No. 1-09-2342

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SECOND DIVISION
March 15, 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.	)	No. 08 CR 20219
	)	
VINCENT CONNERS,	)	Honorable
	)	Charles P. Burns,
Defendant-Appellant.	)	Judge Presiding.

JUSTICE CONNORS delivered the judgment of the court.
Presiding Justice Cunningham and Justice Harris concurred in the judgment.

O R D E R

HELD: Defendant was proven guilty beyond a reasonable doubt of delivery of a controlled substance when two police officers identified him as the person who engaged in a narcotics transaction.

After a bench trial, defendant, Vincent Conners, was found guilty of delivery of a controlled substance and sentenced, as a

Class X offender, to nine years in prison. On appeal, he contends he was not proven guilty beyond a reasonable doubt when no prerecorded funds were recovered from his person, physical evidence contradicted the witnesses' testimony, and codefendant Veronica James was initially identified as a man. We affirm.

At trial, officer Lafayette Triplett testified that when he approached defendant seeking "blows," *i.e.*, heroin, defendant asked how many. Triplett responded three. Defendant told him to wait and asked if Triplett was a police officer. When Triplett responded in the negative, defendant again told him wait.

Triplett watched as defendant walked over to speak with codefendant. After codefendant shouted that Triplett was "good" defendant walked across the street, picked up a Skittles bag, and returned to Triplett's car. After stating that he only had "two," defendant exchanged two Ziplock bags of suspect narcotics for $20 in prerecorded funds. Codefendant sold Triplett a third bag of suspect narcotics. Triplett then drove away. After defendant and codefendant were detained by other officers, Triplett identified them.

At trial, Triplett admitted that he initially thought codefendant was a man, but as he interacted with her he realized she was a woman.

Officer Brad Johnson testified that he saw defendant approach Triplett's vehicle with a red bag in hand, reach into

the bag, and tender items to Triplett. He also saw Triplett give green paper currency to defendant. Defendant walked away with the currency "clench[ed]" in his hand and replaced the bag. Johnson then saw codefendant approach the car and a similar exchange took place. After Triplett drove away, defendant and codefendant spoke and codefendant then walked away. Johnson admitted that as defendant walked behind trees and cars, he sometimes lost sight of defendant.

Officer Elias Lasko testified that defendant was initially detained based upon a description given by Johnson. After Triplett identified defendant as the person who had sold him suspect narcotics, a custodial search of defendant was performed and $36 was recovered. No prerecorded funds were recovered from defendant. Lasko also recovered a Skittles bag located approximately 25 feet away from where defendant was detained. The bag held six Ziplock bags of suspect narcotics.

The parties stipulated that forensic testing revealed that the two Ziplock bags defendant sold to Triplett contained .5 gram of heroin.

In finding defendant guilty of delivery of a controlled substance, the trial court found Triplett to be a credible witness. At the hearing on defendant's motion for a new trial, the court stated that it had found the version of events established by the State's witnesses to be credible. With regard

to the impact of the initial identification of codefendant as a man upon the credibility of the officers' testimony, the court stated that codefendant had "very little hair and could in fact pass for a man." The court ultimately sentenced defendant, as a Class X offender, to nine years in prison.

In assessing the sufficiency of the evidence, the relevant inquiry is whether, considering 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. *People v. Ross*, 229 Ill. 2d 255, 272 (2008). This court does not retry the defendant or substitute its judgment for that of the trier of fact with regard to the credibility of witnesses, the weight to be given to each witness's testimony, and the reasonable inferences to be drawn from the evidence. *Ross*, 229 Ill. 2d at 272. A conviction will be reversed only when the evidence was so unreasonable, improbable, or unsatisfactory that reasonable doubt remains as to whether the defendant was guilty. *Ross*, 229 Ill. 2d at 272.

To sustain a conviction for the unlawful delivery of a controlled substance, the State must prove that a defendant knowingly delivered a controlled substance. 720 ILCS 570/401(d) (West 2008).

Here, the evidence taken in the light most favorable to the State established that defendant knowingly delivered .5 gram of

heroin. Triplett testified that when he asked defendant for some "blows" defendant determined the quantity, inquired whether Triplett was police officer, walked across the street, retrieved a bag, returned to Triplett, and indicated that only two bags were available. Triplett then gave defendant money in exchange for two bags which were subsequently determined to contain heroin. Triplett identified defendant shortly after the transactions as the person from whom he purchased the suspect narcotics. Identification by a single witness is sufficient for the trier of fact to find defendant guilty beyond a reasonable doubt. See *People v. Tatum*, 389 Ill. App. 3d 656, 661 (2009).

Triplett's testimony was corroborated by that of Johnson, who testified that he saw defendant approach Triplett's vehicle with a red bag in hand, reach into the bag, and tender items to Triplett in exchange for paper currency. There is no dispute that the two bags contained heroin. Considering the evidence in the light most favorable to the State, this court cannot say that no rational trier of fact could have found defendant guilty (*Ross*, 229 Ill. 2d at 272).

Defendant contends that Triplett's credibility is undermined because no prerecorded funds were recovered from defendant and the Skittles bag contained narcotics sufficient to fulfill Triplett's order, *i.e.*, more than two. However, there is no requirement that the prerecorded funds used in an alleged

narcotics transactions be recovered from a defendant in order for that individual's conviction for delivery of a controlled substance to be sustained. See *People v. Trotter*, 293 Ill. App. 3d 617, 619 (1997) (holding that a conviction can be sustained even when the prerecorded or marked funds used in a narcotics transactions were not recovered). The apparent fact that defendant had the ability to sell Triplett three bags of narcotics and chose to sell only two bags is irrelevant.

Defendant also argues that Triplett and Johnson's identifications of him were suspect because codefendant was originally believed to be male and the record does not contain the details of either man's description of defendant's appearance.

Although it initially appeared that codefendant was a man, Triplett testified that as he interacted with her, he realized she was a woman. The record also reveals that when defendant raised this claim before the trial court, the court stated that codefendant could "pass for a man." While the record does not contain the description that Johnson transmitted to Lasko, Triplett identified defendant in person moments after defendant was detained and shortly after the transaction. Neither Triplett nor Johnson were confused regarding defendant's gender and at trial both officers identified him as the person who engaged in the transaction with Triplett. It was for the trial court to

determine each man's credibility and the weight to be given to his testimony. *Ross*, 229 Ill. 2d at 272. The trial court found the version of events established by the testimony of the State's witnesses to be credible; this court will not substitute its judgment on this issue. *Ross*, 229 Ill. 2d at 272.

This court reverses a conviction only when the evidence was so unreasonable or improbable that reasonable doubt remains as to the defendant's guilt (*Ross*, 229 Ill. 2d at 272); this is not one of those cases. Accordingly, we affirm defendant's conviction.

For the reasons stated above, the judgment of the circuit court of Cook County is affirmed.

Affirmed.