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**FILED**

April 17, 2015  
Carla Bender  
4<sup>th</sup> District Appellate  
Court, IL

2015 IL App (4th) 130640-U

NO. 4-13-0640

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Champaign County
JOHN K. WILLIAMSON,	)	No. 12CF612
Defendant-Appellant.	)	
	)	Honorable
	)	Thomas J. Difanis,
	)	Judge Presiding.

JUSTICE KNECHT delivered the judgment of the court.  
Presiding Justice Pope and Justice Turner concurred in the judgment.

**ORDER**

¶ 1 *Held:* The appellate court affirmed, concluding (1) the evidence adduced at trial was sufficient to sustain the jury's verdict beyond a reasonable doubt, and (2) the trial court's limitation of defendant's cross-examination of a State's witness did not constitute reversible error. The appellate court further vacated certain fines improperly imposed by the circuit clerk and remanded for the proper imposition of all mandatory fines.

¶ 2 In April 2012, the State charged defendant, John K. Williamson, by information with armed robbery (720 ILCS 5/18-2(a)(2) (West 2010)). In June 2013, defendant was tried before a jury based on a theory of accountability (720 ILCS 5/5-2(c) (West 2010)). Defendant filed a motion *in limine* requesting the court allow defendant to inquire into two prior criminal cases of a State's witness. The trial court granted defendant's motion in part, allowing defendant to cross-examine the witness as to his two convictions and the fact he was on probation, but

denying defendant's request to cross-examine regarding (1) the sentence served in a prior case, and (2) the charges initially filed in the witness' most recent case and that he pleaded to a lesser charge. At the conclusion of the trial, defendant was found guilty and sentenced to 30 years' imprisonment and given credit for \$2,310 for 462 days served "for any mandatory fines that need to be imposed." The trial court did not impose those mandatory fines. In July 2013, defendant filed a motion for a judgment of acquittal or for a new trial, which the court denied.

¶ 3 On appeal, defendant argues, (1) the evidence adduced at trial was insufficient to sustain the jury's verdict beyond a reasonable doubt; and (2) the trial court's limitation of defendant's cross-examination of a State's witness, Leavell Allen, violated defendant's constitutional right to confront his accusers. The State disputes defendant's claims and brings to this court's attention the improper imposition of fines by the circuit clerk and the trial court's failure to impose additional mandatory fines. We affirm defendant's conviction, concluding (1) the evidence adduced at trial is sufficient to sustain the jury's verdict beyond a reasonable doubt, and (2) the trial court's limitation of defendant's cross-examination of Allen does not constitute reversible error. We further vacate those fines improperly imposed and remand for the proper imposition of all mandatory fines by the trial court.

¶ 4 I. BACKGROUND

¶ 5 In April 2012, the State charged defendant by information with armed robbery, a Class X felony (720 ILCS 5/18-2(a)(2) (West 2010)). In June 2013, defendant was tried before a jury based on a theory of accountability (720 ILCS 5/5-2(c) (West 2010)). The following is a summary of the evidence adduced at trial.

¶ 6 A. State's Case in Chief

¶ 7

1. *Sean Harrigan*

¶ 8 Sean Harrigan, the victim, was called as a witness. Harrigan lived in Champaign, Illinois, and was a student at the University of Illinois in Champaign. Harrigan testified, on the evening of April 11, 2012, he and two friends went to Par-a-Dice Hotel and Casino in Peoria, Illinois. After playing through the night and the early morning hours of April 12, 2012, Harrigan and his friends decided to leave. Harrigan had accumulated \$23,000 in winnings at the craps table. At 4:15 a.m., Harrigan cashed out receiving "two bricks" of \$10,000, and the remaining \$3,000 was placed in a sealed envelope. In addition, Harrigan had around \$2,300 to \$2,500, which he brought with him to the casino, his identification (ID), and his cell phone.

¶ 9 Harrigan testified a casino security guard walked him and his friends to Harrigan's vehicle. Harrigan placed his winnings in his glove compartment. Harrigan and his friends left the casino and drove across the street to a gas station to grab a drink. They then traveled on Interstate 74 toward Champaign. Upon arriving at the apartment complex where Harrigan lived, Harrigan drove into the underground parking garage. As he put his foot out of the car, Harrigan saw a black male quickly approaching from the direction of the ramp. The man pointed a chrome, snub-nose revolver at Harrigan's face. The man stated he knew Harrigan had money in the car. Harrigan responded he did not have any money. Harrigan testified the man seemed convinced he was lying because the man kept insisting he had money. The man took the money from Harrigan's pocket (the \$2,300 to \$2,500 he brought with him to the casino), his ID, and his cell phone. After taking these items, the man continued to assert Harrigan had more money. When Harrigan told the man for the third time he did not, the man stated if Harrigan did not produce the money he would start shooting. Another car pulled down the apartment complex

ramp. The man glanced at it and then ran away toward the ramp. Harrigan never had his money or cell phone returned to him.

¶ 10 On the afternoon of April 12, 2012, Detective Donald Shepard presented a photographic lineup to Harrigan. Harrigan testified he selected a photograph with 85% certainty the man depicted was the armed robber. The man pictured was Marvino Mister.

¶ 11 *2. Detective Donald Shepard*

¶ 12 The State's second witness was Donald Shepard, a former detective assigned to investigate the incident. Detective Shepard testified Harrigan's cell phone was never recovered. He also testified he collected video from a gas station by the casino. However, when he attempted to play the videos, they were full of errors and would not work.

¶ 13 Detective Shepard testified, on the afternoon of April 12, 2012, he went to Harrigan's apartment to show him a photographic lineup of six individuals, which included a front and side headshot of each individual. Shepard first gave Harrigan an instruction sheet and asked him to follow along while he read it aloud. Harrigan indicated he understood the instructions. Harrigan was quick to say he was sure the individuals depicted in photograph Nos. 1, 3, 4, 5, and 6, were not the armed robber. He studied the individual in No. 2 and thought it was the person he encountered based on the face, hairstyle, and whiskers. Harrigan stated he was 85% sure the individual depicted in No. 2 was the armed robber. Shepard asked what prevented Harrigan from saying he was 100% sure. Harrigan stated he did not want to identify the wrong individual and, to be sure, he would have to see the individual in person to see the size of his body. Detective Shepard instructed Harrigan to fill out the instruction sheet indicating he did not make a positive identification and he would include the details of Harrigan's statement in

his report. Marvin Mister was the individual in photographs No. 2.

¶ 14 At trial, the parties did not dispute Mister was the armed robber. Mister was charged for the offense and tried before a jury. He was found guilty on December 5, 2012. His conviction was affirmed on appeal. *People v. Mister*, 2015 IL App (4th) 130180, ¶ 109.

