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IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

THE PEOPLE OF THE STATE)	Appeal from the Circuit Court of
OF ILLINOIS,)	Kane County.
)	
Plaintiff-Appellee,)	
)	
v.)	No. 08—CF—3531
)	
LEONCE COFFIE,)	Honorable
)	Leonard J. Wojtecki,
Defendant-Appellant.)	Judge, Presiding.

JUSTICE BIRKETT delivered the judgment of the court.
Justices Bowman and Schostok concurred in the judgment.

ORDER

Held: The State proved defendant guilty beyond a reasonable doubt of unlawful possession and delivery of a controlled substance, specifically his identity; an officer viewed defendant under circumstances strongly supporting a positive identification, which the officer made in court; the jury was entitled to credit the officer despite mild weaknesses in his testimony; that the jurors acquitted defendant of the most serious charge and struggled to reach a verdict was irrelevant.

After a jury trial, defendant, Leonce Coffie, was acquitted of unlawful delivery of a controlled substance within 1,000 feet of a school (720 ILCS 570/407(b)(2) (West 2008)) but convicted of unlawful delivery of a controlled substance (720 ILCS 570/401(d) (West 2008)) and unlawful possession of a controlled substance (720 ILCS 570/402(c) (West 2008)). The trial court merged

the unlawful possession conviction into the unlawful delivery conviction and sentenced defendant to three years' imprisonment. Defendant appeals, arguing that he was not proved guilty beyond a reasonable doubt. We affirm.

We summarize the trial evidence. The State first called Charles Pierce, a St. Charles police inspector who was working for the North Central Narcotics Task Force (Task Force). He testified as follows. On December 11, 2008, at about 9:30 p.m., Pierce provided surveillance for an undercover drug buy. He parked about 200 feet from where Inspector Paul Lindley was to buy the drugs. Lindley had parked in the lot of the Blue Kangaroo, a laundromat on Farnsworth Street in Aurora. There were cars other than Lindley's in the parking lot, but Pierce could not recall how many. The night was clear and the parking lot was well lighted. Lindley's car was facing east. A red Buick pulled up on Lindley's driver side, a foot away. Lindley exited his car, opened the Buick's passenger door, and stood in the open door for about a minute. Lindley then reentered his car, and both cars drove away.

The State called two police officers and a forensic scientist. Their testimony established that Lindley had purchased several plastic bags of suspected crack cocaine and that one bag, which had a gross weight of 0.2 grams, tested positive for cocaine.

Lindley testified on direct examination as follows. On December 11, 2008, Lindley contacted a man he knew as "B" on a cell phone number. They spoke briefly. Lindley asked "B" to meet with him; "B" asked Lindley what he needed, and Lindley responded that he wanted to buy \$60 worth of crack cocaine. "B" said that he would take care of Lindley, and they agreed to meet in the parking lot of the Burger King near New York and Farnsworth. During the officers' planning meeting, "B" called back and said that he was waiting. Lindley said that he was en route and would call later. When Lindley called "B" again, he said that he was in the parking lot of the Blue Kangaroo, about

a block north of the Burger King. “B” replied that he would be right over to meet Lindley. Shortly afterward, “B” called again and said that he would be there soon.

Lindley testified that, less than a minute after the last call, “B” pulled up in a maroon Buick and parked next to the driver’s side of Lindley’s car. The Buick’s license plate number was 342K595. Lindley had previously checked the number. At trial, he identified an exhibit as a certified copy of a document from the Secretary of State’s office. Under the license plate number 342K595 was a vehicle identification number; below that “was the name of Eugene Wilson, the address of 1123 East Galena Boulevard in Aurora and a second owner [listed] as Leonce Coffie.”

Lindley testified that, once the Buick pulled up, he made eye contact with its driver and waved at him. Lindley then got out of his car and approached the Buick’s passenger side. He opened the door and talked with the driver. The two men were separated by the passenger seat and a small center console, and Lindley could see the driver clearly. Two or three lights illuminated the parking lot. The driver reached into his pants, pulled out a bag containing several smaller bags containing what looked like cocaine, and handed three small bags to Lindley. Lindley gave him \$60 cash.

Lindley identified defendant as the driver of the Buick. He added that he recognized defendant’s voice as that of “B” on the phone.

Lindley testified on cross-examination as follows. After defendant pulled up next to Lindley’s car, there were “[m]aybe two or three feet” between the two cars. Lindley’s conversation with defendant lasted about two minutes. Lindley conceded that his police report did not mention that the voice that he heard on the phone was the same as that of the person in the Buick. Also, although Lindley testified that he noted the serial numbers of the three \$20 bills that defendant had given him, he did not put this information into his police report.

Defendant presented no evidence.

On appeal, defendant contends that the State did not prove identity beyond a reasonable doubt. In considering a challenge to the sufficiency of the evidence, we ask only whether, after viewing all of the evidence in the light most favorable to the State, any rational fact finder could have found the elements of the offense proved beyond a reasonable doubt. People v. Ward, 154 Ill. 2d 272, 326 (1992); People v. Hill, 272 Ill. App. 3d 597, 603-04 (1995). The trier of fact is responsible for determining the witnesses' credibility, weighing their testimony, and deciding on the reasonable inferences to be drawn from the evidence. People v. Lamon, 346 Ill. App. 3d 1082, 1089 (2004).

We hold that the evidence was sufficient for a reasonable fact finder to conclude beyond a reasonable doubt that defendant was the person who sold the drugs to Lindley. In court, Lindley identified defendant as the seller. Identification by a single witness will support a conviction if the defendant is viewed under circumstances permitting a positive identification. People v. Gabriel, 398 Ill. App. 3d 332, 341 (2010). Here, Lindley testified that, during the transaction, he stood two or three feet from the seller, made eye contact, and spoke to him for about two minutes (or, even according to Pierce's less favorable testimony, about one minute). Lindley testified that the parking lot was illuminated by two or three lights. Pierce also testified that the parking lot was well lighted.

These conditions were more than sufficient to allow a positive identification. Moreover, Lindley's eyewitness identification was well corroborated: defendant's voice matched that of "B" on the phone, and defendant co-owned the car from which the driver sold the drugs. Although defendant notes some inconsistencies between Lindley's testimony and his police report, these discrepancies were not so severe as to require a reasonable fact finder to discredit Lindley as a witness. The jury had the prerogative to resolve the conflicts in the State's favor. See Gabriel, 398 Ill. App. 3d at 341.

Defendant notes that the jury acquitted him of the most serious charge and that, after about 90 minutes of deliberation, the jurors sent the court a note stating that they were deadlocked. Defendant does not explain why these facts are pertinent to the sufficiency of the evidence that he committed the offenses of which he was convicted. Put simply, they are not pertinent at all.

The judgment of the circuit court of Kane County is affirmed.

Affirmed.