2015 IL App (1st) 133197-U

No. 1-13-3197

Fourth Division
September 30, 2015

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. RICHARD ROLLINS, Defendant-Appellant.	))))))))))	Appeal from the Circuit Court of Cook County. No. 13 CR 05882 Honorable Domenica A. Stephenson, Judge, presiding.

JUSTICE COBBS delivered the judgment of the court.
Justices Howse and Ellis concurred in the judgment.

O R D E R

¶ 1 *Held:* Evidence was sufficient to prove defendant guilty beyond a reasonable doubt of delivery of a controlled substance; the trial court did not err when it failed to give the jury an instruction for entrapment or when it sent relevant and properly admitted narcotics evidence into the jury room during deliberations.

¶ 2 Following a jury trial, defendant Richard Rollins was convicted of delivery of a controlled substance in violation of section 401(d)(i) of the Controlled Substances Act (720 ILCS 570/401(d) (West 2008)), and sentenced to 15 years in prison. On appeal, defendant contends that the State's evidence was insufficient to prove him guilty beyond a reasonable

doubt. Defendant also contends that the trial court committed reversible error when it failed to give the jury an instruction for entrapment and when it sent narcotics evidence into the jury room during deliberations. For the following reasons, we affirm his conviction.

¶ 3 Prior to trial, defendant asked to proceed *pro se* on the charges against him. On July 17, 2013, defendant filed a demand for speedy trial, and the trial court admonished defendant regarding his right to counsel. The following day, the trial court found that defendant could represent himself *pro se* and set a jury trial for July 24, 2013.[1]

¶ 4 At trial, Chicago police officer David Parker, a member of the narcotics division, testified that around noon on March 2, 2013, he set up surveillance on Western and Adams when he observed his undercover officer stop defendant to engage in a conversation. He saw defendant get into the vehicle with the undercover officer. The officer then drove to a location on California and Polk, where Officer Parker observed defendant exit the vehicle and go to a building at the corner of 801 South California Avenue. Defendant engaged in a conversation with a man who appeared in an upstairs window. Officer Parker then observed "something fall[] from the window upstairs." Defendant used a key to enter the building and moments later returned to the undercover vehicle. The vehicle then headed southbound to the intersection of Roosevelt and California. Defendant exited the vehicle and Officer Parker and the other surveillance officers monitored defendant until he arrived at Roosevelt Road. Once defendant turned westbound on Roosevelt Road, Officer Parker notified enforcement officers to stop him.

¶ 5 Chicago police officer David Bridges testified that he was the undercover officer in this case. On March 2, 2013, at about 12:30 p.m., he was working in the vicinity of Adams and Western. While driving in his undercover vehicle, he pulled up next to defendant and "asked if

[1] Initially, Judge Vincent Gaughan was the presiding judge in this case. After Judge Gaughan held defendant in contempt, the case was transferred to Judge Joseph Kazmierski for reassignment. The case was reassigned to Judge Domenica A. Stephenson.

he knew where I could get some D." The officer noted that "D" is the street term for heroin. Defendant offered to take Officer Bridges to purchase heroin and got into the vehicle. Officer Bridges then drove about two miles and arrived at a building at 801 South California Avenue. Defendant told Officer Bridges that he would get the drugs and the officer gave defendant two $10 bills in "1505 funds," which the officer described as documented money used to purchase narcotics. Defendant exited the vehicle and approached the building. He rang the doorbell and had a discussion with someone from an upstairs window and the person dropped down some keys. Defendant went upstairs and a short time later returned to the vehicle with two blue Ziploc bags containing suspect heroin. Defendant then asked the undercover officer if he could give him a ride to Roosevelt and California. Officer Bridges agreed and drove defendant to the intersection. After defendant exited the vehicle, Officer Bridges radioed the surveillance and enforcement teams to inform them that he had made a purchase of suspect heroin from defendant. Defendant was detained on the sidewalk at about 2828 West Roosevelt. Once defendant was in custody, Officer Bridges drove by and positively identified defendant as the person who had sold him the narcotics. When Officer Bridges returned to the police station, he put the suspect heroin into an inventory bag, where it was later picked up by the evidence department and taken to the Illinois state police lab for processing.

