

FIRST DIVISION  
April 27, 2015

No. 1-13-1109

**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 15898
	)	
ASHANTI SANCHEZ,	)	Honorable
	)	Stanley Sacks,
Defendant-Appellant.	)	Judge Presiding.

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JUSTICE HARRIS delivered the judgment of the court.  
Presiding Justice Delort and Justice Connors concurred in the judgment.

**O R D E R**

¶ 1 *Held:* Judgment entered on defendant's convictions for home invasion, armed robbery, and aggravated unlawful restraint, affirmed over her claim that the evidence was insufficient to prove her guilty beyond a reasonable doubt.

¶ 2 Following a bench trial, defendant Ashanti Sanchez was found guilty of home invasion, armed robbery, and aggravated unlawful restraint, then sentenced to concurrent, respective terms of six, six, and three years' imprisonment. On appeal, defendant contests the sufficiency of the

evidence to prove her guilty beyond a reasonable doubt because the victim's testimony was incredible and improbable and the court improperly shifted the burden of proof to the defense.

¶ 3 Prior to trial, the court allowed the State's motion *in limine* to introduce a prior incident between defendant and Sobeida Figueroa on June 28, 2011, where defendant threatened Figueroa outside her apartment with a knife. Thereafter, Figueroa began a court proceeding for an order of protection, but the action was dismissed when she failed to appear in court, and no criminal action was ever brought by the State. The court ruled that this matter was admissible to show the relationship between the parties, identification, and defendant's knowledge and intent.

¶ 4 Figueroa testified that on July 27, 2011, she was living with her boyfriend, Luis Santiago, and his roommate, Seth, in the Bridgeport neighborhood of Chicago. That morning, neither Santiago nor Seth were in the apartment when she awoke, opened her bedroom door, and discovered defendant standing in the apartment with a knife in her hand. Defendant told Figueroa to shut up and sit down on the bed, and began yelling at Figueroa that her son did not have a father because of her, and that she should stay away from his father, Santiago. Defendant asked Figueroa if she should stab her, and told her that she knew where her children played baseball.

¶ 5 Defendant then removed two photocopied letters from her bag and told Figueroa to copy the letters down in her own handwriting on some notebook paper. One letter was addressed to defendant apologizing for making up lies about the June 2011 incident and telling her to be with Santiago, and the other letter was addressed to Santiago telling him to be with defendant. While Figueroa was writing these letters, defendant took Figueroa's engagement ring, and began looking through the possessions of the occupants on a table in the bedroom, but Figueroa did not know at the time whether defendant actually took anything. Defendant then collected the letters from Figueroa and told her to get her things ready. Defendant followed Figueroa into the

bathroom where she showered, and defendant picked up a small shaving blade from the counter. Although, defendant did not stay in the bathroom with her, there was no lock on the door, and no way out of the bathroom without passing defendant or any way to contact someone because defendant had taken her cell phone.

¶ 6 When Figueroa finished dressing and was ready to leave, defendant took her out to Figueroa's car, with the knife still in her hand. Defendant told Figueroa that if she screamed or tried to run she would come back for her. Both women got in the car, and defendant, who was wearing gloves, held the knife to Figueroa's side and told her to drive to work. Defendant also wiped down the door handle with her sweater, and spoke to someone on the phone saying that she was not going to do anything to Figueroa this time.

¶ 7 Figueroa drove to the Public Aid office on north Milwaukee Avenue, which was not her workplace, but she knew it would be open, and that there were cameras on the building. As she and defendant approached the front of the building, defendant told her that she hoped she would not regret letting her go, and that she had better not see her again. Inside, Figueroa told the security guard, Alvin Russell, what happened that morning and indicated that she needed to call police. When she was unable to get cell phone reception in the building, she stepped outside to do so. Defendant was still outside and told Figueroa that she should not have let her go and that she was going to kill her. Figueroa told her that she was calling police, and when Russell came outside, defendant walked away from the building.

