



chemical odor and decided to call the Marion County sheriff's department to inform them of the situation. While he was calling the sheriff's department, he observed the vehicle leave the area but he could not see the occupants of vehicle.

¶ 4 Marla Taylor, the granddaughter of the owner of the trailer, testified that she and defendant and codefendant Charles Cook spent the evening together. Taylor was dating defendant at that time. After driving around and smoking meth, Taylor asked Cook to drive to her grandmother's trailer. Taylor had a key to the trailer because she was supposed to do some work at the trailer for her grandmother. All three went inside and drank soda and talked. At some point, Taylor left the trailer to use the outhouse. When she returned, defendant met her outside. They went for a walk and then started kissing. When she and defendant returned to the trailer sometime later, Taylor noticed that it was smoky and hazy inside and had a chemical smell. Believing that something was wrong, she made defendant and Cook leave the trailer. They wanted to empty the trash can, but she insisted that they all leave immediately. Cook drove the vehicle and defendant sat in the front passenger seat while Taylor sat in the back seat. On the way back to Taylor's house, they encountered a police roadblock and were forced to turn around. A short time later, they were stopped by two deputies from the Marion County sheriff's department. While the first deputy was questioning Cook about the car, the other deputy observed Taylor trying to place a pipe and a scale under the front seat. He removed Taylor from the vehicle and placed her under arrest. Taylor subsequently admitted that she had two bags of meth hidden in her bra as well. Taylor testified at the trial that Cook and/or defendant handed her the bags of meth to hide, believing that she was less likely to be searched. During the course of the traffic stop, dispatch informed the deputies that a report had been received about a suspected meth lab in a trailer at the Salem Sportsman's Club. The vehicle observed in front of the trailer matched the one Taylor was riding in. As a result of this information, defendant and Cook were also detained

and the vehicle was searched. While the odor of ether permeated the vehicle and its occupants, no other drugs or materials used in the manufacture of meth were found inside the vehicle or on defendant or Cook.

¶ 5 After taking the three into custody, one of the deputies met the owner of the trailer at the Sportsman's Club and received her permission to cut the padlock on the door to enter the trailer. Upon opening the door, they observed a smoky haze and smelled a strong chemical odor. At this point, the Illinois State Police Meth Response Team was called to investigate the interior of the trailer. The response team found, in a trash can in the trailer, coffee filters, loose powder, salt, starting fluid, and an HCL generator. The powder, which was still wet when collected, weighed 122 grams. The crime lab subsequently determined that the dried powder weighed 109.9 grams and contained methamphetamine.

¶ 6 Taylor denied attempting to manufacture meth in the trailer and denied knowing how to make it. She had purchased 96 pills of ephedrine at a drug store 10 days before, as well as another 96 pills the day before her arrest. She claimed to have purchased the second set of pills for defendant because he wanted to make some money. Neither Cook nor defendant testified at the trial.

¶ 7 Defendant argues on appeal that he was not proven guilty beyond a reasonable doubt of manufacture of methamphetamine when the only evidence against him was the testimony of an accomplice who was an admitted drug user at the time. Defendant points out she was the only person in possession of the drugs and paraphernalia at the time of their arrest and was the only one who had a key to the location where the methamphetamine was manufactured. Defendant also argues on appeal that he was denied his right to a fair trial when the court failed to comply with Supreme Court Rule 431(b) (eff. May 1, 2007) and that the prosecutor, during closing argument, improperly shifted the burden of proof to him and argued inferences that could not be reasonably drawn from the evidence.

¶ 8 When a defendant challenges the sufficiency of the evidence against him, the inquiry is whether, after viewing the evidence in the light most favorable to the prosecution, a rational trier of fact could have found the elements of the crime beyond a reasonable doubt. *People v. Jackson*, 232 Ill. 2d 246, 280, 903 N.E.2d 388, 406 (2009). It is the role of the trier of fact to determine the credibility of the witnesses and to weigh the strength of the evidence against the accused. *People v. Steidl*, 142 Ill. 2d 204, 226, 568 N.E.2d 837, 845 (1991). We, as a reviewing court, cannot substitute our judgment for that of the trier of fact even when the case is based solely on circumstantial evidence. *People v. Campbell*, 146 Ill. 2d 363, 374-75, 586 N.E.2d 1261, 1266 (1992). Only if the decision of the trier of fact is palpably contrary to the evidence or so unreasonable, improbable, or unsatisfactory that it causes a reasonable doubt regarding the defendant's guilt is that determination to be set aside on review. *People v. Cunningham*, 212 Ill. 2d 274, 280, 818 N.E.2d 304, 308 (2004); *People v. Collins*, 106 Ill. 2d 237, 261, 478 N.E.2d 267, 276-77 (1985). The jury here found defendant guilty, and we cannot say the evidence is so unreasonable or improbable that it casts doubt on defendant's conviction.

