2012 IL App (1st) 100483-U

FOURTH DIVISION
APRIL 26, 2012

No. 1-10-0483

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 06 CR 18227
	)	
CHRISTOPHER CALDWELL,	)	Honorable
	)	Angela Munari Petrone,
Defendant-Appellant.	)	Judge Presiding.

JUSTICE PUCINSKI delivered the judgment of the court.
Presiding Justice Lavin and Justice Smith concurred in the judgment.

O R D E R

¶ 1 *Held*: The trial court did not err in denying defendant's motion to suppress his statement where there was evidence reasonably supporting a conclusion that defendant requested counsel but then, without intervening questioning or pressure, requested to resume talking with investigators. There was sufficient evidence to convict defendant of aggravated battery with a firearm where defendant's statement admitting to shooting in the direction of a pursuing police officer was well-corroborated by evidence including the officer's repeated identification of defendant as the shooter and by security video of the pursuit and shooting.

¶ 2 Following a jury trial, defendant Christopher Caldwell was convicted of aggravated battery with a firearm and sentenced to 30 years' imprisonment. On appeal, defendant contends

that the trial court erred in denying his motion to suppress his custodial statement because he had invoked his right to counsel and did not reinitiate conversation with the police before making the statement. Defendant also contends that there was insufficient evidence to convict him of aggravated battery with a firearm beyond a reasonable doubt.

¶ 3 Defendant was charged with attempted first degree murder of a peace officer for shooting at police officer Thomas Sweeney when he knew or should have known he was an officer, and with aggravated battery with a firearm for shooting Officer Sweeney, allegedly on July 11, 2006.

¶ 4 Before trial, defendant filed a motion to suppress his statement made while in police custody. As amended, the motion alleged that he was intoxicated at the time of his arrest shortly after midnight on July 11. He was interrogated by police detectives Patrick Thelen and Joseph Struck from the time he was brought to the police station until nearly noon, except for an interruption shortly before 6 a.m. when he was placed in a lineup. At 11:40 a.m., defendant requested counsel, and questioning "briefly" ceased though he was not provided counsel or allowed to use the telephone. Then, "[l]ater that afternoon," the detectives told defendant that he had been identified as the shooter in the instant case and suggested that "the matter would go easier for him" if he confessed, and specifically that he would be charged with aggravated battery rather than attempted murder if he confessed. Also during the afternoon, the detectives told defendant that Officer Sweeney was released from the hospital because he was not seriously injured, and that "they would have taken it up with defendant personally" if he had been seriously hurt. At about 4 p.m., defendant's father and brother came to the police station; they were not allowed to see defendant due to the ongoing investigation, and his father's request that defendant be allowed to consult counsel was "denied." At about 8 p.m., the detectives gave defendant a statement prepared by an assistant State's Attorney (ASA) to the effect that "defendant did not intend to shoot at the officer," and suggested that he sign each page, which he did. Defendant

additionally alleged that he requested counsel "numerous" times between midnight and 8 p.m. but the detectives "continued to badger, make false promises, and verbally threaten [him] with physical harm," that "any conversations regarding the facts of the case at 8 p.m. *** were initiated by Detective" Struck, and that he "beg[an] to make incriminating statements" shortly after 8 p.m.

¶ 5 At the hearing on the motion to suppress, Detective Joseph Struck testified that his shift on July 11, 2006, began at 4:30 p.m. and that he saw defendant for the first time at about 8 p.m. when defendant knocked on the door of one of the police-station interview rooms to ask for a drink of water. As Detective Struck took him to a water fountain, defendant told him that "he wanted to tell [the detectives] what happened." After Detective Struck returned defendant to the interview room, he told Detective Thelen what defendant had said. Detective Struck returned to the interview room and read defendant his *Miranda* rights "because I had learned that he had previously invoked his rights." Defendant then gave his account of events. However, Detective Thelen was not present when defendant began his half-hour-long statement, and defendant did not sign an acknowledgment of his *Miranda* rights. Detective Struck spoke briefly with defendant, in the presence of Detective Thelen and ASA Emily Leuin, shortly after 10 p.m., when ASA Leuin reduced defendant's statement to writing. Defendant read aloud the first page of the statement and signed every page of the statement.

