2014 IL App (1st) 133080-U
No. 1-13-3080

THIRD DIVISION
SEPTEMBER 17, 2014

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Circuit Court
	)	of Cook County.
Plaintiff-Appellee,	)	
	)	
v.	)	No. 105007284
	)	
ANTHONY J. PERAICA,	)	The Honorable
	)	Kerry Kennedy,
Defendant-Appellant.	)	Judge, presiding.

PRESIDING JUSTICE PUCINSKI delivered the judgment of the court.
Justices Lavin and Hyman concurred in the judgment.

ORDER

¶ 1 *Held*: defendant's criminal damage to property conviction upheld where the circuit court properly denied his pre-trial motion to quash his arrest and suppress evidence and where the State proved defendant guilty of the charged offense beyond a reasonable doubt.

¶ 2 Following a bench trial, defendant Anthony Peraica was convicted of the misdemeanor offense of criminal damage to property and was sentenced to four months of supervision. Defendant appeals his conviction and the sentence imposed thereon arguing: (1) the circuit court erred in denying his pre-trial motion to quash his arrest and suppress evidence; and (2) the State

failed to prove him guilty of the charged offense beyond a reasonable doubt. For the reasons set forth herein, we affirm the judgment of the circuit court.

¶ 3 BACKGROUND

¶ 4 On October 30, 2010, defendant, former Cook County Commissioner, was arrested and charged with criminal damage to property (720 ILCS 5/21-1(a)(1) (West 2010)) for allegedly damaging a campaign sign supporting his political opponent, Jeffrey Tobolski, that had been displayed by Louis Skorvanek, a local restaurant owner. The damage to Tobolski's signs took place three days before the November 1, 2010, election in which defendant was the incumbent candidate.

¶ 5 Suppression Motion and Hearing

¶ 6 Following his arrest, defendant filed a motion to quash his arrest and suppress evidence. In his pre-trial motion, defendant argued that McCook Police Department officers lacked reasonable suspicion to stop him as well as probable cause to arrest him and requested the court to "grant the Motion to Quash Arrest thus dismissing the charges brought against him and to suppress any and all evidence seized during said arrest."

¶ 7 The circuit court presided over a hearing on defendant's motion. At the hearing, McCook Police Officer Russell Delude testified that shortly after he commenced his shift at 11:00 p.m. on October 30, 2010, he received a phone call from Stickney Police Officer Collin Lochridge, who informed him that occupants of a white Chevrolet van were "possibly * * * committing criminal activity." During that conversation, Officer Lochridge explained to him that he had just finished his shift and was on his way home when he noticed a white van leave a Marathon Gas Station and head southwest on Joliet Road before stopping at a local business just south of the gas station. Officer Lochridge explained that he had "previous[] contact" with the van because the

occupants were suspected of "tearing down political signs." Officer Lochridge did not provide him with a license plate number for the van or any physical descriptions or names of the occupants of the van. Shortly after concluding his conversation with Officer Lochridge, Officer Delude was driving his patrol car southwest on Joliet Road when he saw a white Chevrolet van exit a private driveway located at 8451 West Joliet Road and make a right-hand turn onto Joliet Road without employing its turn indicator. Officer Delude was familiar with the neighborhood and the individual who owned that residence but he was not familiar with that van. Based on his conversation with Officer Lochridge as well as the vehicle's the failure to signal, Officer Delude initiated a traffic stop.

¶ 8 Once he curbed the vehicle, Officer Delude observed two people in the van. Defendant was sitting in the passenger seat. After he obtained a driver's license and registration from the van's driver, Officer Delude asked the occupants of the van what they had been doing at the residence that they had just left. The driver responded that him that they "were putting up Peraica signs, political signs." Officer Delude further inquired whether they had taken down or otherwise defaced another candidate's political signs, but the driver denied engaging in such activity. The driver then permitted Officer Delude to look into the back of the vehicle. When he did so, Officer Delude observed political signs as well as a big stick or pole.

