2018 IL App (1st) 153637-U

No. 1-15-3637

Order filed August 10, 2018

Fifth Division

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 14 CR 16582
	)	
SMITH WIIAMS,	)	Honorable
	)	Mary Colleen Roberts,
Defendant-Appellant.	)	Judge, presiding.

PRESIDING JUSTICE REYES delivered the judgment of the court.
Justices Hall and Rochford concurred in the judgment.

ORDER

¶ 1 *Held*: Defendant's conviction for driving while his license was revoked or suspended was proven beyond a reasonable doubt without violating the *corpus delicti* rule.

¶ 2 Following a bench trial, defendant Smith Wiiams was convicted of the Class 4 felony of driving while his license was revoked or suspended (DWLR) (625 ILCS 5/6-303(a) (West 2014)), and was sentenced to 23 days' electronic monitoring and 12 months of probation. On appeal, defendant contends that the evidence was insufficient to establish the *corpus delicti* of

the offense because his statement was the only evidence that he was driving. For the following reasons, we affirm.

¶ 3 Defendant was charged with driving under the influence (DUI) and DWLR. At trial, Chicago police officer Sellers Williams testified that around 4 p.m. on April 6, 2014, he was on duty and received a call regarding a man "slumped" over the wheel of a vehicle in the 400 block of West Harrison Street. When he arrived at that location, Williams observed a burgundy vehicle in the street and an ambulance. The vehicle was running with the keys in the ignition. No one was in the vehicle. A man, whom he identified as defendant, was being treated inside the ambulance.

¶ 4 After receiving treatment, defendant "kind of stumble[ed] out" of the ambulance and held onto the handles. Defendant was mumbling and walking slowly to stabilize himself. Williams could not understand defendant, who was slurring his speech. Defendant had an odor of alcohol on his breath. He refused to take field sobriety tests.

¶ 5 Williams checked the status of defendant's license and learned it had previously been revoked. He placed defendant into custody and transported him to the police station. After observing defendant for approximately 30 minutes, Williams read defendant his *Miranda* rights. Defendant told Williams that he drank a can of beer earlier in the day and admitted that he had been driving home from an event. Williams also read defendant the "Warning to Motorists," and defendant refused to take a breathalyzer test. Williams opined that, based on his personal and professional experience, defendant was under the influence of alcohol.

¶ 6 On cross-examination, Williams acknowledged that he never observed defendant driving a vehicle. Defendant was already in the ambulance when Williams arrived on the scene.

Williams did not record the incident with video on his squad car, and did not include in his report that defendant was holding onto the handles when exiting the ambulance.

¶ 7 The State offered into evidence a certified copy of defendant's driving abstract. The abstract shows that defendant's license was revoked on the date of the incident. Following arguments, the court found defendant not guilty of DUI, but guilty of DWLR. The court found that the evidence showed defendant's license was revoked on the date of the offense and that he was in actual, physical control of the vehicle. The court determined defendant's control over the vehicle was established by his statement to Williams and the circumstantial evidence that the vehicle was running with keys in the ignition when Williams arrived on the scene and the "only individual that was not a first responder on the scene was the defendant."

¶ 8 The court denied defendant's motion for a new trial and sentenced him to 12 months' probation and 23 days' electronic monitoring for the Class 4 felony of DWLR, based on his criminal history.

¶ 9 On appeal, defendant argues that the State failed to prove him guilty beyond a reasonable doubt of DWLR.

¶ 10 On a challenge to the sufficiency of the evidence, we inquire " '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.' " (Emphasis omitted.) *People v. Davison*, 233 Ill. 2d 30, 43 (2009) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). Under this standard, we draw all reasonable inferences in favor of the State (*Davison*, 233 Ill. 2d at 43), and we do not retry the defendant (*People v. Collins*, 106 Ill. 2d 237, 261

(1985)). The State must prove each element of an offense beyond a reasonable doubt. *People v. Siguenza-Brito*, 235 Ill. 2d 213, 224 (2009).