¶ 6 On cross-examination, defendant asked Officer Bridges "[d]id I ask you before I got into your vehicle was you the police officer?" Officer Bridges responded, "[y]ou may have." Defendant further questioned the officer, and the following exchange occurred:

DEFENDANT: You all supposed to make busts like that?

WITNESS: Like what, sir.

DEFENDANT: Entrapment?

ASSISTANT STATE'S ATTORNEY: Objection.

COURT: Overruled. You can answer.

WITNESS: It's not entrapment, sir.

DEFENDANT: Why it's not entrapment when you a police officer and ask you --

COURT: That's sustained. I thought he said in traffic. He said entrapment. That's sustained. Disregard it.

Defendant then inquired as to whether Officer Bridges had a video camera to record the alleged transaction, and the officer responded that he did not. Finally, defendant asked Officer Bridges why he approached him to buy drugs, and the officer responded, "I didn't approach you to buy me some drugs. I approached you for D."

¶ 7 Chicago police officer John Driver testified that he was the enforcement officer in this case. On March 2, 2013, around 12:30 p.m., he received information that the undercover officer had recently made a "positive buy." At that time, the surveillance officers gave him a physical description of the person who had sold the undercover officer the narcotics. He subsequently detained defendant at 2828 West Roosevelt Road. After Officer Bridges made a positive identification of defendant as the person who had sold him the narcotics, Officer Driver formally arrested defendant, read defendant his *Miranda* rights, and transported defendant to Homan Square police station. At the station, Officer Driver and his partner performed a custodial search of defendant and recovered a $10 note. On cross-examination, defendant asked Officer Driver if it was entrapment for an officer to give him money to buy heroin. The State objected and the objection was sustained.

¶ 8 Danielle Adair, a forensic chemist for the Illinois state police forensic lab, testified that she performed a drug analysis on the contents of one of the small blue plastic bags inventoried in this case. She stated that the substance was 0.3 gram of powder heroin.

¶ 9 The State submitted Exhibit 1, two small plastic bags of heroin, which the trial court admitted into evidence. Defendant then made a motion for a directed finding, which the trial court denied. The trial court then held a jury instruction conference, during which the State tendered a number of jury instructions. The trial court approved the instructions. Defendant did not object to any of the proposed instructions and did not tender any instructions of his own. The court also granted the State's motion *in limine*, which provided that if defendant decided to testify, his prior felony conviction for aggravated battery would be admissible.

¶ 10 Following the trial court's ruling on the State's motion *in limine*, defendant decided to testify on his own behalf. He stated, "[t]o the jury, on 3-2-2013, the incident that happened between me and the officer, I was walking down Roosevelt. He did approach me for me to take him to buy some drugs. And I did it. That -- I feel that is entrapment." The State objected and the trial court sustained the objection. Defendant also stated, "[t]aking me, I mean taking him to buy some drugs, I did ask him was he an officer. And he told me no." The State objected and the trial court overruled the objection. Defendant furthered testified, "[b]y me being an addict, that I do heroin, I took him. To the jury, I hope you all don't find me guilty." Again, the State objected, and the trial court sustained the objection. Following defendant's testimony, in rebuttal, the State entered Exhibit 2, a certified copy of conviction stating that in 2005 defendant was convicted of aggravated battery.

¶ 11 During closing argument, defendant noted that the officers did not have a videotape of the transaction. He further stated:

> "I'm not in denial that he did give me two $10 bills. And I went to purchase him two bags of heroin to get what I want. And I didn't know that he was setting me up. If he would have told me that he was a police officer, if anything was suspicious about him, I

> would have got away from him. Immediately. But he didn't show me no type of signs that he was an undercover police officer. No facts or nothing."

¶ 12 The State argued in rebuttal that the evidence in this case, including defendant's testimony, revealed that defendant delivered the drugs to the undercover officer. The State also commented that defendant's argument that the undercover officer should have identified himself as a police officer during a drug bust defied common sense.

