

truck was missing from their inventory. On July 20, 2007, the service manager for Dan Pilson Auto Center in Mattoon, Illinois, reported that a 2007 white Dodge Ram truck appeared on their lot. After conducting further inventory, they also discovered that a 2007 silver Ford pickup truck was missing. The missing blue Pontiac Grand Am was later found on Holzhauser's car lot. While no one from Holzhauser knew when the car was left on the lot, they determined it had to have been sometime after their July 15 inventory day.

¶ 4 On August 2, 2007, defendant was arrested in Union County on unrelated charges. At the time of his arrest, he was in possession of a gray Ford truck bearing the Holzhauser employee's missing license plates. Dealer plates for Holzhauser were also found inside the truck in a blue bag that belonged to defendant. Defendant subsequently pled guilty to possessing the stolen Ford truck.

¶ 5 While defendant was in jail awaiting trial, Deputy Myers from the Clay County sheriff's department interviewed defendant. Defendant initially denied taking the Grand Am from Dawkins, but later during the interview he admitted that he had indeed taken the vehicle. At trial, defendant denied making such a statement to Myers. The conversation was not recorded. The court, after reviewing all of the evidence presented and weighing the credibility of the witnesses, found defendant guilty of theft of the Grand Am.

¶ 6 Defendant argues that the State failed to meet its burden of proving defendant guilty of theft when there was nothing to connect him to the Grand Am and the credibility of Deputy Myers, who claimed that defendant admitted to him taking the vehicle, was questionable. When a defendant raises a challenge to the sufficiency of the evidence supporting a conviction, a reviewing court must determine whether, after viewing 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. Cardamone*, 232 Ill. 2d 504, 511, 905 N.E.2d 806, 810 (2009). A reviewing court's function is not to retry the

defendant (*People v. Evans*, 209 Ill. 2d 194, 209, 808 N.E.2d 939, 947 (2004)), nor are we to substitute our judgment for that of the trier of fact on matters concerning the weight of the evidence or the credibility of the witnesses (*People v. Jackson*, 232 Ill. 2d 246, 280-81, 903 N.E.2d 388, 406 (2009)). It is for the trier of fact to resolve conflicts or inconsistencies in the evidence. *People v. Tenney*, 205 Ill. 2d 411, 428, 793 N.E.2d 571, 582 (2002); *People v. Graham*, 392 Ill. App. 3d 1001, 1009, 910 N.E.2d 1263, 1271 (2009). Accordingly, a reviewing court must allow all reasonable inferences from the record to favor the prosecution (*People v. Davison*, 233 Ill. 2d 30, 43, 906 N.E.2d 545, 553 (2009)), and we will not set aside a criminal conviction unless the evidence presented was so unsatisfactory or improbable that a reasonable doubt of defendant's guilt remains (*People v. Brown*, 185 Ill. 2d 229, 247, 705 N.E.2d 809, 817 (1998)). We cannot say the evidence here was so improbable to justify overturning defendant's conviction in this instance.

¶ 7 For a person to be convicted of theft of property exceeding \$300, the State is required to prove beyond a reasonable doubt that the defendant knowingly obtained or exerted unauthorized control over property which had a value over \$300 with the intent to deprive the owner permanently of the use or benefit of the property. See 720 ILCS 5/16-1(a)(1)(A) (West 2006). It is also fundamental that the opportunity to commit a crime, the motive, and the identity of the accused can be proved by circumstantial evidence. *People v. McAleer*, 34 Ill. App. 3d 821, 826-27, 341 N.E.2d 72, 76 (1975). Here the State sufficiently proved all the elements for theft of property exceeding \$300 beyond a reasonable doubt.

¶ 8 The owner of Dawkins Auto Sales testified that a blue 2000 Pontiac Grand Am was missing from his lot sometime after May 31, 2007, and that defendant did not have permission to use the Grand Am in any manner. The Grand Am was recovered from Holzhauser in Nashville, Illinois, in August of 2007. An employee at Holzhauser testified that the license plates from his truck which was parked at the dealership were stolen. In addition,

a white Dodge Ram was also stolen from the lot. The Dodge Ram was found later at Dan Pilson Auto Center, and at the same time a 2007 Ford truck was missing from the lot. Defendant was arrested in possession of the Ford truck taken from Dan Pilson Auto Center with the license plates stolen from Holzhauser. In addition, dealership plates from Holzhauser were discovered inside the truck in a bag owned by defendant. The circumstantial evidence presented established that defendant stole the Grand Am. In weighing the evidence, the court was not required to disregard inferences that flow normally from the evidence before it, nor was it required to search out all possible explanations consistent with innocence and raise them to a level of reasonable doubt. *Jackson*, 232 Ill. 2d at 281, 903 N.E.2d at 407. Proof beyond a reasonable doubt is not proof beyond any doubt. *People v. Ward*, 371 Ill. App. 3d 382, 414-15, 862 N.E.2d 1102, 1134 (2007). As the court stated, "[T]here has been sufficient connection of the dots to satisfy this court that the license plates which were found in the possession of the defendant were taken from a location where the stolen vehicle that was the subject of this action was left."

¶ 9 In addition to the circumstantial evidence, Deputy Myers testified that defendant admitted to him that he took the vehicle. A defendant's confession, if voluntary, is one of the most persuasive and reliable forms of evidence. *People v. Lucy*, 204 Ill. App. 3d 1019, 1033, 562 N.E.2d 1158, 1166 (1990). Defendant claims the deputy's credibility was at issue because he was friends with the owner of Dawkins and his wife was one of their employees. The trial court was in the best position to determine whether Myers' testimony was fabricated and directly commented upon the court's responsibility to determine the credibility of the witnesses, after specifically noting that the court had the opportunity to observe the officer. The court was not bound to believe defendant's testimony that he somehow had acquired the stolen truck from the actual criminals who had committed the thefts at Holzhauser and Dawkins. We agree that the trial court, in this instance, had a rational basis to convict

defendant.

¶ 10 For the forgoing reasons, we affirm the judgment of the circuit court of Clay County.

¶ 11 Affirmed.