¶ 6 On cross-examination, Detective Struck denied telling defendant that, if he gave a statement, "it would be easier on him" as he would be charged with aggravated battery rather than attempted murder. He also denied telling defendant that "he was lucky" that Officer Sweeney was not seriously injured and denied that defendant had been badgered. Defendant did not seem intoxicated, nor did he smell of alcohol or claim to be drunk or "hung over." He did not request to use the telephone or to speak with an attorney.

¶ 7 Detective Patrick Thelen testified that he first saw defendant when he was arrested in an apartment at about 2 a.m. At the police station, defendant participated in a lineup. Detective Thelen next saw defendant at about 7 a.m. in a police-station interview room, when he read defendant his *Miranda* rights. At that time, defendant did not request counsel nor did he give a statement. Detective Thelen again interviewed defendant at about 9 a.m., first reading him his *Miranda* rights, but defendant again made no statement. After Detective Thelen advised defendant of his rights a third time, at about 11:15 a.m., he invoked his right to counsel at about 11:40 a.m. Detective Thelen did not "take any steps to attempt to get him an attorney," and defendant did not use the telephone because he did not so request. Detective Thelen stated that defendant would have been allowed to use the telephone had he so requested.

¶ 8 From the request for counsel until about 10 p.m., Detective Thelen's contact with defendant was to bring him food and to bring him to the washroom. Other detectives also did the same. Detective Thelen denied conversing with defendant about the instant offense, badgering him, or attempting to induce him to give a statement during that period. While he told defendant that "he was lucky that the officer was alive," he denied telling him that he "would take it personally" if Officer Sweeney was seriously injured. He denied threatening defendant and that anyone else threatened defendant in his presence. Defendant did not appear intoxicated or "hung over," nor did his breath smell of alcohol. Detective Struck was not assigned to the instant case, nor did Detective Thelen instruct him to become involved in the instant case. Instead, Detective Struck approached him to inform him that defendant had requested to speak with him; that is, Detective Thelen. Defendant was read his rights in Detective Thelen's presence by ASA Leuin at about 10 p.m., and he gave his statement that ASA Leuin reduced to writing.

¶ 9 Defendant testified that he was arrested and taken to the police station at about midnight on the day in question. He was intoxicated, having consumed two "fifths" of cognac. He was in

a holding cell until a lineup was conducted, and Detective Thelen began questioning him after the lineup. Detective Thelen "started badgering [defendant] immediately after the lineup," telling him that requesting counsel "wouldn't be a good idea because if I didn't talk to him I would be looked at as a cold-blooded killer." He also threatened to beat defendant if he did not cooperate. Detectives Thelen and Struck both tried to question defendant after he had requested counsel, a request he made "numerous" times to both detectives. Defendant also requested to use the telephone but was not allowed to do so. When there was nobody else in the room, Detective Struck told defendant that he "would get aggravated battery and that he would give me five years." Defendant denied telling any detective after his request for counsel that he wanted to speak with them again. He admitted that he signed a statement, which included a recitation of the *Miranda* rights and had corrections bearing his initials. He denied that he was allowed to read the statement or make corrections, but merely signed where he was told to sign. He did not tell ASA Leuin that he had requested counsel. Throughout his custody, he was allowed to use the washroom and was given water and soda; while he was also given two sandwiches, he did not eat them. On cross-examination, defendant stated that he drank the cognac at about 8 or 9 p.m. before his midnight arrest and admitted that he was sober by 9 a.m. following his arrest.

¶ 10 Following arguments, the court denied the motion to suppress, finding that defendant's testimony was not credible and the detectives' testimony was unimpeached. The court noted particularly that Detective Struck had not even come on duty until about 4 p.m. and that defendant was no longer drunk by 9 a.m., and the court characterized the threats alleged by defendant as the detectives "basically saying 'make it easy on yourself.' "

¶ 11 At trial, Officer Thomas Sweeney testified that he and another officer were on patrol in a police car on the night of July 10-11, 2006. At about 12:30 a.m. on the 11th, Officer Sweeney learned of a report of a man with a gun at a particular bus stop. The officers went there, but

