

No. 1-10-3011

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 09 CR 8752
	)	
TERRANCE LEWIS,	)	Honorable
	)	Michael Brown,
Defendant-Appellant.	)	Judge Presiding.

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PRESIDING JUSTICE ROCHFORD delivered the judgment of the court.  
Justices Hall and Reyes concurred in the judgment.

**ORDER**

¶ 1 *Held:* Defendant's conviction for being an armed habitual criminal is affirmed, where: (1) defense counsel was not ineffective for failing to properly challenge search warrant; (2) the armed habitual criminal statute is not unconstitutional; and (3) defendant was proven guilty beyond a reasonable doubt.

¶ 2 After a bench trial, defendant-appellant, Terrance Lewis, was convicted of being an armed habitual criminal and sentenced to a term of nine years' imprisonment. On appeal, defendant contends that: (1) his trial counsel was ineffective for failing to properly challenge the search warrant leading to defendant's arrest; (2) the armed habitual criminal statute is unconstitutional; and (3) defendant was not proven guilty beyond a reasonable doubt. For the following reasons, we affirm defendant's conviction.

¶ 3

## I. BACKGROUND

¶ 4 Defendant was charged by indictment with two counts of possession of a controlled substance with intent to deliver, two counts of unlawful use of a weapon by a felon, and a single count of being an armed habitual criminal. Each count related to activities allegedly occurring in April of 2009.

¶ 5 The record reveals that on April 16, 2009, Chicago police officer, Phil Paolino, and a confidential informant referred to as "J. Doe," filed a written complaint for a search warrant with the circuit court and appeared before a circuit court judge. In the written complaint, it was generally alleged that, on that same date, the informant had related to Officer Paolino that he had been selling heroin on behalf of a man known as "T Baby" who worked out of a residence located at 119 N. Mason Avenue in Chicago. T Baby would provide the informant with a bundle of 28 baggies of heroin at a time. The informant's supply would be replenished by T Baby from the residence at 119 N. Mason Avenue after the informant had sold each of those 28 baggies to new and repeat customers and paid T Baby \$200. This process was completed two times on April, 16, 2009, but the informant stated that he had been selling heroin for T Baby—whom the informant had known for two years—for the preceding two months.

¶ 6 The complaint further alleged that Officer Paolino had searched the nickname T Baby in the Chicago police department's records, and had retrieved a felony record for defendant. The informant then identified a mug shot photograph of defendant as being the man he knew as T Baby. When Officer Paolino and the informant subsequently drove past 119 N. Mason Avenue, the informant identified the building as the residence from which defendant had obtained the bundles of heroin. A warrant authorizing a search of defendant and the residence located at 119 N. Masons Avenue was issued the same day.

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¶ 7 After defendant filed an unsuccessful motion to quash arrest and suppress evidence, this matter proceeded to a bench trial. There, the State presented the testimony of two Chicago police officers who participated in the execution of the search warrant, Officers William Lepin and John Thornton. Additionally, the State presented the testimony of Special Agent Bent Bollenberg, who worked for the federal Bureau of Alcohol, Tobacco, Firearms and Explosives and also participated in executing the search warrant.

¶ 8 In general, these witnesses testified that once defendant was located on April 17, 2009, he accompanied a number of police officers and Agent Bollenberg to the residence located at 119 N. Mason Avenue. Agent Bollenberg and defendant waited outside while other police officers entered the residence using one of a set of keys found on defendant's person. Defendant's mother and another individual were located inside the residence at the time of the search. Eventually, the officers searched one of the upstairs bedrooms. Inside a closet located therein, the police found a women's boot that contained: (1) a .32-caliber revolver; (2) six rounds of ammunition; (3) 84 bags of suspected heroin; and (4) two bags of suspected cocaine. The room also contained both men's and women's clothing, as well as mail and other documents addressed to defendant at 18 N. Mason Avenue. No mail or other documents addressed to defendant at 119 N. Mason Avenue were recovered.

¶ 9 After the search warrant was executed, defendant was transported to a police station. Agent Bollenberg testified that there, defendant initiated a conversation with him. That conversation was witnessed by Chicago police officer, Tom Stack, and occurred only after defendant was provided his *Miranda* rights—both orally and in writing—and defendant signed a *Miranda* rights waiver form that was also witnessed by Officer Stack.

