

BACKGROUND

In July 2009, a grand jury indicted defendant on three counts of burglary (720 ILCS 5/19-1(a) (West 2006)). At defendant's jury trial in April 2009, Desiree Robertson testified she worked as a cashier at Huck's Gas Station (Huck's) in Bloomington. According to her testimony, on May 19, 2008, an African-American female used a \$100 bill to purchase several items. Robertson testified she did not pay much attention to the bill, but it looked faded. Shortly thereafter, an African-American man also used a \$100 bill to purchase several items. Robertson testified the \$100 bill used by the man looked similar to the \$100 bill used by the woman.

After completing the transaction, Robertson stated she examined the bill and asked other customers whether they thought the bills were counterfeit. Robertson testified she then went outside to where the man was pumping gas. The woman was in the car as was an older lady in the driver's seat. Robertson told the man she thought the \$100 bill he used was counterfeit. She asked the man and woman to write down their names, addresses, and numbers in case the bills turned out to be counterfeit. Robertson testified she was just a few feet from the man when she talked to him. According to Robertson, the man acted like he was going to cooperate with her but got in the car and left. She later talked to her boss, and the police were called. A police

officer came to Huck's and took the bills into evidence.

Marie Francis Sage testified she worked at the Schnuck's grocery store on Empire Street in Bloomington. According to her testimony, on June 5, 2008, an African-American man presented her with a \$100 bill while she was working at Schnuck's. The man was buying a bottle of Jose Cuervo and a Twix candy bar. Sage testified the man was acting strangely, standing farther back from the register than most customers.

Sage testified she only quickly looked at the \$100 bill because she had a line of customers. She originally thought it looked valid. However, after defendant left the register, she took the bill out of the register, examined it, and noticed some discrepancies. Sage identified the man as defendant.

Camaille Blaxton, a cashier at Kim's Beauty Supply, testified a young African-American man came into the store with a woman and purchased some hair clippers on June 8, 2008. The man paid for the items with a \$100 bill. Blaxton testified the bill felt "kind of thick," but she did not hold it up to the light because she was in a hurry as she was preparing to close the store. After the customer left, another employee, Nora Caldwell, looked at the bill and said it was counterfeit.

Bloomington police department detective Jeffrey Albee was involved in the investigation of the counterfeit bills. The clerk at Huck's provided a license plate number for the vehicle

in which the man and woman left. The owner of the vehicle told the detective she had given her neighbor, Keisha Dockery, and the neighbor's boyfriend a ride to Huck's. She told the officer she remembered the clerk coming out to the car, but either Keisha or defendant asked her to drive away, so she did.

Detective Albee testified the clerk at Huck's later identified defendant in a photo lineup as the man who gave her the \$100 bill. According to Detective Albee's testimony, defendant was later arrested in an apartment where Keisha was staying. The detective testified defendant was hiding under a bed in one of the bedrooms. He identified defendant in open court.

Bloomington police department detective Michael Johnson testified he also participated in the investigation of the counterfeit bills. Detective Johnson testified Camilla Blaxton identified defendant in a photo lineup.

Defendant testified he went to Huck's on May 19, 2008, and used a \$100 bill. Defendant stated he did not notice anything unusual about the \$100 bill. According to defendant, a young woman did come out to the car while he was pumping gas at Huck's. However, he stated the woman was not talking to him directly so he was not paying close attention to what she said. He testified she had two \$100 bills in her hand and said something about the \$100 bills. Defendant recalled the young

woman asked him for his address so she could follow up with him if the \$100 bills were bad. Defendant also testified he went to Schnuck's on June 5, 2008, and Kim's Beauty Supply on June 8, 2008, and paid for items with \$100 bills.

Defendant testified he brought \$850 with him from Chicago. He stated he received some of the money when he sold some tire rims for \$700. Defendant testified the person who bought the rims gave him five \$100 bills and some \$20 and \$10 bills.

Defendant denied hiding under the bed when the police came to arrest him. Defendant also testified he was convicted of aggravated battery and retail theft in 2004.

Defendant's mother, Jeanene West, testified she remembered defendant selling some rims or speakers or some other similar items.

The jury found defendant not guilty on count I (Huck's) and guilty on counts II (Schnuck's) and III (Kim's Beauty Supply). At the sentencing hearing, the trial court sentenced defendant to concurrent 5-year terms of imprisonment on the burglary convictions, with credit for 20 days served in the county jail awaiting trial. On July 10, 2009, the circuit clerk imposed a \$15 children's-advocacy-center fee and a \$10 drug-court fee.

On July 13, 2009, defendant filed a motion to

reconsider sentence. On September 23, 2009, defendant filed an amended motion to reconsider sentence. The trial court denied the amended motion to reconsider sentence the same day.

This appeal followed.

