2017 IL App (1st) 160131-U

FIRST DIVISION
February 6, 2017

No. 16-0668

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

IN THE INTEREST OF MARELL J., a minor,	)	Appeal from the Circuit Court
	)	of Cook County.
(The People of the State of Illinois,	)	
	)	
Petitioner-Appellee,	)	
	)	No. 14 JD 4549
v.	)	
	)	
MARELL J.,	)	
	)	Honorable Marianne Jackson
Respondent-Appellant.)	)	Judge Presiding

JUSTICE SIMON delivered the judgment of the court.
Presiding Justice Connors and Justice Harris concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court did not err in denying respondent's motion to quash the arrest and suppress evidence. The evidence established that the officers had reasonable suspicion to briefly detain respondent and, subsequently, probable cause to arrest him once a weapon was found.

¶ 2 Respondent Marell J. appeals from his delinquency adjudication where he was found guilty of two counts of aggravated unlawful use of a weapon and one count of unlawful possession of a firearm and sentenced to 18 months of probation. On appeal, respondent argues that: (1) the trial court improperly denied his motion to quash the arrest and suppress evidence,

and (2) the trial court improperly denied his motion to suppress the statement made to police. For the following reasons, we affirm.

¶ 3 BACKGROUND

¶ 4 The State, by way of a petition for adjudication of wardship, charged respondent with two counts of aggravated unlawful use of a weapon and one count of unlawful possession of a firearm. Prior to trial, respondent filed a motion to quash arrest and suppress evidence alleging that he was unlawfully seized without reasonable suspicion or probable cause, and that a statement made while in custody was obtained by exploitation of an illegal arrest. In his motion to suppress statement, respondent alleged that he was unlawfully questioned in the squad car after his arrest without being given *Miranda* warnings and when his mother was not present for the interrogation.

¶ 5 The following evidence was presented at the hearing on respondent's motion to quash arrest and suppress evidence. Marquell Lewis testified that he was friends with respondent and knew him for about 10 years. On November 25, 2014, Lewis met respondent in front of his house after Lewis got off work, shortly after 10 p.m. Respondent was sitting outside in front of the house with Lewis' brother and one of their friends. Lewis could not recall whether respondent was wearing white pants or a gray hoodie. Lewis stated that the four of them decided to go to the store and then play a game, but he first went inside to drop off his bag. Respondent and the other guys remained outside.

¶ 6 Lewis testified that he lived on the second floor. He went inside the building and stayed there for about 5 minutes. On his way out, Lewis met respondent on the top of the stairs on the first floor. Lewis stated that respondent went upstairs to Lewis' apartment to use the bathroom. Lewis went outside the building to wait for respondent. His brother and his friend were still

outside. Respondent was inside the building by himself. Lewis testified that his mother was in their apartment.

¶ 7 Lewis was outside with his brother and friend for about 5 minutes when the police vehicles arrived with about eight male officers. When the officers arrived, they did not talk to him, his brother or his friend. Lewis testified that the officers kicked in the front door and entered the building as the front door was closed and no one buzzed the officers in. Lewis stated that he waited outside for about ten minutes before he saw respondent come out of the building with the officers. Respondent was in handcuffs. Lewis did not know exactly how long the police officers were in the building. After the officers came out of the building with respondent, they did not speak with Lewis, his brother, or his friend. The officers brought respondent to a police car.

¶ 8 Rona Lewis, Marquell Lewis' mother, testified that on November 25, 2014, she lived on 3658 West Douglas Boulevard, Apartment 2B, with her children. She stated that she knew respondent because he grew up with her sons, and he would sleep over at her apartment two or three times a week. On that night, Rona was at her apartment in bed. Rona stated that respondent knocked on her door and, when she asked who it was, respondent gave his name. Rona told him that she was in bed and her sons were not there. She testified that she did not hear respondent say anything else.

¶ 9 Respondent testified that he was 16 years old on November 24, 2014. On that date, he went to his friend's house, at 3658 West Douglas. He saw Lewis and two of his close friends outside the building. Lewis went inside the building while respondent and his other friends stood outside. About five minutes after Lewis went into the building, respondent went inside to use the washroom. He walked up the stairs to Lewis' second-floor apartment. He knocked on the door

and Rona Lewis answered, telling him it was too late and she was in bed. Respondent testified that he told her who it was, and that he needed to use the washroom quickly.