nobody was at the bus stop, so they continued their patrol. They later received another report of a man – a black man wearing jeans and a white shirt – with a gun at the same bus stop. When they returned to the bus stop, Officer Sweeney saw two men there, one of whom fit the description. Defendant was one of the two men. Officer Sweeney exited the police car and approached the two men, telling them both to put their hands on the hood of the police car. Defendant instead fled, grabbing at his waistband as he ran, and Officer Sweeney ran after him. During the pursuit, Officer Sweeney lost sight of defendant momentarily but also had an instance where he clearly saw defendant's face in good lighting. When defendant reached the entrance gate of a large apartment building, Officer Sweeney tried to grab defendant but he slipped from his grasp. Defendant then stopped at the gate, and Officer Sweeney saw that he had a gun in his hand. Officer Sweeney ordered defendant to drop his gun, but he instead ran through the gateway into the apartment building, then pointed his gun in the officer's direction and fired twice. Officer Sweeney did not have an opportunity to take cover, and he felt a stinging or pinching sensation on his back. He returned fire as defendant ran out of sight into the building. Officer Sweeney later found two holes in the back of his armored vest and noticed redness on his back, and he was briefly treated at a hospital. At about 4:30 a.m., he attended a lineup at the police station and identified defendant as the shooter. At trial, he identified a particular gun as the one defendant was carrying that day. He also identified security video from the apartment building, in which he and defendant could be seen during the pursuit and shooting. However, the video "does not reflect the shooter actually firing."

¶ 12 Passion Payne and Monika St. Clair testified that they are cousins and in 2006 were living in a third-floor unit in the apartment complex in question. On the night of July 11, 2006, they were in the apartment with Andrew Webb when they heard a knock at the back door of the unit. Payne went to door and, finding that it was defendant, who she knew from the neighborhood, she

let him in. Payne "could tell he probably was drinking." He went to the living room with Webb while Payne went to St. Clair's bedroom to watch television. Some time later, Payne and St. Clair heard knocking again, and St. Clair admitted another resident of the building that she and Payne knew only as Robert. The police then came to both the front and back doors of the unit. When the police entered the unit, they brought all the occupants to the living room. Payne saw the police removing defendant from the unit. Payne was brought to the police station, where she was interviewed.

¶ 13 Andrew Webb testified that he knew defendant since childhood. On the night in question, he was at St. Clair's apartment sleeping on the living room sofa when he heard loud popping noises outside. A short time later, he heard people talking outside the unit's back door and then saw defendant outside the door on the porch; Payne let defendant in. Everyone in the unit was relaxing and talking in the living room, and while Webb did not see defendant in either of the two bedrooms at the back of the unit, he did see him at one point go in that direction. Webb denied that Robert was in the apartment that night. At some point, several police officers entered the unit and searched it. Webb, defendant, Payne, and St. Clair were arrested and taken to the police station, where Webb stood in a lineup.

¶ 14 When he was interviewed, Webb told police that he was asleep when he heard loud noises that may have been shots. While Webb admitted that a detective then told him that police had security video from the building, he denied then telling the detective that defendant ran into the apartment, breathing heavily, and put a gun in a garbage can outside the unit. He explained that he signed a statement because detectives threatened to charge him as an accomplice if he did not sign. While he told the ASA who wrote the statement that he had been provided food and drink while in custody, he testified that he was not. He denied that he was allowed to make corrections to the statement.

¶ 15 ASA Emily Leuin testified that, when she was assigned to the shooting of Officer Sweeney on the evening of July 11, 2006, she went to the police station and spoke with the detectives assigned to the case. At about 10 p.m., she first met defendant in an interview room with Detectives Thelen and Struck. She told him that she was a prosecutor rather than his counsel and informed him of his *Miranda* rights. He stated that he understood his rights and agreed to discuss the shooting of Officer Sweeney. Before she did so, and because she was aware that he had earlier requested counsel, ASA Leuin verified from defendant that he had asked to speak with the detectives and still wanted to discuss the case. With the detectives also present, ASA Leuin and defendant then discussed the circumstances of the shooting of Officer Sweeney for about 15 minutes, during which defendant was comfortable and responsive to her questions. She suggested that she would write down defendant's account, and he agreed. She spoke with defendant alone, with the detectives not in the room, and ascertained that he had been treated well. When the detectives returned to the room, defendant signed a form reciting his *Miranda* rights and ASA Leuin then wrote down his statement. She reviewed the statement with defendant: he read the first paragraph of the statement aloud, then she read the remaining pages to him, and she noted corrections that he pointed out. He initialed each correction and signed each page of the statement. She explained that she wrote the wrong time on defendant's statement – recording 10:18 p.m. as 20:18 rather than 22:18 – because she made an error converting into 24-hour time.

