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IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

THE PEOPLE OF THE STATE)	Appeal from the Circuit Court
OF ILLINOIS,)	of Winnebago County.
)	
Plaintiff-Appellee,)	
)	
v.)	No. 12-MR-1042
)	
\$924 U.S. CURRENCY,)	
)	
Defendant)	Honorable
)	J. Edward Prochaska,
Gregory Daniels, Claimant-Appellant).)	Judge, Presiding.

JUSTICE McLAREN delivered the judgment of the court.
Justices Zenoff and Jorgensen concurred in the judgment.

ORDER

¶ 1 *Held:* Without an official account of the hearing, we could not say that the trial court's forfeiture order was against the manifest weight of the evidence; in any event, assuming that the State's evidence supported its complaint, it raised a presumption that the cash, having been found with cocaine, was subject to forfeiture as derived from its sale, and the court was entitled to reject defendant's dubious alternative explanation for how he had come to possess the cash.

¶ 2 The claimant, Gregory Daniels, appeals the trial court's order forfeiting to the State \$924 seized during a raid of his apartment. He contends that the court's finding that the money came from drug sales was against the manifest weight of the evidence. We affirm.

¶ 3 We note initially that, although the claimant contends that the judgment was against the manifest weight of the evidence, the record on appeal does not include a transcript of the hearing. The appellant has the burden to present a sufficiently complete record of the proceedings at trial to support a claim of error and, absent such a record, we presume that the trial court's order conformed to the law and had a sufficient factual basis. Any doubts arising from the incomplete record will be resolved against the appellant. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984).

¶ 4 In forfeiture cases, the trial court, as factfinder, decides witness credibility. *People v. Parcel of Property Commonly Known as 1945 North 31st Street*, 217 Ill. 2d 481, 507 (2005). Because the court bases its conclusions upon its assessment of the evidence, we will not reverse an order of forfeiture unless it was against the manifest weight of the evidence. *Id.* at 508.

¶ 5 It is virtually impossible to decide whether the trial court's decision was against the manifest weight of the evidence without knowing what evidence the court heard. In any event, we agree with the State that the common-law record amply supports the court's decision.

¶ 6 Here, a search-warrant affidavit included in the record states that police had received repeated complaints about possible drug dealing at defendant's apartment. Accordingly, the sheriff's department narcotics unit sent an undercover informant to make a controlled buy. The informant entered the apartment, occupied by a man later identified as defendant, and was able to purchase crack cocaine.

¶ 7 The complaint for forfeiture states that, upon executing a search warrant, police recovered two grams of a chunky white substance that field-tested positive for cocaine as well as the \$924 in currency that is the subject of this action. Assuming that the State presented evidence consistent with these allegations, it met its burden of showing that the money was

presumptively subject to forfeiture. See 725 ILCS 150/7(1) (West 2012) (presumption that “All moneys, coin, or currency found in close proximity to forfeitable substances” are forfeitable).

¶ 8 The claimant insists that he rebutted this presumption, however, where he testified credibly that \$816 of the money was from a settlement received from State Farm Insurance Company and that the remainder came from his employment with Windy City Amusements. We disagree. The trial court could reasonably have rejected the claimant’s explanation. To accept it, the court would have had to believe that the claimant, whose employment income was evidently modest, received an \$800 settlement in November but in approximately three months did not spend any of the money. Instead, he merely cashed the check and left the money in piles in his apartment, which was frequented by drug users. The trial court could thus reasonably conclude that the money had been provided in exchange for illegal narcotics. See 720 ILCS 570/505(a)(5) (West 2012) (currency subject to forfeiture when it is derived from the sale of illegal drugs); *People v. \$5,970 United States Currency*, 279 Ill. App. 3d 583, 587 (1996) (money found in box next to baggie containing cocaine was forfeitable). Accordingly, the court’s order forfeiting the currency was not against the manifest weight of the evidence.

¶ 9 The judgment of the circuit court of Winnebago County is affirmed.

¶ 10 Affirmed.