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¶ 10 In that conversation which defendant initiated regarding the "possibility of helping himself in a[ny] prosecution," defendant admitted that he obtained narcotics from a man he knew only as "Nate." Defendant would then provide his "street dealers" with these narcotics in increments of 28 packages, which they would sell for \$10 each. The street dealers would then return \$200 of that money and keep the rest. Defendant also admitted that he had obtained the firearm recovered in the search from another individual. Defendant had agreed to "hold" the firearm for that individual, and so he had wiped the firearm clean of any fingerprints and had put it inside a plastic bag. Agent Bollenberg admitted that his conversation with defendant was not recorded, nor was defendant willing to provide a written statement, although the conversation had been memorialized in separate reports drafted by Agent Bollenberg himself and one of the police officers involved in this matter. Agent Bollenberg also acknowledged that one of the reasons he wanted to speak with defendant was to discuss the possibility of defendant becoming a confidential informant.

¶ 11 Finally, the State introduced certified copies of defendant's prior convictions for aggravated vehicular hijacking and the unlawful use of a weapon by a felon. In addition, the parties stipulated that a forensic chemist would testify that 38 of the 84 bags of suspected heroin did in fact test positive for 16.1 grams of heroin, and that the two bags of suspected cocaine tested positive for 6.2 grams of cocaine. Defendant's motion for a directed finding was largely denied, with the trial court merely reducing the two narcotics charges to simple possession charges because the State had not sufficiently proven defendant's intent to deliver.

¶ 12 Defendant then presented the testimony of his grandmother, Leatha Crumble. Ms. Crumble testified that she lived at 18 N. Mason Avenue and that defendant had lived there with her for 29 years. At the time of his arrest in this matter, defendant had been living there with Ms.

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Crumble since he was paroled from his incarceration for another offense in October of 2008. At the time of defendant's arrest, Dora Lewis, who was Ms. Crumble's daughter and defendant's mother, lived a block away at 119 N. Mason Avenue.

¶ 13 At the conclusion of the evidence, the trial court found defendant guilty of all of the charges against him. Defendant's motion for a new trial was subsequently denied. At sentencing, the trial court merged all of these guilty findings together. The trial court thus sentenced defendant to a term of nine years' imprisonment for the armed habitual criminal conviction. Defendant's motion to reconsider that sentence was denied, and he thereafter filed a timely appeal.

¶ 14

## II. ANALYSIS

¶ 15 On appeal, defendant raises three separate challenges to his conviction. We address each in turn.

¶ 16

### A. Ineffective Assistance of Counsel

¶ 17 Defendant first contends that that he was provided ineffective assistance of counsel because—while his trial counsel did file a motion to quash arrest and suppress evidence—his trial counsel failed to specifically file a motion requesting a hearing, pursuant to *Franks v. Delaware*, 438 U.S. 154 (1978), at which the veracity of the underlying complaint supporting the search warrant could be challenged.

¶ 18 A claim of ineffective assistance of counsel is judged according to the two-prong test established in *Strickland v. Washington*, 466 U.S. 668 (1984). See *People v. Lawton*, 212 Ill. 2d 285, 302 (2004). In order to obtain relief under *Strickland*, a defendant must prove defense counsel's performance fell below an objective standard of reasonableness and that this substandard performance caused defendant prejudice by creating a reasonable probability that,

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but for counsel's errors, the trial result would have been different. *People v. Wheeler*, 401 Ill. App. 3d 304, 313 (2010).

¶ 19 While the defendant must establish both prongs of this two-part test, a reviewing court need not address counsel's alleged deficiencies if the defendant fails to establish any prejudice. See *Strickland*, 466 U.S. at 687; *People v. Edwards*, 195 Ill. 2d 142, 163 (2001). Our supreme court has held that "*Strickland* requires actual prejudice be shown, not mere speculation as to prejudice." *People v. Bew*, 228 Ill. 2d 122, 135 (2008); see also *People v. Palmer*, 162 Ill. 2d 465, 481 (1994) ("Proof of prejudice, however, cannot be based on mere conjecture or speculation as to outcome."). A defendant has the burden of establishing any such prejudice. *People v. Glenn*, 363 Ill. App. 3d 170, 173 (2006).