¶ 8 Later that night, Figueroa returned to her apartment and observed that the air conditioner that had been in a window near the front door was on a chair, and that the window had fingerprints on it. Figueroa testified that the unit had not been on the chair the night before, and with the unit removed from the window, anyone would have been able to climb through it.

¶ 9 On cross-examination, Figueroa stated that she had nothing against defendant and that they had previously met at a McDonald's restaurant and spoken on the phone. She stated that she did not know whether defendant had a key to the apartment, but that she did not let her inside that day. She did not report the incident to police on July 27 because she was worried about her and her children's safety. However, on July 31, 2011, Santiago made a police report regarding an unrelated burglary, and Figueroa reported the July 27 incident to police on that date as well. On re-direct examination she testified that she did not pursue charges for the June 2011 incident because she thought defendant would leave her alone.

¶ 10 Russell testified that on the morning of July 27, 2011, he was working the security desk at the Public Aid office on north Milwaukee Avenue when he observed Figueroa and someone he could not identify as defendant arguing outside of the building. He described that person as a heavysset Latino woman with dark, curly hair. He further testified that when Figueroa came into the building to call police, she seemed a little frightened and upset, and later went back outside to continue arguing with the other woman. Russell heard yelling, but he was unable to hear what the two women were saying, and he never saw a weapon. When he went outside, the heavysset Latino woman was walking away from the building.

¶ 11 Later that week, Russell was working at the security desk at the same office when he received a phone call from a woman who identified herself as defendant. She told him that Figueroa was lying to police about what happened on July 27, and asked him to be a witness for her, but he declined.

¶ 12 The State then rested its case-in-chief, and the defense called Chicago police detective Roger Murphy. He testified that he got involved in the incident on September 14, 2011, after

defendant was arrested, and thus was unable to testify regarding the initial police reports of the incident.

¶ 13 Defendant testified on her own behalf that Santiago is the father of her child, and that she and Santiago lived together and dated on and off for five years, but are no longer together.

Toward the end of their relationship in 2011, defendant learned that Santiago was also dating Figueroa, and in April or May of that year, she met Figueroa at a McDonald's restaurant to discuss their respective relationships with Santiago. Although defendant and Santiago were no longer living together at the time of this meeting, they were still in a romantic relationship.

¶ 14 Defendant further testified that on July 26, 2011, the night before the incident, Figueroa called defendant to discuss arrangements for their son's birthday, which was the next day. Defendant had previously prevented Santiago from visiting their son, so Figueroa asked to meet defendant in person so they could discuss whether Santiago could see him. Defendant agreed to meet Figueroa the following morning at the apartment in Bridgeport. She took public transportation to the apartment, arriving around 7 a.m., and knocked on the back door. Figueroa opened the door and the women discussed whether Santiago could see his child as Figueroa got ready for work. Defendant testified that she did not have a knife, that she did not take anything from the apartment, and that no altercation or threats occurred.

¶ 15 When Figueroa was ready to leave, the two women left the apartment and got into Figueroa's car where defendant told Figueroa that she was going to Humboldt Park to babysit her nephew. Figueroa agreed to give defendant a ride on her way to work, but drove to the Public Aid office instead. Figueroa got out of the car to go inside the office and defendant called a cab. Figueroa then came back outside and told defendant that she was on camera and that she was going to jail. Russell came out of the office and defendant told him that she knew he didn't see

her do anything to Figueroa, then walked away to flag a cab. Later that day, defendant received phone calls from police officers, and in September, she went to the police station to speak with a detective who had called her, and was arrested.

¶ 16 On cross-examination defendant acknowledged that she called Russell and asked him to be a witness for her at trial, but she stated that she did not tell him that she had not threatened Figueroa. In September, she spoke with Detective Murphy and told him that she had no reason to threaten Figueroa. She further stated that she did not recall whether she told police that Figueroa gave her an apology letter at the apartment, but denied receiving a letter from her, even though Figueroa had mentioned that she wanted to give her a letter during their phone conversation on July 26.