¶ 9 Officer Radke arrived as backup and Officer Delude told him that he had received information that the occupants of the van were damaging campaign signs and asked him to search the area surrounding the 8451 West Joliet Road residence for any destroyed or missing campaign signs. Several minutes later, Officer Delude learned that there were "political signs that were damaged at the driveway of 8451 Joliet Road" and he relocated to that location, leaving the other officer to remain with the van's two occupants. As he was surveying the damage to the

signs, Louis Skorvanek, owner of the McCook Bohemian American Family Restaurant, located two doors away at 8300 West Joliet Road, stopped his vehicle and approached him. Officer Delude recalled that Skorvanek told him that his tenant, who lived above his restaurant, had called and told him that a passenger in a white van had knocked down a political sign on his property.[1]

¶ 10 Officer Delude relocated to the restaurant and observed a damaged Tobolski campaign sign on the premises. He then spoke to Robert Baloga, Skorvanek's tenant, about what he had seen and took Baloga to the scene of the traffic stop for a show-up. Baloga immediately identified defendant as the offender and confirmed that the white Chevrolet van was the vehicle in which defendant had been a passenger. Officer Delude recalled that Baloga did not display any uncertainty when he identified defendant. Following Baloga's identification, defendant was subsequently arrested. It was only at that time that Officer Delude learned defendant's identity. Officer Delude estimated that approximately 20 to 22 minutes elapsed from the time of the vehicle stop to the time of defendant's arrest.

¶ 11 Officer Collin Lockridge, an officer with the Stickney Police Department, testified that on October 30, 2010, sometime after 10 p.m., he curbed a white Chevrolet van near the 6500 block of Pershing Road because he had been informed by an auxiliary officer that occupants of a white van were allegedly damaging political signs. When Officer Lockridge approached the van, he observed defendant in the front passenger seat of the vehicle. He did not recognize defendant as political candidate Anthony Peraica and defendant did not identify himself at that time. Officer Lockridge then asked the two men what they were doing in the area, and he was told that they were just "driving around." Officer Lockridge, in turn, responded that he was aware that

[1] For purposes of clarification, we note that the basis for the charges against defendant in the instant case pertain to the damage of the political sign located at Skorvanek's McCook Bohemian American Family Restaurant and not the damage inflicted upon signs at a nearby private residence.

"some sort of damage[]" had been done to political signs and advised the two men that if they were involved in the damage that they needed to stop doing so. In response, the driver told him "okay" and Officer Lockridge permitted them to leave. He did not author a police report about the damage to political signs that allegedly had taken place.

¶ 12 Sometime after 11 p.m., Officer Lockridge finished his shift was driving home when he saw a white van, which appeared to be the same van he had recently stopped, driving very slowly through the parking lot of a closed Marathon Gas Station in McCook. He used his cell phone to call the McCook Police Department and spoke to Officer Delude. Officer Lockridge reported that he had encountered a white van approximately 20 minutes earlier and he believed the same van was now in McCook and was driving in a manner that was "very suspicious." He explained that he had stopped the vehicle after receiving information that the occupants were damaging political signs; however, he had not personally seen the van's occupants damaging any signs. He confirmed that did not provide Officer Delude with names of the van's occupants.

¶ 13 After hearing the testimony, the circuit court denied defendant's motion to suppress evidence and quash his arrest, explaining:

> "I believe that the facts that came out at the hearing were such that when taken in it[s] totality of the circumstances, I believe that all things were satisfactory, and the motion to quash and suppress is going to be denied based on the totality of the circumstances."

¶ 14 Defendant filed a motion seeking reconsideration of the circuit court's denial of his motion to suppress evidence and quash his arrest, arguing that "the court's application of existing law was not in conformity with the facts established at the hearing. The transcript from the April 27, 2011, hearing plainly reveals that there was absolutely no reasonable suspicion on the part of

the police officers in question to justify the stop, search and [his] subsequent arrest." Defendant's motion was denied and the cause proceeded to a bench trial.

¶ 15 Trial

¶ 16 At trial, Jeffrey Tobolski, current Mayor of the Village of McCook and the Cook County Board Commissioner for the 16th District, testified that defendant was his opponent as well as the incumbent candidate in the 2010 election for the Cook County Board Commissioner position.

¶ 17 After deciding to run for that position, Tobolski established an organization, Friends of Jeffrey R. Tobolski (Friends), to oversee his campaign. Friends used campaign contributions to make signs that contained Tobolski's name as well as the elected position for which he was running. He explained that "[s]ome were yard signs that were displayed on private property residences who were supporting [his] candidacy; some were hanging signs, three-by-five. They were placed on usually poles found on private property or businesses that were supporting [him] and then the four-by-four's were placed on a corner area where they were highly visible." Tobolski recalled Louis Skorvanek, owner of a local restaurant, requested one of his signs to display in his parking lot and that he was provided with one. Tobolski confirmed that he did not give anyone permission to damage or remove the sign on Skorvanek's property.

