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Third Division
June 22, 2011

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	07 CR 13635
)	
ANTWON COATS,)	Honorable
)	Douglas Simpson,
Defendant-Appellant.)	Judge Presiding.

JUSTICE NEVILLE delivered the judgment of the court.
Presiding Justice Quinn and Justice Murphy concurred in the judgment.

ORDER

HELD: In view of the totality of the circumstances in which police elicited the defendant's confession, the trial court correctly found the confession admissible, despite the fact that police lied to the defendant about the evidence against him and misled him about the chances that prosecutors might charge him with a crime other than first degree murder.

A jury found the defendant, Antwon Coats, guilty of first degree murder. On appeal, Coats argues that the court erred by admitting his confession into evidence, because police lied to Coats about the evidence against him, and they suggested prosecutors would charge him with a crime other

than first degree murder if he confessed. We hold that, in light of the totality of the circumstances, including Coats's age, intelligence, and experience with the criminal justice system, and the manner in which police reminded Coats of his rights and otherwise treated him during questioning, the trial court correctly found that Coats confessed voluntarily. Accordingly, we affirm the judgment of the trial court.

BACKGROUND

On the evening of November 13, 2006, Marissa Moore and Coats went to Daniel Logan's home. Shortly after 2:30 a.m. on November 14, 2006, Anthony Burnham, a neighbor of Logan, heard two shots. Burnham got up, found his glasses and went to the window. He saw a large, heavy set man standing over a woman who lay prone in the alley. Burnham saw a second man walking to Logan's home. Burnham called police. Police officers found Moore in the alley, dead from a gunshot wound. Pressure marks on the corpse showed that someone had held a gun against Moore's neck and fired. Logan did not answer his door when police came to talk to him. He fled to Tennessee that morning. Weeks later he returned to Illinois and talked to police.

Police officers arrested Coats on June 2, 2007. Two detectives interviewed Coats extensively on June 2 and June 3, 2007. Eventually, on June 3, after the detectives repeatedly told Coats he should help himself by telling them the truth, Coats told the detectives that he shot Moore from a distance of 20 feet away. A grand jury indicted Coats for first degree murder.

Coats moved to suppress the statements he made to the detectives. The trial court heard testimony from the detectives and Coats, and the court watched the video recording of the entire interrogation. Neither the detectives nor Coats presented evidence of any significant occurrence not

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recorded on the video. The video shows that the detectives informed Coats of his rights, and Coats agreed to talk to the detectives. The detectives used no physical coercion. They gave Coats food when he requested it, and they allowed him to sleep and use the bathroom.

At the start of the interview, Coats said that he, Logan and Moore were drinking in Logan's basement, and then they decided to go outside. When Coats went back inside to pee, he heard shots. Logan came back inside and said they had to leave. Coats walked down the alley and paused, briefly, while walking past Moore's corpse.

The detectives told Coats, falsely, that Logan said Coats shot Moore. The detectives, at the hearing on the motion to suppress the statements, admitted that they hoped to deceive Coats into confessing to the crime. The detectives also told Coats, accurately, about the witness who saw a very large man standing over Moore's body in the alley very shortly after the shooting. Coats weighs 325 pounds, while Logan weighs about 150 pounds. One detective added, falsely, that police had video footage from a nearby gas station showing the shooting.

When Coats asked to see the evidence, the detective answered, "[I]f you want to help yourself out, by all means, now is the time. Because if not, it['s not gonna look good." The detective said the evidence was "for the jury[,] *** not for you."

One of the detectives told Coats, again falsely, that police found four witnesses who said Coats owned a gun of the same caliber as the gun that killed Moore. Coats answered that he never owned a gun of that caliber. Coats said that if he lied and said he shot Moore, prosecutors would still charge him with murder. The detectives said:

"Q No, no.

Q No one said that.

* * *

Q We are not telling you you are gonna be charged with murder.

* * *

*** Once it goes to court, all right, and it goes to the jury, it's out of our hands ***. Now, if you give us a reason why it happened and it wasn't, it wasn't cold blooded or anything like that –

Q Premeditated, you know, murder, if you know, you know the definition of murder –

* * *

*** this is a whole different ball game.”

Coats persisted in denying that he shot Moore, and pointing to Logan as the shooter. The conversation continued:

A *** [W]hat difference do it make if I say, ‘Okay, I did it because I love her, I did it out of crime of passion’ what he just said? I am not gonna get a lesser charge.

Q Premeditated is a big thing, bud.

* * *

Q Totally different charge. First degree murder *** --

* * *

A Okay, say if I do go ahead and say I did it, right?

Q Okay.