¶ 10 Respondent stated that, after a few minutes standing there, approximately eight uniformed officers entered the building. He first saw some flashlights up the stairs. When the police came in, he was standing on the second flight of stairs, which led to the second floor. According to respondent, the officers did not say anything to him when they saw him, but instead they put him against the wall. Respondent testified that the officers had their weapons drawn and pointed at him. Three officers placed their hands on him, turned him from the door towards the wall, while other officers went up the stairs through the building. Respondent stated that the officers put him in handcuffs after a minute or two. The officers did not say anything to him, and he did not say anything to them. The officers who had gone up the stairs came back downstairs holding a weapon. Respondent testified that he did not say anything to the officers in the stairwell or as he walked out of the door with them. Three officers walked him to a police car and placed him inside.

¶ 11 Respondent testified that, once he was in the police car, the officers did not drive off right away. Respondent stated that the officers asked him questions, but he did not answer them. Respondent testified that he never told the officers anything about a gun. Officers brought respondent to the police station. Respondent testified that he did not say anything from the time he saw the police in the building until he got to the police station.

¶ 12 Following defendant's evidence, the State asked the court to deny respondent's motion to quash the arrest and suppress statement, as there was no evidence that respondent gave a statement. The court allowed respondent to re-open the case to call Officer Ohlson.

¶ 13 Officer Andrew Ohlson testified that on the evening of November 25, 2014, he was on patrol in the 10th District with his partner, Officer Lopez. Officers Ohlson and Lopez heard a call over the radio at about 12:00 a.m., and they were not too far away from the reported location. The call reported that there was a black male, with a dark complexion, wearing a gray hoodie and white pants, who had removed a handgun from the "wheel well area" of a white vehicle that was parked on Douglas Boulevard, and put it in his pocket. The call further reported that the individual was standing at the doorway. The call did not provide the name of the suspect or how the information was obtained. Officer Ohlson stated that he later learned that the report was from an anonymous caller.

¶ 14 The officers immediately went to the area, arriving at approximately 12:03 a.m., where they observed respondent matching the description of the subject in the call in the entranceway of 3658 West Douglas. Ohlson also observed a white, smaller, four-door vehicle parked on the northeast corner of Douglas and Lawndale, in front of the building. The officers stopped and exited the vehicle. Respondent was standing in the entranceway of the building. Ohlson testified, "he saw us. We saw him." Since respondent fit the description, the officers proceeded to investigate whether respondent had a weapon. Respondent went inside the building.

¶ 15 Ohlson stated that the officers attempted to enter the building. Since the door was locked, they rang the bells of the apartments in the building. Someone buzzed the officers in. Officers Ohlson and Lopez entered the building followed by four of five officers. They proceeded up the stairs to the second floor landing. There, Ohlson observed respondent coming down the stairs from the third floor. Ohlson testified that he placed respondent in handcuffs and performed a protective pat-down search for weapons on the second floor landing. Ohlson

testified that he detained respondent for the officers' safety because respondent matched the description of a person with a gun. Ohlson did not recover a gun during the protective pat-down.

¶ 16 While Ohlson detained respondent, Officer Lopez went walking to the third floor landing where he found a weapon. Ohlson testified that Lopez showed him the weapon, but did not show it to respondent. Respondent was facing the wall and did not see the weapon. Officer Ohlson asked respondent his name, birth date and address. After Officer Lopez showed Ohlson the gun, respondent was placed under arrest. Ohlson testified that as he walked respondent out of the building to the police vehicle, respondent asked why he was under arrest. Ohlson answered "a gun." Ohlson stated that at that moment respondent made a statement. Respondent then rested.

¶ 17 Following closing arguments, the court denied respondent's motion to quash the arrest and suppress evidence. The court also denied respondent's motion to suppress the statement.

¶ 18 At respondent's trial, the parties stipulated that the court would take judicial notice of the evidence received at the hearing on respondent's motion to quash arrest and suppress evidence. Officer Lopez testified to the following facts. At approximately 12:00 a.m. on November 26, 2014, he was working with officer Ohlson. They were in plain clothes and they responded to a call at the location of 3658 West Douglas Boulevard. He testified that somebody called 911 and reported that there was a "person with a gun out there." The officers got to the location specified at aproximately12:03 a.m.