¶ 9 Defendant first finds fault with the testimony of Taylor. Taylor's testimony was sufficient, however, to support the jury's verdict, even though she was an accomplice and used drugs. A witness's use of drugs at the time of an incident does not, in and of itself, destroy that witness's credibility. See *People v. Banks*, 98 Ill. App. 3d 556, 560, 424 N.E.2d 898, 902 (1981). Nor does the fact that he or she is a self-confessed criminal and expects leniency for his or her testimony. *People v. Jackson*, 145 Ill. App. 3d 626, 639, 495 N.E.2d 1207, 1218 (1986). Evidence of an accomplice is competent, even without corroboration, and a conviction based thereon will be upheld if the trier of facts is convinced of the defendant's guilt beyond a reasonable doubt. *People v. Nastasio*, 30 Ill. 2d 51, 55, 195 N.E.2d 144, 147 (1963). In this instance, the jury was fully cognizant of the infirmities in

Taylor's testimony and was instructed that her testimony was to be viewed with suspicion. Nevertheless, the jury chose to believe enough of her version of the evening's activities to find defendant guilty of participating in the manufacture of methamphetamine. We also note that Taylor's testimony was not without corroboration. Tolbert, the resident manager at the Sportsman's Club, noticed a small green hatchback parked outside one of the trailers and a chemical smell permeating the air outside of that trailer. Shortly afterwards, the same small green vehicle was stopped, and all the occupants smelled strongly of ether. Methamphetamine was found on Taylor and Taylor was observed trying to hide a scale and a pipe. The subsequent search of the trailer revealed wet methamphetamine and some supplies used in the manufacturing process in a trash can inside the trailer. Defendant never disputed that an active meth lab was found in the trailer or that he and his codefendant were present at the trailer when the meth was "cooking." The only real question was whether all three acted together or whether one of the three acted alone or whether two of them participated together in the manufacture of the methamphetamine. We agree that the evidence presented was sufficient to support the jury's verdict in this instance.

¶ 10 Defendant also argues on appeal that he was denied a fair trial because the trial court failed to comply with Supreme Court Rule 431(b) and the prosecutor made reversible errors in closing argument. These errors were not raised at the trial, however. Both a trial objection and a written posttrial motion raising the issue are required for alleged errors that could have been raised during the trial, and a failure to do so results in the procedural default of the issue on appeal. *People v. Thompson*, 238 Ill. 2d 598, 611, 939 N.E.2d 403, 412 (2010); *People v. Davis*, 205 Ill. 2d 349, 361, 793 N.E.2d 552, 560 (2002). Defendant therefore must show plain error to succeed on appeal. We may review a forfeited issue when either the evidence is so closely balanced that the jury's guilty verdict might have resulted from that error and not the evidence or the error is so serious that the defendant was denied a substantial right and

thus a fair trial. *People v. Herron*, 215 Ill. 2d 167, 178-79, 830 N.E.2d 467, 475 (2005); *People v. Rogers*, 408 Ill. App. 3d 873, \_\_\_, 946 N.E.2d 976, 979 (2011). Unfortunately for defendant, the errors here, if any, were not serious and did not prejudice him to the point of establishing plain error.

¶ 11 Defendant contends the court failed to comply with Supreme Court Rule 431(b). Specifically, defendant contends the manner in which the court questioned the potential jurors about the presumption of innocence, the duty to present evidence, the burden of proof, and the failure of defendant to testify was improper. The court, however, informed the venire of the Rule 431(b) requirements, asked the venire members if they could comply with those requirements, and gave them the opportunity to answer. Rule 431(b) requires the court to ask each potential juror, individually or in a group, whether that juror understands and accepts the four key principles of criminal trials stated therein. The trial court here informed the entire venire of the four principles and then reiterated them to smaller panels as each panel was seated in the jury box and the other potential jurors remained in the room. While the court failed to mention one time that defendant was not required to put on any evidence, when another panel of potential jurors was seated, all the potential jurors heard all four principles reiterated several times throughout the process and were given the opportunity to respond. Rule 431(b) was sufficiently complied with, and there was no plain error. See *Thompson*, 238 Ill. 2d at 611, 939 N.E.2d at 412; see also *People v. Glasper*, 234 Ill. 2d 173, 917 N.E.2d 401 (2009) (the failure to question jurors pursuant to Rule 431(b) does not involve a fundamental right, and violation of a supreme court rule does not mandate a reversal); *Rogers*, 408 Ill. App. 3d 873, 946 N.E.2d 976. The minor error committed here did not deny defendant a fair trial.

¶ 12 We further agree with the State that the prosecutor's closing argument was neither improper nor prejudicial. The State is given wide latitude in closing argument and may argue

facts and reasonable inferences drawn from the evidence, even if those inferences are detrimental to the defendant. *People v. Desantiago*, 365 Ill. App. 3d 855, 866, 850 N.E.2d 866, 876 (2006). Improper remarks warrant a reversal only when they result in substantial prejudice to the defendant, considering the content and context of the language, its relationship to the evidence, and its effect on the defendant's right to a fair and impartial trial. *People v. Baugh*, 358 Ill. App. 3d 718, 741, 832 N.E.2d 903, 923 (2005). Here the prosecutor made comments based on the facts and inferences that could fairly be drawn from the evidence. He did not comment on defendant's decision not to testify, nor did he ask questions that suggested questions defense counsel should have asked. *Cf. People v. Edgcombe*, 317 Ill. App. 3d 615, 739 N.E.2d 914 (2000). The prosecutor also did not characterize Taylor's testimony as neutral objective evidence, contrary to defendant's assertions. What the prosecutor did say was that there was neutral objective evidence, referring to Tolbert's testimony, in addition to Taylor's testimony. The prosecutor was not implying that Taylor's statements should not be viewed with suspicion. Again, defendant was not denied a fair trial, and we find no reversible error under the circumstances presented.

¶ 13 For the aforementioned reasons, we affirm the judgment of the circuit court of Marion County.

¶ 14 Affirmed.