¶ 16 ASA Leuin read defendant's statement into the trial record. In it, defendant explained that he and some other men had an argument in the early morning of July 11, after which they threatened to return. Believing they would return armed, defendant obtained a gun before coming back to the area. As he was at a bus stop, a police car stopped and the officers called defendant over to them. He fled, and one of the officers pursued him on foot. Defendant had his

gun in hand as he fled, and he fired two shots behind him to discourage the officer from his pursuit. Defendant continued his flight to the home of Monika St. Clair, a friend, where he flushed the two shell casings down a toilet and threw the gun out a window into a garbage can before he was arrested.

¶ 17 ASA Leuin also testified that she spoke with Andrew Webb at the police station that day. Webb agreed to speak with her and gave his account of events. She suggested that she would write down Webb's account, and he agreed. She spoke with Webb alone and ascertained that he had been treated well. Webb did not tell her that anyone had threatened to charge him as an accomplice if he did not give a statement, and ASA Leuin did not make any such threat herself. When Detective Thelen returned to the room, ASA Leuin wrote down defendant's account as he repeated it. She began the statement at 8:46 p.m., which she correctly recorded at 20:46. She then reviewed the statement with Webb: he read the first paragraph of the statement aloud, then she read the remaining pages to him, and she noted corrections that he pointed out. He initialed each correction and signed each page of the statement.

¶ 18 ASA Leuin read Webb's statement into the trial record. In it, he explained that some time after midnight, he heard three to five gunshots outside, then defendant appeared at the apartment door about a minute later. He entered the unit, went to the windows to look outside, and then said "it went down" as he rubbed his hands on his pants. Webb took this to mean that defendant was involved in the shooting he had just heard. Defendant told Webb to keep looking outside for the police and then paced between the kitchen (at the rear of the unit) and the living room. Robert came to the unit and stated that the police were outside. At some point, defendant told Webb that he "needs to get rid of the gun" and then went to one of the rear bedrooms where he dropped the gun out a window into a garbage can. Until the police arrived about an hour later,

defendant never left the apartment. Webb identified a particular gun as the one he saw defendant dispose of on the night in question.

¶ 19 Detective Michael Jackson testified that he was searching the crime scene when he found the gun in the garbage can at about 1:47 a.m. He interviewed Webb at the police station at about 6 a.m. At first, Webb stated that he was asleep when he heard the shots and then returned to sleep until the police arrived and took everyone in the apartment to the police station. However, when Detective Jackson told Webb that there was security video from the apartment complex, he gave the account later memorialized in his written statement. Detective Jackson did not tell Webb that he could go to prison for 25 years or more if he did not tie defendant to the discarded gun while he would go free if he did, nor he did recall telling Webb that he would be charged as an accomplice if he did not give a statement. He did not deny Webb food or drink.

¶ 20 Officer Robert Bartlett testified that he and other officers were searching the apartment complex when a detective found a gun in a garbage can. The officers went to the apartments overlooking the garbage can and, when Officer Bartlett knocked on the door of St. Clair's third-floor apartment, a woman admitted them. The officers detained several people in the living room and searched the apartment. When detectives arrived, they arrested defendant.

¶ 21 Detectives Thelen and Struck testified consistently with his hearing testimony. Detective Thelen also testified that, when he saw defendant in St. Clair's apartment, he believed that he fit the description of the shooter and arrested him. When Detective Thelen interviewed Webb at the police station, he did not tell Webb that he could go to prison for 25 years or more if he did not tie defendant to the discarded gun while he would go free if he did, nor that he would be charged as an accomplice if he did not give a statement, and he did not deny Webb food or drink.

¶ 22 Detective Thomas Benoit testified that he conducted a lineup at the police station after defendant's arrest, in which Officer Sweeney identified defendant as his shooter. The six lineup participants included Webb and a Robert Martin, who had both been arrested with defendant.

¶ 23 Officer John Adams testified that he guarded the garbage can from about 1:50 a.m. until a forensic investigator arrived, during which time he saw the gun inside the can. Cynthia Stewart and Mark Lisky testified to the existence and operation of the security video system at the apartment building. Lisky testified that he gave the police on July 11, 2006, a copy of the video from earlier that night. The video showed that, while police looked into the garbage can where the gun was found, they did not reach into the can.