II. ANALYSIS

A. Sufficiency of Evidence

Defendant argues the State failed to prove defendant knew the money he possessed was counterfeit. We will not reverse a defendant's conviction based on the sufficiency of the evidence presented if the evidence, when viewed in a light most favorable to the State, is sufficient to allow any rational trier of fact to find the State proved the essential elements of the crime beyond a reasonable doubt. *People v. Hall*, 194 Ill. 2d 305, 330, 743 N.E.2d 521, 536 (2000). A reviewing court will not overturn a criminal conviction based on insufficient evidence unless the proof is so improbable or unsatisfactory a reasonable doubt exists as to the defendant's guilt. *People v. Maggette*, 195 Ill. 2d 336, 353, 747 N.E.2d 339, 349 (2001). This standard applies whether the evidence is direct or circumstantial. *People v. Wheeler*, 226 Ill. 2d 92, 114, 871 N.E.2d 728, 740 (2007).

Defendant argues the counterfeit money was "extremely well produced, appearing to be genuine unless subjected to exceptional scrutiny." According to defendant, the State presented no evidence establishing defendant knew that he

possessed counterfeit bills when he entered the stores to transact business. Defendant testified he did not notice anything wrong with the bills. He claimed he received these bills when he sold some tire rims.

According to defendant, the State was only able to establish he possessed counterfeit money which he used to make purchases. Defendant argues no presumption exists a person knows whether the currency he possesses is authentic. According to his brief:

"No evidence was presented that Henry West attempted to disguise himself when he made these purchases; indeed, he gave his driver's license to one of the cashiers. Mr. West's actions are inconsistent with the actions of someone who knew that he was attempting to pass counterfeit money, and consistent with the actions of someone who was as deceived by the fake money as the three cashiers. Given the convincing nature of the counterfeit \$100 bills possessed by [defendant], no reasonable jury could conclude beyond a reasonable doubt that he knew that the money was fake."

The State contends defendant's argument in this case is similar to an argument made by the defendant in *United States v.*

Katuramu, 174 Fed. Appx. 272 (2006). In *Katuramu*, the defendant argued none of the government's witnesses could offer any evidence the defendant knew he possessed counterfeit currency. *Katuramu*, 174 Fed. Appx. at 277. The Sixth Circuit disagreed, stating:

"The record contains testimony describing [the defendant's] repeated attempts to pass counterfeit \$50 bills. It is also obvious that at least one of these attempts, namely, the incident at the pharmacy leading to his arrest, occurred after he had been explicitly warned by a convenience store employee that he was in possession of counterfeit money. Based on this evidence, the jury could have easily inferred that [defendant] had knowledge of the counterfeit nature of the money when he used it to complete transactions. Such circumstantial evidence is sufficient to support the jury conviction." *Katuramu*, 174 Fed. Appx. at 278.

In this case, the State presented sufficient circumstantial evidence defendant knew he was using counterfeit currency for a rational trier of fact to find defendant guilty of

two counts of burglary. As the State points out, the jury only found defendant guilty of the two charged incidents which occurred after the clerk at Huck's told defendant she thought the two \$100 bills he and Keisha used were counterfeit. When the defendant used \$100 bills at Schnuck's and Kim's Beauty Supply, a rational trier of fact could have found he knew he was using counterfeit currency, especially considering the fact he left the Huck's parking lot without providing the clerk with his name and address. Although defendant testified he did not know the \$100 bills were counterfeit, the jury obviously did not find him credible. A jury's credibility determinations are entitled to great deference. *People v. Bocclair*, 129 Ill. 2d 458, 474, 544 N.E.2d 715, 722 (1989).

B. Children's-Advocacy-Center and Drug-Court Fees

Defendant next argues the circuit clerk was without authority to impose the children's-advocacy-center fee and drug-court fee because these "fees" were actually "fines." The imposition of a fine is a judicial act. *People v. Scott*, 152 Ill. App. 3d 868, 873, 505 N.E.2d 42, 46 (1987). The clerk of a court has no power to levy fines, even mandatory ones. *Scott*, 152 Ill. App. 3d at 873, 505 N.E.2d at 46. Defendant argues he is entitled to the vacation of the \$15 children's-advocacy-center fee and the \$10 drug-court fee. In the alternative, defendant argues the \$25 should be offset by his pretrial custody credit.

The State concedes the circuit clerk was without authority to impose the children's-advocacy-center and drug-court "fees," which are actually "fines." See *People v. Jones*, 397 Ill. App. 3d 651, 660, 921 N.E.2d 768, 775 (2009); see also *People v. Sulton*, 395 Ill. App. 3d 186, 193, 916 N.E.2d 642, 647-48 (2009). The State argues the correct remedy is to remand this case to the trial judge for the imposition of the fines. See *Scott*, 152 Ill. App. 3d at 873, 505 N.E.2d at 46. We agree.

Because defendant received credit for 20 days spent in pretrial custody, he is entitled to \$100 credit against his fines. See 725 ILCS 5/110-14(a) (West 2008). This credit can be applied to the \$10 drug-court fee and the \$15 children's-advocacy-center fee. Accordingly, we remand this case and direct the trial court to impose the \$10 drug-court fee and the \$15 children's-advocacy-center fee and order these fines be offset by defendant's pretrial custody credit pursuant to section 110-14 of the Code of Criminal Procedure of 1963 (725 ILCS 5/110-14(a) (West 2008)).

III. CONCLUSION

For the reasons stated, we affirm the judgment of the trial court as modified but remand with directions. As part of our judgment, we grant the State's request defendant be assessed \$50 as costs for this appeal.

Affirmed as modified and remanded with directions.

