

**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).

FOURTH DIVISION  
August 28, 2014

No. 1-13-0807

---

IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST DISTRICT

---

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	Appeal from the Circuit Court
Plaintiff-Appellant,	)	of Cook County, Illinois,
	)	Criminal Division.
v.	)	
	)	No. 08 CR 1823
SUBHASH CHANDER,	)	
	)	The Honorable
Defendant-Appellee.	)	Luciano Panici,
	)	Judge Presiding.

---

JUSTICE FITZGERALD SMITH delivered the judgment of the court.  
Presiding Justice Howse and Justice Lavin concurred in the judgment.

**ORDER**

¶ 1 *Held:* The circuit court properly granted the defendant's motion to suppress his statements to police as involuntary. The record below established that the defendant spoke no English, and that the F.B.I police interpreter used by the police, not only failed to interpret the dialogue between the defendant and the police, but interjected repeated threats to the defendant both on and off camera in order to induce him to confess to the crime.

¶ 2 After the defendant was arrested and charged in connection with a fire that killed three victims, he filed a motion to suppress his inculpatory statements to police. The trial court held a hearing on that motion and subsequently granted the defendant's motion to suppress. The State

now appeals contending that the circuit court erred when it found that the defendant's statements were not voluntary. For the reasons that follow, we affirm.

¶ 3

### I. BACKGROUND

¶ 4

The record before us reveals the following facts and procedural history. The defendant, who is Indian and is not fluent in English, was arrested on December 30, 2007. He was charged with several counts of first degree murder, intentional homicide of an unborn child, aggravated arson, and arson, for allegedly igniting a fire at 15859 South LeClaire Street, in Oak Forest, which killed his pregnant daughter, son-in-law, and grandson.

¶ 5

Soon after his arrest, the defendant filed a motion to suppress alleging, *inter alia*, that his inculpatory statements to police were obtained as a result of psychological and mental coercion and were, therefore, involuntary. In his motion, the defendant asserted that when he was arrested in December 2007, he spoke very little English, and that, as a result, during the interrogation the police provided him with an interpreter, Syed Afted Alam (hereinafter Alam), an agent of the Federal Bureau of Investigations (F.B.I.). The defendant alleged that during the course of the interrogation, Alam repeatedly threatened him and told him that the police would "hang [him] on ropes, beat him with sticks, and make him handicapped, if he didn't (*sic*) say that he started the fire in question."

¶ 6

After discovery, on July 25, 2012, the defendant filed a supplemental motion to suppress his statements to police. In that motion the defendant additionally alleged that F.B.I. agent, Alam, has since admitted to two other F.B.I. employees that he did, in fact, threaten the defendant during the interrogation with police.

¶ 7

On October 30, 2012, the circuit court held a hearing on the defendant's motion to suppress.

The parties began by stipulating to several exhibits. First they stipulated to the introduction of two D.V.D.s containing electronically recorded interviews of the defendant that occurred in the Markham Police Station, the first beginning about 9:30 p.m. on December 30, 2007, and lasting about 3 hours, and the second occurring approximately half an hour later, in the early morning hours of December 31, 2007. The parties also stipulated to a 254 page transcript and verbatim translation of both electronically taped interviews. The translation of that transcript was made by F.B.I. linguist, Chaadi Bakengar.

¶ 8 As its first witness, the State called Detective Richard Belcher. Detective Belcher testified that on December 29, 2007, he was assigned to investigate the fire that occurred in the multi-unit apartment building located at 15859 LeClaire Street in Oak Forest, which resulted in the deaths of three victims. Detective Belcher testified that the victims were identified as the defendant's daughter, son-in-law and grandson.

¶ 9 Detective Belcher stated that at about 3 a.m. on December 30, 2007, he arrested the defendant at his apartment at 5049 West 159th Street in Oak Forest, which was located directly across the street from the apartment building where the fire occurred. According to Detective Belcher, at that time, the defendant was intoxicated, smelled of alcohol, had bloodshot eyes and was unsteady on his feet. The detective placed the defendant into custody and took him to a cell in the Oak Forest police station, where he slept.