¶ 18 Louis Skorvanek, the owner of the McCook Bohemian American Family Restaurant in McCook, Illinois, located at 8300 West Joliet Road, testified that he also owned two apartment units located above the restaurant, which he leased to various tenants. Skorvanek confirmed that in 2010, he chose to display a political sign supporting Tobolski's candidacy for Cook County Board Commissioner for the 16th District on the premises. The sign was affixed to a pole on his property underneath the illuminated sign advertising his restaurant. At the time that he chose to display a Tobolski sign, Skorvanek did not personally know the candidate.

¶ 19 On October 30, 2010, Skorvanek left his restaurant at approximately 11 p.m. At that time, the sign was "still there" and was intact. He was able to view the sign because the area was well lit as there were "lights every six feet on [his] building." The area was also illuminated by street lights located on Joliet Road. Approximately 10 minutes after leaving the restaurant and beginning his commute home, Skorvanek received a phone call from his tenant, Robert Baloga, informing him that "somebody [was] breaking [his] sign." Skorvanek immediately turned his car around and returned to the restaurant. When he pulled into the parking lot, Skorvanek observed his restaurant sign was intact, but that "Mr. Tobolski's sign was gone." It was no longer hanging below his restaurant sign; rather it had been ripped down and "was busted up [and] laying on the parking lot ground, on the asphalt." Skorvanek confirmed that the sign was not in the same condition that it had been in earlier that evening and further confirmed that he had not given anyone permission to remove or damage the sign.

¶ 20 Skorvanek testified that after he observed the damage he was not sure what to do and that he entered his car intending to return home. After driving approximately 50 feet, Skorvanek observed a parked police car with its flashers on and saw a McCook police officer collecting another broken Tobolski sign from the lawn a homeowner that lived close to his restaurant. Skorvanek stopped his car and spoke to the officer. He relayed that "somebody busted up [a] [Tobolski] sign over [t]here on [his] property too." Skorvanek also told the officer about the phone call he had received from his tenant. Specifically, he informed the officer that his tenant "saw some gentleman with a cap outside breaking up [a] sign * * * with a stick."

¶ 21 On cross-examination, Skorvanek confirmed that the Tobolski sign was put up by the Friends of Tobolski organization and that he expected the organization to remove the sign after

the election. He also acknowledged that Robert Baloga's roommate had a white van, which was frequently parked in his restaurant's parking lot.

¶ 22 Robert Baloga, one of Skorvanek's tenants, confirmed that he was in his apartment located above the McCook Bohemian American Family Restaurant during the evening hours of October 30, 2010. At approximately 11 p.m. he heard a voice and sounds consistent with "somebody destroying something." Because the sounds were so loud, Baloga testified that he initially believed that somebody was "smashing [his] car with something" because his car was parked in the lot below. When Baloga looked out his window, he observed "a guy with a pole in [his] hand * * * strike the sign [affixed to] the [sign] post." He explained that the sign being destroyed was the one below the restaurant sign. The man repeatedly struck the sign and "small pieces [were] breaking and flying on every side." The pole that the man was using to damage the sign was skinny and approximately 4 feet long. Baloga described the perpetrator as man who was approximately six feet tall and was wearing a "gray baseball hat and a hoodie and jeans." He testified that he watched the man for "maybe like a minute" and identified defendant as the man he saw destroying the sign.

¶ 23 At the time that he saw defendant damage the sign, Baloga estimated that he was approximately 60 feet away. He emphasized that although the damage occurred after 11 p.m., the parking lot and the surrounding area were illuminated, thereby allowing him to see defendant. After watching defendant for about one minute, Baloga called his landlord, Louis Skorvanek, and told him that "somebody [was] destroying the sign." After placing that phone call, Baloga saw defendant put the pole inside of a white Chevrolet minivan and then "jump[]" into the passenger seat. The van exited the restaurant's parking lot and then drove west on Joliet Road. Although Baloga was living with a roommate who drove a white van, he confirmed that

the van he saw defendant ride off in was not his roommate's van because his roommate's van was noticeably "bigger."

¶ 24 Baloga confirmed that the sign had been intact earlier that evening when he returned to his apartment after work at approximately 8 p.m. At the time that the incident occurred, Baloga did not know defendant's name and did not identify him by name during his conversation with Skorvanek. Following his phone call with Skorvanek, Baloga spoke to Officer Delude who arrived to investigate the incident. He confirmed that he had seen the man who damaged the sign and indicated that he believed he could identify him. Officer Delude then transported Baloga to the intersection of Joliet Road and Riverside where he viewed defendant and the driver of the white van from a distance of approximately three feet. At that time, Baloga identified defendant as the man he had seen damage the sign.

