

NOTICE  
Decision filed 01/26/15. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2015 IL App (5th) 140121-U

NO. 5-14-0121

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

NOTICE  
This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

---

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Montgomery County.
	)	
v.	)	No. 13-TR-4068
	)	
MARY McKENZIE,	)	Honorable
	)	Kelly D. Long,
Defendant-Appellant.	)	Judge, presiding.

---

JUSTICE STEWART delivered the judgment of the court.  
Justices Goldenhersh and Schwarm concurred in the judgment.

**ORDER**

¶ 1 *Held:* Where the State proved the defendant guilty of speeding, the defendant's conviction and sentence are affirmed.

¶ 2 The defendant, Mary McKenzie, appeals her conviction and sentence for speeding in Montgomery County. For the following reasons, we affirm the judgment of the circuit court.

¶ 3 **BACKGROUND**

¶ 4 On September 30, 2013, the defendant was cited for driving 42 miles per hour in a 30-mile-per-hour zone. The defendant pled not guilty. The fine for the speeding citation was \$140.

¶ 5 At a bench trial, Litchfield police sergeant Eric Lamb testified as follows. He was on patrol on September 20, 2013. He was on Harrison Street, north of Sallee Street, facing south into the town. There was no posted speed limit, but the speed limit was 30 miles per hour because the area was an "urban district." There were houses on both sides of the street, until after Thomas Street, where there were houses only on the west side of the street. Lamb observed the defendant's vehicle traveling northbound. The vehicle appeared to be traveling at a higher rate of speed than was permitted in the area. Lamb's radar measured the speed of the vehicle to be 42 miles per hour. Lamb had calibrated his radar at the beginning of his shift and it was working properly. Lamb initiated a stop, identified the defendant, and issued a traffic citation.

¶ 6 The defendant testified that she was going 40 miles per hour. She presented photographs and argued that the photographs showed that the area in which she was driving 40 miles per hour was not an "urban district."

¶ 7 The court took the matter under advisement and gave the parties a period of time to submit authorities on whether the area where the defendant was driving was an urban district or an urban area, as there were different definitions for both terms.

¶ 8 On February 6, 2014, the defendant sent a letter to the clerk of the court asking for dismissal of the charge because she did not receive a video of the incident from the police department.

¶ 9 On February 21, 2014, the court entered an order finding the defendant guilty of traveling at 42 miles per hour in a 30-mile-per-hour zone. The court determined that the area in which the defendant was driving was an urban district, and thus, without a posted

speed sign, the speed limit was 30 miles per hour. The court ordered the defendant to pay a fine of \$10 and \$130 in costs. The defendant appeals her conviction and sentence.

¶ 10

#### ANALYSIS

¶ 11 We begin by noting that the defendant's brief fails to comply with Illinois Supreme Court Rule 341(h)(7) (eff. Feb. 6, 2013), particularly because the brief fails to properly cite to the record, fails to cite to relevant legal authority, and fails to present a solid argument. A reviewing court has the inherent authority to dismiss an appeal for noncompliance with the rules regarding briefs. *People v. Webb*, 267 Ill. App. 3d 954, 956 (1994). However, striking a brief or dismissing an appeal for failure to comply with supreme court rules is a harsh sanction, and a reviewing court may nevertheless proceed on the merits of the case. *Id.* at 956-57. We will therefore consider the defendant's arguments on appeal.

¶ 12 The defendant argues that the State did not prove her guilty beyond a reasonable doubt, and that the court's sentence was an abuse of discretion. Due process requires that the State prove a defendant guilty beyond a reasonable doubt. *People v. Brown*, 2013 IL 114196, ¶ 48. When presented with a challenge to the sufficiency of the evidence, the question we must answer is whether any rational trier of fact could have found the elements of the crime beyond a reasonable doubt. *People v. Williams*, 2014 IL App (3d) 120240, ¶ 10. A conviction will only be overturned where the evidence is so unreasonable, improbable, or unsatisfactory as to justify a reasonable doubt of the defendant's guilt. *Id.* This same standard of review applies regardless of whether the

defendant received a bench trial or a jury trial. *Brown*, 2013 IL 114196, ¶ 48. A reviewing court should not substitute its judgment for that of the trier of fact. *Id.*

¶ 13 The defendant was issued a citation for violating section 11-601(b) of the Illinois Vehicle Code (625 ILCS 5/11-601(b) (West 2012)) for traveling faster than the maximum speed limit. Unless otherwise posted, the maximum speed in an urban district is 30 miles per hour. 625 ILCS 5/11-601(c) (West 2012). An urban district is defined as "[t]he territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more." 625 ILCS 5/1-214 (West 2012). In this case, the defendant introduced photographic evidence to try to argue that the area in which Officer Lamb checked her speed had no posted speed signs and that it was not an urban district. However, Officer Lamb testified that there were houses on both sides of the street where the defendant was speeding. This testimony was uncontroverted by the photographs, and the photographs did not actually show what street was being depicted. The defendant also admitted that she was traveling at 40 miles per hour when she was on the street where Officer Lamb was. The circuit court declined to find that the defendant's photographs established that she was not in an urban district. The circuit court was in the best position to evaluate the evidence. A rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. See *Williams*, 2014 IL App (3d) 120240, ¶ 10.

¶ 14 The defendant also seems to challenge her sentence, which consisted of a \$10 fine and costs totaling \$130. The circuit court has broad discretion in sentencing a defendant,

and its decision will not be disturbed absent an abuse of that discretion. *People v. La Pointe*, 88 Ill. 2d 482, 492 (1981). An abuse of discretion will be found only where the circuit court's decision is arbitrary, fanciful, or unreasonable. *People v. Ursery*, 364 Ill. App. 3d 680, 686 (2006). We cannot find that the circuit court's imposition of a \$10 fine, plus costs, was arbitrary, fanciful, or unreasonable.

¶ 15

#### CONCLUSION

¶ 16 For the foregoing reasons, the judgment of the circuit court of Montgomery County is affirmed.

¶ 17 Affirmed.