¶ 10 Detective Belcher averred that sometime later that morning, the defendant was transported to the Markham police station for an interview. Detective Belcher explained that the transport was made because the Markham police station was equipped with video and audio monitoring equipment, while the Oak Forest police station was not. Detective Belcher averred that the defendant's first interview with police at the Markham station began at about 9:30 p.m. on

December 30, 2007. That interview was video recorded. Detective Belcher was not present for the first hour of that interview. Rather he stated that the first hour of that interview was conducted by his partner, Detective Robert Frias, with interpretation provided by F.B.I. linguist Alam. Detective Belcher acknowledged that the defendant spoke no English and that "the little conversation [the police] did have [with him] in English was bad and broken." Accordingly, the detectives sought and obtained the services of Alam—an F.B.I. interpreter who spoke Hindi.

¶ 11 Detective Belcher first interviewed the defendant, with the help of Alam, at about 10:30 p.m. that night. After about three hours, during which the defendant told several inconsistent stories, and admitted that he was angry with his son-in-law, but denied starting the fire, the interview was stopped and the defendant was taken to a cell about 10 feet away. Detective Belcher testified that he and Alam escorted the defendant to the cell, where he was left alone. Detective Belcher did not observe Alam speaking to the defendant on their way to the cell. The detective then went to confer with his colleagues, and could not testify as to Alam's whereabouts in the next half hour.

¶ 12 Detective Belcher averred that after about 30 minutes, he found Alam and the two of them went to the get the defendant from his cell and escort him back to the interview room. Detective Belcher claimed that he could not recall the conversation that he had with the defendant in the hallway between the cell and the interview room. He also testified that he could not recall whether or not Alam even spoke with the defendant on that trip.

¶ 13 Once in the interview room, the video recorded interrogation was resumed and lasted about 45 minutes. According to Detective Belcher, upon resuming the interview, the defendant did not immediately confess to starting the fire; rather that confession came about 13 minutes into the

interrogation. Detective Belcher stated that during both interviews he told the defendant, more than 100 times to just "tell the truth."

¶ 14 Detective Belcher further testified that during the second interview, the defendant never told him that the interpreter or anyone else in the police station had threatened him. The defendant never told the detective that the interpreter told him that if he did not confess to starting the fire, the police would hang him on a rope, beat him with a stick, and make him handicapped. According to Detective Belcher, the defendant did not appear to be frightened and did not act differently than he did before the break.

¶ 15 Detective Belcher next identified the two videotapes of the defendant's interviews as well as the transcript (and translation) of those two interviews. He averred that the English portions of those interviews and transcript accurately depicted what was said, but admitted that because he does not know Hindi he could not speak to the accuracy of the Hindi statements or translation.

¶ 16 On cross-examination, Detective Belcher admitted that those videos reveal that at certain points in the interview he did not act in "a friendly manner" towards the defendant. When specifically asked about portions of those videos where he bangs on the wall of the interview room, and gets up into the defendant's face and screams at him that he is a liar, the detective stated that he could not recall all of what transpired during the interviews.

¶ 17 On cross-examination, Detective Belcher also acknowledged that in the entire course of those interviews, he never asked the defendant if the interpreter or anyone had threatened him. Detective Belcher also admitted that because he does not speak Hindi, he did not understand anything that the interpreter and the defendant were talking about.

¶ 18 The State next called the Hindi interpreter, Alam. Alam testified that he has been employed

as a language specialist with the F.B.I. for 16 years, and that he interprets and translates Urdu and Hindi. Alam explained that the vast majority of his work consists of translating written documents, but that he has had occasion, about 20 times, to interpret oral conversations as well.

¶ 19 Alam admitted that at about 7 p.m. on December 30, 2007, he was asked by the Oak Forest Police Department to assist in the present case and that together with them, he proceeded to the Markham police station. Once there, at about 8 p.m. Alam first translated the police officer's interview with the defendant's brother, Om Prakash Nayar. He spoke to the defendant for the first time at about 9:30 p.m.

¶ 20 Alam testified that the defendant's interview was initially conducted by Detective Robert Frias. According to Alam, Detective Frias first read the defendant his *Miranda* rights and asked him to sign a form indicating he understood and waived those rights. The defendant signed the form and stated that he wanted to speak with police. According to Alam, Detective Frias talked to the defendant for about an hour. After that he left the room, and Detective Belcher resumed the interview.