¶ 25 On cross-examination, Baloga acknowledged that the blinds on his apartment window were drawn at the time of the incident and that he observed defendant through the blinds.

¶ 26 Officer Delude's testimony at trial was consistent with the testimony he provided at the earlier suppression hearing. He testified that he stopped a white van in which defendant was a passenger shortly after 11 p.m. on October 30, 2010, in the area of 8300 West Joliet Road. At the time of the stop, defendant was wearing a gray fleece jacket, denim jeans and a baseball cap. After curbing the van for a minor traffic violation, Officer Delude spoke to the driver and obtained his license and registration. He informed both occupants that he had seen them in a private driveway located at 8451 West Joliet Road, and inquired why they had been there. The driver informed him that they had been "putting up Peraica political signs;" however, Officer Delude was familiar with the area and the residents in his town and he had not seen any such signs in the area. Officer Delude then requested and was granted permission from the driver to

look into the rear of the van. Upon doing so, Officer Delude observed Peraica political signs as well as a rake that was approximately 5 feet in length.

¶ 27 Once Officer Radke arrived on scene to assist him with the traffic stop, Officer Delude "had him go to the area of the driveway to see if he had any damaged political signs or any Tony Peraica signs." Once Officer Radke returned and relayed what he had seen, Officer Delude contacted his officer in charge and was ordered to retrieve a damaged political sign bearing Jeffrey Tobolski's name from the residence.

¶ 28 As he was doing so, Officer Delude was approached by Louis Skorvanek, the owner of a local restaurant, who reported that his tenant had just observed an incident involving damage to a Tobolski political sign at his restaurant. Officer Delude then relocated to the restaurant, where he spoke to Robert Baloga, Skorvanek's tenant, who relayed what he had seen. Specifically, Baloga reported that he observed a white van stop near the restaurant and saw the passenger of the van exit the vehicle with a rake and then use the rake to "knock[] down [a] political sign." After the sign was damaged, Baloga saw the defendant "put the rake into the rear of the vehicle through a sliding door and [then] enter[] the passenger seat of the vehicle." The vehicle subsequently proceeded southwest on Joliet Road.

¶ 29 After receiving this information, Officer Delude took Baloga to the area of Joliet Road and Riverside, which was less than two blocks west of the restaurant, where he had made the traffic stop. At that time, both occupants were standing outside of the van and Baloga pointed to defendant and said, "that's the guy right there." Baloga was standing approximately three feet away from the men at the time he made his identification. Officer Delude testified that the area was "well lit" despite the late hour because as there were several street lights that were illuminating the area.

¶ 30 Defendant was subsequently placed under arrest. Officer Delude confirmed that he had not known defendant's name or identity at the time of the stop and that he had not seen defendant prior to that night. He acknowledged, however, that he had heard defendant's name and knew that defendant "was running against [his] mayor" for the Cook County Board Commissioner position.

¶ 31 On cross-examination, Officer Delude acknowledged that Baloga did not use the word "rake" to describe the item that was used to damage Tobolski's signs; rather, he described the item as a "pole." Moreover, Baloga did not provide him with a specific time as to when he saw the events occur, but simply relayed that the damage had taken place "within the time of like 15, 20 minutes." He further confirmed that he did not photograph or inventory the clothing items that defendant was wearing at the time of his arrest, explaining that he did not do so because defendant was released on an " 'I' bond that same night."

¶ 32 After presenting the aforementioned testimony, the State rested its case, and defendant moved for a directed finding, which the circuit court denied. Defendant elected not to testify and defense counsel rested without calling any witnesses. Upon the conclusion of closing arguments, the circuit court found defendant guilty of the offense of criminal damage to property, explaining its ruling as follows:

> "As far as my decision in this matter, I cannot rule on conjecture. I have to deal with the facts of this case. The facts as I see them are there was a sound heard. Mr. Baloga looked out his window; saw a person. First he heard a noise, saw somebody out there, saw the profile from both sides, saw the person leave, saw the person hitting the sign. Whether or not it's a stick or the rake, the rake handle, you can argue that until you're blue in the face. The fact remains the person who perpetrated the crime was apprehended

a short distance away. There was a show up on the street. There was no doubt in Mr. Baloga's testimony as to who did it. He identified [defendant] as the offender.

