

No. 1-13-0553

**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).

---

IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

---

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 12 CR 2713
	)	
PHALA COOPER,	)	Honorable
	)	Matthew E. Coghlan,
Defendant-Appellant.	)	Judge Presiding.

---

JUSTICE ELLIS delivered the judgment of the court.  
Presiding Justice Fitzgerald Smith and Justice Cobbs concurred in the judgment.

**O R D E R**

¶ 1 *Held:* Convictions for home invasion while armed with firearm and armed robbery while armed with firearm affirmed over defendant's contention that evidence was insufficient to support firearm enhancements, where both victim and defendant unequivocally testified to presence of firearm during offense.

¶ 2 Defendant Phala Cooper was charged with multiple counts of home invasion and armed robbery following the break-in and robbery of an occupied residential apartment. Defendant did not deny participating in the crime but argued compulsion—specifically, that she lacked the intent to commit the offenses but was compelled, at gunpoint, by several others to help them

commit the crime. Following a bench trial, defendant was convicted of home invasion and armed robbery and was sentenced to two concurrent terms of 25 years' imprisonment, each of which included a 15-year firearm enhancement. On appeal, she contends that the evidence was insufficient to prove that her accomplices were armed with a firearm during the offense. We affirm.

¶ 3 At trial, the victim, Jessica Chapman, testified that she lived at an apartment at 4825 South Drexel on October 6, 2011 with her seven-year-old son and four-year-old daughter. At 2:30 p.m., two young women knocked on her door, and Jessica asked who they were. They responded that they worked for an energy efficiency program, and asked if she wanted to sign up for a discount on her electric bill. Jessica let the two women into her apartment, learned that their names were Shada and Brittany, and had a conversation with them about an energy plan. During that conversation, Jessica's son brought over her Louis Vuitton purse so that she could retrieve an electric bill from inside. Jessica signed up for the energy plan, and, after the two women left, she went to take a bath.

¶ 4 As she started to get ready for her bath about 3 p.m., Jessica heard another knock on the door. She went to the door, looked through the peephole, and saw defendant. Defendant told her that Brittany had asked her to bring a booklet about the energy program. Jessica put on a bathrobe and opened the door. As she did so, defendant stepped back and three men rushed into the apartment carrying guns. Defendant came inside behind the men and closed the door. One of the men told Jessica, "You already know what this is," and put a gun to her head, while the second man put a gun to her daughter's head, and the third put a gun to her son's head. Jessica told the group, "I don't care what you all do, don't do nothing to my kids" and pushed her son and daughter back into her bedroom, closed the door and pushed a dresser in front of the door. She

1-13-0553

called the police from her bedroom as she heard "rumbling" and "movement" throughout the apartment. Jessica then heard the front door close and the stairwell door outside her apartment open. She told her children not to move and went down the stairwell to follow the offenders.

¶ 5 As Jessica reached the lobby of her building, she saw defendant carrying her Louis Vuitton purse outside the building and trying to leave through the gate. One man was hopping the fence and the other two were already on the other side. Defendant got through the gate, and Jessica followed while on the phone with the police.

¶ 6 While she was following the group, Jessica stopped a man, who she later learned was named Kenneth, and told him that they had just robbed her. Kenneth and Jessica continued to follow the group and flagged down a passing police car. They got in the vehicle and drove around with the officer looking for the group but were unable to find them. The police officer then took Jessica back to her home. Later that day, he showed her a makeup bag which she identified as having come from inside her purse.

¶ 7 On January 12, 2012, Jessica received a phone call from police and went to the police station. Jessica viewed some photographs and identified Brittany, Shada, and defendant.

¶ 8 The State then entered and published a series of surveillance videos from Jessica's apartment building, which showed the offenders as they entered the front gate, waited for the elevator, came into the hallway outside of Jessica's apartment, and subsequently went off screen after they entered her apartment. The surveillance videos also showed them fleeing the apartment and the building, with Jessica following close behind. Jessica identified defendant in the video as she was shown fleeing from her apartment carrying her purse.

¶ 9 Kenneth Manley testified that he was standing outside of a building located at 4728 and 4730 Ingleside when he saw a group of two or three men and one woman walk by. They were

1-13-0553

walking fast, as if in a hurry. Kenneth then saw a young woman wearing a robe running down the middle of the street "hollering" that the group "had just robbed her." Kenneth and Jessica started following the group and flagged down a police car. The officer drove them around the area to see if they could locate the group, but they were unsuccessful. After the officer dropped them off, Kenneth walked back to the area where he had seen the perpetrators. He remembered seeing one of them go into a gangway between two buildings, then turn around and come back out. Kenneth went back to that gangway, looked around, and found a coin purse, which he took back to a police officer.

