

No. 1-13-0148

**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

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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. 11 CR 21121
	)	
MAURICE FIELDS,	)	Honorable
	)	Jorge Luis Alonso,
Defendant-Appellant.	)	Judge Presiding.

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JUSTICE HOWSE delivered the judgment of the court.  
Presiding Justice Fitzgerald Smith and Justice Epstein concurred in the judgment.

**O R D E R**

- ¶ 1 *Held:* Judgment entered on defendant's convictions of possession of a controlled substance affirmed over his challenge to the sufficiency of the evidence.
- ¶ 2 Following a jury trial, defendant Maurice Fields was found guilty of two counts of possession of a controlled substance with intent to deliver, and sentenced as a Class X offender

to concurrent terms of 18 years' imprisonment. On appeal, he solely contends that the State failed to prove him guilty beyond a reasonable doubt because the police officers' testimony was incredible.

¶ 3 At trial, Chicago police officer Darren Dehaan testified that he and his partner, Officer Hronopoulos, were in full uniform and patrolling in a marked police vehicle at 8 p.m. on November 10, 2011, when they saw defendant loitering in front of a vacant lot at 3902 West Flournoy Street. Officer Dehaan testified that there was a street lamp illuminating the area where defendant was standing, and that there were also lights from the nearby buildings.

¶ 4 The officers decided to set up a surveillance of defendant, and Officer Hronopoulos dropped Officer Dehaan off in the nearby alley. Officer Dehaan went to the rear yard of 3906 West Flournoy Street, where he observed an unknown person approach defendant, engage in a brief conversation, which the officer could not hear, and hand defendant money, which defendant placed in his jacket pocket. Defendant then walked into the vacant lot, picked up a green and white cigarette box from which he removed either a single item or several from it, then placed the cigarette box back down, walked back to the person waiting on the sidewalk in front of the vacant lot, and placed the item he had removed from the cigarette box in the person's hand.

¶ 5 While Officer Dehaan was observing this transaction, he moved around behind the building at 3906 West Flournoy Street within a 15 foot radius so that defendant could not see him. When defendant was standing in front of the vacant lot, Officer Dehaan was 100 feet away from him, but when defendant was in the vacant lot, they were only 40 feet apart, and he could see defendant's face. Officer Dehaan did not recall what the purchaser looked like because he

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was "focusing mainly" on the dealer and did not observe the sex, race, age, height and weight of the buyers. He believed one of them was black, but he did not include a description of the buyers in his reports.

¶ 6 Officer Dehaan further testified that three minutes after the initial encounter, another person walked up to defendant, and engaged in a transaction similar to the previous one. After this second transaction, Officer Dehaan contacted his partner, who approached defendant. Officer Dehaan then picked up the cigarette box which contained plastic bags with dollar signs on them and suspect crack cocaine and heroin inside. Officer Dehaan noted that from the time he began his surveillance until he met his partner with defendant, he never lost sight of defendant, who was taken into custody. The officers did not detain the buyers because their focus that night was on the seller.

¶ 7 Officer Dehaan further testified that defendant was searched and found to have less than \$100 on him. The officer did not recall the exact amount, or record this fact in his arrest and case incident reports, noting that the arrest report is a summary of what took place. Officer Dehaan also explained that the police department does not inventory anything under \$500, pursuant to a Chicago Police Department (CPD) general order that was implemented two years ago.

¶ 8 Officer Dehaan further testified that he never notified the Assistant State's Attorney (ASA) that money was recovered, however, he then recalled that, in preparation for the trial, he informed the ASA that money was recovered in this case. He also noted that he had testified during the probable cause hearing that he had omitted the recovery of money from the case report.

¶ 9 Chicago police officer William Hronopoulos testified that he and his partner observed defendant standing on the sidewalk in front of a vacant lot at 3902 Flournoy Street, and that he dropped his partner off, and waited a block away. About 10 minutes later, his partner contacted him, and he relocated to the front of the vacant lot where he saw defendant again. He asked defendant to come over to him, and when his partner arrived a minute later, he arrested defendant. Officer Hronopoulos searched defendant at the police station and found some money in his jacket. Since defendant had less than \$100 on him, the money stayed with him. The officer explained that pursuant to CPD policy, anything less than \$500 is not inventoried. The officer acknowledged that he never noted in his reports that money was recovered from defendant because it was not inventoried, but that nothing prevented him from doing so.

¶ 10 Forensic scientist Sarah Reeder testified that there were two different substances recovered in this case. One weighed 1.01 grams and tested positive for cocaine. The other weighed 1.1 grams and tested positive for heroin. At the close of evidence, the jury found defendant guilty of two counts of possession of a controlled substance with intent to deliver.