¶ 21 Alam stated that after about two hours, the detective took a break and escorted the defendant to a nearby cell. Alam denied going with the detective, and stated that instead he went to a nearby break room. After about half an hour, Detective Belcher returned and told Alam they would resume the interview. The detective went to get the defendant. Alam stated he did not accompany the detective to the cell but rather stood about 10 feet away.

¶ 22 Alam admitted that as the defendant was leaving his cell, he spoke to Alam in Hindi and asked him "what do [the police] want?" Alam averred that he told the defendant that the police have more questions. At that point, the defendant asked Alam, "if I don't, will this black guy beat me up." Alam stated that there was no black guy anywhere in the vicinity, but that he told

the defendant "if you tell the truth everything will be ok." On cross-examination, Alam admitted that he in fact told Alam that the black guy "may [hurt him] if [he] did not tell the truth." Alam testified that the entire encounter lasted about 10 seconds, and that it was not recorded since it occurred in the hallway of the police station, rather than in the interview room. He also acknowledged that he was not translating anything at this point but was speaking directly to the defendant.

¶ 23 Alam denied ever telling the defendant that if he did not confess to the crimes, the police would hang him on ropes, beat him with sticks and make him handicapped. Instead, Alam claimed that he told the defendant repeatedly to tell the truth. Alam testified that after the break, the defendant never told either him in Hindi or Detective Belcher in English that Alam had threatened him.

¶ 24 On cross-examination, Alam admitted that when initially questioned by the prosecutor prior to the motion to suppress hearing about this incident, the prosecutor asked him whether he ever had a conversation with the defendant off camera, and Alam told her that he had not. Alam claimed that he forgot to tell the prosecutor about the incident because it was such a short 10 minute occurrence that he did not really consider it a "conversation."

¶ 25 Alam also admitted that on May 3, 2012, he had a conversation with his supervisor Regina Mazur (hereinafter Mazur) about the fact that he was supposed to testify at the suppression hearing. After Alam informed Mazur about the case, he emailed her a newspaper clipping about the case published the day after the defendant was arrested. Alam admitted that he then bragged to Mazur that he told the defendant that if he did not confess the two black guys standing in the hallway were going to beat him up. Alam also admitted that he told Mazur that the defendant

then told him that this is the United States and that such things should not happen here. Alam explained all of these statements to Mazur as "jokes" and his "attempt to impress her."

¶ 26 Alam further admitted on cross-examination that on May 3, 2012, he also spoke to his coworker Malois Shamnas (hereinafter Shamnas) and told him that he had threatened the defendant. Alam admitted that he told Shamnas that because the defendant was refusing to confess, he told him off camera that if he did not confess the two guys standing "over there" would take him to a room and beat him up, and Alam would not be there to help translate for him. Alam testified that these statements, too, were made in jest.

¶ 27 On cross-examination, Alam was next question about what transpired inside the interview room. Alam explained that as an interpreter he is only supposed to interpret to the defendant what the detectives say, and vice versa. He initially testified that this is exactly what he did and denied threatening the defendant during the interviews. However, when presented with portions of the transcript and translation of those interviews, he admitted that he repeatedly told the defendant to tell the truth because the detective interviewing him was angry. Specifically, Alam admitted to telling the defendant on three separate occasions that the detective "is really very angry now," "please, please, he is very angry now," and "he gets very angry fast." Alam, however, denied making these statements in an attempt to scare the defendant.

¶ 28 On cross-examination, Alam also admitted that during the interview on several occasions he told the defendant that he was "a very dishonorable sinful lowly dog-type of man who killed his daughter by burning her," even though the detectives never said that. Although he initially admitted that when he made those statements he was not interpreting anything the detectives had said, he later claimed that that this was his attempt to properly translate into Hindi what the

detectives meant by telling the defendant "to be a man" and confess. Alam claimed his statements to the defendant were akin to an idiomatic expression.

¶ 29 Alam further admitted that at some point during the interview he told the defendant: "Listen, you tell the truth, the truth. You are telling too many lies. You are telling one lie after the other. You know everything, what happened why it happened. Tell the truth. There is still some time left *otherwise*." Although Alam could not remember what he meant when he told the defendant "otherwise," he believed that the detective was planning to leave the interview room.

¶ 30 Finally, on cross-examination, Alam admitted to the following colloquy during the interview with Detective Frias.