¶ 13 After the trial court's instructions to the jury, the trial court asked defendant whether he had any objection to the narcotics evidence going back to the jury. Defendant replied "[n]o, I don't want it to go back there. *** They already know about it. They already saw it. *** Trying to drive them to see the bag on the table. *** I don't agree with that. It's running through their mind." Over defendant's objection, the trial court stated that the narcotics evidence had not been previously published and was going to allow it to be published in the jury room during deliberations. The trial court further stated:

> "It was in a sealed condition, it's no longer in sealed condition. So what I'm going to do is I'm going to allow this to go back, have the sheriff stay back there, instruct the sheriff you're not to discuss anything with the jurors. If they want to look at it they can pass it around and remove it from the juryroom [*sic*]. For their deliberations because it is not -- the blue bags are -- they are zipped, they are sealed, they are sealed, two individual bags with a little blue bag inside. Those are sealed. It's the main outer bag that's no longer sealed. But I'm going to allow the sheriff to go back there. They are not to open these little smaller sealed bags containing the blue bag. But if they want to look at this they can. Do not discuss anything with them and bring it back."

Following deliberations, the jury found defendant guilty of delivery of a controlled substance.

¶ 14 Defendant filed a petition for *habeas corpus* relief, arguing *inter alia*, that his due process and equal protection rights under the Fifth and Fourteenth Amendments were violated. During the hearing on the petition, defendant argued that he did not have the proper "paperwork" to defend himself adequately during trial and stated, "if I can get my hands on my transcripts of the jury trial, I think it is going to be some things in there I might need to see *** to the record to say this to you, what is entrapment? I ask you that. What is entrapment?" The court declined to answer. Defendant also argued that the trial court erred when it allowed the State to show narcotic evidence to the jury during its deliberations. Additionally, he argued that the officers who arrested him were not the same people who testified against him at trial. The trial court stated that it would consider defendant's petition as a posttrial motion, and then denied the motion. The trial court subsequently sentenced defendant as a Class X offender and committed him to 15 years in prison.

¶ 15 Sufficiency of the Evidence

¶ 16 We first address defendant's contention that the State's evidence was insufficient to prove him guilty beyond a reasonable doubt of delivery of a controlled substance. The State responds that the corroborating testimonial and physical evidence supported defendant's conviction for delivery of a controlled substance beyond a reasonable doubt.

¶ 17 When considering a challenge to the sufficiency of the evidence, it is not the role of the reviewing court to retry the defendant. *People v. Ward*, 215 Ill. 2d 317, 322 (2005). The trier of fact is in the best position to judge the credibility of the witnesses, and "due consideration must be given to the fact that it was the trial court and jury that saw and heard the witnesses." *People v. Wheeler*, 226 Ill. 2d 92, 114-15 (2007). Accordingly, "[a] criminal conviction will not be set aside unless the evidence is so improbable or unsatisfactory that it creates a reasonable doubt of

the defendant's guilt." *People v. Collins*, 106 Ill. 2d 237, 261 (1985). 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).

¶ 18 To sustain a conviction for delivery of a controlled substance, the State must prove that defendant knowingly delivered a controlled substance. 720 ILCS 570/401(d) (West 2012); *People v. Brown*, 388 Ill. App. 3d 104, 108 (2009). Delivery means "the actual, constructive or attempted transfer of possession of a controlled substance, with or without consideration, whether or not there is an agency relationship." 720 ILCS 570/102(h) (West 2012); *Brown*, 388 Ill. App. 3d at 108.

¶ 19 In this case, we find that the evidence was sufficient to find defendant guilty of delivery of a controlled substance. At trial, Officer Bridges testified that he approached defendant during an undercover operation and asked defendant for "D." Defendant offered to take the officer to purchase heroin and entered the undercover vehicle. The officer then drove to a building located at California and Polk. Officer Bridges gave defendant $20 in 1505 funds for the purchase of heroin. Defendant exited the vehicle, rang the doorbell, had a conversation with someone from an upstairs window and the person dropped down some keys. Defendant went into the building and returned minutes later with two bags of heroin. He then asked Officer Bridges to drive him to Roosevelt and California. Once defendant exited the vehicle, Officer Bridges radioed the surveillance and enforcement team to inform them that he had made a drug purchase from defendant.

¶ 20 Officer Parker, the surveillance officer in this case, corroborated Officer Bridges' testimony. He testified that he observed defendant get into the undercover vehicle and then

watched as Officer Bridges drove to 801 South California, where he observed defendant converse with a man in an upstairs window and saw something fall from the window. Defendant then entered the building with a key, and returned to the officer's vehicle. He then watched as Officer Bridges drove to Roosevelt and California. Once defendant exited, he received notification from Officer Bridges that he had just made a drug purchase and notified enforcement officers to stop defendant. Officer Driver testified that surveillance officers gave him a physical description of defendant and after Officer Bridges made a positive identification, he arrested defendant at 2828 West Roosevelt Road.