¶ 15 *3. James Simmons*

¶ 16 The State next called James Simmons, a surveillance shift supervisor at the casino. The State introduced an aerial view of the casino property, which is comprised of three parking lots, two buildings, and a large boat docked on Peoria Lake. Simmons identified the images in the photograph. The casino is located in a boat. The pavilion, which is a building at the edge of the land that contains a security checkpoint for those entering the casino, leads to the casino. Another building was the casino hotel. Simmons identified several parking lots surrounding the casino and hotel. A highway runs north and south along the river. Interstate 74 is south of the casino running east and west. Across the highway from the casino and casino hotel is a Shell gas station, a Burger King restaurant, and a fire and security equipment company, SimplexGrinnell. The gas station is open 24 hours a day. The Burger King is closed from about 10 p.m. until 6 a.m. SimplexGrinnell is a "day-shift type business." In between the highway and the casino property is a ditch with overgrown shrubbery and trees on it. Simmons testified this area would not be easily passable. The main entrance to the casino is the only entrance to the casino.

¶ 17 Simmons testified the casino and casino hotel maintain cameras inside and outside the properties, recording 24 hours a day. The video recordings are downloaded to either the casino vessel or a land location. Simmons then laid a foundation on how video is

downloaded.

¶ 18 On April 12, 2012, Simmons became aware one of the patrons at the casino had been robbed. Simmons was asked to assist in the investigation by using his knowledge of the casino's video and recording system. Simmons was first given Harrigan's name, and he then tracked the video of him leaving the property. Simmons observed a white male wearing dark jeans and a dark coat over a white shirt was walking into the frame of the image when the cameras changed as Harrigan's group left the casino. Simmons gave the description to the police. In response, the police indicated it was a black male who robbed Harrigan. Simmons then looked through the video for a black male associated with the white male. Simmons observed a black male with the white male inside the casino at the craps table and then in a vehicle together at the time Harrigan's group left the casino.

¶ 19 Simmons reviewed video from the casino, casino parking lot, and casino hotel parking lot surveillance cameras of these individuals throughout the night and early morning and then created condensed video recordings for the police. The surveillance video taken from the casino was copied onto two digital video discs (DVDs) and surveillance video taken from the casino hotel was copied onto a compact disc (CD). The recordings contain 3 hours, 49 minutes of surveillance footage and cover a time period from 11:15 p.m. on April 11, 2012, to 4:38 a.m. on April 12, 2012. Each portion of video is imprinted with a time stamp, allowing the viewer to ascertain the exact time of events among multiple cameras. Some portions of video have two time stamps, showing the time of the events depicted on the video and the time Simmons viewed the recording. Surveillance video from inside the casino is in color and has good picture quality and no sound. Some portions of video, however, are captured from "quads," or groups of four

cameras, and the image quality is grainy and poor. Video of the casino parking lot is black and white, has no sound, and the picture quality is poor. Surveillance video from the hotel is in color, has no sound, and the picture quality is fair.

¶ 20 Simmons testified regarding the procedure to enter the casino. If an individual entering the casino's pavilion area appears to be under age 30, security personnel are required to ask for identification and this process is recorded. The surveillance system located in the casino pavilion takes still photographs of the individual, their government-issued ID, and it records the date and time the pictures were taken. The State introduced color photographs of defendant, Mister, and the State ID cards they presented at the security turnstiles. The images are good quality. People's exhibit No. 16 contains two photographs, which are time-stamped "04/11/2012 11:15:55 PM." The top photograph shows an Illinois State ID card with the name "John K Williamson" (defendant). The bottom photograph shows defendant looking at the security camera. He is a white male, has a buzzed hairstyle, and is wearing a white T-shirt and navy blue jacket with a white star on his left shoulder and "YALE" printed across the chest. People's exhibit No. 17 contains two photographs, which are time-stamped "4/12/2012 12:04:59 AM." The bottom photograph shows an Illinois State ID card with the name "Marvino R Mister." The top photograph shows Mister looking at the security camera. He is a black male, has braided hair, light facial hair, and is wearing a black T-shirt and sweater.

¶ 21 Still images and video recordings from the casino, casino parking lot, and casino hotel parking lot surveillance cameras were published to the jury. Simmons went through each DVD and CD, testifying as to what occurred during the videos. For purposes of this appeal, we summarize the contents of the video recordings and Simmons' testimony as the events unfolded

chronologically.

¶ 22 At 11:15 p.m., defendant enters the casino. At 11:17 p.m., defendant plays craps at the same table as Harrigan. At 12 a.m., midnight, defendant leaves the craps table and heads toward the exit. At 12:04 a.m., Mister enters the casino. At 12:07 a.m., defendant and Mister meet up and then walk toward the craps table. They both walk past the craps table. At 12:11 a.m., defendant and Mister walk back past the craps table. Mister stops to play and defendant keeps walking. At 12:45 a.m., defendant returns to the craps table and plays next to Mister. At this time, defendant, Mister, and Harrigan are present at the craps table. At 1:55 a.m., defendant and Mister leave the craps table and head toward the exit. At 2:01 a.m., video from a casino parking lot camera indicates defendant and Mister enter a silver Pontiac Bonneville after exiting the casino. Simmons testified from this point on defendant and Mister take turns going into the casino and then returning to the Bonneville.

¶ 23 At 2:04 a.m., Mister is identified as walking into the casino. At 2:05 a.m., Mister walks past the craps table where Harrigan is still playing. After passing the craps table, he stops, turns around, and then walks back past it toward the exit. At 2:08 a.m., Mister returns to the Bonneville. At 2:16 a.m., defendant walks into the casino. He walks up to a blackjack table near the craps table and talks to a woman. At 2:17 a.m., the woman leaves the table and follows defendant past the craps table, where Harrigan is still playing, and to the back of the casino. At 2:18, defendant and the woman walk back to the blackjack table. He stops for a moment and then walks toward the exit. At 2:23 a.m., he returns to the Bonneville.

¶ 24 At 2:31 a.m., the Bonneville is moved to a different spot in the parking lot. At 3:08 a.m., defendant returns to the casino. He walks past the craps table, where Harrigan is still



playing, toward the restrooms and a cigarette machine. At 3:10 a.m., defendant is seen walking back past the craps table with a package of cigarettes in his hand. At 3:12 a.m., defendant is seen smoking a cigarette outside of the casino and then returns to the Bonneville.

¶ 25 At 3:42 a.m., the Bonneville returns near its original parking spot. At 4:00 a.m., Mister exits the passenger side of the vehicle and walks toward the casino, but he does not enter the pavilion. Instead, he walks toward the side of the casino, off camera. At 4:03 a.m., Mister is seen returning to the Bonneville and entering through the passenger door. At 4:23 a.m., Harrigan was cashing in his chips to leave for the night. At 4:27 a.m., defendant exits the driver's side of the vehicle and walks toward the casino. At 4:28 a.m., defendant walks into the casino while Harrigan's group is walking toward the exit. At 4:29 a.m., defendant walks past Harrigan's group. He continues to walk toward the inside of the casino for approximately 5 seconds. He then stops, turns to walk out, stops, turns to walk in, stops, and finally turns to walk out behind Harrigan's group. In total, he waits approximately 14 seconds before following Harrigan's group out of the casino.