¶ 11 It is within the province of the trier of fact "to determine the credibility of witnesses, to weigh evidence and draw reasonable inferences therefrom, and to resolve any conflicts in the evidence." *Id.* at 228. In weighing the evidence, the trier of fact is not required to disregard the inferences that naturally flow from that evidence, nor must it search for any possible explanation consistent with innocence and raise it to the level of reasonable doubt. *People v. Jackson*, 232 Ill. 2d 246, 281 (2009). We will not reverse a criminal conviction based upon insufficient evidence unless the evidence is so improbable or unsatisfactory that there is reasonable doubt as to defendant's guilt. *People v. Givens*, 237 Ill. 2d 311, 334 (2010).

¶ 12 To prove the offense of DWLR the State was required to establish that defendant (1) drove or was in physical control of a motor vehicle on any highway of this state while (2) his license was revoked or suspended. 625 ILCS 5/6-303(a) (West 2014). Defendant challenges the State's proof of the first element, asserting the only evidence that he was driving came from his own statement, in violation of the *corpus delicti* rule.

¶ 13 The *corpus delicti* is the fact that a crime occurred. *People v. Lara*, 2012 IL 112370, ¶ 17. It is well established that proof of the *corpus delicti* cannot rest solely on a defendant's extrajudicial admission, confession, or other statement. *Id.* A conviction based exclusively on a defendant's confession cannot be sustained. *People v. Willingham*, 89 Ill. 2d 352, 358-59 (1982). Although a defendant's confession may be integral to proving the *corpus delicti*, the State must also present corroborating evidence independent of the defendant's statement. *Lara*, 2012 IL 112370, ¶ 17.

¶ 14 The *corpus delicti* rule provides that "the independent evidence need only *tend to show*" the crime occurred. (Emphasis in original.) *Lara*, 2012 IL 112370, ¶ 18. Our supreme court explained that the independent evidence:

> "need not be so strong that it alone proves the commission of the charged offense beyond a reasonable doubt. If the corroborating evidence is sufficient, it may be considered, together with the defendant's confession, to determine if the State had sufficiently established the *corpus delicti* to support a conviction." *Id.*

¶ 15 In *Lara*, our supreme court considered the cases establishing the *corpus delicti* rule and held:

> "[T]he *corpus delicti* rule requires only that the corroborating evidence correspond with the circumstances recited in the confession and tend to connect the defendant with the crime. The independent evidence need not precisely align with the details of the confession on each element of the charged offense, or indeed to any particular element of the charged offense." *Id.* ¶ 51.

¶ 16 Here, the record establishes that the State presented sufficient independent evidence to corroborate defendant's admission that he was driving and prove defendant committed the offense of DWLR. Officer Williams testified that he received a call directing him to a specific location where someone was slumped over the wheel of a vehicle. When he arrived at that location, he observed a vehicle with engine running and the keys were in the ignition. The vehicle was empty. Defendant was being treated in an ambulance at the scene, and when he emerged from the ambulance he smelled like alcohol, refused field sobriety tests, and later refused a breathalyzer test. This independent evidence was sufficient to "tend to show" that

defendant had been driving or in control of the vehicle found at the scene. See *Lara*, 2012 IL 112370, ¶ 18. Thus, the record establishes that defendant was not convicted of DWLR based solely on his statement that he had been driving the vehicle. The trial court could properly consider defendant's statement in conjunction with the independent evidence to conclude that the offense of DWLR was proved beyond a reasonable doubt.

¶ 17 Although defendant points out that neither Williams nor any other witness testified that they actually observed defendant driving, we find the evidence sufficient to enable the trial court, sitting as trier of fact, to reasonably infer that defendant was the individual who drove or was in control of the idling vehicle on the scene. See *Siguenza-Brito*, 235 Ill. 2d at 228 (the trier of fact is responsible for drawing reasonable inferences from the evidence). Moreover, defendant's refusal to submit to the field sobriety and breathalyzer tests could be properly considered as circumstantial evidence of his consciousness of guilt. *People v. Roberts*, 115 Ill. App. 3d 384, 387 (1983). Accordingly, we find the evidence was sufficient to enable a rational trier of fact to conclude that the essential elements of DWLR were proved beyond a reasonable doubt, and that the *corpus delicti* rule was not violated.

¶ 18 For the foregoing reasons, we affirm the judgment of the circuit court of Cook County.

¶ 19 Affirmed.