¶ 20 As noted above, defendant asserts that his trial counsel was ineffective for failing to move for a *Franks* hearing at which the search warrant could be challenged. In *Franks*, the United States Supreme Court noted that the affidavit or complaint supporting a search warrant is presumed to be valid. *Franks*, 438 U.S. at 171. However, the Supreme Court also held that a defendant has a limited right to a hearing to challenge the veracity of statements made in an affidavit or complaint for a search warrant where the defendant makes a "substantial preliminary showing that a false statement knowingly and intentionally, or with reckless disregard for the truth, was included by the affiant in the warrant affidavit," and that such statement was "necessary to the finding of probable cause." *Franks*, 438 U.S. at 155-56.

¶ 21 A defendant makes a "substantial preliminary showing" where he offers proof that is "somewhere between mere denials on the one hand and proof by a preponderance on the other." *People v. Lucente*, 116 Ill.2d 133, 151-52 (1987). Thus, to qualify for a hearing, the defendant's challenge "must be more than conclusory and must be supported by more than a mere desire to

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cross-examine. There must be allegations of deliberate falsehood or of reckless disregard for the truth, and those allegations must be accompanied by an offer of proof." *Franks*, 438 U.S. at 171. "If these conditions are met, the defendant is entitled to an evidentiary hearing where he must prove his allegations of perjury or reckless disregard for the truth by a preponderance of the evidence. He must also show that, if the false statements are excised, there is insufficient material remaining to establish probable cause." *People v. Stewart*, 105 Ill. 2d 22, 39-40 (1984) (abrogated on other grounds by *People v. Gacho*, 122 Ill. 2d 221, 262-63 (1988)).

¶ 22 Defendant's claim of ineffective assistance of counsel is fundamentally based upon the contention that the informant lied to Officer Paolino—and in the April 16, 2009, complaint for a search warrant—when the informant stated that he had known defendant for two years. Defendant contends that this statement is in "apparent contradiction" to the fact that the record reveals that defendant was incarcerated until he was paroled in October of 2008. He further asserts that in light of this apparent contradiction, "which must certainly have been known to Lewis and communicated to counsel, it was professionally unreasonable for trial counsel to have failed to move for a hearing, under [*Franks*], to challenge the search warrant."

¶ 23 We find that defendant's claim is entirely speculative and conjectural. First, there is no factual basis in the record to support the contention that defendant "must certainly" have known of this "apparent contradiction" or, "by inference" as defendant contends on appeal, necessarily communicated such a possible contradiction to his trial counsel. Defendant admitted to having multiple street dealers, and there is nothing in the record to establish that defendant would necessarily have known which dealer was the "J. Doe" who filed the complaint for a search warrant with Officer Paolino. As our supreme court has stated: "On the record before us, as with most appellate records, we have no way of knowing one way or the other. But that is sufficient

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to defeat defendant's claim, as '[a] defendant cannot rely on speculation or conjecture to justify his claim of incompetent representation.' " *People v. Deleon*, 227 Ill. 2d 322, 336-37 (2008) (quoting *People v. Pecoraro*, 175 Ill. 2d 294, 324 (1997)); see also *People v. Miles*, 176 Ill. App. 3d 758, 769 (1988) ("such an inference would be speculative and conjectural and thus improper in determining the issue of ineffective assistance.").

¶ 24 Moreover, the record does not actually reflect that the informant's statement about knowing defendant for two years was actually false. As defendant himself recognizes on appeal, "the informant's statement cannot, based on the record, be established as false to a mathematical certainty in that there is a theoretical possibility that the two men met in prison." Indeed it is also possible that the informant and defendant became acquainted while defendant was in prison and the informant was not. It must be remembered that the complaint in support of the search warrant is presumed to be valid. *Franks*, 438 U.S. at 171. A defendant is only entitled to a *Franks* hearing after making a "substantial preliminary showing" of falsity in such a complaint, which is "somewhere between mere denials on the one hand and proof by a preponderance on the other." *Lucente*, 116 Ill.2d at 151-52.

¶ 25 Here, defendant cannot even meet the lower standard of a "mere denial," as on appeal he admits the possibility that defendant and the informant knew each other for two years prior to the time the complaint for a search warrant was filed, and asserts no more than that this statement was "likely false." As noted above, such conjecture and speculation can support neither a request for a *Franks* hearing (*Palmer*, 162 Ill. 2d at 481) nor a claim of ineffective assistance of counsel (*Deleon*, 227 Ill. 2d at 336-37).