¶ 26 At 4:30 a.m., a surveillance camera from on top of the casino hotel pans toward the casino and zooms in on Harrigan's group walking out of the casino toward the parking lot. Approximately 10 seconds later, defendant is seen exiting the casino. Seconds later, one of Harrigan's friends turns around and walks back toward the casino. Defendant briefly walks out of the camera's range but reappears when the camera zooms out. Although the camera follows Harrigan's group through the parking lot, defendant appears at the top right portion of the video and enters through the driver's door of the Bonneville.

¶ 27 At 4:32 a.m., the Bonneville leaves the casino parking lot. Video from the casino

hotel parking lot camera shows the Bonneville entered the casino hotel parking lot, which was 250 to 300 feet away from Harrigan's vehicle, and then drove in slow circles around the parking lot.

¶ 28 Harrigan, his friend, and the security guard approach Harrigan's vehicle in the casino parking lot. They stand next to the vehicle, appear to have a conversation, and then after 25 seconds, the security guard walks back toward the casino. Approximately 16 seconds later, Harrigan's other friend left and walked toward the direction of the casino. Harrigan entered his vehicle and waited for his two friends, who returned a few minutes later. Harrigan's vehicle drove away at 4:33 a.m.

¶ 29 The Bonneville pulls out of the hotel parking lot and in front of Harrigan's vehicle. Both vehicles head in the direction away from the casino and toward the intersection and gas station. The Bonneville and Harrigan's vehicle pass through the intersection, with the Bonneville in front. At 4:34 a.m., the Bonneville exits down an access road toward SimplexGrinnell and Harrigan's vehicle stops at the gas station. The Bonneville is off camera for 1 minute, 41 seconds after pulling down the access road. At 4:36 a.m., Harrigan's vehicle begins to leave the gas station. At this time, the Bonneville reenters the surveillance video, returning from the access road. The Bonneville approaches behind Harrigan's vehicle, waiting to turn south on the highway toward East Peoria and the interstate exchange.

¶ 30 On cross-examination, Simmons acknowledged he "made" or "produced" the video recordings for the police. Based on the video, Simmons was unable to determine if defendant came to the casino in the same vehicle as Mister. Simmons also acknowledged during certain points in the video, Simmons identified defendant based on his clothing and the way he

walked, rather than his face. The casino had only two craps tables, and only one was being used at the time. Further, six other individuals were playing when Harrigan, defendant, and Mister were at the craps table. Simmons could not identify the woman defendant was speaking to at the blackjack table.

¶ 31 Simmons acknowledged at times the video did not indicate where defendant was located. Simmons also identified a security vehicle that drives around the parking lot. Simmons stated occasionally security would stop and say something to an individual spending too much time inside a vehicle. Simmons acknowledged, although he saw defendant enter through the driver's door of the Bonneville in the casino parking lot, he could not be sure defendant was still driving after they went down the access road. The only practical direction to leave the gas station would be to go straight back to the casino or in the direction the Bonneville and Harrigan's vehicle went.

¶ 32 *4. Nancy Griffin*

¶ 33 The State next called Nancy Griffin, a program coordinator at the Champaign County jail. Griffin testified regarding the inmate telephone system at the jail. The witness identified a jail recording made on December 7, 2012, from the jail to Leavell Allen. It was undisputed defendant made the call.

¶ 34 *5. Leavell Allen*

¶ 35 Prior to calling its next witness, Leavell Allen, the trial court addressed defendant's motion *in limine* requesting the court to allow defendant to inquire into two prior criminal cases of Allen's for impeachment purposes.

¶ 36 a. Defendant's Pretrial Motion

¶ 37 Defendant's pretrial motion, filed pursuant to *People v. Montgomery*, 47 Ill. 2d 510, 268 N.E.2d 695 (1971), highlighted Allen's previous convictions for (1) aggravated unlawful use of a weapon by a felon, a Class 3 felony, stemming from a 2013 case; and (2) delivery of a controlled substance, a Class 1 felony, stemming from a 2003 case. As to the 2013 case, defendant's motion noted Allen was originally charged with armed habitual criminal, a Class X felony, and then was ultimately sentenced to 18 months' probation for a Class 3 felony. As to the 2003 case, defendant's motion noted Allen was sentenced to 12 years' imprisonment. The motion alleged defendant provided the "Court files" for these two cases to the court and asked it to take judicial notice of the convictions and publish them to the jury. Defendant's motion also requested, "for the purpose of impeachment and evidence as to credibility," the court allow defendant to cross-examine Allen "with reference to the classes of felony convictions charged and convicted, \*\*\* and as to the sentences entered" in the two cases.

¶ 38 The trial court granted defendant's motion in part, allowing defendant to cross-examine Allen as to his two convictions and the fact he was on probation, but denying defendant's request to cross-examine regarding (1) the sentence imposed in the 2003 case, and (2) the charges initially filed in the 2013 case and that he pleaded to a lesser charge.

¶ 39 **b. Allen's Testimony**

¶ 40 After calling Allen as a witness, the State elicited testimony from Allen regarding his 2003 and 2013 felony convictions. Allen acknowledged the prosecutor questioning him was the same prosecutor who prosecuted him in the 2013 case. Allen also acknowledged he was on probation for his 2013 conviction and understood probation could be revoked and he could be

resentenced for the offense. Allen testified he was not offered anything in the 2013 case in exchange for his testimony. Rather, the only reason he was present was because he was served with a subpoena.

¶ 41 Allen testified he had known defendant for more than five years and called defendant by his initials, "JK." He did not know Mister. On cross-examination, Allen acknowledged he was present in a photograph with Mister and several individuals at a party for defendant's birthday. During redirect examination, Allen testified several people he did not know were at defendant's birthday party.

¶ 42 Allen testified he spoke with defendant several times in the early morning hours of April 12, 2012. He never spoke with Mister. Allen testified defendant asked him for directions out of Champaign from the campus area and Allen gave him those directions.

¶ 43 Allen spoke with Officer Morris on three occasions prior to trial regarding the phone calls in the early morning on April 12, 2012. Although Allen admitted he spoke with defendant each time, initially Allen stated he did not remember what the conversations entailed. Allen testified he did not tell Officer Morris about defendant's request for directions out of Champaign "[b]ecause that is just not what you do. When you are on the street, you don't do that." Allen first disclosed the details of these phone calls after defendant's trial commenced but prior to testifying. He disclosed the details after going to the State's Attorney's office.

¶ 44 After defendant was arrested, he contacted Allen by telephone from the Champaign County jail. Allen identified a recorded phone call from the jail between defendant and Allen from December 7, 2012. The recording was then published to the jury. During the phone call, defendant asked Allen to testify he was not talking to him during the phone calls in

the early morning on April 12, 2012. Allen responded he could not do that because he already told the police he spoke with defendant. Defendant responded the "motion for discovery" did not indicate Allen made such statements. Defendant asked Allen to sign an affidavit stating he did not speak with him the night of the incident. Defendant told Allen, "when on cross-examination," he should say his relationship with defendant is based on his engagement to defendant's sister.

¶ 45 Allen never testified or signed an affidavit indicating he spoke with anyone other than defendant on the morning of the incident. Allen also testified he was never engaged to defendant's sister. Allen acknowledged during the phone call he went along with a lot of the things defendant stated. Allen testified he did so because defendant was his "homie." However, once he started to get pulled into something he did not do, he was not going to risk having his kids taken away from him.