I feel the State has met their burden of proof of guilt beyond a reasonable doubt and I find [defendant] guilty of the charge of criminal damage to property as set forth in the charging document.

As far as possessory interest, I believe the possessory interest was, in fact, in the hands of Mr. Skorvanek who put the sign up on his property, on his private property, which happened to be the McCook Bohemian [Family] Restaurant. And I feel, again, the State has met [its] burden. Finding of guilty."

¶ 33 The court imposed a sentence of 4 months of supervision on defendant. After his post-trial motion was denied, defendant filed the instant appeal.

¶ 34 ANALYSIS

¶ 35 Motion to Quash and Suppress

¶ 36 Defendant first argues that the circuit court erred in denying his motion to suppress because "there was absolutely no reasonable suspicion on the part of the police officers in question to justify the stop, search of the vehicle and [his] subsequent arrest."

¶ 37 The State, in turn, responds that the circuit court properly denied defendant's motion to quash arrest and suppress evidence because "there was reasonable suspicion to stop the van [in which defendant was a passenger] and probable cause to arrest arose during the lawful *Terry* stop."

¶ 38 On a motion to suppress, a defendant bears the burden of proving that the search and seizure were unlawful. *People v. Clark*, 394 Ill. App. 3d 344, 347 (2009). If a defendant makes a *prima facie* showing that he was doing nothing to justify a warrantless search and seizure, the

burden shifts to the State to present evidence to justify the search and seizure. *People v. Linley*, 388 Ill. App. 3d 747, 749 (2009). A trial court's ruling on a motion to suppress is subject to a two-prong standard of review. *Ornelas v. United States*, 517 U.S. 690, 699 (1996); *People v. Cosby*, 231 Ill. 2d 262, 271 (2008); *People v. Morgan*, 388 Ill. App. 3d 252, 259 (2009). The trial court's factual findings are reviewed for clear error and will only be reversed if they are against the manifest weight of the evidence. *Cosby*, 231 Ill. 2d at 271; *Morgan*, 388 Ill. App. 3d at 259. In contrast, the trial court's ultimate ruling on whether suppression is warranted is subject to *de novo* review. *Cosby*, 231 Ill. 2d at 271; *Morgan*, 231 Ill. 2d at 259. On review, an appellate court may undertake its own assessment of the facts as they pertain to the relevant issues in the case and may draw its own conclusions as to the proper relief. *People v. Ludemann*, 222 Ill. 2d 530, 542 (2006). Moreover, a reviewing court may affirm the circuit court's ruling on a motion to suppress for any reason in the record, regardless of whether the circuit court expressly relied upon that reason as the basis for its ruling. *People v. Sims*, 167 Ill. 2d 483, 500-01 (1995); *People v. Gomez*, 2011 IL App (1st) 092185, ¶ 55.

¶ 39 The right to be free from unlawful searches and seizures is protected by both the federal and state constitutions. U.S. Const., amend. IV; Ill. Const. 1970 art. I, § 6; *People v. Bartlett*, 241 Ill 2d. 217, 226 (2011). "The 'essential purpose' of the fourth amendment is to impose a standard of reasonableness upon the exercise of discretion by law enforcement officers to safeguard the privacy and security of individuals against arbitrary invasions." *People v. McDonough*, 239 Ill. 2d 260, 266-67 (2010), *quoting Delaware v. Prouse*, 440 U.S. 648, 653-55, 99 S. Ct. 1391, 1396, 59 L. Ed. 2d 660, 667 (1979). This constitutional guarantee "applies to all seizures of the person, including seizures that involve only a brief detention short of traditional arrest." *People v. Thomas*, 198 Ill. 2d 103, 108 (2001). A vehicle stop implicates the fourth

amendment because "stopping a vehicle and detaining its occupants constitutes a 'seizure' within the meaning of the fourth amendment, even if only for a brief period and for a limited purpose." *People v. Jones*, 215 Ill. 2d 261, 270 (2005); *People v. Daniel*, 2013 IL App (1st) 111876, ¶ 31. As such, vehicle stops are necessarily subject to the fourth amendment's reasonableness requirements. *People v. Hackett*, 2012 IL 111781, ¶ 20, citing *Whren v. United States*, 517 U.S. 806, 810 (1996).