¶ 21 Although defendant now argues that the evidence at trial was insufficient to support his conviction because "no 1505 funds were recovered, only [his] pocket money" and "he was not observed during an actual drug transaction," his own admission that Officer Bridges gave him two $10 bills and that he used the money to purchase heroin to give to the officer defeats this claim. Accordingly, viewing the evidence in the light most favorable to the State, we find that the consistent and credible testimony of Officers Bridges, Parker, and Driver coupled with defendant's own admission, overwhelmingly supported the jury's finding that defendant was guilty of delivery of a controlled substance.

¶ 22 Defendant further argues that the evidence was insufficient to sustain his conviction because the record supports that he was entrapped by Officer Bridges. Generally, when a defendant claims entrapment, he must demonstrate that he was not otherwise predisposed to committing the crime and that the State improperly induced him to commit the crime. *People v. Sanchez*, 388 Ill. App. 3d 467, 474 (2009). "Several factors are relevant in assessing predisposition in drug cases, including the following: (1) the defendant's initial reluctance or willingness to commit the crime; (2) the defendant's familiarity with drugs; (3) the defendant's willingness to accommodate the needs of drug users; (4) the defendant's willingness to profit

from the offense; (5) the defendant's current or prior drug use; (6) the defendant's participation in cutting or testing the drugs; and (7) the defendant's ready access to a supply of drugs." *People v. Bonner*, 385 Ill. App. 3d 141, 146 (2008). "The question of entrapment is usually one to be resolved by the trier of fact, and it will not be disturbed on review unless the reviewing court finds that a defendant was entrapped as a matter of law." *Id.* at 145 (quoting *People v. Rivas*, 302 Ill. App. 3d 421, 433 (1998)).

¶ 23 In this case, we find no evidence to support defendant's entrapment defense. A review of the record reveals that when Officer Bridges approached defendant, he simply asked defendant for "D." Defendant, without reluctance, offered to secure heroin for the undercover officer with no further inducement on the officer's part. He then willingly got into the undercover vehicle, accepted the $20 from the officer, and readily secured the drugs. Defendant's familiarity with the street term "D," his willingness to supply the officer with drugs, and his ready access to a supply of drugs reveal that he was predisposed to committing the crime of delivery of a controlled substance. See *Bonner*, 385 Ill. App. 3d at 146. Moreover, defendant's admission that he had an ongoing heroin addiction further demonstrates his predisposition. Thus, "the fact that the police officers planned this particular offense does not require the reversal of defendant's conviction because entrapment does not exist where the law enforcement officers merely provide an opportunity for the commission of a crime by one who is already so predisposed." *People v. Garcia*, 95 Ill. App. 3d 377, 380 (1981) (citing *People v. Lewis*, 26 Ill. 2d 542, 187 (1963)). Because there is no evidence to support defendant's assertion that he was entrapped, we find no basis for setting aside the jury's verdict.

¶ 24 Entrapment Instruction

¶ 25 We next address defendant's contention that the trial court erred when it failed to give proper instructions to the jury regarding entrapment. Specifically, defendant argues that he was

entitled to have the jury determine the validity of his entrapment defense because the record suggested that he was entrapped. The State responds that the trial court was not obligated to *sua sponte* instruct the jury on entrapment.

¶ 26 Initially, we note that the State contends that this issue has been forfeited because defendant failed to properly preserve the issue for review. *People v. Enoch*, 122 Ill. 2d 176, 186 (1988). To preserve an alleged error for appeal, a defendant must both object at trial and include the alleged error in a written posttrial motion. *People v. Colyar*, 2013 IL 111835, ¶ 27. The failure to object at trial or file a posttrial motion alleging an issue constitutes forfeiture of that issue on review. *People v. Piatkowski*, 225 Ill. 2d 551, 564 (2007). In this case, at no point during the jury instruction conference did defendant object to the absence of an entrapment instruction. Additionally, although defendant filed a petition for *habeas corpus* relief, which the trial court accepted as a posttrial motion, nowhere in the petition did defendant allege that the trial court erred in not instructing the jury on the defense of entrapment. Therefore, we agree with the State that defendant did not properly preserve this issue for review.