¶ 46 *6. Officer Patrick Funkhouser*

¶ 47 The State called Patrick Funkhouser, an investigator with the Champaign police department. At trial, the parties stipulated defendant had two cell phone accounts registered in his name.

¶ 48 Officer Funkhouser testified he and Detective Robb Morris went to defendant's grandmother's apartment, where they encountered defendant. Officer Funkhouser asked defendant where his cell phone was located. Defendant first stated he did not have a cell phone, but he then stated he did have one and it might be at his girlfriend's house. Officer Funkhouser asked defendant for the cell phone number. He received a number from defendant, which he called. The recording indicated it was not a valid account. Defendant and his nearby vehicle

were searched. No cell phone was recovered. A search warrant was later executed on defendant's grandmother's house. No cell phone was recovered.

¶ 49

*7. Detective Robb Morris*

¶ 50

The State then called Robb Morris, a detective with the Champaign police department. Detective Morris testified he searched defendant's girlfriend's house and did not recover a cell phone. Detective Morris also testified, on the day of Mister's arraignment, he noticed Mister's girlfriend arrived in a silver Pontiac Bonneville. The Bonneville was searched and a cell phone registered to Mister was found. However, it was purchased minutes before Mister was arrested on April 18, 2012.

¶ 51

Detective Morris obtained phone records of a cell phone registered to Mister for the period between April 10, 2012, and April 19, 2012. These records indicated (1) Mister and defendant exchanged phone calls prior to arriving at the casino on April 11, 2012; (2) at a certain point, Mister's cell phone was turned off or his battery died; and (3) Mister never called Allen with his cell phone during the period indicated.

¶ 52

Detective Morris also obtained phone records of a cell phone registered to defendant for the period between April 10, 2012, and April 19, 2012. Records of one of defendant's cell phones were admitted into evidence. Detective Morris described the process of how the information from the phone records can be entered into a program to map the general location of where a phone call was made by a particular cell phone. A technician at Penlink, a company that assists law enforcement in analyzing telephonic data, used the data from defendant's cell phone to pinpoint the location of each phone call made on April 12, 2012. Satellite images of these locations were admitted into evidence. The records and testimony

indicated the following.

¶ 53 On April 12, 2012, at 12:17 a.m., defendant's phone made an outbound call to his second phone while defendant was at the casino. At 5:12 a.m., a phone call from defendant's cell phone indicated it was near Bloomington, Illinois. At 5:21 a.m., defendant's phone was near LeRoy, Illinois, when a call was placed to Allen. Three more calls from defendant's phone were placed to Allen within the immediate vicinity of Champaign, at 5:48 a.m., 6:06 a.m., and 6:15 a.m. The armed robbery occurred just before 5:56 a.m. in Champaign. At 6:48 a.m., a call was made along Interstate 74 northwest of LeRoy to defendant's second phone. At 6:57 a.m., a call was placed around Bloomington. Two more calls were made between Bloomington and Peoria at 7:08 a.m. and 7:16 a.m. At 7:21 a.m., another call was made to Allen near Morton, Illinois. Detective Morris testified these records assisted in his investigation as it demonstrated defendant's cell phone moved along Interstate 74 between Peoria and Champaign.

¶ 54 Detective Morris testified he spoke with Allen during his investigation. Allen was rather elusive when he was trying to get in contact with him. In August 2012, Allen called Detective Morris and told him he was talking to defendant during the phone calls on the morning of April 12, 2012. In January 2013, Detective Morris met with Allen in person. Allen again stated he spoke with defendant during the phone calls. In June 2013, prior to trial, Detective Morris spoke with Allen and Allen indicated he spoke with defendant during the phone calls. At this last meeting, for the first time, Allen indicated the purpose of the calls was to get directions from the campus area of Champaign back to Interstate 74 to get back to Peoria.

¶ 55 Detective Morris testified he contacted the cellular carrier for defendant's second cell phone. He testified it seemed clear defendant did not have his other phone with him as the



records indicated phone calls were made from his first phone to his second phone. Detective Morris testified Mister's cell phone and defendant's two cell phones used on the night and early morning of the incident were never recovered by the police. Defendant's first phone was last in use the date defendant was arrested in the vicinity of his grandmother's apartment.

¶ 56 On cross-examination, Detective Morris acknowledged he never found anything in defendant's residence or the Bonneville linking defendant to the armed robbery. He further acknowledged the phone records simply indicated where the cell phone was located, rather than where defendant was located.

¶ 57 At the close of the State's evidence, defense counsel moved for a directed finding, which was denied.

¶ 58 B. Defendant's Case in Chief

¶ 59 1. *Myrine Fleming*

¶ 60 Defendant first called his grandmother, Myrine Fleming. In 2006, Fleming was convicted of forgery, a Class 3 felony. She testified, on April 12, 2012, at 5:25 a.m., she woke up to a knock at the door and found defendant. Defendant then went to bed because he was tired and stayed in the apartment the rest of the morning. On cross-examination, Fleming testified defendant did not have a phone with him that morning. She further testified she thought he was wearing a red jacket, red shirt, red cap, and blue jeans. She acknowledged she never told the police defendant was at her home on the morning of April 12, 2012.

¶ 61 2. *Marvino Mister*

¶ 62 Defendant next called Marvino Mister. Mister testified he came to the casino around midnight to gamble, played until around 2 a.m., and then went out to his car and played

on Facebook. He later returned to the casino to use the restroom and then went back to his car and played on Facebook. Mister asked defendant to use his cell phone because his battery was drained. Mister testified, at about 4:30 a.m., defendant and Mister left the casino and defendant was driving. After crossing the intersection, defendant got out of the car and then Mister sped off.

¶ 63 Defendant presented a notarized, signed affidavit dated December 19, 2012.

Mister testified he wrote and signed the affidavit. The affidavit stated as follows:

I[,] Marvino Mister, am going to testify that on April 12[,] [20]12, John Williamson had nothing to do with the armed robbery I was convicted for in Champaign County[,] I[llinois]. John Williamson got out of the car across the street from the Par-A-Dice, I ask to use his phone and he gave it to me. I placed the calls from that phone on [A]pril 12[], 2012. John Williamson played no part in the crime and he never had knowledge of a crime[.] I will testify to the above facts if need be. Thank you[.]

On cross-examination, Mister acknowledged he did not write the affidavit until he was (1) tried before a jury and convicted for the armed robbery, and (2) placed in the same cellblock as defendant.

¶ 64 During cross-examination, Mister further acknowledged in 2007, he was convicted of unlawful possession of a controlled substance, a Class 4 felony, and in 2009 he was convicted of residential burglary, a Class 1 felony. Mister testified, in the early morning hours on April 12, 2012, he made a "few" calls, "maybe less than ten," while on defendant's phone. He

then returned the phone to defendant later that day. Mister testified he called a "few numbers" with defendant's phone but was "not familiar" with the people to whom he spoke. When asked if he spoke with Allen, Mister invoked the fifth amendment. Mister acknowledged his testimony indicated he dropped defendant off across the street at a location where the business was closed and defendant did not live near the area. Mister also acknowledged he previously told Detective Morris he (1) had never been to Champaign County; (2) did not know a "John Williamson" (defendant) or "JK"; and (3) did not leave with defendant on the night of the incident, but rather got a ride from his sister.