¶ 26 Even assuming *arguendo* that the informant's statement about the length of his relationship with defendant was false, defendant would also be required to establish that such

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statement was “necessary to the finding of probable cause.” *Franks*, 438 U.S. at 155-56. As such, defendant would be required to show that “if the false statements are excised, there is insufficient material remaining to establish probable cause.” *Stewart*, 105 Ill. 2d at 39-40. Here, the challenged statement by the informant is but one of the many factual allegations contained in the complaint for a search warrant. These additional allegations contained a myriad of specific factual allegations regarding the informant's claims of selling heroin on defendant's behalf, and the investigatory actions Officer Paolino took in response to those allegations.

¶ 27 Notably, all of these allegations related to the two-month period preceding the filing of the complaint for a search warrant, a time when it was undisputed that defendant was not incarcerated. We therefore conclude that the remaining allegations of the complaint sufficiently established probable cause for the search warrant, such that defendant's proposed challenge to that warrant would have been unsuccessful. Defendant cannot therefore meet his burden of establishing the prejudice required to support a claim of ineffective assistance of counsel. *Glenn*, 363 Ill. App. 3d at 173; see also *People v. Mercado*, 397 Ill. App. 3d 622, 634 (2009) (“Defense counsel is not required to make losing motions or objections in order to provide effective legal assistance.”).

¶ 28 Finally, we note that both defendant and the State recognize a split in authority within this district with respect to whether *Franks* even applies in situations, such as the one presented here, where the purported falsehood is provided by a nongovernmental informant who actually appeared before the judge who issued the search warrant. Compare *People v. Gorosteata*, 374 Ill. App. 3d 203, 215 (2007) (“since John Doe appeared before the magistrate to testify surrounding the allegations contained in the complaint for the search warrant \*\*\* this case falls outside the scope of *Franks*”) with *People v. Caro*, 381 Ill. App. 3d 1056, 1066 (2008)

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("Contrary to *Gorosteata's* holding, *Franks* simply contains no language precluding an attack on the warrant affidavit when a nongovernmental informant testifies before the issuing judge."). Because we conclude that defendant cannot succeed on his ineffective assistance claim even if *Franks* applies in this context, we need not further address the proper scope of the *Franks* decision.

¶ 29 B. Constitutionality of the Armed Habitual Criminal Statute

¶ 30 Defendant next contends that the armed habitual criminal statute under which he was convicted, which prohibits a felon from possessing a firearm, unconstitutionally violates the second amendment of the United States Constitution. U.S. Const., amend. II ("A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.").

¶ 31 "Statutes are presumed constitutional, and the party challenging the constitutionality of a statute carries the burden of proving that the statute is unconstitutional." *People v. Aguilar*, 2013 IL 112116, ¶ 15. "Moreover, this court has a duty to construe the statute in a manner that upholds the statute's validity and constitutionality, if it can reasonably be done. [Citation.] The constitutionality of a statute is a question of law that we review *de novo*." *Aguilar*, 2013 IL 112116, ¶ 15.

¶ 32 Defendant was convicted of violating the armed habitual criminal statute, which, *inter alia*, criminalizes the possession of firearms by those previously convicted two or more times of certain felonies. See 720 ILCS 5/24-1.7 (West 2008). Defendant contends, in light of the United Supreme Court's decisions in *District of Columbia v. Heller*, 554 U.S. 570 (2008), and *McDonald v. City of Chicago*, 561 U.S. \_\_\_, 130 S. Ct. 3020, 3050 (2010), the armed habitual criminal statute is unconstitutional.

¶ 33 In *Heller*, the United States Supreme Court concluded that a District of Columbia law completely banning the possession of handguns in the home violated the second amendment. *Heller*, 554 U.S. at 635. The Supreme Court subsequently held in *McDonald* that "the second amendment right recognized in *Heller* is applicable to the states through the due process clause of the fourteenth amendment." *Aguilar*, 2013 IL 112116, ¶ 17 (citing *McDonald*, 561 U.S. \_\_\_, 130 S. Ct. 3020, 3050 (2010)). Defendant contends "[u]nder the new landscape created by *Heller* and *McDonald*, the criminalization of possession of a firearm by a felon—even one twice-convicted of certain qualifying offenses—is an unconstitutional infringement on the right to bear arms." We disagree.

¶ 34 In *Heller*, the Supreme Court itself noted: "Like most rights, the right secured by the Second Amendment is not unlimited. \*\*\* Although we do not undertake an exhaustive historical analysis today of the full scope of the Second Amendment, nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by *felons* and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms." (Emphasis added.) *Heller*, 554 U.S. at 627. The Supreme Court reiterated this sentiment in *McDonald*, 561 U.S. \_\_\_, 130 S. Ct. at 3047.