"Q1 [Detective Frias]: Why didn't you tell your daughter that there was gasoline in front of her house and it was dangerous? You don't love your grandson?"

INTERPRETER [Alam]: Why did you not tell your daughter that gas had fallen outside her home? Why did you not tell her?

Q1 [Detective Frias]: I think you're lying.

INTERPRETER: You are lying.

Q1 [Detective Frias]: I think you're lying.

A [The defendant]: [Inaudible]

INTERPRETER [Alam]: You are lying. Lying.

A [The defendant]: [Inaudible]

Q1 [Detective Frias]: [Inaudible]

A [The defendant]: He pushed me three times. [Inaudible]

INTERPRETER: *I will beat you up a whole lot. A lot ... listen; just tell us the truth—the truth.*

When asked to explain the statement "I will beat you up a whole lot," Alam claimed that it was not a statement he made on his own but rather a literal translation of what the defendant was saying about his son-in-law.

¶ 31 After Alam's testimony the State rested and the defendant presented three witnesses. He first called F.B.I. language analyst, Shamnas, who stated that he has worked with Alam at the F.B.I. for seven years. Shamnas averred that on May 3, 2012, Alam told him that because the defendant in this case was refusing to confess, when they were off-camera, he leaned over to the defendant and told him "you better confess, otherwise these two guys will take you into the room an beat you and I won't be there to help."

¶ 32 On cross-examination, Shamnas admitted that he was not present during the conversation between the defendant and Alam. He also testified that it was possible that Alam was bragging when he told him about the case, because at the time he also showed him a newspaper clipping of the case to show him how important it was.

¶ 33 On redirect examination, Shamnas admitted in the seven years he has worked with Alam, Alam never boasted to him about a case before. In fact, Shamnas stated that in those seven years Alam has never told him anything about any other case he has worked on.

¶ 34 The defendant next called F.B.I. language program coordinator, Mazur. Mazur testified that she has acted as Alam's direct supervisor since December 2010. She explained that an interpreter's job is to accompany special agents on assignment and do oral translation. According to Mazur, on May 3, 2012, Alam stopped by her office to inform her that he would

need to go to court on the present matter. It was an older case so he produced a newspaper article clipping to reference the case to Mazur. Then he told Mazur, "just between you and I, if it weren't for me \*\*\* the guy wouldn't have confessed." Alam proceeded to tell Mazur that while he was talking to the defendant during the interpretation, there were a couple of men standing outside. Alam pointed to them and told the defendant "if you don't confess when you come out, they are going to beat the living lights out of you." Alam told Mazur that the defendant said "this is the United States and this is not supposed to happen," but Alam insisted, "well it's going to happen. And I'm not going to be there to help you."

¶ 35 Mazur further testified that later that afternoon she had a conversation with Alam's colleague, Shamnas, during which she learned that Alam told Shamans a similar version of what transpired during that interrogation. Mazur testified that as a result the matter has been referred to and is currently under investigation by the F.B.I.'s Office of Professional Responsibility. According to Mazur, during the pendency of this investigation, Alam is not permitted to assist in interpretation assignments.

¶ 36 On cross-examination, Mazur admitted that in the past, Alam has been boastful about his work performance and that, to her knowledge, he has exaggerated his own role in a case twice prior to this incident. On redirect examination, however, Mazur stated that prior to this case Alam has never told her that he threatened a defendant during an interrogation.

¶ 37 The defendant next testified on his own behalf, with the use of a Hindi-speaking interpreter. The defendant stated that he is 62 years old and that at the time of the interrogation he was 57. The defendant was born in India and moved to the United States in 2001. For the next six years he lived in Oak Forest with his wife, son and daughter.

¶ 38 The defendant testified that on December 29, 2007, he was arrested and taken to the

Markham police station, where he was interviewed first by Detective Frias and then Detective Belcher, with the help of interpreter Alam. The defendant stated that Alam threatened him three times during that evening. The first two times were inside the interview room, when he told the defendant that "the [police] are really angry," and that if he does not confess they will put him and his brother in jail. The defendant testified that Alam also threatened him outside of the interview room. He admitted that he asked Alam whether two black men standing in the hallway would beat him. He also stated that Alam and he were walking behind the detective and were near the interview room door, when Alam said "I will put a rope on your throat and hang you." The defendant testified that he was terrified after Alam made these statements to him.

