reasons, we affirm the judgment of the circuit court.

¶ 27 Affirmed.