¶ 40 To be reasonable, a seizure "generally requires a warrant supported by probable cause." *Thomas*, 198 Ill. 2d at 108. However, in its ruling in *Terry v. Ohio*, 392 U.S. 1, 22, 88 S. Ct. 1868, 20 L. Ed. 2d 889 (1968), the Supreme Court created a limited exception to the probable cause requirement and held that a police officer "may conduct a brief, investigatory stop of a citizen [unsupported by probable cause] when the officer has a reasonable articulable suspicion of criminal activity and such suspicion amounts to more than a mere 'hunch.' " *McDonough*, 239 Ill. 2d at 268; *Terry*, 392 U.S. at 27, 88 S. Ct. at 1883, 20 L. Ed. 2d at 909. Because vehicle stops are analogous to ordinary *Terry* investigative stops, they are analyzed in accordance with *Terry* principles. *Jones*, 215 Ill. 2d at 270; *Daniel*, 2013 IL App (1st) 1118786, ¶ 32.

¶ 41 "To justify a *Terry* stop, an officer 'must be able to point to specific and articulable facts, which taken together with rational inferences from those facts, reasonably warrant [the] intrusion.' " *People v. Magallanes*, 409 Ill. App. 3d 720, 725 (2011), quoting *Terry*, 392 U.S. at 30. Whether an investigatory stop is reasonable is judged by an objective standard, and only the facts known to the officer at the time of the stop may be considered. *Linley*, 388 Ill. App. 3d at 749; see also *People v. Sparks*, 315 Ill. App. 3d 786,792 (2000) ("The fourth amendment requires some minimal level of objective justification for making the stop"). A totality of the circumstances approach is used to determine the reasonableness of a *Terry* stop. *People v.*

Jackson, 348 Ill. App. 3d 719, 729 (2004). With respect to vehicle stops courts have consistently held that " 'the decision to stop an automobile is reasonable where the police have probable cause to believe that a traffic violation has occurred.' " *People v. McDonough*, 239 Ill. 2d 260, (2010), *quoting Whren*, 517 U.S. at 810. Keeping these principles in mind, we now address defendant's challenge to the circuit court's denial of his suppression motion.

¶ 42 At the suppression hearing, Officer Delude testified that he stopped the vehicle in which defendant was a passenger after he observed the driver fail to use a turn signal when exiting a private driveway and turning onto Joliet Road. Defendant, however, suggests that the Illinois Vehicle Code (Vehicle Code) does not require use of a turn signal when exiting a road or driveway; rather, he asserts that a turn signal is only required when a motorist enters a road or driveway, and that Officer Delude's stop of the white van was thus invalid. Section 11-804(a) of the Illinois Vehicle Code, the section on which defendant relies, specifies when use of a turn signal is required and provides as follows: "No person may turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 11-801 or turn a vehicle to enter a private road or driveway or *otherwise turn a vehicle from a direct course* or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person may so turn any vehicle without giving an appropriate signal in the manner hereinafter provided." (Emphasis added.) 625 ILCS 5/11-804(a) (West 2010). Based on the plain language of this provision, which calls for the use of a turn signal when a vehicle is "turn[ed] * * * from a direct course," defendant's argument that a turn signal is not required when exiting a driveway and turning onto a public road is not well taken. It is also not supported by relevant case law. See, *e.g.*, *People v. Guerrieri*, 194 Ill. App. 3d 497, 500-01 (1990), abrogation on other grounds recognized by *People v. Thompson*, 283 Ill. App. 3d 796, 798 (1996) (finding

that a police officer properly stopped the defendant's vehicle when the defendant failed to signal when exiting a rest stop and turning onto a public road because the Vehicle Code requires that a turn signal be utilized when a vehicle is turned from a direct course).

