

No. 1-11-3011

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 10 CR 16695
	)	
EDWIN MEDINA,	)	Honorable
	)	Arthur F. Hill, Jr.,
Defendant-Appellant.	)	Judge Presiding.

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JUSTICE TAYLOR delivered the judgment of the court.  
Presiding Justice McBride and Justice Palmer concurred in the judgment.

**ORDER**

- ¶ 1 *Held:* The State presented sufficient evidence that defendant committed burglary. Where he was inside an elementary school in the middle of the night carrying a tool kit, and the school was surrounded by police for several hours after the report of a burglary in progress, there were no contrary circumstances to contradict the inference that he intended to commit theft in the school.
- ¶ 2 Following a jury trial, defendant Edwin Medina was convicted of burglary of a school and sentenced to a prison term of eight years and six months. On appeal, he contends that the State presented insufficient evidence to convict him beyond a reasonable doubt, and in particular failed to prove that he entered the premises in question with the intent to commit theft therein.

¶ 3 Defendant was charged with burglary in that, on September 5 through 6, 2010, he allegedly entered St. Helen's School, property of the Archdiocese of Chicago, without authority and with the intent to commit theft therein.

¶ 4 At trial, Father Waldemar Stawiarski testified that he was a priest assigned to St. Helen's parish and was "in charge of" the parish elementary school. The school is in two connected three-story buildings. Fr. Stawiarski visited the school during the daytime of September 5 and saw no damage to the premises. At about midnight, police came to Fr. Stawiarski and told him that a broken window at the school caused them to suspect a burglary. Fr. Stawiarski went to the school and saw a window on the front of the school with its glass broken and another window at the rear of the school with its screen torn. Fr. Stawiarski did not know defendant and had not given him or anyone else permission to be in the school or break a window of the school.

¶ 5 Police officer Margaret Segreti testified that, at about 11:30 p.m. on September 5, she and another officer responded to a report of a burglary in progress at St. Helen's school. The report included a description of the suspect's clothing. When Officer Segreti and her partner arrived at the school less than a minute after receiving the call, there were already other officers at the scene. Officer Segreti saw a green Chevrolet Impala with temporary license plates driving away. She also saw the broken window and entered the school through the window, ending up in the cafeteria in the basement. She searched the school but was unable to enter some rooms as they were locked, so she and her partner stood guard outside. When the green Impala passed by them slowly, about a half-hour after they arrived at the scene, they stopped it. Based on her conversation with the persons in the Impala, Officer Segreti believed that there was still someone inside the school, and reported this on the police radio before returning to the police station. At about 5 a.m. on September 6, she learned that defendant had been arrested, and Officer Daniel Kolodziejski gave her to be inventoried a "pink Victoria Secret bag, several boxes of tissue" and

a "little tool kit" consisting of a hammer, screwdriver, and wrench, as well as a camouflage jacket and knit cap.

¶ 6 Officer Daniel Kolodziejski testified that he also responded to the report of a burglary in progress at St. Helen's school. Other officers were already at the scene, so Officer Kolodziejski stood guard outside. At one point, he looked up and saw a Hispanic man open a third-floor window and peer down as if estimating how far a jump he would make from that window. Officer Kolodziejski had a good opportunity to see the man and identified defendant at trial as that man. Officer Kolodziejski reported seeing the man on the police radio, and then he and other officers searched the school. He did not find anyone in two searches of the building, though he could not search all rooms due to locked doors, so he resumed standing guard outside. At least "a couple of hours" after seeing defendant looking out the window, he saw defendant come out of the school. He radioed a description of defendant's clothing and red bag before pursuing him into the neighborhood near the school, and he saw Officer Bradley Loduca arrest defendant. Officer Loduca gave Officer Kolodziejski defendant's jacket, which Officer Kolodziejski identified as the one he was wearing as he exited the school, and a red and pink striped bag. Officer Kolodziejski found that the bag contained a black hat or cap, three boxes of tissue, and a black bag containing a hammer, screwdriver, and crescent wrench. He brought the jacket and bag to the police station, where he gave them to Officer Segreti.

¶ 7 Officer Bradley Loduca testified that, shortly after 5 a.m. on September 6, he was searching the neighborhood near the school when he saw defendant hiding. He arrested defendant, who was holding a camouflage or "fatigue" jacket and carrying a red or pink bag. The red bag contained boxes of tissue and a black bag.

