



northbound lane was not. Rather, the northbound parking lane was marked with white hashmarks delineating the parking spaces. A solid yellow line divided the driving lanes. Dirt from a construction site on the eastern side of the 200 block of South Wright somewhat obscured the roadway around the entrance, although the construction crew was responsible for sweeping each night when work was completed. Notwithstanding the dirt on the roadway, according to a witness, the paint marking the boundaries of the parking spaces was visible from "a distance" that day.

¶ 5           Bleichner, who drove a dump truck, intended to turn right into the construction site. Bleichner was driving in the northbound lane of traffic. Defendant, who planned on turning right at an intersection ahead and believed there were two northbound lanes of traffic where they were driving, drove up beside Bleichner's truck in the parallel parking lane, having decided there was no reason to wait behind the truck when she perceived enough room to pass on the right. In preparation for turning right, according to Bleichner, Bleichner activated his right turn signal. Defendant did not notice a turn signal, although she believed she should have been able to see a signal over the dump truck's front wheel if it were on. Another witness who observed the accident could not recall seeing Bleichner's turn signal. Bleichner was unaware that defendant was driving alongside in the parallel parking lane. When he began his turn, defendant's and Bleichner's vehicles collided. Bleichner's dump truck dragged defendant's car a short distance into the fencing surrounding the construction site. No one was injured. Defendant's car sustained some damage, while Bleichner's truck was not badly damaged.

¶ 6           Champaign police officer Steven Reynolds was dispatched to the accident site. After interviewing the drivers and a witness at the construction site who saw the accident and

examining the scene, Officer Reynolds issued defendant a citation for improperly overtaking Bleichner's truck on the right. See 625 ILCS 5/11-704(a) (West 2010).

¶ 7 In March 2012, the trial court held a bench trial at which defendant represented herself. Bleichner and Officer Reynolds testified for the State. Defendant testified on her own behalf and introduced into evidence six photographs of the scene and the damage to her car. The court found defendant guilty and sentenced her to pay a \$120 fine.

¶ 8 This appeal by defendant *pro se* followed.

¶ 9 II. ANALYSIS

¶ 10 On appeal, defendant argues the State failed to prove her guilty beyond a reasonable doubt of improperly overtaking on the right. We disagree.

¶ 11 Where a defendant challenges the sufficiency of the evidence upon which he was convicted, we will affirm so long as, "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." (Internal quotation marks omitted.) (Emphasis in original.) *People v. Wheeler*, 226 Ill. 2d 92, 114, 871 N.E.2d 728, 740 (2007). We will not set aside a verdict on grounds of insufficient evidence unless the proof "is so unreasonable, improbable, or unsatisfactory that it justifies a reasonable doubt of [the] defendant's guilt." *Id.* at 115, 871 N.E.2d at 740.

¶ 12 The evidence that defendant committed the traffic violation of improperly overtaking on the right is sufficient to affirm her conviction. Section 11-704 of the Illinois Vehicle Code (625 ILCS 5/11-704 (West 2010)) concerns the circumstances under which a driver may overtake another by passing on the right. That statute states, in pertinent part, "The

driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety." 625 ILCS 5/11-704 (West 2010).

¶ 13 The trial court found the conditions did not permit defendant's maneuver in safety. The court's finding was not erroneous. The evidence showed that defendant tried to pass Bleichner's dump truck on the right, requiring to her to drive in a designated parking lane that was unsafe due to traffic entering the construction site. The convenience of her maneuver may have overridden ordinary cautiousness; the evidence supports the inference that defendant should have been able to recognize that the lane she used to try to pass was a parking lane not intended for driving. As the court stated in its oral pronouncements, "[Y]ou cannot pass on the right and be involved in an accident and then say that you were proceeding safely on the right."

¶ 14 Defendant complains that the State's evidence conflicted with hers and asserts that the conflict in the evidence should have resulted in her acquittal. However, the trial court, as fact finder at defendant's bench trial, was in a superior position to assess the witnesses' credibility. *Wheeler*, 226 Ill. 2d at 114-15, 871 N.E.2d at 740. The court did not act unreasonably in relying on the State's evidence.

¶ 15 Finally, defendant asserts that the trial court made "assumptions contradictory to Illinois traffic laws" related to use of turn signals. To the contrary, the court concluded that whether Bleichner was required to use his turn signal or did use his turn signal was irrelevant to whether defendant's maneuver was safe because she should have anticipated that Bleichner may have been turning into the construction site and, at any rate, she was driving in a lane not meant for driving. That finding was not erroneous.

¶ 16

### III. CONCLUSION

¶ 17 For the foregoing reasons, we affirm the trial court's judgment. As part of our judgment, we award the State its \$50 statutory assessment as costs of this appeal.

¶ 18 Affirmed.