¶ 43 Accordingly, because the driver committed a Vehicle Code violation, we find that Officer Delude's initial stop of the van following the violation was lawful. See, *e.g.*, *Jones*, 215 Ill. 2d at 271 (finding that an officer's stop of a vehicle was reasonable after the officer observed the driver commit a Vehicle Code violation); *Daniel*, 2013 IL App (1st), ¶ 35 (same). Moreover, although defendant suggests otherwise, the mere fact that Officer Delude did not issue the driver a traffic ticket does not vitiate the reasonableness of the stop that was initiated after a Vehicle Code violation. Similarly, the fact that Officer Delude had received information about passengers in a white van damaging political signs, and thus had a dual motive in initiating the vehicle stop, does not render the otherwise lawful stop improper. See, *e.g.*, *People v. Orsby*, 286 Ill. App. 3d 142, 146 (1996) (recognizing that "[u]lterior motives do not invalidate police conduct that is justified on the basis of probable cause to believe that a violation of the law has occurred" and that "[t]he constitutional reasonableness of a traffic stop does not depend on the actual motivations of the police officers involved"); *People v. Perez*, 258 Ill. App. 3d 465, 471 (1994) ("An objectively reasonable stop or other seizure is not invalid solely because the officer acted out of an improper or dual motive"); see also *People v. Flores*, 371 Ill. App. 3d 212, 219 (2007) (upholding the propriety of a vehicle stop where the officer observed the driver commit a moving violation even though the officer was also interested in investigating a series of car stereo thefts).

¶ 44 Our finding that the initial stop of the vehicle was proper and did not run afoul of the guarantees of the fourth amendment, does not end our inquiry, however, as courts have recognized that "just as a search which is reasonable at its inception may violate the fourth

amendment by virtue of its intolerable intensity and scope, so may an investigatory detention exceed constitutional bounds when extended beyond what is reasonably necessary under the circumstances which made its initiation possible." *People v. Kelly*, 76 Ill. App. 3d 80, 85 (1979). To comply with the fourth amendment's requirements, the officer's conduct following the stop must be "reasonably related in scope to the circumstances which justified the interference in the first place." *People v. Juarbe*, 318 Ill. App. 3d 1040, 1052 (2001), quoting *Terry*, 392 U.S. at 19-20. Accordingly, "unless the officers possess, or subsequently develop, reasonable, articulable suspicions that some kind of other criminal activity is afoot, they must attend to the business of charging a traffic offense and confine their investigation to the minimal inquiries attendant to it." *People v. Lomas*, 349 Ill. App. 3d 462, 471 (2004).

¶ 45 In this case, Officer Delude's initial inquiries led him to conclude that the occupants of the vehicle were involved in additional criminal activity that was more grievous than a simple traffic violation. Immediately after stopping the vehicle, Officer Delude asked for and received the driver's license from the driver and inquired why the van had been in the driveway of a private residence. Such inquiries were appropriate and reasonable because he had witnessed the van commit a moving violation. See, *e.g.*, *Flores*, 371 Ill. App. 3d at 219-20 (finding that an officer's initial conversation with a driver was reasonable where it pertained directly to the Vehicle Code violation committed by the driver, which was the basis for the stop). Upon being informed by the van's occupants that they were putting up Peraica political signs, Officer Delude asked for and was granted permission to look into the back of the van. When he did so, he saw Peraica political signs and a rake with a long handle. Given that Officer Delude was familiar with the area and the local residents, he knew that the occupants of the 8451 West Joliet Road residence had already put up political signs on their property. In addition, he had not observed

any signs promoting Peraica's candidacy in the immediate area. Based on the information that had been relayed to him by Officer Lochridge, including a description of the van and the direction the van was traveling, as well as the responses that the occupants of the van provided to him immediately following the traffic stop, Officer Delude was justified in detaining both men while another officer went to the 8451 West Joliet Road residence to determine what signs, if any, were present on the premises. See, *e.g.*, *Flores*, 371 Ill. App. 3d at 220 (finding that an officer was justified in continuing his investigation into a driver's possible involvement in a series of car stereo thefts when the driver's statements and behavior during the traffic stop provided the officer with reasonable suspicion that the driver was involved in the recent thefts). Damaged Tobolski signs were subsequently discovered at the aforementioned residence as well as at the McCook Bohemian American Family Restaurant. After the physical evidence was collected, Officer Delude spoke to Robert Baloga, an eyewitness to the crime, who was able to provide a description of defendant as well as the white van in which he had been traveling. When taken to the scene of the traffic stop, Baloga immediately identified defendant as the offender. It was at this time, that Officer Delude had probable cause to believe that defendant had damaged the political signs of his opponent and placed defendant under arrest. See generally *People v. Searles*, 2012 IL App (2st) 100068, ¶ 28 (Probable cause to arrest exits where the facts known to the officer at the time would lead a reasonable person in the officer's position to believe that a crime has been committed and that defendant committed that crime). Having found that Officer Delude's stop of the van was lawful and that probable cause to arrest defendant for criminal damage to property arose during the course of that stop, we conclude that the circuit court properly denied defendant's motion to quash his arrest and suppress evidence.