¶ 65

### *3. Defendant*

¶ 66

Defendant testified on his own behalf. Defendant claimed he went to the casino to gamble and "chas[e] women." At the casino, he met a woman named Alicia, whom he spoke with several times that night. Defendant testified he received Alicia's phone number and was waiting around the casino because they planned to meet. When he entered the casino for the final time, he was talking to Alicia on his second cell phone. He noticed she was not present and then turned around to leave. He did "not particularly" notice Harrigan's group leaving the casino with a security guard.

¶ 67

Defendant testified he drove his vehicle to the casino and would have driven it home, but because Mister was drinking and smoking marijuana, defendant did not want Mister to drive. Defendant planned to get in contact with Alicia after he drove home. Defendant left the casino parking lot and then drove into the hotel parking lot. There, he made a few turns because Mister was looking for his cell phone. Defendant testified Mister asked him to drive across the

street and then, once over there, Mister told defendant he was going somewhere else and to get out of the car. Defendant testified he then walked back across the street, got into his car, and drove to his grandmother's apartment. Defendant attempted to contact Alicia by phone, had no success, and then went to sleep.

¶ 68 Defendant testified Mister gave defendant's cell phone back to him later in the day on April 12, 2012. He did not realize what Mister had done prior to receiving the cell phone. Defendant asserted he did not assist Mister in the armed robbery.

¶ 69 As to the phone calls made during the early morning hours of April 12, 2012, defendant asserted he did not make the calls. Defendant testified Allen told him he was trying to stay as far away as possible from defendant's case because he did not want to be implicated in the crime. In the phone call from the jail to Allen on December 7, 2012, defendant asserted he simply wanted Allen to come and tell the truth. Defendant claimed Allen lied on the stand and he was in fact engaged to his sister. The jury was also informed defendant had a previous conviction of residential burglary.

¶ 70 C. Jury's Verdict, Posttrial Motion, and Sentencing

¶ 71 Following deliberations, the jury found defendant guilty of armed robbery. In July 2013, defendant filed a motion for a judgment of acquittal or for a new trial. The motion asserted the trial court erred in preventing defendant from inquiring into Allen's "unusual" sentencing during cross-examination.

¶ 72 The motion alleged, during the early pendency of the case, the State provided supplemental discovery to defendant, giving notice of prospective testimony from Allen and acknowledging his criminal history, including 3 prior felony convictions: (1) possession with

intent to deliver a controlled substance, a Class 2 felony, stemming from a 2000 case; (2) possession of a controlled substance, a Class 4 felony, stemming from a 2000 case; and (3) delivery of a controlled substance, a Class 1 felony, stemming from a 2003 case. The supplemental discovery also indicated a pending Class X felony for armed habitual criminal stemming from a 2013 case. Defendant alleged the sentences for Allen's three convictions followed "a typical progression in sentence severity for a progression of felony offenses." However, as this case was set for trial, the pending Class X felony charge was dismissed and Allen entered a guilty plea to a Class 2 felony. The Class 2 felony would be "nonprobationable" due to his previous Class 2 felony. Nevertheless, Allen later entered a plea agreement to a Class 3 felony and was sentenced to 18 months' probation.

¶ 73 Defendant's posttrial motion highlighted the alleged unusual sentencing as "24 months[] probation, then 3 years[] imprisonment, then 12 years[] imprisonment, then 18 months[] probation." Defendant argued, although the trial court is given wide latitude to impose reasonable limits on cross-examination, the trial court erred in preventing defendant from inquiring into the "unusual" sentence because there were no concerns of harassment, prejudice, confusion of the issues, witness's safety, or interrogation that was repetitive or of little relevance. Defendant asserted this error mandated acquittal or a new trial as the limitation on impeachment deprived the jury of material necessary for fair consideration of the case.

¶ 74 The trial court conducted a hearing on defendant's motion and sentencing. With regard to the alleged "unusual" sentencing on Allen's 2013 case, the State stated, in relevant part:

"It was a case where the [S]tate moved to continue as the gun was still at the laboratory for [deoxyribonucleic acid] and

fingerprint testing. The defendant had been in custody 66 days, and this court denied the [S]tate's motion for further testing, but at that time the case was resolved for probation.

So any unusualness of the sentencing that would have come out would have been false, if that information was allowed to be solicited."

The court denied defendant's motion and sentenced him to 30 years' imprisonment, with credit for 462 days served in custody. The court also stated, "[t]hat gives him credit for \$2,310 for any mandatory fines that need to be imposed." The court did not impose the mandatory fines.

¶ 75 This appeal followed.

¶ 76 II. ANALYSIS

¶ 77 On appeal, defendant argues (1) the evidence adduced at trial is insufficient to sustain the jury's verdict beyond a reasonable doubt, and (2) the trial court's limitation of the cross-examination of Allen violated defendant's constitutional right to confront his accusers. The State disputes defendant's claims and brings to this court's attention the improper imposition of fines by the circuit clerk and the trial court's failure to impose additional mandatory fines. We address these arguments in turn.

¶ 78 A. Sufficiency of the Evidence

¶ 79 Defendant argues the State failed to produce sufficient evidence to sustain his conviction for armed robbery based on a theory of accountability. Specifically, defendant argues the circumstantial evidence relied on by the State tended toward speculation rather than reasonable inference. Defendant contends the record contains no evidence to support the

conclusion, regardless of how "suspicious" it may appear, defendant's behavior at the casino was anything other than a coincidence, even though he appears in several shots with Harrigan. Further, defendant contends the only witness supporting the charge he was accountable for armed robbery was Allen, and, not only is Allen's testimony incredible, it is insufficient to support a conviction based on accountability. Therefore, defendant asks this court to vacate his conviction and sentence and remand for a new trial.

¶ 80 In reviewing the sufficiency of the evidence to sustain a conviction, this court, in viewing the evidence in the light most favorable to the State, considers whether any rational trier of fact could have found the essential elements of the offense beyond a reasonable doubt. *People v. Wheeler*, 226 Ill. 2d 92, 114, 871 N.E.2d 728, 740 (2007). This standard of review applies whether the evidence is direct or circumstantial. *Id.* The function of a reviewing court is not to retry the defendant. *People v. Smith*, 185 Ill. 2d 532, 541, 708 N.E.2d 365, 369 (1999). Instead, it is "to carefully examine the evidence while giving due consideration to the fact that the [trial] court and jury saw and heard the witnesses." *Id.* Thus, a jury's findings regarding witness credibility and resolving conflicts in evidence will be given great weight. *Wheeler*, 226 Ill. 2d at 115, 871 N.E.2d at 740. Nevertheless, "a conviction will be reversed where the evidence is so unreasonable, improbable, or unsatisfactory that it justifies a reasonable doubt of defendant's guilt." *Id.* This standard applies when reviewing a guilty finding under an accountability theory. *People v. Williams*, 193 Ill. 2d 306, 339, 739 N.E.2d 455, 473 (2000).