¶ 24 Police forensic investigator Joseph Dunigan testified that he examined and photographed the crime scene at the apartment building on the morning of the shooting. He removed and inventoried a gun from a garbage can. Of the gun's six chambers, four were loaded and two were empty; that is, contained neither an unfired bullet nor a spent casing. Later, Investigator Dunigan performed a gunshot residue test upon defendant by taking sticky patches from his hands, which he then sealed and inventoried. He separately bagged and inventoried defendant's white shirt and Officer Sweeney's armored vest, and he took swabs for DNA testing from the recovered gun.

¶ 25 Forensic biologists Karlee Kane and Lauren Schubert of the state crime laboratory testified that Kane prepared the DNA swabs for testing and Schubert conducted the DNA testing of two swabs against a sample from defendant. Both swabs had DNA from three persons, and defendant was excluded as a source for one swab but could not be excluded as a source for the other swab. For the swab where defendant was not excluded, one in 24 unrelated black persons (or one in 99 unrelated white persons, or one in 72 unrelated Hispanic persons) could similarly not be excluded as a source.

¶ 26 The parties stipulated that forensic chemist Mary Wong of the state crime laboratory would testify that she conducted gunshot residue testing on the samples taken by Investigator Dunigan and found no such residue. Wong had concluded that defendant either "may not have discharged a firearm with either hand" or "the particles were removed by activity, were not deposited or were not detected by the procedure" and would explain that "running, rubbing [or] washing are all methods" for removing such residue. The parties also stipulated that no useable fingerprints were found on the gun or the four cartridges it contained.

¶ 27 Defendant's motion for a directed verdict was denied.

¶ 28 Defendant testified that, from about 7 to 9 p.m. on July 10, 2006, he was drinking alcohol with friends in an apartment in the same complex where St. Clair lived. He then went to St. Clair's apartment at about 11 p.m., where he fell asleep. He was awakened by police officers, who arrested him, took his white shirt, and took him to the police station. There, he was placed in a lineup. When detectives tried to question him after the lineup, he requested counsel. A detective told him that he would look like a cold-blooded killer if he asked for an attorney. He was not allowed to use the telephone. He was provided food and drink and allowed to use the washroom, but he did not eat. Questioning, including threats and insulting language, continued periodically despite his request for counsel. ASA Leuin visited him at some point, asked him for basic biographical information, then returned about an hour later with a statement for him to sign. He was told that he could face attempted murder and 20 years' imprisonment if he did not cooperate but aggravated battery with five years' imprisonment if he did. Without being allowed to read the statement or make any corrections, and with the suggestion that "it would be better in the long run for me" if he signed it, he signed. He did not initial the purported corrections in the statement. Defendant denied fleeing from police or having a gun on July 10-11. He testified that the person seen in the security video was not him but someone dressed like he had been that

night, in jeans and a white shirt. He denied knowing or having a "beef" with Officer Sweeney or Detectives Thelen or Struck.

¶ 29 In rebuttal, ASA Leuin denied that she, or anyone in her presence, told defendant that, if he did not confess, requesting counsel would make him seem to be a cold-blooded killer. She denied leaving the interview room during the interview, and specifically denied briefly asking him for basic biographic information before leaving the room. She was alone with him briefly so she could "make sure he was comfortable talking" without the officers present. ASA Leuin reiterated that she wrote out and reviewed defendant's statement in his presence, that both she and he signed each page, and that defendant and either herself or one of the detectives initialed each correction in her presence. Defendant did not request counsel while ASA Leuin was present and he did not tell her that he requested counsel, that the detectives had "badgered [him] so he wouldn't get a lawyer," or that he signed the statement to receive one year of imprisonment for aggravated battery rather than 20 years' imprisonment for attempted murder. On cross-examination, ASA Leuin clarified that, for the entire interview, she was either alone with defendant or Detectives Struck and Thelen were both present with her and defendant. She reiterated her explanation of the incorrect time on the statement.

¶ 30 Following closing arguments, instructions, and deliberations, the jury found defendant guilty of aggravated battery with a firearm and not guilty of attempted first degree murder of a peace officer.

¶ 31 Defendant filed a post-trial motion challenging the sufficiency of the evidence. At the motion hearing, he argued in part that his motion to suppress should have been granted. The court denied the motion and, following the sentencing hearing, gave defendant 30 years in prison. This appeal followed.

¶ 32 On appeal, defendant first contends that the court erred in denying his motion to suppress his custodial statement because he had invoked his right to counsel and did not reinitiate conversation with the police before making the statement. The State responds that the denial was not erroneous because there was credible evidence that defendant reinitiated conversation.