¶ 39 On cross-examination, the defendant admitted that on the night of the arrest, he was intoxicated. He acknowledged that the police first put him in cell where he slept and that they did not mistreat him at any time. The defendant also acknowledged signing a waiver of his *Miranda* rights, and agreeing to speak to police.

¶ 40 On cross-examination, the defendant further acknowledged that once back in the interview room after the thirty minute break he never told Detective Belcher in English that Alam was threatening him. The defendant explained, however, that the detective did not speak Hindi and that he could not tell Alam to tell the detective that he was threatening him. When asked why he did not attempt to tell the detective in English that Alam threatened him the defendant stated that he did not think the detective would believe him since he had brought Alam to interpret.

¶ 41 After hearing arguments by both parties, and reviewing both the videotape recordings of the interviews, as well as the independently translated transcript of those interviews, the court granted the defendant's motion to dismiss. In doing so, the court noted that although he attempted to minimize the event, Alam admitted on the stand that when the defendant asked him

if the black guys would beat him up if he did not confess, he told the defendant that they may do so if he does not tell the truth. The court then stated:

"I was an interpreter when I was a young man, and I interpreted English into Italian. And in no way is an interpreter supposed to do what Mr. Alam did. When you interpret, you interpret the literal words that come out of one person's mouth into a different language and then reinterpret the answer or if it's (*sic*) a question form that language into English. Mr. Alam did not such thing. He used his—whatever he wanted to use to basically have [the defendant] say something. None of his interpretations were even closely, remotely to what was being asked.

\*\*\* I believe that the way that Mr. Alam conducted this translation—and I am not saying that he police did anything wrong, I am saying that the interpreter, who became, basically, an arm of the State, since he was from the F.B.I., brought in by the STATE to interpret—took it upon himself to, basically, not interpret, but have his own side interrogation, which he had no business doing."

¶ 42 The State now appeals the circuit court's order granting the defendant's motion to suppress.

¶ 43 II. ANALYSIS

¶ 44 On appeal, the State contends that the trial court erred when it suppressed the defendant's statements to police. The State asserts that when viewed in the totality of the interrogation, the interpreter's actions could not have affected the voluntariness of the defendant's confession. For the reasons that follow, we strongly disagree.

¶ 45 Our supreme court has repeatedly held that " 'the test of voluntariness is whether the individual made his confession freely and voluntarily, without compulsion or inducement of any kind, or whether the individual's will was overborne at the time of the confession.' " *People v.*

*Murdock*, 2012 IL 112362, ¶ 30 (quoting *People v. Morgan*, 197 Ill.2d 404, 437 (2001)). To determine whether a confession is voluntary a court must examine the totality of circumstances surrounding the interrogation. *Murdock*, 2012 IL 112362, ¶ 30. In doing so, the court considers such factors as the defendant's age, intelligence, background, experience, education, mental capacity, and physical condition at the time of the detention and questioning; the duration of the interrogation; the presence of *Miranda* warnings; whether there was any physical or mental abuse by the police; and the legality and duration of the detention. *Murdock*, 2012 IL 112362, ¶ 30; see also *People v. Willis*, 215 Ill.2d 517, 536 (2005). With respect to physical and mental abuse, our supreme court has reiterated that "threats or promises made by the police may be considered physical or mental abuse." *Murdock*, 2012 IL 112362, ¶ 30. In the aforementioned analysis, no single factor is dispositive. *Murdock*, 2012 IL 112362, ¶ 30.

¶ 46 When a defendant files a motion to suppress challenging the voluntariness of his confession, the State bears the burden of proof and must establish by a preponderance of the evidence that the confession was voluntary. 725 ILCS 5/114–11(d) (West 2012); *People v. Slater*, 228 Ill. 2d 137, 149 (2008). Our review of the trial court's ruling on a motion to suppress is governed by a two-pronged standard of review. *Murdock*, 2012 IL 112362, ¶ 29; *People v. Cosby*, 231 Ill. 2d 262, 271 (2008). We accord great deference to the trial court's factual findings and will reverse them only if they are against the manifest weight of the evidence. *Murdock*, 2012 IL 112362, ¶ 29 (citing *Morgan*, 197 Ill. 2d at 437); see also *Cosby*, 231 Ill. 2d at 271. However, we review *de novo* the ultimate legal question of whether suppression was warranted. *Murdock*, 2012 IL 112362, ¶ 29; *Cosby*, 231 Ill. 2d at 271.