¶ 81 In this case, it was undisputed Mister robbed Harrigan by gunpoint, and the jury found defendant guilty of armed robbery based on a theory of accountability. Under section 5-2(c) of the Criminal Code of 1961 (Code) (720 ILCS 5/5-2(c) (West 2010)), a person is legally

accountable for the conduct of another when, "either before or during the commission of an offense, and with the intent to promote or facilitate that commission, he or she solicits, aids, abets, agrees, or attempts to aid that other person in the planning or commission of the offense." To prove a defendant had the requisite intent under section 5-2(c) of the Code, the State must prove beyond a reasonable doubt, either (1) defendant shared the criminal intent of the principal, or (2) there was a common criminal design. *People v. Fleming*, 2014 IL App (1st) 113004, ¶ 52, 14 N.E.3d 509. The common design rule mandates, where "two or more persons engage in a common criminal design or agreement, any acts in the furtherance of that common design committed by one party are considered to be the acts of all parties to the design or agreement and all are equally responsible for the consequences of the further acts." *In re W.C.*, 167 Ill. 2d 307, 337, 657 N.E.2d 908, 923-24 (1995). Words of agreement are not necessary to prove a common design or purpose; a common purpose can be inferred from the circumstances surrounding the commission of a crime. *People v. Batchelor*, 171 Ill. 2d 367, 376, 665 N.E.2d 777, 780-81 (1996). "Accountability may be established through a person's knowledge of and participation in the criminal scheme, even though there is no evidence that he directly participated in the criminal act itself." *W.C.*, 167 Ill. 2d at 338, 657 N.E.2d at 924. Therefore, we must ask whether, when viewing the evidence in the light most favorable to the prosecution, the evidence supports the jury's finding defendant aided Mister in the commission of the armed robbery. If the evidence is sufficient to support such a finding, defendant can be held accountable for Mister's actions.

¶ 82 We first address the testimony elicited from the defense witnesses. Defendant asserts both Fleming and Mister confirmed his alibi he was not in Champaign, but rather, in



Peoria at the time the armed robbery occurred. Further, defendant asserts he reasonably explained his cell phone was present in Champaign because he had given it to Mister.

¶ 83 Fleming, defendant's grandmother, indicated defendant was at her apartment in Peoria at the time the armed robbery occurred. Her credibility was called into question based on a previous felony conviction. Further, she described in great detail the clothing defendant was wearing on the morning of April 12, 2012. The casino surveillance video demonstrated the clothing defendant was wearing greatly contrasted with her testimony. She also acknowledged she never told the police defendant was at her apartment on the morning of April 12, 2012.

¶ 84 Mister's testimony and affidavit indicated Mister borrowed defendant's phone and defendant exited the vehicle after they drove down the access road. Mister's credibility was called into question based on previous felony convictions. The credibility of Mister's testimony and affidavit was also called into question as Mister agreed to testify and write the affidavit after being (1) convicted of the armed robbery, and (2) placed in the same cellblock as defendant. Further, when questioned on cross-examination about the phone calls on defendant's cell phone during the early morning hours of April 12, 2012, Mister testified he made a "few" calls, "maybe less than ten," to a "few numbers," but was "not familiar" with the people whom he called. The phone records showed more than 30 calls were made on defendant's cell phone during the time period when Mister allegedly possessed it. Mister also acknowledged on cross-examination he previously told Detective Morris he (1) had never been to Champaign County; (2) did not know a "John Williamson"(defendant) or "JK"; and (3) did not leave with defendant on the night of the incident, but rather, he got a ride from his sister.

¶ 85 Finally, defendant testified on his own behalf, asserting he had no involvement in the armed robbery. He alleged he exited the vehicle down the access road and loaned Mister his phone. Defendant's credibility was called into question based on a previous conviction of residential burglary. Defendant further testified he simply wanted Allen to tell the truth. Defendant claimed Allen lied on the stand and was in fact previously engaged to defendant's sister.

¶ 86 The credibility of the defense witnesses and their testimony was clearly called into question. Further, the State's evidence adduced at trial conflicted with the testimony of the defense witnesses. The jury, as the trier of fact, was in the best position to hear the testimony, observe the demeanor of the witnesses, and make a credibility determination and resolve any conflicts in the evidence. The jury's verdict confirms the testimony of the defense witnesses was discredited and given little weight.

¶ 87 Defendant further argues, even if one were to disregard all of the defense testimony, the State failed to prove beyond a reasonable doubt defendant was culpable for the acts of Mister. Defendant relies upon the following evidence for this conclusion: (1) no physical evidence implicated defendant's involvement in the crime; (2) no victim made any in-court identification of defendant; (3) defendant made no confession; and (4) no forensic evidence connected defendant to the crime. We agree no such evidence was produced at trial. However, "[c]ircumstantial evidence is sufficient to sustain a conviction if it satisfies proof beyond a reasonable doubt of the elements of the crime charged." *People v. Irby*, 237 Ill. App. 3d 38, 58, 602 N.E.2d 1349, 1365 (1992). Each link in the chain of circumstances need not be proved beyond a reasonable doubt; rather, a conviction can be upheld if all of the evidence, when taken

together, satisfies the trier of fact beyond a reasonable doubt. *Id.* In viewing the evidence in the light most favorable to the prosecution, we find the State presented sufficient evidence to prove defendant guilty beyond a reasonable doubt of armed robbery based on a theory of accountability.

¶ 88 The casino surveillance video indicated defendant and Mister met at the casino and then played craps at the same table as Harrigan. Around 2 a.m., defendant and Mister exited the casino and entered the Bonneville in the casino parking lot. From this point on, casino and casino parking lot surveillance videos demonstrated defendant periodically left the vehicle, entered the casino, made brief loops past the craps table where Harrigan was located, and then returned to the Bonneville. Around 4:29 a.m., Harrigan and his friends were being escorted out of the casino with a security guard. At this time, defendant walked past Harrigan's group. He continued to walk toward the inside of the casino for five seconds. He then stopped, turned to walk out, stopped, turned to walk in, stopped, and finally turned to walk out behind Harrigan's group. In total, he waited approximately 14 seconds before following the victim's group out of the casino. After getting outside, defendant entered the driver's side door of the Bonneville.

¶ 89 The surveillance video from the casino hotel parking lot demonstrated defendant entered the casino hotel parking lot, which was 250 to 300 feet away from Harrigan's vehicle, and then drove in slow circles around the parking lot. Defendant then pulled out in front of Harrigan's vehicle. With Harrigan's vehicle in the back, both vehicles crossed the intersection and Harrigan's vehicle went to the gas station. Defendant and Mister drove down an access road toward a fire and security equipment company, SimplexGrinnell, which was closed. The Bonneville could not be seen for less than two minutes after it turned down the access road.

Defendant asserted at this time, Mister told him to get out of the car and then he walked back to the casino to get his car and drive to his grandmother's apartment. Simmons testified in between the highway and the casino property is a ditch with overgrown shrubbery and trees on it, which would not be easily passable.