¶ 19 Officer Lopez testified that he observed respondent outside. The officers exited the police car and proceeded to the building. As the officers approached the building, respondent walked up the stairs inside the building. When the officers reached the front door, they rang some buzzers, and someone let them in. Officer Ohlson went in first and walked up the stairs,

and Lopez followed him closely. Lopez observed respondent on the second floor, coming down from the third floor, about eight to ten steps above the second floor landing, closer to the second floor landing.

¶ 20 Lopez stated that while Officer Ohlson detained respondent, he continued up the stairs to the third floor, from where he saw respondent coming down the stairs. Lopez went to the third floor to make sure that no one else was there. When he got to the third floor, Lopez observed a handgun lying on the third floor landing. There was nothing else on the floor. The landing from which he recovered the gun was approximately 10 or 15 feet away from where respondent was detained on the second floor.

¶ 21 Lopez recovered the gun, and determined it to be a Raven Arms 25-caliber handgun, loaded with two rounds of ammunition. He unloaded the gun and showed it to Officer Ohlson. Respondent was placed under arrest and the officers began to walk down the stairs with respondent. As the officers were walking respondent to the police car, respondent asked them why he was being arrested. Lopez responded that he was arrested because of a gun. Respondent then stated that he had the gun for protection and had found it in the alley behind his house.

¶ 22 The officers took respondent to the police station where Lopez inventoried the gun. Lopez learned that respondent was under the age of 18 and that his address was 1331 South Lawndale Avenue, Apartment 3. The officers checked the Firearm Owners Identification database and discovered that respondent did not have a valid FOID card. Following closing arguments, the court found respondent guilty on all three counts and adjudicated him delinquent. At the conclusion of the disposition hearing, the court sentenced respondent to 18 months probation with conditions that included no gang contact or activity, and out-patient alcohol and substance abuse treatment.

¶ 23 ANALYSIS

¶ 24 Respondent argues that the trial court erred when it denied his motion to quash arrest and suppress evidence, asserting that the police officers lacked reasonable suspicion to conduct a *Terry* stop and probable cause to arrest him because the police officers acted solely on an anonymous tip. Respondent maintains that he was placed under arrest when the police officers first stopped and searched him. Since the arrest lacked probable cause, respondent argues, the statement made to police was the fruit of the poisonous tree and subject to suppression.

¶ 25 In reviewing an order denying defendant's motion to quash arrest and suppress evidence mixed questions of law and fact are presented. *People v. Pitman*, 211 Ill. 2d 502, 512 (2004). Factual findings made by the trial court will be upheld unless they are against the manifest weight of the evidence while the trial court's application of the facts to the issues presented and the ultimate question of whether the evidence should be suppressed is subject to *de novo* review. *Id.*

¶ 26 Respondent first contends that officers acted solely on an anonymous tip that did not provide officers a basis for reasonable suspicion to detain him. We disagree.

¶ 27 The Fourth Amendment to the United States Constitution guarantees the right to be free from unreasonable searches and seizures. U.S. Const., amend, IV; *People v. Gherna*, 203 Ill. 2d 165, 176 (2003). Some seizures, however, constitute such limited intrusions on the personal security of those detained, and are justified by such substantial law enforcement interests, that they may be made on less than probable cause. *Michigan v. Summers*, 452 U.S. 692, 699 (1981). In a *Terry* stop, a police officer may briefly detain a person he reasonably suspects to be recently or currently engaged in criminal activity, in order to verify or dispel those suspicions. *People v. Johnson*, 408 Ill. App.3 d 107, 112 (2010). Reasonable suspicion is a less exacting standard than

probable cause. *People v. Ward*, 371 Ill. App. 3d 382, 412 (2007). In evaluating whether reasonable suspicion exists, a court should objectively consider whether the information known to the officer at the time of the stop " 'would warrant a person of reasonable caution to believe a stop was necessary to investigate the possibility of criminal activity.' " *People v. Delaware*, 314 Ill. App. 3d 363, 368 (2000), quoting *People v. Walters*, 256 Ill. App. 3d 231, 234 (1994). In addition, a court should also consider "the quality and content of information known to officers as well as the reliability of the source of the information." *People v. Lampitok*, 207 Ill. 2d 231, 257, (2003).