¶ 10 Chicago police officer Troy Sinus testified that on October 6, 2011, he was driving a marked police vehicle and responding to a call of a home invasion when he was flagged down by Jessica and Kenneth. They got into the vehicle and drove around the area but were unable to find the offenders. The officer then dropped off Jessica and Kenneth at Jessica's apartment building, and Kenneth left. Kenneth returned later and gave him a small makeup bag, which he showed to Jessica, who identified it as an item that was in her purse.

¶ 11 Brittany Compton and Shada Milan both testified that they were employed by Independence Energy and on October 6, 2011, they were going door-to-door in the apartment building at 4825 South Drexel to sell discounted energy plans. Around 2:30 p.m., they knocked on Jessica's door and identified themselves. Jessica let them in. As they were talking inside the apartment, Jessica brought out a box containing a lot of gift cards. She told them that "she pickpocket[ed] people for their identity[,] \*\*\* cover[ed] their picture up with her picture[,] \*\*\* [u]se[d] their credit cards, \*\*\* [and] b[ought] gift cards."

¶ 12 Jessica brought out her Louis Vuitton purse, pulled out a lot of cash, and "spread it all out." Jessica told Brittany and Shada that they should quit their jobs and work for her. Brittany and Shada declined and left after signing Jessica up for the energy plan.

¶ 13 After they left Jessica's apartment, they went to meet with defendant, who was going to train to be an employee with Independence Energy. Brittany and Shada were "talking about the money and the bag [they] saw at Jessica's house." Defendant commented that she could use some of that money, stepped away, and made a phone call. Soon after, a man wearing a black hoodie arrived and began talking to defendant. Shada heard them say that they were going to the building. They saw defendant and the man walk towards the building, while Brittany and Shada walked in the other direction.

¶ 14 Later that day, defendant called and asked for a ride. Brittany and Shada went to pick up defendant, and when she got into the car, she had a Louis Vuitton purse that they recognized as the one they saw at Jessica's home. Defendant gave Brittany and Shada each a \$100 bill, and, a few hours later at Shada's house, defendant told them about what had happened at Jessica's home. She told them that she knocked and "bum-rushed" inside when Jessica opened the door. Defendant took the purse and ran out the back. Defendant did not say anything during that conversation about being "scared" or about "the guys making her do this."

¶ 15 After the State rested and defendant's motion for a directed finding was denied, defendant took the stand in her defense. Defendant did not deny participating with the others in the commission of the crime. She admitted to her presence at the apartment and her role in helping her accomplices carry out the crime. She claimed, however, that she was forced to do so at gunpoint.

¶ 16 Specifically, defendant testified that she met Brittany and Shada at 47th and Drexel to fill out a job application. As they were talking, three men arrived and Brittany began to tell them about how Jessica had attempted to recruit them into her pick-pocketing scheme. Shada and Brittany said that they could not go back there because Brittany had left her name and phone number with Jessica, and they tried to convince defendant to go "knock on the door." Defendant refused and told them that she "didn't come for this. [She] came for a job application." The men then urged her to go to Jessica's apartment with them and knock on the door. One of the men threatened to shoot her if she "pull[ed] any stunt." The man then "pulled this little gun out" from his hoodie, pointed it at her, and said, "You gonna go knock on the door."

¶ 17 Defendant was scared because "he had a gun," and thus she went with the men to Jessica's apartment building, up the elevator and into Jessica's hallway. When defendant got to the apartment door, the man told her to say that "Lakeisha sent [her] there for gift cards." Defendant knocked on the door, and instead said "Brittany sent me here for gift cards." She claimed that she used Brittany's name when she knocked on Jessica's door because she "wanted to let her know that Brittany was setting her up to be robbed." Jessica told defendant to hold on, then opened the door and the three men rushed in.

¶ 18 Once inside, the men took marijuana, cigarettes, cash, gift cards, credit cards and identification cards from Jessica. One of the men got angry with defendant for using Brittany's name and, apparently for that reason, robbed defendant of her identification card, "LINK" card, transit card, and cash. He then told her to grab Jessica's purse because "it [would] look better for a woman to grab the purse." Jessica took the purse and fled with the three men.

¶ 19 While she was running, defendant threw the purse to one of the men, ran inside a building, locked the door and stayed there for about an hour and a half. Defendant said that she

did not run away at any point prior to or during the offense because she "just didn't want to get shot." She initially saw only one gun, but then saw guns on the other two men when they were in Jessica's front room. She later clarified that "there were only two guns there." She claimed that she did not contact the police after the offense because she was "scared" that "they would do something to [her] or [her] son."