¶ 90 After less than two minutes at the gas station, Harrigan turned on his vehicle to leave. At this time, the Bonneville can be seen in the hotel surveillance video returning from the access road. The Bonneville approached behind Harrigan's vehicle and they both drove toward the interstate exchange.

¶ 91 The State introduced evidence indicating a cell phone registered to defendant was used at various points along Interstate 74 in the direction from Peoria to Champaign prior to the armed robbery and then from Champaign to Peoria after the armed robbery. Several phone calls placed along Interstate 74 were to Allen. Allen testified he spoke with defendant during those phone calls and defendant asked for directions out of Champaign from the campus area.

¶ 92 Defendant asserts Allen's testimony is incredible and insufficient to support a conviction based on accountability. Allen, as defendant highlights, was a convicted felon who first disclosed the nature of the cell phone conversations after the trial began, but prior to testifying on the stand. Defendant claims this "flimsy connection to the armed robbery is far too ambiguous to convict defendant on the theory of accountability and falls far short of proof beyond a reasonable doubt." Defendant further asserts, even if this testimony is taken as true, it would simply indicate defendant was leaving the crime scene and without more, simply driving someone away does not support a guilty verdict based on a theory of accountability.

¶ 93 Defendant overlooks the other evidence adduced at trial which lends support to the credibility of Allen's testimony, and the evidence sufficed to support a finding of guilty based on a theory of accountability.

¶ 94 First, Allen stated to Detective Morris on three separate occasions he spoke with defendant the morning of the armed robbery. Further, in the phone call recording from the jail, Allen told defendant he had told the police he spoke to defendant on the morning of the armed robbery. Allen has consistently stated he was speaking with defendant during those phone calls. Although Allen did not disclose the nature of the conversation until defendant's case commenced, this does not necessarily make his testimony incredible. The jury, as the trier of fact, had to determine the weight this evidence deserved.

¶ 95 The State's evidence also highlighted defendant's actions after the armed robbery. During the investigation, Officer Funkhouser asked defendant where his cell phone was located. Defendant first stated he did not have a cell phone but then stated he did have one and it might be at his girlfriend's house. Officer Funkhouser asked defendant for the cell phone number. Defendant gave him a number, which Officer Funkhouser called. The recording indicated it was not a valid account. Defendant and his nearby vehicle were searched. No cell phone was recovered. A search warrant was later executed on defendant's grandmother's house. No cell phone was recovered. Defendant's girlfriend's house was searched. No cell phone was recovered. Detective Morris also testified the phone Mister used while at the casino was never recovered. The phone records for one of defendant's phones indicated it was last in use the date defendant was arrested in the vicinity of his grandmother's apartment.

¶ 96 The State also published to the jury a phone conversation between defendant and Allen while defendant was in custody at the Champaign County jail. During the phone call, defendant asked Allen to testify he was not talking to him during the phone calls in the early morning on April 12, 2012. After Allen indicated he already spoke with the police, defendant assured Allen the "motion for discovery" did not indicate Allen spoke with the police and he should sign an affidavit stating he spoke with "Dude." Defendant also discussed trial strategy with Allen and what he should say when questioned on cross-examination. Defendant told Allen on cross-examination, he should say his relationship with defendant was based on his engagement to defendant's sister. Allen never signed an affidavit or testified consistently with defendant's assertions during this phone call. Rather, Allen testified consistently with his statements to the police: (1) he spoke with defendant several times in the early morning hours of April 12, 2012; (2) he never spoke with Mister; and (3) defendant asked him for directions out of Champaign from the campus area and he gave him those directions. Allen further testified he was never engaged to defendant's sister.

¶ 97 The casino surveillance video, the casino parking lot video, the casino hotel parking lot video, defendant's cell phone records, the mysterious disappearance of two cell phones registered to defendant used the night and early morning hours of the armed robbery, the recorded telephone conversation from the Champaign County jail, and the in-court testimony of Allen, the officers, and the defense witnesses lend support to the jury's finding defendant assisted Mister in the commission of the armed robbery. In viewing the evidence in the light most favorable to the prosecution, the State presented sufficient factual evidence to serve as the basis on which a jury could, when considering all of the circumstantial evidence together, find

defendant guilty beyond a reasonable doubt of armed robbery based on a theory of accountability.

¶ 98 B. Trial Court's Limitation of Cross-Examination

¶ 99 Defendant argues the trial court's limitation of his cross-examination of State's witness Allen violated his constitutional right to confront his accusers. Specifically, defendant contends the trial court's denial of defendant's request to explore Allen's "unusual sentence progression" during cross-examination was in error and requires defendant's conviction be reversed.

¶ 100 Defendant filed a motion *in limine* requesting the trial court to allow him to inquire into two prior criminal cases of Allen's for impeachment purposes. Defendant's motion highlighted two previous convictions: (1) aggravated unlawful use of weapon by a felon, a Class 3 felony, stemming from a 2013 case; and (2) delivery of a controlled substance, a Class 1 felony, stemming from a 2003 case. As to the 2013 case, defendant's motion noted Allen was initially charged with a Class X felony for armed habitual criminal but later entered a plea of guilty for a Class 3 felony and was sentenced to 18 months' probation. As to the 2003 case, defendant's motion noted Allen was sentenced to 12 years' imprisonment. Defendant's motion requested, "for the purpose of impeachment and evidence as to credibility," the court allow defendant to cross-examine Allen "with reference to the classes of felony convictions charged and convicted, \*\*\* and as to the sentences entered" in the two cases.

¶ 101 At trial, prior to calling Allen to the stand, the trial court addressed defendant's motion outside the presence of the jury. The State asserted it intended to present both

convictions and defendant was currently serving a sentence of probation on the 2013 case.

Defendant did not present any additional evidence or argument in support of his motion.

¶ 102 The trial court granted defendant's motion *in limine* in part, allowing defendant to cross-examine Allen as to his two convictions and the fact he was on probation, but denying defendant's request to cross-examine regarding (1) the sentence imposed in the 2003 case, and (2) the charges initially filed in the 2013 case and that he later pleaded to a lesser charge.

¶ 103 The essential purpose of the confrontation clause is to allow a defendant the opportunity for cross-examination. *People v. Prevo*, 302 Ill. App. 3d 1038, 1047, 706 N.E.2d 505, 511 (1999). The exposure of a witness's bias or motivation for testifying is an important function of cross-examination. *Id.* Our supreme court has stated, "*Davis [v. Alaska*, 415 U.S. 308 (1974),] established the rule that a trial court cannot bar defense counsel from exploring the subject of a crucial witness' potential bias on cross-examination, including the reason for that potential bias." *People v. Bean*, 137 Ill. 2d 65, 96, 560 N.E.2d 258, 272 (1990). However, trial courts also have broad discretion to preclude improper cross-examination. *Prevo*, 302 Ill. App. 3d at 1047, 706 N.E.2d at 511.