¶ 35 More recently, our own supreme court filed its modified decision in *Aguilar*, 2013 IL 112116. Therein, the court specifically quoted the above cited language approvingly in concluding that, "the possession of handguns by minors is conduct that falls outside the scope of the second amendment's protection." *Aguilar*, 2013 IL 112116, ¶¶ 22, 26-27. Moreover, while the modified opinion in *Aguilar* did specifically find that the "Class 4 form" of our state's aggravated unlawful use of weapons statute (see 720 ILCS 5/24-1.6(a)(1), (a)(3)(A), (d) (West

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2008)) is unconstitutional, "the implication of the court's holding is that the so-called 'Class 2 form of the offense,' which enhances the penalty for felons, could potentially remain enforceable." *Aguilar*, 2013 IL 112116, ¶ 47 (Theis, J., dissenting); see also *People v. Burns*, 2013 IL App (1st) 120929, ¶ 27 (concluding that, in light of *Heller* and *Aguilar*, "the possession of firearms by felons is conduct that falls outside the scope of the second amendment's protection.").

¶ 36 Defendant acknowledges the decisions in *Heller*, *McDonald*, and *Aguilar*, but notes that in each case, the above discussion of restrictions on the second amendment right of felons was at most *dicta*. However, "[j]udicial *dicta* are comments in a judicial opinion that are unnecessary to the disposition of the case, but involve an issue briefed and argued by the parties. Judicial *dicta* have the force of a determination by a reviewing court and should receive dispositive weight in an inferior court." *People v. Williams*, 204 Ill. 2d 191, 206 (2003). Moreover, as noted above, the necessary implication of the *Aguilar* decision is that limitations on the possession of firearms by felons are constitutionally permissible.

¶ 37 Moreover, this court has specifically rejected similar constitutional challenges to the armed habitual criminal statute on a number of prior occasions. See *People v. Black*, 2012 IL App (1st) 110055, ¶ 13; *People v. Davis*, 408 Ill. App. 3d 747, 749-51; *People v. Coleman*, 409 Ill. App. 3d 869, 879 (2011); *People v. Ross*, 407 Ill. App. 3d 931, 942 (2011). In each instance, we generally recognized that the armed habitual criminal statute, applicable only to felons, "is a constitutionally permissible restriction of the second amendment right to bear arms, as a valid exercise of [the] government's right to protect the health, safety, and general welfare of its citizens." *Ross*, 407 Ill. App. 3d at 942.

¶ 38 In sum, following the statements in *Heller*, *McDonald*, and *Aguilar* regarding the constitutionally permissible limitations on a felon's right to possess firearms, and in light of our own history of rejecting constitutional challenges similar to the one presented here, we conclude that the armed habitual criminal statute does not violate defendant's second amendment rights.

¶ 39 C. Sufficiency of the Evidence

¶ 40 We finally address defendant's challenge to the sufficiency of the evidence supporting his conviction for being an armed habitual criminal.

¶ 41 When presented with such a challenge, it is not the function of this court to retry defendant; rather, we review the evidence in the light most favorable to the State to determine whether any rational trier of fact could have found the elements of the crime proven beyond a reasonable doubt. *People v. Evans*, 209 Ill. 2d 194, 209 (2004); *People v. Collins*, 106 Ill. 2d 237 (1985). The trier of fact's findings are entitled to great weight, given that it is in the best position to judge the credibility and demeanor of the witnesses. *People v. Wheeler*, 226 Ill. 2d 92, 114-15 (2007). As such, a reviewing court will not substitute its judgment for that of a trier of fact on issues involving the weight of evidence or the credibility of witnesses. *People v. Siguenza-Brito*, 235 Ill. 2d 213, 224-25 (2009). A reversal is warranted only if the evidence is so improbable or unsatisfactory, it leaves a reasonable doubt regarding the defendant's guilt. *Evans*, 209 Ill. 2d at 209.