¶ 20 After the close of evidence and argument, the trial court found defendant guilty of home invasion (720 ILCS 5/12-11(a)(3) (West 2010)) and armed robbery (720 ILCS 5/18-2(a)(2) (West 2010)). In rendering judgment, the trial judge observed that the testimony of Jessica, Shada and Brittany were all "flawed" and that he believed that they had all lied at some point during their testimony. He stated that there "might be some truth" to the allegations that Jessica attempted to recruit Brittany and Shada to participate in a scam. He noted, however, that Jessica's involvement in a criminal scheme, if true, likely would have made her a more desirable target for a robbery. The court reviewed the surveillance tapes and found defendant's behavior to be "calm and collected, as if it's another day in the park." The court also noted that on three occasions, defendant appeared to use hand signals to indicate to the three men to "wait" or to "wave" them on. The court concluded that she was a willing participant in the offense and sentenced her to concurrent terms of 25 years' imprisonment, each of which included a 15-year firearm enhancement for the use of a firearm during the offense. Defendant filed this appeal.

¶ 21 A person commits robbery when he or she knowingly takes property from the person or presence of another by the use of force or by threatening the imminent use of force. 720 ILCS 5/18-1(a) (West 2010). A person commits armed robbery when he or she commits robbery while armed with a firearm. 720 ILCS 5/18-2(a)(2) (West 2010). Where a defendant commits armed

robbery while armed with a firearm, the court shall add "15 years \*\*\* to the term of imprisonment imposed by the court." 720 ILCS 5/18-2(b) (West 2010).

¶ 22 Likewise, a person commits home invasion when he or she knowingly enters the dwelling place of another, knowing one or more persons is present, and while armed with a dangerous weapon uses force or threatens the imminent use of force upon any person within the dwelling place. 720 ILCS 5/12-11(a)(1) (West 2010). Where a defendant commits home invasion while in possession of a "firearm," the court shall add a 15-year enhancement to defendant's sentence. 720 ILCS 5/12-11(a)(3), (c) (West 2010).

¶ 23 Section 2–7.5 of the Criminal Code of 1961 states that, “[e]xcept as otherwise provided in a specific [s]ection, ‘firearm’ has the meaning ascribed to it in [s]ection 1.1 of the Firearm Owners Identification Card Act [(FOID Act)].” 720 ILCS 5/2–7.5 (West 2008). This court has noted that, while the statutory definition in the FOID Act includes some exclusions, the term “firearm” is defined "broadly," including “any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas.” 430 ILCS 65/1.1 (West 2010); see also *People v. Toy*, 407 Ill. App. 3d 272, 287 (2011).

¶ 24 In this appeal, defendant does not challenge the sufficiency of the evidence to sustain her underlying home invasion or robbery convictions but contends, instead, that the evidence was insufficient to find the presence of a firearm during the offense to support the firearm enhancements. She argues that no gun conclusively appears in the surveillance videos, nor was a firearm recovered. She further claims that the testimony at trial was insufficient because there was no evidence that either she or Jessica "had any prior experience with such weapons or could



readily identify firearms from a distance" and because Jessica's testimony regarding the incident was "thoroughly impeached[.]"

¶ 25 When considering a challenge to the sufficiency of the evidence, it is not the function of the reviewing court to retry defendant. *People v. Evans*, 209 Ill. 2d 194, 209 (2004). Rather, the relevant question is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 319 (1979). Under this standard, the trier of fact is responsible for assessing the credibility of the witnesses, the weight to be given their testimony, and the reasonable inferences to be drawn from the evidence. *People v. Ross*, 229 Ill. 2d 255, 272 (2008). In reviewing the trial evidence, we will not substitute our judgment for that of the trier of fact on questions involving the weight of the evidence or the credibility of the witnesses. *People v. Jackson*, 232 Ill. 2d 246, 280-81 (2009). Testimony may be found insufficient only where the record evidence compels the conclusion that no reasonable person could accept it beyond a reasonable doubt. *People v. Cunningham*, 212 Ill. 2d 274, 280 (2004).