¶ 28 Here, the initial investigative stop of respondent was proper. Officers Ohlson and Lopez received a dispatch at 12 a.m. reporting that there was a call about a person on the street with a gun. Officer Lopez testified that the call received was a 911 call. The information provided that there was a black male, with a dark complexion, wearing white pants and a gray hoodie, who removed a handgun from the "wheel well area" of a white vehicle that was parked on Douglas Boulevard, put it in his pocket, and the person was standing by the doorway of the location. The officers responded immediately arriving at 3658 West Douglas three minutes after the dispatch. When the officers arrived at the location, they observed a person who matched the description, standing in the doorway, just as the caller indicated. They also observed a white car parked on the northeast corner of Douglas and Lawndale, in front of the 3658 West Douglas. Clearly, the officers' observations corroborated the initial call.

¶ 29 Furthermore, Officer Ohlson testified that as the officers exited the vehicle, respondent saw them and went inside the building. Believing that respondent fit the description of the offender, the officers went to investigate and to see if he had the weapon. The officers proceeded up the stairs and encountered respondent on the second floor, coming down from the

third floor. The officers detained respondent as they believed he was armed for their protection and to further investigate. Based on this record, the trial court did not err in finding that the officers had reasonable suspicion to briefly detain respondent where there was an initial tip from a 911 call, there was temporal proximity between the time of the tip and the location of respondent, and the officers made observations at the scene that coincided with the report of criminal activity that respondent was armed.

¶ 30 In reaching this conclusion, we have considered *Florida v. J.L.*, 529 U.S. 266 (2000), upon which defendant primarily relies. In *J.L.*, police received an anonymous tip via telephone that a young black male standing at a particular bus stop and wearing a plaid shirt was carrying a gun. *J.L.*, 529 U.S. at 268. Based on that tip, officers arrived at the specified bus stop and observed three black males, one of whom was wearing a plaid shirt, standing there. *Id*. Although defendant, who was in the plaid shirt, made no threatening or otherwise unusual movements and officers did not see a firearm, "an officer instructed him to place his hands up on the bus stop [sic] and frisked him," seizing a gun from his pocket. *Id*. The Supreme Court held that the anonymous tip at issue, without more, was insufficient to justify a *Terry* stop. *Id*. In doing so the court reasoned that in certain situations an anonymous tip, suitably corroborated, exhibits "sufficient indicia of reliability to provide reasonable suspicion" to make a *Terry* stop, and found that no such corroboration was present in the case before it. *J.L.*, 529 U.S. at 270-72.

¶ 31 Here, unlike *J.L.*, the report of the crime was from a 911 caller. A call to a police emergency line does not constitute an "anonymous tip" and should not be viewed "with the skepticism applied to tips provided by confidential informants," because the caller "places his anonymity at risk." *People v. Shafer*, 372 Ill. App. 3d 1044, 1054 (2007). In *J.L.*, and unlike here, police did not have any basis aside from the allegation in the tip that he was carrying a gun,

but immediately effectuated a *Terry* stop by instructing him to place "his hands up on the bus stop [sic]" and frisked him. *J.L.*, 529 U.S. at 268. Prior to effectuating the *Terry* stop in this case, the officers testified, they saw the white car parked on the side of the street, they saw respondent who matched the description in front of the building, and that respondent saw them before proceeded in the building. As a matter of fact, the trial court held that respondent's behavior upon seeing the police was suspicions finding respondent's testimony about his motive for going into the building, to use the washroom, incredible. Based on the officers' testimony to that effect, we find that the trial court's determination was not against the manifest weight of the evidence. *See People v. Jackson*, 2012 IL App (1st) 103300, ¶ 21. All this evidence corroborated the assertion of illegality in the tip, and, as the trial court pointed out at the hearing on the motion to quash and suppress, this evidence distinguishes the case at bar from *J.L.*

¶ 32 Respondent argues next that the officers did not conduct a *Terry* stop, but an illegal arrest as soon as they detained him in the hallway when respondent was approached by eight police officers with "drawn guns, handcuffed, and searched." Respondent contends that the officers lacked probable cause to arrest him before they discovered the gun.

¶ 33 The officers initially conducted a proper *Terry* that allowed the officers to investigate "the circumstances that provoked suspicions." See *People v. Fields*, 2014 IL App (1st) 130209, ¶ 21. Having determined that a continued investigation was warranted, we must determine whether the officers' actions of handcuffing defendant were justified as part of the continuing *Terry* investigation. Because *Terry* permits an officer to briefly detain an individual to investigate the possibility of criminal behavior without probable cause to arrest, the mere restraint of an individual does not turn an investigatory stop into an arrest. *People v. Young*, 306 Ill. App. 3d 350, 354 (1999). Consequently, even though a defendant is actually not free to go

during the investigatory stop, the stop is not an arrest. *People v. Paskins*, 154 Ill. App. 3d 417, 422 (1987).