¶ 47 In the present case, the totality of circumstances support the trial court's finding that the

defendant's statements were involuntary. At the time of his arrest, the defendant was a 57 years old and visibly intoxicated. We know nothing about the defendant's intelligence, education or experience. As to the defendant's background, the record reflects only that the defendant was born in Punjab, India, that he had lived in the United States for six years, a relatively short period of time, and that spoke a few words of English. Although the defendant does not challenge the legality or duration of his detention, or his understanding and waiver of his *Miranda* rights, we note that he was in custody for over 24 hours before confessing to the crime.

¶ 48 Most importantly, however, the record irrefutably establishes that during the interrogation, Alam, the F.B.I. Hindi interpreter, working for the police, repeatedly and flagrantly, threatened and belittled the defendant. A review of the transcript and translation of the defendant's interrogations reveals that throughout the almost four hours of interview, Alam rarely interpreted exactly what the parties said to each other. Instead, he simply made statements that were never said by either detective, and questioned the defendant of his own accord. In doing so, he permitted himself wide latitude. For example, on several occasions, Alam told the defendant that the detectives had said that he was "a very dishonorable, sinful lowly dog type of man," when in fact the officers had said nothing of the kind.

¶ 49 What is more, the transcript reveals, and Alam admitted on the stand, that on three separate occasions during the videotaped interrogation, he told the defendant to "please please please" tell the truth because the detective questioning was "getting angry," or "gets angry really fast." In one of these instances Alam went even further, and implied that there would be consequences to the defendant's failure to state the truth. As Alam stated:

"Listen you tell the truth-the truth, you are telling too many lies. You are telling one lie after another. Know everything. What happened, why it happened, tell us the truth? There is still some time left. *Otherwise...*"

¶ 50 In addition, Alam admitted on the stand that while off camera and outside of the interrogation room, the defendant asked him whether the two men standing in the hallway would harm him if he did not tell the detectives what they wanted to hear. Alam acknowledged that in response, he told the defendant that they might, if the defendant did not tell the truth. On top of this, Alam audaciously bragged about his threat to two coworkers, Shamnas and Mazur, claiming responsibility for the confession as a result of his threat. Shamnas and Mazur both consistently testified that Alam told them that because the defendant refused to confess to the crime, while off-camera, he leaned over to the defendant and told him to "better confess, otherwise these guys will take you into the room and beat you, and I won't be there to help." Alam, himself, admitted to making these statements to Shamnas and Mazur but attempted to minimize them by stating that he was "joking."

¶ 51 Contrary to the State's assertion, the trial court gave no credibility to Alam's claim that these statements were made in jest. Rather, on record, the trial court noted that it found relevant that Alam admitted on the stand that when the defendant asked him if the two individuals in the hallway would hurt him, he told the defendant that they may if he does not tell the truth. As already noted above, in reviewing a motion to suppress evidence, we accord great deference to the trial court's factual findings. *Murdock*, 2012 IL 112362, ¶ 29 (citing *Morgan*, 197 Ill. 2d at 437); see also *Cosby*, 231 Ill. 2d at 271. This is so, because the trial court has the opportunity to observe the demeanor and testimony of the witnesses firsthand and, thus, is in a better position than the reviewing court to judge the witnesses' credibility, to determine the weight to be given

to testimony, to decide the inferences to be drawn from the evidence, and to resolve any conflicts in the evidence. See *People v. Jones*, 215 Ill. 2d 261, 268 (2005); see also *People v. Johnson*, 387 Ill. App. 3d 780, 787 (2009). We find nothing manifestly erroneous in the trial court's determination here.

¶ 52 Moreover, under the totality of circumstances present here, we fail to see how, as the State urges, the trial court could have ruled any other way, but the way that it did, granting the defendant's motion to suppress the defendant's statements as involuntary. *Murdock*, 2012 IL 112362, ¶ 30.

¶ 53

### III. CONCLUSION

¶ 54 Accordingly, we affirm the judgment of the circuit court.

¶ 55 Affirmed.