¶ 27 Nevertheless, defendant asks this court to also consider this issue under the plain error doctrine. Plain error review is appropriate where the evidence is closely balanced or the error affects a substantial right. *People v. Herron*, 215 Ill. 2d 167, 178-79 (2005). With respect to jury instructions, the plain error doctrine is coextensive with Supreme Court Rule 451(c), which provides that "substantial defects" in criminal jury instructions "are not waived by failure to make timely objections thereto if the interests of justice require." (Internal quotation marks omitted.) *Piatkowski*, 225 Ill. 2d 551, 564 (2007) (quoting Ill. S. Ct. Rule 451(c) (eff. July 1, 2006)). A plain error analysis begins with the determination of whether error occurred. *Herron*, 215 Ill. 2d at 184.

¶ 28 "The function of instructions is to convey to the jurors the correct principles of law applicable to the facts so that they can arrive at a correct conclusion according to the law and the evidence." *People v. Fuller*, 205 Ill. 2d 308, 343-44 (2002) (citing *People v. Williams*, 181 Ill. 2d 297, 318 (1998)). It is well established that a defendant is entitled to an instruction on his theory of the case if there is some foundation for the instruction in the evidence. *People v. Jones*, 175 Ill. 2d 126, 131-32 (1997) (citing *People v. Crane*, 145 Ill. 2d 520, 526 (1991)). "Generally, it is the burden of the party who desires a specific instruction to present it to the court and request that it be given to the jury." *People v. Palmer*, 188 Ill. App. 3d 414, 427 (1989). Additionally, a party may not raise on appeal the failure to give a jury instruction unless that party tendered the instruction. Ill. S. Ct. R. 366(b)(2)(i) (eff. Feb. 1, 1994). This court will reverse a trial court's decision on what instructions to give only if the trial court abused its discretion. *People v. Cook*, 2014 IL App (1st) 113079, ¶ 27.

¶ 29 In this case, defendant essentially argues that the trial court should have *sua sponte* offered a jury instruction regarding entrapment; however, we find no support for his contention. Our supreme court has held that the only situations where a fair trial requires the court to *sua sponte* offer an instruction include seeing that the jury is instructed on "the elements of the crime charged, the presumption of innocence, and the question of burden of proof." *People v. Williams*, 181 Ill. 2d 297, 318 (1998) (citing *People v. Cadwallader*, 181 Ill. App. 3d 488, 501 (1989)). Defendant's contention does not fall within these limited exceptions. *Id.* Therefore, we do not find that the trial court abused its discretion when it did not tender an instruction regarding the defense of entrapment.

¶ 30 Moreover, we reject defendant's reliance on *People v. Carpentier*, 20 Ill. App. 3d 1024 (1974), to support his contention that the trial court was required to instruct the jury on the entrapment defense. In *Carpentier*, an informant solicited the defendant to procure narcotics. *Id.*

at 1026. The defendant raised an entrapment defense during trial and requested that the trial court instruct the jury on entrapment; however, the court declined. *Id.* This court found that the trial court erred when it did not instruct the jury regarding entrapment because the defendant presented "some evidence in favor of such defense which raised an issue of fact and which should have gone to the jury." *Id.* However, *Carpentier* is distinguishable from the instant case because the defendant there presented some evidence to support an entrapment defense and also explicitly requested an entrapment instruction during trial. Here, as noted above, nothing in the record supports that defendant was entrapped. Additionally, defendant did not tender any instructions regarding the defense of entrapment during the jury instruction conference. Finding that the court did not err when it failed to instruct the jury on the entrapment defense, we reject defendant's plain error argument.

¶ 31 Jury Room Deliberations

¶ 32 Finally, defendant argues that the trial court erred when it sent narcotics evidence into the jury room during deliberations. The State responds that the trial court did not err because the narcotics evidence was properly admitted and was not inflammatory or emotionally charged.

¶ 33 Defendant presents this issue for review under the plain error doctrine. The State contends that because this issue was presented with specificity and fully addressed by the trial court, the issue should not be characterized as forfeited, and therefore, should not be reviewed under the plain error doctrine. As previously stated, "*[b]oth* a trial objection *and* a written post-trial motion raising the issue are required for alleged errors that could have been raised during trial." (Emphasis in original.) *People v. Bannister*, 232 Ill. 2d 52, 65 (2008). Here, defendant objected to the trial court's decision to send the narcotics evidence to the jury during deliberations, however; he did not raise the issue in a posttrial motion. Thus, we find that the issue has been forfeited, and accept defendant's invitation to review the issue for plain error.