¶ 104 "A defendant states a violation of the confrontation clause by 'showing that he was prohibited from engaging in otherwise appropriate cross-examination designed to show a prototypical form of bias' and thereby exposing the jury to facts from which it could reasonably draw inferences about the witness' reliability." *People v. Ciavirelli*, 262 Ill. App. 3d 966, 976, 635 N.E.2d 610, 618 (1994) (quoting *Delaware v. Van Arsdall*, 475 U.S. 673, 680 (1986)). In determining the constitutional sufficiency of the cross-examination, we look "not to what defendant was prohibited from doing, but at what he was allowed to do." *Prevo*, 302 Ill. App. 3d



at 1047, 706 N.E.2d at 512. "If the entire record indicates the jury was made aware of adequate factors concerning relevant areas of impeachment of the witness, no constitutional question arises merely because the defendant was precluded from pursuing another line of questioning." *People v. Weatherspoon*, 265 Ill. App. 3d 386, 393, 637 N.E.2d 651, 657 (1994).

¶ 105 Here, the trial court did not entirely bar cross-examination of Allen as to his potential for bias or motivation. See *Prevo*, 302 Ill. App. 3d at 1050, 706 N.E.2d at 513. During Allen's testimony, the jury was informed of the following: (1) Allen had two prior felony convictions; (2) Allen was currently serving a sentence of probation on his 2013 conviction; (3) the prosecutor questioning Allen prosecuted Allen in his 2013 case; (4) Allen understood, should he violate the terms of his probation, he may be resentenced; (5) the only reason Allen was present to testify was because he was served with a subpoena; and (6) Allen acknowledged he first disclosed the details of the phone calls from the early morning of April 12, 2012, after the trial commenced, while in the State's Attorney's office. Further, during closing argument, defendant argued:

"Mr. Leavell Allen is a multiple convicted felon who was on probation right now and had a pending case, a 2013 case, a pending case at the time that the investigation was going on in this case as well. He had something to lose and he was mad.

\* \* \*

And his case goes from the stages of pending to when he actually pled out and got probation and is on probation now as he testified. He has a lot to lose. He had a lot to lose in negotiating for that

probation perhaps. And when he got it, he has a lot to lose by not showing up or not being cooperative with his current probation because, if he was to do something that would violate his probation, it could be revoked as you can understand."

In reviewing what defendant was allowed to do, and based on the evidence and testimony elicited at trial, the jury had sufficient information to make a discriminating appraisal of the witness. See *Prevo*, 302 Ill. App. 3d at 1047, 706 N.E.2d at 512. Therefore, defendant was not denied his sixth-amendment right of confrontation.

¶ 106 Assuming, *arguendo*, error was found, it does not require reversal where the error is shown to be harmless beyond a reasonable doubt. *Id.* In determining whether error is harmless, we consider " 'the importance of the witness' testimony in the prosecution's case, whether the testimony was cumulative, the presence or absence of evidence corroborating or contradicting the testimony of the witness on material points, the extent of cross-examination otherwise permitted, and, of course, the overall strength of the prosecution's case.' " *Ciavirelli*, 262 Ill. App. 3d at 978, 635 N.E.2d at 619 (quoting *Van Arsdall*, 475 U.S. at 684). As previously indicated, the court did not entirely bar cross-examination of Allen as to his potential for bias. See *Prevo*, 302 Ill. App. 3d at 1050, 706 N.E.2d at 513. Sufficient evidence to question Allen's testimony was presented by the prosecution, developed by the defense, and then argued by the defense in closing argument. Allen's testimony was corroborated. Officer Morris testified he spoke with Allen on three occasions, during each of which Allen indicated he spoke with defendant on the phone during the early morning hours of April 12, 2012. Further, the first time Allen disclosed this information to Officer Morris was in August 2012. Allen was not charged

with the offense for which he was serving probation until 2013. Allen's testimony was also consistent. He never indicated he spoke with anyone other than defendant during the early morning hours of April 12, 2012. The record indicates the jury was presented with sufficient evidence of Allen's potential for bias and criminal record, including the probation sentence he was then serving. See *People v. Owens*, 102 Ill. 2d 88, 104, 464 N.E.2d 261, 268 (1984).

Therefore, ample impeachment evidence was presented from which the jury could assess Allen's credibility and the error, if any, was harmless beyond a reasonable doubt.

¶ 107 Further, assuming, *arguendo*, the trial court abused its discretion in limiting the scope of cross-examination, reversal is only required if the error resulted in manifest prejudice. *Prevo*, 302 Ill. App. 3d at 1050, 706 N.E.2d at 514. Based on the harmless-error analysis we applied to the constitutional question and the overall review of the evidence adduced at trial, regardless of Allen's testimony indicating the nature of the phone conversation on April 12, 2012, the overwhelming evidence of defendant's guilt makes it unnecessary to grant a new trial on the basis of this error.

¶ 108 C. Imposition of Fines

¶ 109 In its responding appellee brief, the State brings to this court's attention the improper imposition of fines by the circuit clerk and the trial court's failure to impose certain mandatory fines. Defendant did not file a reply brief contesting this alleged error.

¶ 110 In July 2013, the trial court sentenced defendant to 30 years' imprisonment, with credit for 462 days served in custody. The court also stated, "[t]hat gives him credit for \$2,310 for any mandatory fines that need to be imposed." The trial court did not impose those mandatory fines. The Champaign County circuit clerk's payment-set-up form was included in

the common-law record on appeal. It contains several assessments, some of which are fines, including a \$50 court finance fine, \$10 State Police Operations fine, \$30 juvenile expungement fine, \$10 arrestee's medical fine, \$100 Violent Crime Victims Assistance Act fine, and \$30 traffic-criminal surcharge fine. Our previous decisions have explained the law governing fines and fees, and a separate analysis in this case would be of little use. See, e.g., *People v. Rogers*, 2014 IL App (4th) 121088, ¶ 37, 13 N.E.3d 1280; *People v. Warren*, 2014 IL App (4th) 120721, ¶ 108, 16 N.E.3d 13; *People v. Larue*, 2014 IL App (4th) 120595, ¶¶ 54-73, 10 N.E.3d 959; *People v. Montag*, 2014 IL App (4th) 120993, ¶¶ 36-40, 5 N.E.3d 246. Therefore, we vacate these fines improperly imposed by the circuit clerk, and we remand for the trial court to determine and award the requisite fines. To this end, we direct the State to supply the attorneys and the trial court with a copy of its brief on remand.

¶ 111

### III. CONCLUSION

¶ 112 We affirm defendant's conviction for armed robbery based on a theory of accountability, concluding (1) the evidence adduced at trial is sufficient to sustain the jury's verdict beyond a reasonable doubt, and (2) the trial court's limitation of defendant's cross-examination of a State's witness does not constitute reversible error. We further vacate those fines improperly imposed by the circuit clerk. We remand for the trial court to impose all mandatory fines and direct the circuit clerk to apply defendant's statutory credit against creditable fines. As part of our judgment, we award the State its \$50 statutory assessment against defendant as costs of this appeal. 55 ILCS 5/4-2002 (West 2012).

¶ 113 Affirmed in part and vacated in part; cause remanded with directions.