¶ 11 On appeal, defendant challenges the sufficiency of the evidence to sustain his convictions. He maintains that Officer Dehaan did not testify credibly when he stated that he observed the transactions from 100 feet away at night with no visual aids, did not recall the physical characteristics of the buyers, or record in his police reports that money was recovered from defendant, and was impeached regarding whether he notified the ASA that money was recovered from him.

¶ 12 Where, as here, defendant challenges the sufficiency of the evidence to sustain his conviction, the proper standard of review is 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. Cunningham*, 212 Ill. 2d 274, 279-80 (2004). This standard recognizes the responsibility of the trier of fact to resolve conflicts in the testimony, to weigh the evidence and to draw reasonable inferences therefrom. *People v. Campbell*, 146 Ill. 2d 363, 375 (1992). A criminal conviction will be reversed only if the evidence is so unsatisfactory as to raise a reasonable doubt of guilt. *Campbell*, 146 Ill. 2d at 375. For the reasons that follow, we do not find this to be such a case.

¶ 13 Defendant contends that the evidence was insufficient to prove him guilty of the charged offenses beyond a reasonable doubt because Officer Dehaan did not testify credibly regarding the events that led to his arrest and conviction. He questions the ability of the officer to make the reported observations given the circumstances and his inability to recall the characteristics of the buyers.

¶ 14 Viewed in the light most favorable to the prosecution (*Campbell*, 146 Ill. 2d at 374), the evidence adduced at trial shows that defendant was observed by both Officers Dehaan and Hronopoulos loitering on the sidewalk in front of a vacant lot as they drove by. The area was illuminated by lights from the nearby buildings and a street lamp, giving the officers an opportunity to view defendant as they passed. In addition, Officer Dehaan set up a surveillance of defendant from 100 feet away, where he observed two separate unknown individuals approach defendant, have a brief conversation with him and hand him money. Upon receipt, defendant

relocated to the vacant lot only 40 feet away from where Officer Dehaan was situated, and retrieved a cigarette box from which he took out an item or items, then walked back to the buyer and handed the item or items to the buyer. Ten minutes later, Officer Hronopoulos was contacted by Officer Dehaan and relocated to the scene where he saw defendant once again, and placed him under arrest. Officer Dehaan testified that he never lost sight of defendant from the time he set up the surveillance of defendant to the time he met his partner with defendant. This evidence, if believed, was sufficient to allow the trier of fact to conclude that defendant was proved guilty of two counts of possession of a controlled substance with intent to deliver beyond a reasonable doubt. *People v. Loferski*, 235 Ill. App. 3d 675, 682 (1992).

¶ 15 Notwithstanding, defendant contends that Officer Dehaan's ability to observe the seller and exchanges "defies belief" where the darkness and distance of 100 feet "apparently hindered" him from being able to describe the buyers, including their race and gender. Officer Dehaan, however, reported no difficulty in observing the transactions in an area illuminated by a street lamp as well as from nearby buildings. He also testified that he focused on defendant, as the seller, and could see his face. In addition, he had the opportunity to view defendant from only 40 feet away. Although Officer Dehaan did not recall the physical characteristics of the buyers, we find no reasonable doubt of his guilt arising from this fact given his reported focus on defendant rather than the buyers, and opportunity to view his actions, which established the elements of the charged offense. *People v. Berland*, 74 Ill. 2d 286, 305-06 (1978); *People v. Evans*, 122 Ill. App. 3d 733, 738 (1984).

¶ 16 We reach the same conclusion regarding defendant's further contention that the officers' testimony was undermined by the fact that they did not record in their police reports that money was recovered, and that Officer Dehaan was impeached when he testified that he never told an ASA that defendant had money on him, before recalling that he told this to an ASA a day or two prior to trial. These discrepancies are minor (*People v. Reed*, 80 Ill. App. 3d 771, 780 (1980)) and do not, alone, create a reasonable doubt of defendant's guilt (*People v. Cunningham*, 309 Ill. App. 3d 824, 827 (1999)). The fact that the officers did not record every detail of the incident in their police reports does not discredit the testimony regarding the observations of the drug transactions. Police reports are generally abbreviated (*People v. Watkins*, 44 Ill. App. 3d 73, 76-77 (1976)), and in this case, the omissions were fully explored and explained at trial (*People v. Scott*, 152 Ill. App. 3d 868, 872 (1987)).

¶ 17 In sum, the matters raised by defendant involve the credibility of the officers, which falls within the purview of the trier of fact. *Campbell*, 146 Ill 2d. at 375. For the reasons stated, we find no basis to upset the jury's determination in this case, and conclude that the evidence was sufficient to prove defendant's guilt beyond a reasonable doubt. *Evans*, 122 Ill. App. 3d at 738.

¶ 18 Accordingly, we affirm the judgment of the circuit court of Cook County.

¶ 19 Affirmed.