¶ 34 The difference between an arrest and a *Terry* stop is not the restraint on a person's movement but, rather, depends on the length of time the person is detained and the scope of the investigation that follows the initial encounter. *Id.* "The scope of the investigation must be reasonably related to the circumstances that justified the police interference and the investigation must last no longer than is necessary to effectuate the purpose of the stop." *People v. Ross*, 317 Ill. App. 3d 26, 31 (2000). Furthermore, the mere act of handcuffing a person does not transform a *Terry* stop into an illegal arrest. *People v. Colyar*, 2013 IL 111835, ¶ 46. Rather, the propriety of handcuffing a person during a *Terry* stop depends on the circumstances of the case. *Id.* Legitimate interests in using handcuffs during a *Terry* stop include protecting law enforcement officers, the public, or the suspect from the undue risk of harm. *People v. Arnold*, 394 Ill. App. 3d 63, 72 (2009).

¶ 35 Here, the record establishes that the officers had information that an individual fitting respondent's description and location had a gun in his pocket. The officers were in a hallway at close quarters. Thus, it was reasonable for Officer Ohlson to handcuff respondent and perform a protective pat-down and to further investigate. See *In re A.V.*, 336 Ill. App. 3d 140, 144 (2002) ("The specific information that the police received was that respondent was carrying a gun. Under such circumstances, where there was a reasonable belief that a weapon was concealed, the protective pat-down search was appropriate."); see also *People v. Arnold*, 394 Ill. App. 3d 63, 71 ("the safety of the police officer or the public justify handcuffing the detainee for the brief duration of an investigatory stop."). Moreover, respondent testified that he was detained for about three minutes before the officers took him to the police car. Accordingly, the officers'

action to handcuff respondent for their safety for a brief period of time was justified as part of the continuing *Terry* investigation.

¶ 36 We also find that the trial court did not err in finding that the officers had probable cause to arrest respondent once they found the weapon. Probable cause for an arrest exists if the facts and surrounding circumstances, considered as a whole, are sufficient to justify a belief by a reasonably cautious person that the defendant is or has been involved in a crime. *People v. Hopkins*, 235 Ill. 2d at 472. Probable cause can be established where the police have more than mere suspicion that the arrestee committed the crime in question. *Id.*

¶ 37 While Officer Ohlson detained respondent, Officer Lopez continued up the stairs to the third floor, from where he saw respondent coming down the stairs. Officer Lopez observed a handgun on the third floor landing, approximately 10 or 15 feet away from where respondent was detained on the second floor. Based on the totality of the circumstances, once Officer Lopez recovered the gun from the third floor, from where respondent came down the stairs, the officers were justified to believe that respondent unlawfully possessed the weapon. Therefore, we find that the trial court was correct to deny respondent's motion to quash the arrest and suppress evidence when the officers acted under reasonable suspicion when they conducted an initial *Terry* stop and then had probable cause to arrest respondent once the gun was found.

¶ 38 Respondent argues next that the trial court erred in denying his motion to suppress his statement because the officers failed to give him his *Miranda* warnings before telling the officers that he had the gun for protection and found it in the alley behind his house.

¶ 39 In *Miranda v. Arizona*, 384 U.S. 436 (1966), the Supreme Court held that an individual subject to a custodial interrogation must be notified of certain, now well-known rights. See *id.* at 478–79 (enumerating the required *Miranda* warnings). If police officers fail to both provide the

requisite *Miranda* warnings and obtain a voluntary, knowing, and intelligent waiver of those rights, an individual's statements during a custodial interrogation are generally inadmissible. *Id.* at 444; *Dickerson v. United States*, 530 U.S. 428, 435, 443-44 (2000). Before *Miranda* warnings are required, however, an individual first must be under "custodial interrogation," meaning "questioning initiated by law enforcement officers after a person had been taken into custody or otherwise deprived of his freedom of action in any significant way." *Miranda*, 384 U.S. at 444.

¶ 40 But, volunteered statements made to the police are not barred by the Fifth Amendment and therefore do not require *Miranda* warnings. *Id*. at 478. This is because the "fundamental import of the privilege while an individual is in custody is not whether he is allowed to talk to the police without the benefit of warnings and counsel, but whether he can be interrogated." *Id*. Purely informational statements made to a defendant while in custody, like those that do not invite an explanation or posit defendant's guilt, are not considered interrogatory because they do not involve coercion or compulsion. See *People v. Peo*, 391 Ill. App. 3d 815, 821(2009); *United States v. Payne*, 954 F. 2d 199, 203 (4th Cir. 1992).

