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IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

<i>In re</i> KEVIN V., a Minor)	Appeal from the
(THE PEOPLE OF THE STATE OF ILLINOIS,)	Circuit Court of
)	Cook County.
Petitioner-Appellee,)	
)	
v.)	No. 10 JD 2852
)	
KEVIN V.,)	Honorable
)	Terrence V. Sharkey,
Respondent-Appellant).)	Judge Presiding.

JUSTICE CUNNINGHAM delivered the judgment of the court.
Presiding Justice Quinn and Justice Connors concurred in the judgment.

ORDER

- ¶ 1 *Held:* Delinquency finding based on felony criminal damage to property affirmed over claim that evidence was insufficient to prove damage was in excess of \$300.
- ¶ 2 Following an adjudicatory hearing in the circuit court of Cook County, respondent Kevin V. (Kevin) was found delinquent of aggravated battery on a public way and felony criminal damage to property. He was then sentenced to an indeterminate term of no more than 5 years in the Department of Juvenile Justice or until his 21st birthday, whichever occurred first. On appeal, he contends that the delinquency finding for felony criminal damage to property should be reduced to a misdemeanor because the people of the State of Illinois (State) failed to prove beyond a reasonable doubt that the cost of repairs to the damaged property exceeded \$300.
- ¶ 3 At the adjudicatory hearing, Steven Moreno (Steven) testified that at 2:30 a.m. on June 5,

2010, he was driving a 1995 Toyota Corolla near 31st and Morgan Streets in Chicago. Steven testified that Kevin and another male identified in the record only as "Santiago," were riding on a bicycle together, and swerved in front of him. Steven yelled out of his open window to the two young men telling them to watch where they were going, and they, in turn, started yelling gang slogans. Steven exited the car, and Kevin threw the bicycle at him while continuing to yell gang slogans. Steven tried to reenter his car but was struck in the back of the head with a baseball bat by a third person who had arrived on the scene. Steven turned around, took the bat away from the person, and threw it. Kevin, however, picked up the bat and subsequently started destroying Steven's car windows with the bat. Steven testified that Kevin broke out all of the windows completely, and that he had to replace all of them at a cost of \$425.

¶ 4 Officer Gula testified that he responded to the incident, and was told by the victim that "his car had been damaged." Julio Moreno (Julio) testified that he is the owner of the car in question, and that it is ordinarily driven by his son, Steven. After the incident, Julio observed that all of the windows in the car had been broken.

¶ 5 At the close of evidence, the court found Kevin delinquent of aggravated battery on a public way and felony criminal damage to property. In doing so, the court stated that Steven testified "very credibly."

¶ 6 On appeal, Kevin solely maintains that the delinquency finding of felony criminal damage to property should be reduced to a misdemeanor because the evidence was insufficient to show that the damage to the vehicle was in excess of \$300.

¶ 7 When the respondent challenges the sufficiency of the evidence to sustain his conviction, our duty is to determine whether all of the evidence, direct and circumstantial, when viewed in the light most favorable to the prosecution, would cause a rational trier of fact to conclude that the essential elements of the offense have been proved beyond a reasonable doubt. *People v. Wiley*, 165 Ill. 2d 259, 297 (1995). A criminal conviction will be reversed only if the evidence is so unsatisfactory or

improbable that it leaves a reasonable doubt of the defendant's guilt. *Id.* For the reasons that follow, we do not find this to be such a case.

¶ 8 To sustain the delinquency finding of felony criminal damage to property in this case, the State was required to prove, in relevant part, that the damage to the property exceeded \$300. 720 ILCS 5/21-1 (West 2010). As an element of the offense, the damage amount must be proved beyond a reasonable doubt. *People v. Furby*, 138 Ill. 2d 434, 446-47 (1990). When determining the value of the damage to property, the cost of repairs necessitated by the respondent's conduct is an accurate indication of the damage suffered by the victim and is thus a proper method by which to determine the respondent's criminal liability. *People v. Carraro*, 77 Ill. 2d 75, 80 (1979).

¶ 9 Here, the record shows that Steven was the son of the owner of the car, and that he was the one who ordinarily drove it. The record further shows that he drove the car the day Kevin damaged it by breaking all of the windows with a baseball bat. Steven also testified that he had the car repaired and paid \$425 for those repairs.

¶ 10 The criminal damage to property statute does not establish the nature of the proof the State is required to adduce to establish damage in excess of \$300. *Carraro*, 77 Ill. 2d at 79. As in *Carraro*, the measure of damage in this case was provided through the testimony of the person who had the car repaired and received the bill for the repairs, and neither the respondent nor the State provided a different measure of damage. *Carraro*, 77 Ill. 2d at 79-80. Furthermore, to say that it is not common knowledge that the value of the damage to all of the windows of the vehicle is not worth more than \$300 is to close our eyes to reality. See *People v. Roby*, 202 Ill. App. 3d 143, 146-47 (1990). We thus hold that the uncontested evidence presented by Steven as to the nature and extent of damage to all of the vehicle's windows, and the testimony concerning the cost to replace those windows, was sufficient proof of damage to sustain the finding of delinquency against Kevin for causing damage over \$300. *Carraro*, 77 Ill. 2d at 79; *Roby*, 202 Ill. App. 3d at 146-47.

¶ 11 Notwithstanding, Kevin insists that there are only three ways to establish proof beyond a

reasonable doubt of the value of damaged property: 1) testimony from the owner of the property; 2) documentation, such as a receipt or an insurance check; and 3) testimony from a third party such as a repairman or insurance agent. We find that Kevin's narrow approach is not supported by case law. In *Carraro*, the supreme court held that "evidence of [the] cost of repairs" is a proper measure of damages and is sufficient to sustain the defendant's conviction for criminal damage to property. *Carraro*, 77 Ill. 2d at 79-81. Although the owner of the car testified to the cost of repairs in *Carraro*, that was not the determinative factor in the case, and the supreme court did not set it out as a requirement. Rather, it recognized the cost of repairs necessitated by the defendant's conduct as a proper method to determine the defendant's criminal responsibility. *Carraro*, 77 Ill. 2d at 80. Here, the trial court found that evidence credible and sufficient, and we find no basis for reversing its decision.

¶ 12 In reaching this conclusion, we have also considered *People v. Castro*, 109 Ill. App. 3d 561 (1982), *People v. Brown*, 36 Ill. App. 3d 416 (1976), and *People v. Davis*, 132 Ill. App. 3d 199 (1985), cited by respondent, and find his reliance on them misplaced. Those felony theft cases dealt with whether the evidence presented was sufficient to establish the fair cash market value of the stolen property at the time it was stolen, not the amount of the damage to the property, which can be established by "evidence of cost of repairs." *Carraro*, 77 Ill. 2d at 79-80. In this case, such evidence was testified to by the person who regularly used the car as his own, and *paid* \$425 to replace the windows damaged by Kevin.

¶ 13 In light of the foregoing, we affirm the judgment of the circuit court of Cook County.

¶ 14 Affirmed.