

2016 IL App (4th) 140211-U

NO. 4-14-0211

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

**FILED**

March 31, 2016  
Carla Bender  
4<sup>th</sup> District Appellate  
Court, IL

**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
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Sangamon County
CARLOS WRIGHT,	)	No. 13CF644
Defendant-Appellant.	)	
	)	Honorable
	)	Peter C. Cavanagh,
	)	Judge Presiding.

JUSTICE HOLDER WHITE delivered the judgment of the court.  
Presiding Justice Knecht and Justice Appleton concurred in the judgment.

**ORDER**

¶ 1 *Held:* The appellate court affirmed, concluding the trial court did not abuse its discretion by admitting other-crimes evidence.

¶ 2 In July 2013, police executed a search warrant at 46 Grand Valley Drive in Springfield, Illinois. Within the residence, officers located defendant, Carlos Wright, and two females, along with a firearm and baggies of crack cocaine. Later that month, the State charged defendant with multiple offenses, including unlawful possession of a weapon by a felon (720 ILCS 5/24-1.1(a) (West 2012)), which was severed from the remaining counts and set for trial.

¶ 3 During the jury trial, the trial court permitted the State to introduce statements defendant made at the time of his arrest, including that he had been selling drugs over the past two years, making \$3,000 every two weeks to support his family. Following deliberations, the

jury found defendant guilty, and the court subsequently sentenced him to eight years' imprisonment.

¶ 4 Defendant appeals, asserting the trial court abused its discretion by admitting the other-crimes evidence contained in his statements. For the following reasons, we affirm.

¶ 5 I. BACKGROUND

¶ 6 In July 2013, the State charged defendant by information with two counts of manufacturing/delivery of a controlled substance (720 ILCS 570/401(c)(2) (West 2012)), one count of possession of a controlled substance (720 ILCS 570/402(c) (West 2012)), and one count of unlawful possession of a weapon by a felon (720 ILCS 5/24-1.1(a) (West 2012)). These charges stemmed from evidence recovered during the execution of a search warrant earlier that month.

¶ 7 A. Motion *in Limine*

¶ 8 In December 2013, defendant filed a motion to sever the drug offenses from the weapons charge. The State did not object and chose to proceed to trial on the weapons charge first. The following month, defendant filed a motion *in limine* to bar the State from admitting defendant's statement to police that he had been selling drugs over the past two years, making \$3,000 every two weeks to support his family. The court denied defendant's motion, finding his statement was relevant because (1) it went to motive and (2) "it's the [d]efendant's statement."

¶ 9 B. Jury Trial

¶ 10 In January 2014, the case proceeded to a jury trial. We recount only the evidence necessary to resolve this appeal.

¶ 11 The parties first stipulated defendant was a convicted felon. On July 10, 2013, police executed a search warrant at 46 Grand Valley Drive. Police discovered a female, later

identified as Adriana Sivels, lying on a couch in the living room. Officers also located children in the home. In the master bedroom, police discovered defendant and another female, Taylor Roberts, lying on the bed.

¶ 12 Police handcuffed defendant and Roberts. Officer Jarrod Maddox had to forcibly pull defendant's hands behind his back. Neither defendant nor Roberts was in possession of a firearm, and no firearm was located in the vicinity of the bed. Upon searching the bedroom, Sergeant Gerry Castles located a .9-millimeter handgun and a magazine containing live rounds behind a wall panel. The handgun and magazine were later submitted for forensic testing, but no latent prints suitable for comparison were recovered.

¶ 13 During the search of the bedroom, police also recovered a piece of mail addressed to defendant at 1236 North 14th Street with a postmark of March 22, 2013. Nothing in the evidence log reflects whether officers discovered any of defendant's clothing within the residence.

¶ 14 While searching the rest of the house, officers recovered a spoon used for making crack cocaine, as well as two baggies of crack cocaine recovered from the kitchen of the house.

¶ 15 Officer Troy Chockley testified he spoke with defendant during the execution of the search warrant. According to Officer Chockley, defendant said he had been selling crack cocaine out of the residence for two years, making approximately \$3,000 every two weeks to support his family. Defendant also admitted the gun was his and stated he purchased it from a man at the Quest Inn for \$125, because defendant had been threatened. Defendant further said all of the items located within the residence were his and that the women knew nothing about the gun. Neither of the two females in the house stated the gun belonged to them. Officer Chockley



defendant's statement that he had been selling drugs for two years, making \$3,000 every two weeks to support his family.

¶ 24 To be admissible, evidence must first be relevant. See *People v. Dabbs*, 239 Ill. 2d 277, 289, 940 N.E.2d 1088, 1096 (2010) ("Relevance is a threshold requirement that must be met by every item of evidence."). Even where evidence is relevant, it may be excluded where the probative value is substantially outweighed by its prejudicial effect. *Id.* at 289-90, 940 N.E.2d at 1096. We review the trial court's admission of evidence for an abuse of discretion. *People v. Cookson*, 215 Ill. 2d 194, 204, 830 N.E.2d 484, 490 (2005). A court abuses its discretion where its decision is "arbitrary, fanciful[,] or unreasonable" or "where no reasonable man would take the view adopted by the trial court." (Internal quotation marks omitted.) *People v. Donoho*, 204 Ill. 2d 159, 182, 788 N.E.2d 707, 721 (2003).

¶ 25 With this standard in mind, we first examine whether the other-crimes evidence was relevant to the proceedings.