¶ 33 A criminal defendant has a constitutional right to counsel at all custodial interrogations, and once a defendant invokes that right, the police cannot interrogate him further unless the defendant initiates further communication or conversation with the police. *People v. Crotty*, 394 Ill. App. 3d 651, 655 (2009). If the police subsequently initiate a conversation with a defendant in the absence of counsel, any waiver of the right to counsel is presumed invalid and the defendant's statements are presumed involuntary and are inadmissible as substantive evidence at trial. *Id*. at 655. This rule is intended to prevent the police from badgering a defendant into waiving his previous assertion of his right to counsel. *Id*. at 656. A defendant initiates contact when he makes a statement evincing a willingness and a desire for generalized discussion about the investigation; communications relating to routine incidents of the custodial relationship, such as restroom requests, do not suffice. *Id*. at 656. Therefore, we employ a two-pronged analysis: (1) whether the accused, rather than the police, initiated further discussion after invoking the right to counsel, and, if so, (2) whether the defendant's subsequent waiver of the right to counsel was knowing and intelligent. *Id*. at 656. Where the defendant reinitiated contact and further interrogation follows, the burden remains upon the prosecution to show that subsequent events indicated a waiver of the right to have counsel present. *Id*. at 655-56.

¶ 34 A knowing and intelligent waiver of *Miranda* rights is an intentional relinquishing of a known right or privilege with sufficient awareness of the relevant circumstances and likely consequences. *People v. Daniels*, 391 Ill. App. 3d 750, 781 (2009). The key question is whether the words of the *Miranda* warning, in context and in light of the defendant's age, background and

intelligence, imparted a clear and understandable warning of all of his rights. *Id*. While a defendant's mental capacity at the time of the waiver is relevant to determining whether he made a knowing and intelligent waiver, a defendant's limited capacity at the time of a confession does not *ipso facto* render his statement unintelligent or establish that he was incapable of waiving *Miranda*. *Id*. at 781-82. A defendant's waiver of the right to remain silent can be inferred from his actions and words, so that while an express statement of waiver is strong proof of waiver, it is not required for a valid waiver. *People v. Watson*, 315 Ill. App. 3d 866, 877-78 (2000).

¶ 35 In reviewing a ruling on a motion to suppress evidence, we reverse the findings of fact only if they are against the manifest weight of the evidence, while we review *de novo* the ultimate legal ruling on whether suppression is warranted. *Crotty*, 394 Ill. App. 3d at 655.

¶ 36 Here, Detectives Struck and Thelen testified that defendant had requested counsel before noon and was no longer questioned (but was also not provided counsel) until he told Detective Struck at about 8 p.m. that he wanted to wanted to "tell [the detectives] what happened" – thus expressing a willingness and desire for generalized discussion about the investigation – at which time he was again informed of his *Miranda* rights and he gave a statement. He did not seem to either detective to be intoxicated, and both detectives denied threatening or badgering him. Notably, while defendant alleged in his motion and initially testified that he was intoxicated upon and following his arrest, he admitted on cross-examination that he was sober by 9 a.m.; that is, before the key events at issue. We cannot conclude that the court erred in denying defendant's motion to suppress as amended where the record reasonably supports a conclusion that defendant requested counsel but was then not badgered, threatened, or otherwise questioned until he requested to speak to detectives about the instant case.

¶ 37 Defendant also contends that there was insufficient evidence to convict him of aggravated battery with a firearm.

¶ 38 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. *People v. Beauchamp*, 241 Ill. 2d 1, 8 (2011). On review, we do not retry the defendant and we accept all reasonable inferences from the record in favor of the State. *Beauchamp*, 241 Ill. 2d at 8. 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. *In re Jonathon C.B.*, 2011 IL 107750, ¶ 60. 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.

¶ 39 Here, Officer Sweeney's lineup and trial identification of defendant as the shooter was plausible, in that he had the opportunity to see defendant's face before he fled, at one point during the pursuit, and again just before defendant shot him and fled into the apartment building. Moreover, Sweeney's testimony was well-corroborated by defendant's statement confessing to shooting towards Officer Sweeney, by security video of the pursuit and shooting (even if not of defendant actually firing), and by Webb's written statement. A reasonable finder of fact could find defendant guilty of aggravated battery with a firearm upon such evidence.

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

¶ 41 Affirmed.