

2011 IL App (2d) 100555-U
No. 2-10-0555
Order filed November 23, 2011

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IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

THE PEOPLE OF THE STATE)	Appeal from the Circuit Court
OF ILLINOIS,)	of Winnebago County.
)	
Plaintiff-Appellee,)	
)	
v.)	No. 09-CM-5852
)	
BRUNNY G. REYNOLDS,)	Honorable
)	John S. Lowry,
Defendant-Appellant.)	Judge, Presiding.

JUSTICE McLAREN delivered the judgment of the court.
Justices Burke and Schostok concurred in the judgment.

ORDER

Held: The trial court did not err in preventing defendant from cross-examining the victim as to the amount of restitution she sought: the amount was not impeaching without some evidence that the victim intentionally inflated it, and, in any event, any error was harmless, as the victim's testimony was corroborated by two witnesses.

¶ 1 Following a jury trial, defendant, Brunny G. Reynolds, was convicted of criminal damage to property (720 ILCS 5/21-1(1)(a) (West 2008)). She appeals, contending that the trial court erred by preventing her from cross-examining the victim about the amount of restitution she sought. We affirm.

¶ 2 A complaint alleged that defendant knowingly damaged Crystal Cox's Buick LeSabre. Before trial, the State moved to bar the defense from asking Cox about her restitution request of \$1,335.96. The trial court ruled that the defense "may ask in a limited fashion whether or not she's seeking reimbursement for any alleged damage," but could not ask about the specific dollar amount.

¶ 3 At trial, Cox testified that on November 25, 2009, she lived on 19th Street in Rockford. On that date, Nicole Neuzil, Cox's neighbor in her duplex, asked Cox to move her car from the common driveway. Because Cox was going to leave shortly after Neuzil returned, she parked her car in the street in front of defendant's house.

¶ 4 Neuzil returned about a half-hour later. Cox went outside and saw defendant's car on the street, nose-to-nose with her car. At that point, defendant accelerated, trying to push Cox's car.

¶ 5 Cox described her car's license plate as "pretty much mangled up" as a result of the incident. Nuts and bolts were missing, the plastic license-plate holder was cracked, and there were scratches on the bumper.

¶ 6 On cross-examination, the following exchange occurred:

"Q. I appreciate you getting to the heart of the issue. Is it fair to say, Ms. Cox, that you're seeking some form of reimbursement from Ms. Reynolds?"

A. No.

Q. —for this?

A. I actually did not even seek these charges. I was asked by the police officer how much I thought the damage that she had done for this incident was, and at that time I said, you know that I wasn't sure, and I would have to get an assessment done because I don't know. I was actually—

THE COURT: Hold on right there. That's it.

Next question.”

¶ 7 Neuzil testified that, when she returned from her errand, defendant’s car was parked nose-to-nose with Cox’s car, with the bumpers touching. Defendant, who was down the street talking to another neighbor, asked Neuzil to tell Cox to move her car. After relaying this request to Cox, Neuzil heard Cox say, “What are you doing? Stop pushing my car.”

¶ 8 Cecil White testified that, on the day in question, he was sitting on his front porch. A couple of houses down, he saw defendant’s car come from the opposite side of the road and push a gray car “back a little bit.” He did not see the contact very well. It did not sound like a collision, “just a little bump.”

¶ 9 Officer Brian Squires investigated the incident. He saw that Cox’s car had a bent license plate. He took pictures of the license plate, one of which showed red paint from a separate incident. Also, the rear driver’s-side window was missing and was covered by plastic and duct tape.

¶ 10 Squires spoke to defendant, who denied hitting Cox’s car. Defendant’s car was in the garage when Squires arrived. In the garage, defendant drove her car into the back wall to demonstrate why her license plate was bent. Squires opined that the damage to defendant’s car was consistent with the damage to Cox’s car.

¶ 11 Defendant, who was 64 years old at the time of trial, testified that she had been on her way to pick up a prescription, but returned home to get money. She parked on the street in order to quickly run inside her house. She parked in front of Cox’s car, but did not touch it. After she returned to her car, Cox came up to it and knocked loudly on the window.

¶ 12 The jury found defendant guilty. After denying defendant’s posttrial motion, the trial court sentenced her to six months’ conditional discharge. The State requested \$100 restitution because

Cox had spent \$80 on a new license plate and \$20 on screws and bolts, but the court declined to order restitution. Defendant timely appeals.

¶ 13 Defendant contends that the trial court unduly restricted her cross-examination of Cox by refusing to allow her to ask about the excessive restitution she sought. According to defendant, this was relevant to Cox's bias or motive to testify falsely. Defendant's theory was that the damage to Cox's car predated the incident on November 25 and that Cox wanted defendant prosecuted in order to get sufficient restitution to repair all the damage to her car.

¶ 14 The confrontation clause of the sixth amendment to the United States Constitution (U.S. Const., amend. VI) guarantees a defendant the right to cross-examine a witness against him for the purpose of showing the witness's bias, interest, or motive to testify falsely. *Davis v. Alaska*, 415 U.S. 308, 315-16 (1974); *People v. Klepper*, 234 Ill. 2d 337, 355 (2009). The exposure of a witness's motivation is an important function of the constitutionally protected right of cross-examination. *Davis*, 415 U.S. at 316; *Klepper*, 234 Ill. 2d at 355. However, a trial judge may impose limits on a defendant's inquiry into the potential bias of a prosecution witness without offending the defendant's sixth amendment rights. *Delaware v. Van Arsdall*, 475 U.S. 673, 679 (1986); *Klepper*, 234 Ill. 2d at 355. A trial judge retains wide latitude to impose reasonable limits based on concerns about harassment, prejudice, confusion of the issues, the witness's safety, or interrogation that is repetitive or of little relevance. *Van Arsdall*, 475 U.S. at 679; *Klepper*, 234 Ill. 2d at 355. As the United States Supreme Court observed in *Delaware v. Fensterer*, 474 U.S. 15, 20 (1985), " 'the Confrontation Clause guarantees an *opportunity* for effective cross-examination, not cross-examination that is effective in whatever way, and to whatever extent, the defense might wish.' " (Emphasis in original.) *People v. Harris*, 123 Ill. 2d 113, 144-45 (1988) (quoting *Fensterer*, 474 U.S. at 20).

¶ 15 Here, defense counsel was allowed to ask Cox whether she was seeking restitution and she denied it. At that point, defense counsel presumably could have impeached Cox with the restitution request without violating the court's previous order. However, he did not attempt to do so. Moreover, the precise amount of restitution she sought was not impeaching. Cox volunteered that the police asked her to provide a damage estimate. Absent some evidence that she intentionally procured an inflated estimate, the precise amount of the estimate did not impeach her testimony or establish a motive for her to testify falsely. (The restitution request and the estimate are not in the record on appeal. Thus, it is not clear whether the estimate included any preexisting damage.)

¶ 16 In any event, we agree with the State that any error was harmless. In addition to Cox, White also saw defendant strike Cox's car. Neuzil corroborated Cox's testimony about the general timeline and testified to Cox's excited utterance. Squires observed damage to defendant's car that was consistent with the damage to Cox's car. Thus, the evidence apart from Cox's testimony amply supported the jury's verdict.

¶ 17 The judgment of the circuit court of Winnebago County is affirmed.

¶ 18 Affirmed.