¶ 26 We find that, viewed in the light most favorable to the prosecution, the evidence in this case showed that defendant's accomplices used firearms during the offense. Jessica, the victim of the robbery, clearly testified that, during the crime, the three men who entered her apartment held guns to the heads of her daughter, her son, and her personally. She further stated that she ushered her children into a bedroom, laid them on the floor and covered them with a mattress in case the men "tried to shoot into the room." Additional testimony corroborating the presence of firearms came from defendant herself. Indeed, defendant's entire defense at trial—the defense of compulsion—revolved around the fact that she was forced *at gunpoint* to commit this crime. She testified unequivocally that, from the time the crime was conceived on the street and throughout

the time in Jessica's apartment, at least one (and once inside the apartment, two) of the men brandished firearms. She testified repeatedly that her reason for reluctantly participating in this crime was that the men involved in this crime threatened to shoot her with those weapons. At no time at trial did defendant (or her counsel, in closing argument) remotely suggest that the guns used by her accomplices were BB guns, replicas, or anything other than actual firearms. To the contrary, her defense depended on the trial court believing that the weapons used by her accomplices were real guns that posed a mortal threat to defendant.

¶ 27 Both Jessica and defendant appear to have had ample opportunity to view the weapons at close distances during the offense and, in the case of defendant, even before entering the apartment, when one of the men pointed a gun at her. Given the unequivocal testimony from both the State and defendant regarding the presence of firearms, and the witnesses' opportunities to view the weapons, we find that a rational trier of fact could have reasonably found that defendant's accomplices possessed real guns during the crime's commission to sustain the firearm enhancements. *People v. Washington*, 2012 IL 107993, ¶ 36.

¶ 28 We are not persuaded by defendant's attacks on the credibility of the victim, Jessica, whose testimony, according to defendant, was so "thoroughly impeached" that it cannot be relied on to prove the presence of a firearm. A trier of fact is free to accept parts of both the State's and defendant's respective cases in reaching its conclusion (*People v. Reed*, 80 Ill. App. 3d 771, 780-81 (1980)), and it may accept parts of a witness' testimony while rejecting other parts (*People v. Rodriguez*, 187 Ill. App. 3d 484, 491 (1989)). The record shows that the court was aware of the various issues regarding Jessica's credibility, considered the evidence in light of them (*People v. Scott*, 152 Ill. App. 3d 868, 872 (1987)), and concluded that they did not call into question the totality of her testimony regarding defendant's commission of the offense or the presence of a

firearm during the incident. Particularly here, where the testimony proffered by both sides showed that defendant's accomplices were carrying guns during the offense, we find that a reasonable trier of fact could reach the same conclusion.

¶ 29 Although defendant contends that the witnesses' testimony is insufficient to prove that the item possessed met the statutory definition of a firearm, our supreme court has held, in similar circumstances, that the victim's testimony that the defendant held a gun to his head, combined with the circumstances under which he was able to see the weapon, provided sufficient evidence for a jury to infer that the defendant had an actual gun. *Washington*, 2012 IL 107993, ¶¶ 10, 35-36; see also *People v. Malone*, 2012 IL App (1st) 110517, ¶ 51; *People v. Lee*, 376 Ill. App. 3d 951, 955 (2007); *People v. Thomas*, 189 Ill. App. 3d 365, 371 (1989). In this case, two such witnesses—Jessica and defendant—similarly testified in unequivocal terms.

¶ 30 In arguing that the evidence was insufficient to prove that the offenders possessed an actual firearm, defendant relies primarily on language from *People v. Crowder*, 323 Ill. App. 3d 710, 712 (2001), in which the Second District of this court observed that "an object that looks like a gun may actually be a toy or realistic replica." We find *Crowder* readily distinguishable from the case at bar. The defendant in *Crowder* was charged with two weapons offenses. After receiving a discovery request for the gun on which the charges were based, the State lost the gun. The trial court dismissed the charges, and this court affirmed. *Crowder*, 323 Ill. App. 3d at 712; see also *People v. Coleman*, 307 Ill. App. 3d 930, 934 (1999) (dismissal proper after State inadvertently lost or destroyed alleged controlled substance that defendant had sought in discovery). This case, however, does not involve the destruction of evidence, nor could defendant plausibly argue that she was prevented from presenting a defense, as in *Crowder*. See *Crowder*, 323 Ill. App. 3d at 712–13; *People v. Fields*, 2014 IL App (1st) 110311, ¶ 37. To the

1-13-0553

contrary, as we have noted above, the fact that the weapons used here were actual firearms was an essential cog in defendant's compulsion defense; far from challenging this fact at trial, defendant actually *embraced* the notion that the weapons used in this case were capable of fatally wounding her. *Crowder* does not assist defendant.

¶ 31 We conclude that the evidence was sufficient to sustain defendant's firearm enhancements. We affirm the judgment of the circuit court of Cook County.

¶ 32 Affirmed.