A And I say I did it because of this.

Q Okay.

A Then what would be my charge?

Q We can't make the law. I, I can't tell you what that's gonna be.

Q No.

Q That's, that's not our, that's not up to us. It[']s up to the state's attorney.

* * *

Q *** I really feel that it was more of a, of a second degree in the crime of passion and that's what I honestly feel. ***

* * *

Q *** You need to really help yourself out here on this, on this thing and, and you gotta give us a reason for this thing.”

The next day Coats gave the detectives a more elaborate account of the evening of November 13 and the morning of November 14, 2006. He prefaced the account by reminding the detectives, “you all say you gone help me.” Coats said at one point in the evening Logan left the house to get cigarettes. Logan took his .45 with him, but he left behind a .9 millimeter gun. Coats dozed off. When Logan returned, he asked for his .9 millimeter gun. Coats and Moore said they did not know where it was. Moore went to the bathroom and called Coats to join her. She showed Coats that she took the gun. Logan overheard the discussion and got upset at Moore. Moore said, “I'll have both

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of you *** whacked.” She went outside, talking on her cell phone. Then Logan went outside and Coats heard the shots. Coats said Logan had to be standing by the door, about 20 feet away from Moore, when he shot her. Coats left and walked down the alley, past Moore, as fast as he could.

The detectives repeated that they wanted to help Coats, but all the evidence pointed to Coats, rather than Logan, as the shooter. Coats said, “I did it.” He said he got into an argument with Moore about the missing gun. She threatened to have her friends in a gang kill Coats. When she started making a phone call outside, Coats went out and started shooting from a distance. Coats said he panicked because he feared for his life. Finally, the trial court denied the motion to suppress the statements.

At the jury trial, Logan testified that a friend of Coats, Justin Horn, brought Moore to Logan’s home on November 13, 2006. Coats, Horn and Moore sat talking in the basement with guns on the table. Logan did not know who owned or brought the guns. He heard no arguments erupt. Logan asked Coats, Horn and Moore to leave because Logan was tired. Moments after he lay down, he heard gunshots. He saw Coats standing over Moore’s body.

The jury listened to hours of the recording of the interrogation of Coats, including his admission that he shot Moore, along with his description of the shooting. The detectives who elicited the confession admitted that they tried to convince Coats that if he confessed the prosecutor might not charge him with murder. They hoped to elicit a confession by telling Coats the crime did not look like first degree murder.

Coats testified at trial that he, Moore and Logan talked in Logan’s basement, with Logan’s guns on the table. Logan stepped out for a bit, and Coats fell asleep. When Logan returned, he woke

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Coats and asked for his gun. Moore and Coats said they did not have it. Moore started arguing with Logan. Moore went to the bathroom, then called Coats in. She showed him the gun. Logan overheard them and then he threatened to kill Moore. She answered that she would “have her peoples come out there and whack” Logan. They took the argument outside while Coats stayed inside. About five minutes later, Coats heard shots. He took off down the alley, where he saw Moore’s body.

The jury found Coats guilty of first degree murder. The trial court sentenced Coats to 40 years in prison for murder, plus a mandatory 25 years in addition because Coats used a gun to kill Moore. Coats now appeals.

ANALYSIS

Coats argues only one issue on appeal. Coats contends that the trial court committed reversible error when it denied the motion to suppress his statements. “We review the trial court’s fact determinations for manifest error, and we review *de novo* its ultimate decision on the motion to suppress.” *People v. Nicholas*, 218 Ill. 2d 104, 116 (2005). The record on appeal includes the video recording of the interrogation, and neither party relies on any contested facts outside of the interrogation in their arguments about the admissibility of the statements. In this case, because there is no dispute concerning the facts or the credibility of the witnesses to the questioning, we review the trial court’s ruling *de novo*. See *People v. Foskey*, 136 Ill. 2d 66, 76 (1990).

The trial court should not admit into evidence an involuntary confession. See *People v. Prim*, 53 Ill. 2d 62, 70 (1972). “Whether a statement was voluntarily given depends upon the totality of the circumstances. The test is whether it was made freely, voluntarily and without compulsion or

inducement of any sort or whether the defendant's will was overcome at the time he confessed.” *People v. Howard*, 139 Ill. App. 3d 755, 758 (1985). Our supreme court listed some relevant considerations: “To determine whether the defendant's confession was voluntary, we consider the totality of the circumstances surrounding it, including the defendant's age, intelligence, education, experience, and physical condition at the time of the detention and interrogation; the duration of the interrogation; the presence of *Miranda* warnings; the presence of any physical or mental abuse; and the legality and duration of the detention.” *Nicholas*, 218 Ill. 2d at 118.