¶ 8 Police evidence technician Tyrone Tate testified that he examined St. Helen's school on September 6 and found no usable fingerprints by the broken basement window, third-floor window, or "point of exit door."

¶ 9 The State rested its case, and the defense rested its case without presenting evidence. Following closing arguments, instructions, and deliberations, the jury found defendant guilty of burglary of a school.

¶ 10 The court denied defendant's post-trial motion. Following arguments in aggravation and mitigation, the court sentenced defendant to a prison term of eight years and six months. His post-sentencing motion was denied, and this appeal timely followed.

¶ 11 On appeal, defendant contends that there was insufficient evidence to convict him of burglary of a school beyond a reasonable doubt, and particularly that the State failed to establish that he entered the school with the intent to commit theft therein.

¶ 12 A person commits burglary when "without authority he or she knowingly enters or without authority remains within a building \*\*\* or any part thereof, with intent to commit therein a felony or theft." 720 ILCS 5/19-1(a) (West 2010). A burglary is complete upon entering with the requisite intent, regardless of whether the intended felony or theft is accomplished. *People v. Beauchamp*, 241 Ill. 2d 1, 8 (2011). Such intent is often established by circumstantial evidence as it is rarely susceptible to direct proof. *People v. Carbajal*, 2013 IL App (2d) 111018, ¶ 43. In determining whether the evidence is sufficient to infer such intent, relevant circumstances include the time, place, and manner of the defendant's entry to the premises; his activity within the premises; and any alternative explanations offered for his presence. *People v. Grathler*, 368 Ill. App. 3d 802, 808 (2006), citing *People v. Richardson*, 104 Ill. 2d 8, 13 (1984). Thus, absent inconsistent or contrary circumstances, it may be properly inferred from a defendant's unlawful entry to premises containing moveable property that he intended to commit theft therein. *People*

*v. Flores*, 269 Ill. App. 3d 196, 209 (1995), citing *People v. Toolate*, 101 Ill. 2d 301, 308 (1984), citing *People v. Johnson*, 28 Ill. 2d 441, 443 (1963).

¶ 13 When presented with a challenge to the sufficiency of the evidence, this court must determine whether, after taking 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. *Beauchamp*, 241 Ill. 2d at 8. On review, we do not retry the defendant and we accept all reasonable inferences from the record in favor of the State. *Id.* The trier of fact need not be satisfied beyond a reasonable doubt as to each link in the chain of circumstances; instead, it is sufficient if all the evidence taken together satisfies the trier of fact beyond a reasonable doubt of the defendant's guilt. *In re Jonathon C.B.*, 2011 IL 107750, ¶ 60. Similarly, the trier of fact is not required to disregard inferences that flow normally from the evidence nor to seek all possible explanations consistent with innocence and elevate them to reasonable doubt. *Id.* A conviction will be reversed only where the evidence is so unreasonable, improbable, or unsatisfactory that a reasonable doubt of the defendant's guilt remains. *Beauchamp*, 241 Ill. 2d at 8.

¶ 14 Here, as defendant concedes, the State proved that he entered the school without authority to do so. In particular, he was trespassing to a school in the middle of the night, and it is reasonably inferred that he was carrying a tool kit as he did so. Against the inference from these circumstances of his intent to commit theft inside the school, defendant posits that he was taking "advantage of an opportunity for shelter." However, a trier of fact is not obligated to accept a defendant's exculpatory claim. *People v. Leach*, 405 Ill. App. 3d 297, 317 (2010). That is particularly so here, where the shelter theory is nowhere referenced in the trial evidence. Moreover, the posited basis for the shelter theory is that defendant "remained in the school for five hours without taking anything." However, officers were at the school, and periodically searching inside it, from shortly after the report at about 11:30 p.m. until after 5 a.m., so that it is

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reasonably inferrable that defendant was too busy evading capture to steal anything. We find no contrary circumstances to the inference of intent, but merely defendant's alternative inference from circumstances that just as readily support the inference of intent. Thus, taking the evidence in the light most favorable to the State as we must, we conclude that a reasonable finder of fact could find defendant guilty of burglary.

¶ 15 Accordingly, the judgment of the circuit court is affirmed.

¶ 16 Affirmed.