



¶ 3 The record shows that defendant was charged, in pertinent part, with disorderly conduct for knowingly entering onto the land of complainant for an unlawful purpose in violation of section 26-1(a)(11) of the Criminal Code. 720 ILCS 5/26-1(a)(11) (West Supp. 2013). The incident giving rise to this charge occurred in the late evening hours of January 8, 2013, on the north side of Chicago.

¶ 4 At trial, Elizabeth Hanson testified that she was working at the kitchen table in her West Pratt apartment that evening, with the kitchen door to her left. She explained that the entrance to her apartment was on the east wall with rooms on either side. The living room and bedroom faced south toward the street and were to the left of the entrance. The kitchen was to the right, and overlooked a lighted patio area that was secured by a locked gate, and fences between six and eight feet tall. The refrigerator was on the east wall in front of a window that overlooked the porch, and the kitchen door was on the north wall below another window.

¶ 5 At approximately 11:50 p.m., unusually noisy behavior from her pet bird directed Hanson's attention to the window above her kitchen door. There, she saw defendant with his face and both hands pressed against the window. Hanson looked at his face for about a minute. She could not see what defendant was doing with his hands because of the door, but did see him reach toward the window behind the refrigerator and heard that window rattle. She made eye contact with defendant at this time, then immediately called the police, and went over to the window to see if she could see how he was getting in. She also saw defendant jump off the porch. She described the intruder to the police as a light-skinned African-American male, between five feet ten inches and six feet tall, wearing a hooded jacket and dark pants. Finally,

she testified that defendant's actions frightened her because she was in her own home, and she was determined to get a good look at him because she did not want it to happen again.

¶ 6 After the State rested, the court denied defendant's motion for a directed finding and the defense called the arresting officer as a witness. Chicago Police Officer Burzinski testified that he arrested defendant sometime after 12:01 a.m., then went to Hanson's apartment where he viewed her porch from the alley behind the building. He did not recall Hanson saying that anyone tried to open one of her windows, and in his arrest report, he did not include the rattling or attempted entry, just that Hanson saw defendant peeking through her window.

¶ 7 On cross-examination, Officer Burzinski testified that he received a call for disorderly conduct and a description of the individual involved. He found defendant, who matched that description, hiding in bushes one block east on the street immediately north of Hanson's apartment, with a bottle of open alcohol.

¶ 8 At the conclusion of evidence and argument, the court found defendant guilty of disorderly conduct. In announcing its decision, the court stated that Hanson was an extraordinarily credible witness whose demeanor displayed a candid desire to recount the events accurately without an axe to grind against anyone. The court believed that her testimony established that Hanson was in her own home, was frightened by defendant's conduct, and immediately called the police based on her concern that the defendant was attempting to gain unlawful access to her home. The court subsequently denied defendant's motion for a new trial and this appeal followed.

¶ 9 On appeal, defendant contends that Hanson's uncorroborated testimony failed to support an inference that he acted with an unlawful purpose given the position of the window behind the refrigerator.

¶ 10 Where, as here, defendant challenges the sufficiency of the evidence to sustain his conviction, the relevant inquiry 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. *People v. Woods*, 214 Ill. 2d 455, 470 (2005). In a bench trial, the trial court determines the credibility of the witnesses, weighs the evidence, draws reasonable inferences therefrom, and resolves any conflicts in the evidence. *People v. Daheya*, 2013 IL App (1st) 122333, ¶ 62. This standard reflects the superior position of the trial court to appraise witness credibility through observation of their demeanor at trial. *People v. Reed*, 80 Ill. App. 3d 771, 781-82 (1st Dist. 1980). Accordingly, reviewing courts must allow all reasonable inferences from the record in favor of the prosecution and may not overturn a conviction based on insufficient evidence unless the proof is so improbable or unsatisfactory that a reasonable doubt exists as to the defendant's guilt. *People v. Cardamone*, 232 Ill. 2d 504, 511 (2009); *People v. Williams*, 193 Ill. 2d 306, 338 (2000).

¶ 11 To sustain defendant's disorderly conduct conviction in this case, the State was required to prove that defendant knowingly entered Hanson's property and for an unlawful purpose deliberately looked into Hanson's dwelling through a window or other opening. 720 ILCS 5/26-1(a)(11) (West Supp. 2013). The trial court found that purpose was to gain unlawful access to Hanson's apartment.

¶ 12 The record, in relevant part, shows that shortly before midnight on January 8, 2013, defendant accessed the patio area behind Hanson's apartment that was secured by metal fences six to eight feet tall, and a locked gate. When Hanson became aware of his presence, defendant was peeking through the window above her back door, with his face and hands pressed against the glass, then reached toward another window which she heard rattle. Hanson made eye contact with defendant, called the police, and then checked the window to determine how he was going to get into her apartment. She also saw defendant jump off the porch and provided a description of the intruder to the police. Shortly thereafter, Officer Burzinski found defendant, who matched that description, hiding under a bush about a block away and arrested him. The trial court found Hanson's testimony credible, and the evidence sufficient to prove defendant guilty of disorderly conduct beyond a reasonable doubt, where he was attempting to gain unlawful access to Hanson's home.

¶ 13 Defendant asserts that Hanson's vague and speculative testimony failed to support the inference that he acted with the unlawful purpose of gaining entry into her apartment. Citing *People v. Mocabey*, 378 Ill. App. 3d 1095, 1099 (1st Dist. 2008) and *People v. Jendras*, 216 Ill. App. 3d 149, 157 (4th Dist. 1991) defendant contends that this court must reverse his conviction because the trial court relied on pure speculation to prove his intent to enter Hanson's apartment. We disagree. Unlike *Mocabey* and *Jendras*, the court here found Hanson to be an extraordinarily credible witness, and her testimony sufficient to support the inference that defendant acted with the unlawful purpose of gaining access to her home. That conclusion finds support in the evidence showing defendant's late night entry into Hanson's protected patio, and his actions at her window.

¶ 14 Defendant, nevertheless, alleges that he could not have entered the apartment, and Hanson could not have seen him reach toward the window, because the refrigerator, by virtue of its location in front of the window, must have blocked the entire window. When weighing the evidence, the court was not required to disregard the inferences that naturally flow from the facts, nor did it have to consider every possible explanation consistent with innocence. *People v. Bull*, Ill. 2d 179, 205 (1998). At issue is whether defendant acted with unlawful purpose, not whether he could actually accomplish that purpose. Here, as set forth above, the evidence supports the reasonable inference drawn by the court that defendant acted with the unlawful purpose of gaining entry to Hanson's apartment.

¶ 15 Defendant's final attempt to cast doubt on Hanson's testimony is her failure to report the rattling window or her suspicion of attempted entry to Officer Burzinski. This matter also relates to the trial court's credibility determinations. Inconsistencies and discrepancies in the testimony are matters within the province of the trier of fact, and were resolved here in favor of the complainant. *Reed*, 80 Ill. App. 3d at 781-82. Hanson's purported failure to recount every detail on the night of the incident as it occurred does not render the evidence so improbable as to raise a reasonable doubt of defendant's guilt, and we therefore, affirm the judgment of the circuit court of Cook County.

¶ 16 Affirmed.