¶ 41 Here, it is undisputed that respondent had been arrested and was in police custody when he made the incriminating statement. While the officers were walking respondent to the police car, respondent initiated a conversation with the officers, and asked them why he was being arrested. The officers told respondent he was arrested for "a gun." Therefore, the issue is whether the officers' response "a gun" to respondent's question constitutes interrogation.

¶ 42 We find *People v. Jones*, 337 Ill. App. 3d 546, 549 (2003) instructive. In *Jones*, police officers found a handgun in the locked glove box of a vehicle the defendant was driving after performing a search of the vehicle subsequent to defendant's arrest. *Jones*, 337 Ill. App. 3d at 549. Defendant was handcuffed and placed in the back of the squad car at the time of the search.

Id . Upon finding the handgun, the officer walked to the squad car and advised defendant that he "located a handgun in the car." *Id.* Defendant asked why the officer "went into a locked glove box without a search warrant," which was used as evidence of his guilt. *Id.* At no point was defendant advised of his *Miranda* rights. *Id.* Defendant filed a motion to suppress his statement on the basis that it was obtained in violation of *Miranda.* *Id.* at 551. This court found that the officer's statement was not an interrogation and therefore, did not require *Miranda* warnings because the remark was "purely informational," where the officer merely informed defendant of the results of the search and did not "posit defendant's guilt and invite an explanation," nor could the officer have known that the statement was likely to elicit an incriminating response since the statement "did not seek or require a response at all." *Id.* at 552-53.

¶ 43 Here, the officers made the statement after respondent asked them why he was arrested. Just as in *Jones*, the officers' statement "because of a gun" was merely responsive and informative. The officers' response was a neutral, non-coercive statement intended to clarify defendant's question, rather than a question or inquiry reasonably likely to elicit incriminating information. Respondent's voluntarily, spontaneous statement was not the result of any interrogation and thus, did not require *Miranda* admonishments.

¶ 44 Respondent also contends that because he was not given his *Miranda* warnings, he could not have made a knowing and a voluntary statement. In addition, respondent claims that his age, lack of experience with the criminal justice system, and the absence of a concerned adult rendered his statement involuntary.

¶ 45 Volunteered or spontaneous statements, as opposed to admissions elicited by custodial interrogation, are "expressly excepted" from the requirements of *Miranda.* *People v. Columbo*, 118 Ill. App. 3d 882, 936 (1983) citing *Miranda v. Arizona*, 384 U.S. at 478. The test as to the

admissibility of such statements is whether they are voluntary and the product of a rational mind. *Id*. at 936-937. A statement is made voluntarily where, under the totality of the circumstances, it is given freely, voluntarily and without compulsion or inducement. *People v. House*, 141 Ill. 2d 323, 376 (1990). Factors to consider when making a determination of voluntariness include the age, education and intelligence of the accused, the length of the detention and the duration of the questioning, whether the accused was advised of his constitutional rights, and whether the accused was subjected to any physical mistreatment or abuse, including the existence of threats or promises. *Id*. The question of the competency of a confession is for the trial court alone to decide by a preponderance of the evidence, and its findings will not be disturbed by a court of review unless they are against the manifest weight of the evidence. *Id*.

¶ 46 Having considered the circumstances surrounding respondent's statement, we cannot say that the trial court's ruling on this issue was against the manifest weight of the evidence. The court considered defendant's age along with the circumstances surrounding his arrest, and specifically noted that respondent never alleged or was there any evidence or testimony presented that "he was yelled at, threatened, coerced, in any manner." In other words, while there is "potential for abuse" based on respondent's age, there was no evidence of any actual abuse that might have coerced respondent into making the spontaneous admission in this case.

¶ 47 Similarly, we reject respondent's contention that there should have been a "concerned adult" present at "interrogation," since there was no interrogation in this case. Instead, respondent made a spontaneous inculpatory statement and there was no opportunity for there to be a concerned adult present. Accordingly, the trial court did not err in denying respondent's motion to suppress the statement on this basis.

¶ 48 CONCLUSION

¶ 49 Based on the foregoing, we affirm respondent's adjudication of delinquency.

¶ 50 Affirmed.