¶ 42 Defendant was convicted of violating the armed habitual criminal statute, which provides as follows:

"(a) A person commits the offense of being an armed habitual criminal if he or she receives, sells, possesses, or transfers any firearm after having been convicted a total of 2 or more times of any combination of the following offenses:

(1) a forcible felony as defined in Section 2–8 of this Code;

(2) unlawful use of a weapon by a felon; aggravated unlawful use of a weapon; aggravated discharge of a firearm; vehicular hijacking; aggravated vehicular hijacking; aggravated battery of a child; intimidation; aggravated intimidation; gunrunning; home invasion; or aggravated battery with a firearm; or

(3) any violation of the Illinois Controlled Substances Act or the Cannabis Control Act that is punishable as a Class 3 felony or higher.

(b) Sentence. Being an armed habitual criminal is a Class X felony." 720 ILCS 5/24-1.7 (West 2008).

¶ 43 At trial, the State entered into evidence certified copies of defendant's prior convictions for aggravated vehicular hijacking and the unlawful use of a weapon by a felon. On appeal, defendant does not challenge the State's evidence with respect to these prior, triggering offenses. Rather, defendant contends the State did not prove that he possessed a firearm beyond a reasonable doubt because: (1) his confession was unrecorded and unreliable; and (2) the evidence of his constructive possession of a firearm was insufficient. We disagree.

¶ 44 We first reject defendant's argument that his confession was unreliable because it was unrecorded and unsigned, and because Agent Bollenberg had a motive to exaggerate or manufacture incriminating statements because he wanted to recruit defendant as a confidential informant. The record reflects that these very arguments were both presented to and rejected by the trial court below, and as we noted above we "will not substitute [our] judgment for that of a trier of fact on issues involving the weight of evidence or the credibility of witnesses." *Siguenza-Brito*, 235 Ill. 2d at 224-25.

¶ 45 Next, as defendant and the State both recognize, because defendant was not found in actual possession of the firearm the State was required to establish his constructive possession thereof. *People v. Spencer*, 2012 IL App (1st) 102094, ¶ 17. As this court has recently summarized:

"To establish constructive possession, the prosecution must prove that the defendant (1) had knowledge of the presence of the [firearm] and (2) exercised immediate and exclusive control over the area where the [firearm was] found. [Citations.] Knowledge may be shown by evidence of a defendant's acts, declarations, or conduct from which it can be inferred that he knew the contraband existed in the place where it was found. [Citation.] Control is established when a person has the 'intent and capability to maintain control and dominion' over an item, even if he lacks personal present dominion over it. [Citation.] The defendant's control over the location where weapons are found gives rise to an inference that he possessed the weapons. [Citation.] Habitation in the premises where contraband is discovered is sufficient evidence of control to constitute constructive possession. [Citation.]" *Id.*

¶ 46 We again note that the State presented evidence that defendant confessed to his knowledge of and intent to possess the firearm found during the search. "[C]onfessions frequently constitute the most persuasive evidence against a defendant \*\*\*." *People v. Clay*, 349 Ill. App. 3d 24, 31 (2004). Moreover, the State also presented evidence that defendant's mother lived at 119 N. Mason Avenue, defendant had a key to that residence, the firearm was found wrapped in a manner consistent with defendant's confession, men's clothing was found in the room containing the firearm, and mail and other documents addressed to defendant were also retrieved from that same room. In deciding whether constructive possession has been shown, the

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trial court was entitled to rely on the reasonable inferences of knowledge and possession established by defendant's confession and the other evidence presented by the State. *Spencer*, 2012 IL App (1st) 102094, ¶ 17.

¶ 47 While the firearm was found in a women's boot, both men's and women's clothing was also found in the room where the firearm was located, the recovered mail and documents were addressed to defendant at his grandmother's address, and defendant's grandmother testified that defendant lived with her, "[a] reviewing court will not reverse a conviction simply because the evidence is contradictory." *Siguenza-Brito*, 235 Ill. 2d at 228; see also *People v. Szudy*, 262 Ill. App. 3d 695, 714 (1994) ("Although the evidence also could have supported the conflicting inference that defendant was innocent \*\*\*, this does not mean that defendant was not proven guilty beyond a reasonable doubt."). Here, defendant's confession was significantly corroborated by the overall evidence, and viewing that evidence in the light most favorable to the State, we cannot say that it was so improbable or unsatisfactory that there is a reasonable doubt regarding the trial court's conclusion that defendant was guilty of being an armed habitual criminal. *Evans*, 209 Ill. 2d at 209.

¶ 48

### III. CONCLUSION

¶ 49 For the foregoing reasons, we affirm the judgment of the circuit court.

¶ 50 Affirmed.