¶ 17 In rebuttal, Detective Murphy testified that when he spoke with defendant at the police station in September, she initially denied being at Figueroa's apartment or doing anything to her on July 27. She later admitted that she was at Figueroa's apartment and said that Figueroa had wanted to give her an apology letter, which she gave her at the apartment.

¶ 18 Following closing arguments, the court found defendant guilty of home invasion, armed robbery, and aggravated unlawful restraint, but not kidnapping. In reaching its conclusion, the court considered the women's relationship with Santiago and each other, noting that defendant was likely unhappy about Santiago dating both of them at the same time. The court found defendant's version of events improbable starting with her claim that she went to the apartment to speak with Santiago's new girlfriend in person about him seeing his son, when she could have easily called her on the phone. The court also found it hard to believe that defendant would ask to be driven to Humboldt Park to babysit her nephew, then say nothing when Figueroa drove to

the Public Aid office instead and that Figueroa's testimony about being frightened when she went inside the office was credible and corroborated by Russell's testimony.

¶ 19 The court further found defendant's call to Russell after the incident telling him that Figueroa was lying and asking him to be a witness for her very damaging, as was her initial denial to police that she was even at Figueroa's apartment that day. The court ultimately found defendant's version of events "not credible at all," and believed Figueroa's testimony was credible and corroborated by defendant's conduct after the incident when she called Russell and lied to police. The court stated that it had "no reasonable doubt whatsoever" that Figueroa did not consent to defendant being in the apartment that morning, and found it plausible that defendant could have entered the apartment by removing the window air conditioning unit.

¶ 20 In this appeal from that judgment, defendant contends that Figueroa's testimony was so incredible and improbable that it cannot serve to prove her guilty of the charged offenses beyond a reasonable doubt. She maintains that the trial court improperly rejected her testimony and relied on its own presumption of her state of mind regarding her sentiment toward Figueroa, which impermissibly shifted the burden of proof to the defense.

¶ 21 Where defendant challenges the sufficiency of the evidence to sustain her convictions, the reviewing court must consider whether, after viewing the evidence in a light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crimes beyond a reasonable doubt. *People v. Jordan*, 218 Ill. 2d 255, 270 (2006). This standard recognizes the responsibility of the trier of fact to determine the credibility of the witnesses and the weight to be given their testimony, to resolve any conflicts and inconsistencies in the evidence, and to draw reasonable inferences from such evidence. *People v. Sutherland*, 223 Ill. 2d 187, 242 (2006). A reviewing court must allow all reasonable inferences from the record in

favor of the prosecution, and will not overturn the decision of the trier of fact unless the evidence is so unreasonable, improbable, or unsatisfactory as to justify a reasonable doubt of defendant's guilt. *People v. Beauchamp*, 241 Ill. 2d 1, 8 (2011); *People v. Smith*, 185 Ill. 2d 532, 542 (1999).

¶ 22 To sustain defendant's conviction for home invasion, the State was required to prove that defendant entered a dwelling that was not her own, without consent and without legal authority and used a weapon to coerce or threaten a person within that dwelling. 720 ILCS 5/19-6(a)(1) (West 2010). To sustain defendant's conviction for armed robbery, the State was required to show that defendant knowingly took property from a person by use of force or threat of force while carrying a weapon. 720 ILCS 5/18-2(a)(1) (West 2010). To sustain defendant's conviction for aggravated unlawful restraint, the State was required to establish that defendant knowingly restrained Figueroa without legal authority while using a deadly weapon. 720 ILCS 5/10-3(a) (West 2010); 720 ILCS 5/10-3.1 (West 2010).