Here, Coats was 28 at the time of questioning. He had graduated from high school, albeit with very low grades. He does not dispute the propriety of his arrest. The detectives reminded him of his constitutional rights repeatedly over the course of several hours of questioning, which took place between 9 p.m. on June 2, 2007, and 2 p.m. on June 3, 2007. Coats had significant experience with criminal proceedings, as he had one felony conviction (for possession of a controlled substance), and prosecutors had tried him on three counts of attempted murder in another case. Coats admitted that the detectives gave him sufficient food, and that they let him sleep. The detectives did not injure Coats, and they did not threaten to injure him. Coats claims that the court should have disallowed the confession because the detectives obtained it by deception and by implicit promises of leniency.

The detectives unequivocally lied to Coats, repeatedly, and they candidly admitted that they did so to elicit a confession. Our supreme court has held that deception alone does not invalidate a confession, but the courts should consider deception as a factor bearing on the voluntariness of a confession. *People v. Martin*, 102 Ill. 2d 412, 427 (1984).

The suggestion that Coats would earn more lenient treatment if he confessed counts as a second factor adversely affecting the voluntariness of the confession. A number of cases involve somewhat similar suggestions that a suspect could help himself by confessing. In *People v. Stevens*, 98 Ill. App. 3d 158, 165 (1981), a police officer, the defendant's father, told the defendant it would be "easier on" the defendant if he told the truth. The *Stevens* court held that the police did not promise the defendant leniency, and he confessed voluntarily. *Stevens*, 98 Ill. App. 3d at 165-66. Similarly, in *People v. Makes*, 103 Ill. App. 3d 232, 240 (1981), police told the defendant "things may go easier" if she gave a statement. Again, the court found no promise of leniency and no sufficient grounds for excluding the statement. The *Howard* court collected cases and summarized their application to the facts before it:

"In *People v. McGuire* (1968), 39 Ill. 2d 244, 250, 234 N.E.2d 772, *cert. denied* (1968), 393 U.S. 884, 89 S. Ct. 193, 21 L. Ed. 2d 160, the court held that the police officer's statement that 'it would be better' for the defendant if he gave a statement did not constitute a sufficient inducement or promise of leniency to render the defendant's confession involuntary. Similarly, in *People v. Hartgraves* (1964), 31 Ill. 2d 375, 381, 202 N.E.2d 33, *cert. denied* (1965), 380 U.S. 961, 85 S. Ct. 1104, 14 L. Ed. 2d 152, the court held that the police officer's statement that '[i]t would go easier for [the defendant] in court if he made a statement' was in no way a direct promise of leniency and did not render the defendant's confession involuntary. ***

In the present case, the officer's alleged statement, that things would 'go right' for defendant if he told the truth, was the equivalent to a statement that it would be

better for him to tell the truth. Therefore, in view of the foregoing analysis, we hold that the trial court did not err in admitting defendant's confession into evidence.”

Howard, 139 Ill. App. 3d at 758-59.

In *People v. Veal*, 149 Ill. App. 3d 619, 623 (1986), the court stressed that “even where promises or suggestions of leniency have been made, the confession is not necessarily inadmissible. The ultimate question is whether, considering the totality of the attendant circumstances, defendant's will was overcome at the time he confessed.”

Here, the detectives deliberately tried to persuade Coats that if he confessed, prosecutors might charge him with second degree murder or involuntary manslaughter. They never confronted Coats with the evidence that Moore died from a wound that proved that the murderer held the gun to her neck and fired. But the detectives carefully avoided promising a lesser charge, if Coats confessed, as they told Coats that prosecutors would decide what crime to charge. They lied to Coats about what Logan and other witnesses said, and they concocted a story about a video recording from a gas station. The lies and insinuations of leniency eventually elicited the confession the detectives sought, although the confession did not match the facts known about the case. Thus, two of the factors we must consider count somewhat towards finding the confession involuntary.

But we must evaluate voluntariness in light of all the circumstances, and all the other circumstances decidedly favor a finding of voluntariness. Coats, a young man of reasonable intelligence, appeared fairly comfortable when he confessed. He had eaten and slept during his 17 hours in police custody following a legal arrest. The detectives reminded him of his constitutional rights, and he willingly chose to talk with the detectives. Considering the totality of the

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circumstances, we cannot say that police overcame Coats's will. The trial court correctly denied the motion to suppress the confession.

CONCLUSION

The trial court correctly found that, in view of all the circumstances, police did not overcome Coats's will when they elicited his confession. Accordingly, we affirm the judgment of the trial court.

Affirmed.