¶ 34 The decision to allow evidentiary items to be taken to the jury room rests within the discretion of the trial court, and will not be disturbed on review absent a showing of "prejudicial abuse." *People v. Shum*, 117 Ill. 2d 317, 353 (1987). Our supreme court has held that "if tangible objects that have been admitted into evidence are relevant to any material issue, they can go into the jury room during deliberations [citation] unless they are more prejudicial than probative." *People v. Burrell*, 228 Ill. App. 3d 133, 144 (1992). If the evidence is prejudicial such that it serves only to arouse and influence the emotions of the jury, it is error to submit it to the jury. *Id.*

¶ 35 In this case, we do not find that the trial court erred when it allowed the narcotics evidence to go into the jury room during its deliberations. Here, the State properly admitted the narcotics evidence, which consisted of the two small plastic bags of heroin that Officer Bridges obtained from defendant prior to defendant's arrest. The narcotics evidence was both relevant and probative because defendant was charged with delivery of a controlled substance. The narcotics evidence was also the only physical evidence substantiating the testimonies of the State's witnesses. Additionally, a review of the record shows that the trial court took measures to limit any undue prejudice to defendant. Specifically, the trial judge allowed the jury to view the evidence, but gave the sheriff specific instructions that the jurors were not allowed to open the sealed packets. The trial court also instructed the sheriff not discuss the evidence with the jurors and to bring the narcotics evidence back once the jurors observed it. Therefore, we find that the trial court did not abuse its discretion in allowing the narcotics evidence to be sent to the jury room during deliberations because the narcotics evidence was not more prejudicial than probative.

¶ 36 Nevertheless, defendant, citing *People v. Blue*, 189 Ill. 2d 99 (2000), and *United States v. Owens*, 424 F. 3d 649 (2005), maintains that placing the evidence in the jury room undermined the fairness of the fact finding process in this case. However, we find these cases unavailing. In

Blue, our supreme court found that the prejudicial effect of a police officer's uniform spattered with the actual blood and brain matter of the victim outweighed its probative value for purposes of admission into evidence. *Id.* at 126. The *Blue* court further found that the trial court erred when it permitted the same bloodied uniform to be taken into the jury room during deliberations. *Id.* at 122-123. Similarly, in *Owens* the court held that the district court committed prejudicial error by admitting evidence that the defendant, who was charged with bank robbery, had previously robbed the same bank branch years earlier. The *Owens* court further held that "[t]he egregiousness of the error [was] exacerbated" by the admission of a lineup photo taken in the aftermath of the earlier robbery showing the defendant and five other men seated, barefoot, and wearing identical prison jump suits and large signs with numbers around their necks. *Id*. at 657. The lineup photo was then allowed in the jury room where it "festered as a constant reminder that [the defendant] had at least once before been a prisoner, undermining the fairness of the fact-finding process in its potential to taint the jury's judgment." *Id.* Thus, in both *Blue* and *Owens*, the reviewing court found reversible error because the trial court allowed inadmissible evidence into the jury room during deliberations. By contrast, in the instant case, the narcotics evidence was admissible, relevant, and probative. Therefore, we find *Blue* and *Owens* inapposite.

¶ 37 Moreover, the narcotics evidence in this case does not have the same propensity to "arouse and influence the emotions of the jury" as did the bloodstained uniform spattered with brain matter in *Blue*. See *Burrell*, 228 Ill. App. 3d at 144. Further, in *Owens* the court found reversible error largely because the evidence of the defendant's guilt in that case was relatively limited (*Owens*, 424 F. 3d at 656) whereas the evidence in the instant case overwhelmingly supported defendant's conviction. Because we find that the court did not err in sending the narcotics evidence to the jury room during deliberations, it is not necessary to consider whether either prong of the plain error doctrine has been satisfied.

¶ 38 CONCLUSION

¶ 39 For the foregoing reasons, we affirm the judgment of the circuit court of Cook County.

¶ 40 Affirmed.