¶ 23 Viewed in a light most favorable to the prosecution, the evidence in this case shows that defendant entered an apartment that was not her own without consent and without legal authority and threatened Figueroa with a knife. While forcing Figueroa to write some letters and holding a knife, defendant took her engagement ring and other jewelry from her and Santiago. Defendant then told Figueroa to get ready to leave. On the way to the car, defendant told Figueroa she would come back for her if she tried to run away or scream, and in the car, defendant held the knife at Figueroa's side and told her to drive to work. Figueroa, however, drove to the Public Aid office because she knew there were cameras there and that the building would be open, told the security guard inside what had happened that morning, and called police. After a verbal altercation between Figueroa and defendant, the security guard came outside and defendant walked away from the building. This evidence and the reasonable inferences therefrom, were



sufficient to allow the trial court to find that defendant was proved guilty of home invasion, armed robbery, and aggravated unlawful restraint beyond a reasonable doubt. *Beauchamp*, 241 Ill. 2d at 8.

¶ 24 Defendant contends, however, that the court failed to consider whether Figueroa's testimony was sufficient to prove her guilty beyond a reasonable doubt, and instead relied on its own preconceptions about her state of mind, and her feelings toward Figueroa. By focusing on its own perceptions of the weaknesses in her testimony, defendant claims that the court impermissibly shifted the burden of proof to the defense and disregarded the incredible nature of Figueroa's testimony. Defendant further contends that Figueroa's testimony is rife with inconsistencies and improbabilities, and cannot serve as proof of her guilt beyond a reasonable doubt.

¶ 25 At base, defendant contests the credibility determination made by the trial court. This matter, however, is within the province of the trial court (*Sutherland*, 223 Ill. 2d at 242), and we will not substitute our judgment for that of the trial court unless the proof is so unsatisfactory that a reasonable doubt of guilt appears (*People v. Berland*, 74 Ill. 2d 286, 305-06 (1978)). We do not find this to be such a case.

¶ 26 In making her assertion, defendant overlooks the fact that the court found Figueroa's testimony credible and corroborated by Russell's testimony. This evidence, as set forth above, was sufficient to support the convictions entered. The comments made by the court regarding the relationship between the two women and, in turn, with Santiago, were reasonably inferable from the evidence presented. In addition, the court's consideration of defendant's testimony regarding her actions does not reflect a decision made on her failure to prove her case, but rather revealed the court's deliberation on the credibility of the main witness.

¶ 27 In essence, defendant maintains that the court should have accepted her version of the incident instead of that presented by Figueroa. This, however, is not our prerogative.

¶ 28 Although, defendant maintains that no rational trier of fact could believe that defendant could remove the air conditioning unit from outside the apartment and then slide into the apartment through the window, evidence that the unit was removed from the window and that anyone could come into the apartment through the empty space was uncontroverted, and there was further evidence that the unit was in the window the night before. Furthermore, Figueroa testified that the apartment was on the first floor of the building, one floor up from the ground, and that the unit was in the window closest to the front door. Thus, a rational trier of fact could find that defendant removed the unit and entered the apartment through the window to establish defendant's guilt of home invasion. *People v. Cunningham*, 212 Ill. 2d 274, 284 (2004).

¶ 29 Defendant further contends that it is improbable that Figueroa did not report the incident to police on July 27, but waited until July 31 when Santiago was reporting an unrelated robbery. However, the evidence shows that police were called to the Public Aid office on the date of the incident. Furthermore, Figueroa testified that she did not pursue police involvement on July 27 because she was afraid for her safety and that of her children.

¶ 30 Moreover, in considering the opposing versions of events presented by the witnesses, the court found defendant's telephone phone call to Russell particularly damaging to her case, and that she was further discredited by the testimony that she initially lied to police about her involvement in the day's events. Furthermore, the court found defendant's testimony implausible because it did not believe she would travel all the way to the apartment where Figueroa was staying merely to discuss arrangements for Santiago's son's birthday, when the women could have had that conversation over the phone. As noted, credibility determinations are the

responsibility of the trial court, and in this case we find no reasonable doubt of defendant's guilt arising from the credibility determination made by the court or the evidence presented.

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

¶ 32 Affirmed.