¶ 26 A. Relevance

¶ 27 "Evidence is relevant when it (1) renders a matter of consequence more or less probable or (2) tends to prove a fact in controversy." *People v. Pelo*, 404 Ill. App. 3d 839, 864, 942 N.E.2d 463, 485 (2010). Defendant asserts the trial court erred in finding his statement relevant to the gun charge for which he was on trial. According to defendant, his admission that he sold drugs over the course of two years did not render his possession of a gun more or less probable, nor did it prove any facts in controversy. Rather, defendant contends, the purpose of admitting this evidence was only to improperly introduce other-crimes evidence.

¶ 28 Generally speaking, "evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith." *People v.*

*Pikes*, 2013 IL 115171, ¶ 14, 998 N.E.2d 1247. "The concern is not that such evidence is lacking in probative value, but that it may overpersuade the jury, which might convict the accused because it believes he or she is a bad person." *Id.* ¶ 16. In other words, defendant argues this other-crimes evidence was irrelevant to whether he possessed the gun and served only to demonstrate to the jury he was a "bad person."

¶ 29 The State, conversely, argues defendant's statement was relevant to the proceedings because it demonstrated his motive for having a gun. "Other-crimes evidence is admissible to show *modus operandi*, intent, motive, identity, or absence of mistake with respect to the crime with which the defendant is charged." *Id.* ¶ 11.

¶ 30 During the hearing on the motion *in limine*, the prosecutor argued defendant's statement provided a motive for why he possessed a gun—for protection as a result of selling drugs. In taking defendant's statements to police as a whole, the jury could consider: (1) his statement that he was a drug dealer, (2) the quantity of cocaine recovered, (3) his statement that the gun was his, and (4) the inference that one who sells drugs would be motivated to protect his investment by possessing a gun. A jury could reasonably infer from those facts defendant was threatened as part of his longstanding drug dealing. Based on this information, a reasonable trial court could find defendant's statement provided relevant evidence of his motive for possessing the gun.

¶ 31 Defendant relies on *People v. Brown*, 232 Ill. App. 3d 885, 598 N.E.2d 948 (1992), to support his argument his statement regarding other crimes should have been excluded. In *Brown*, the appellate court held the probative value of an officer's broadly stereotyped testimony that drug dealers frequently carry guns to protect their profits was substantially outweighed by the prejudice to the defendant. *Id.* at 898, 598 N.E.2d at 957. However, *Brown* is

distinguishable because the expert witness testified at length as to the stereotypical habits of drug dealers, rather than focusing on the defendant's actions. See *id.* at 899-900, 598 N.E.2d at 958. Conversely, the police in this case properly limited their testimony to the facts of the case rather than stereotyping or profiling. See *People v. Reatherford*, 345 Ill. App. 3d 327, 343, 802 N.E.2d 340, 354 (2003). Thus, we find defendant's reliance on *Brown* unpersuasive.

¶ 32 Accordingly, we conclude the trial court did not abuse its discretion by finding defendant's statement relevant to the present proceedings.

¶ 33 B. Prejudice

¶ 34 Having established defendant's statement was relevant, we next turn to whether the probative value of that statement was substantially outweighed by its prejudicial effect.

¶ 35 "[R]elevant evidence is inadmissible only if the prejudicial effect of admitting that evidence *substantially outweighs* any probative value." (Emphasis in original.) *Pelo*, 404 Ill. App. 3d at 867, 942 N.E.2d at 487. In other words, the evidence must cast defendant in a negative light for reasons unrelated to the case on trial. *Id.*

¶ 36 Defendant asserts, even if his statements to police provided evidence of motive, the cocaine recovered from the kitchen and his admission that he sold drugs were sufficient to provide that evidence. Defendant argues the *specificity* of the admitted statement—that he had been selling drugs for *two years*, making *\$3,000 every two weeks* to support his family—went beyond establishing a motive for his gun possession and, instead, demonstrated to the jury he was a "bad person." In arguing the evidence was prejudicial, defendant points out little evidence demonstrated he lived in the residence because (1) the mail recovered from the bedroom was addressed to him at a different residence, and (2) nothing in the record suggests he had clothing at the residence. Thus, defendant argues the prejudicial impact outweighed the probative value,

as the admission of his full, specific statement led the jury to convict him because he was a bad person, rather than based on the evidence.

¶ 37 The State, on the other hand, argues the prejudicial effect did not substantially outweigh the probative value of defendant's statement, as defendant's statement went to his motive to possess a gun. The specificity of his statement allowed the jury to infer his longstanding drug dealing and substantial income created a situation in which defendant felt threatened, and therefore he purchased a gun for protection. This evidence supported the State's theory that defendant was the owner of the gun. Thus, though the admission of defendant's full statement cast him in a negative light, the reason for doing so was related to the present case and therefore not improper. *Id.* Under these circumstances, we cannot say the trial court abused its discretion by finding defendant failed to prove the prejudicial impact substantially outweighed the probative value of his statement.

¶ 38 Accordingly, we conclude the trial court did not abuse its discretion in admitting defendant's statement that he had been selling drugs over the past two years, making \$3,000 every two weeks to support his family.

¶ 39 III. CONCLUSION

¶ 40 For the foregoing reasons, we affirm the trial court's judgment. As part of our judgment, we grant the State its \$50 statutory assessment against defendant as costs of this appeal. 55 ILCS 5/4-2002 (West 2014).

¶ 41 Affirmed.