¶ 46 Sufficiency of the Evidence

¶ 47 Defendant next challenges the sufficiency of the evidence. He argues that the State failed to prove ownership of the sign, a necessary element of the offense of criminal damage to property, because "the facts elicited at the trial paint a picture that the sign did not belong to anyone but rather was abandoned." Because the State failed to prove each element of the charged offense beyond a reasonable doubt, defendant urges this court to reverse his conviction.

¶ 48 The State disputes defendant's characterization of the evidence and argues that "the credible and consistent testimony of Mr. Skorvanek and Mayor Tobolski readily established Mr. Skorvanek's possessory interest in the sign, and [that] nothing in the record supports defendant's contention that the sign was either abandoned or on public property." Because each of the elements of the offense of criminal damage to property was proven beyond a reasonable doubt, the State argues that defendant's conviction should be upheld.

¶ 49 Due process requires proof beyond a reasonable doubt to convict a criminal defendant. *People v. Ross*, 229 Ill. 2d 255, 272 (2008). In reviewing a challenge to the sufficiency of the evidence, it is not a reviewing court's role to retry the defendant; rather, we must view the evidence in the light most favorable to the prosecution and determine whether any rational trier of fact could have found each of the essential elements of the crime beyond a reasonable doubt. *People v. Ward*, 215 Ill. 2d 317, 322 (2005); *People v. Hayashi*, 386 Ill. App. 3d 113, 122 (2008). Moreover, a reviewing court should not substitute its judgment for that of the trier of fact (*People v. Sutherland*, 223 Ill. 2d 187, 242 (2006)) and will not reverse a defendant's conviction unless the evidence is so improbable or unsatisfactory that it creates a reasonable doubt as to his guilt (*People v. Carodine*, 374 Ill. App. 3d 16, 24 (2007)).

¶ 50 Section 21-1 of the Criminal Code of 1961 (Criminal Code) sets forth the offense of criminal damage to property, and in pertinent part, provides as follows:

"§ 21-1. Criminal damage to property.

(a) A person commits criminal damage to property when he or she:

(1) knowingly damages any *property of another*." (Emphasis added) 720 ILCS 5/21-1(a)(1) (West 2010).

¶ 51 In accordance with the plain language of the statute, it is evident that "[i]n a criminal-damage-to-property prosecution, the State must prove that the property damaged was that of another person other than the defendant." *People v. Tate*, 87 Ill. 2d 134, 149 (1981). Although the Criminal Code does not define the phrase "property of another," as it specifically pertains to the offense of criminal damage to property, courts have noted that the phrase is defined broadly elsewhere in the Code. Specifically, in setting forth the offense of arson, the Criminal Code provides: "Property 'of another' means a building or other property, whether real or personal, in which a person other than the offender has an interest which the offender has no authority to defeat or impair, even though the offender may also have an interest in the building or property." 720 ILCS 5/20-1(b) (West 2010). Given the broad meaning ascribed to the phrase in other contexts, courts have interpreted the phrase "property of another" as used in section 21-1(a)(1) of the Criminal Code to have a broad scope and to apply a broad spectrum of possessory interests in property and have declined to limit the phrase to mean actual physical ownership. See *Tate*, 87 Ill. 2d at 149; *People v. Schneider*, 139 Ill. App. 3d 222, 224 (1986); *People v. Jones*, 145 Ill. App. 3d 835, 837 (1986).

¶ 52 Here, pursuant to the language in the indictment, defendant was charged with criminal damage to property in that he "knowingly and without legal justification damaged the property of Louis Skorvanek being a card board sign which was displayed in his parking lot located at the McCook Bohemian Restaurant, 8300 W. Joliet Rd. McCook, Cook County, Illinois without

Louis Skorvanek's consent." At trial, the evidence revealed that Skorvanek did not purchase a political sign; rather, he testified that he requested a sign supporting Mayor Tobolski from Tobolski's Friends organization. After receiving a sign, it was placed directly underneath the sign advertising Skorvanek's restaurant. Based on Skorvanek's testimony, we find that he had a possessory interest in the sign and that the State met its burden of establishing that the damaged sign was "property of another" as that term has been broadly construed by Illinois courts. See, *e.g.*, *Tate*, 87 Ill. 2d at 150; *Schneider*, 139 Ill. App. 3d at 224-25.

¶ 53 In so finding, we necessarily reject defendant's assertion that the campaign sign was abandoned property that did not belong to anyone since Skorvanek did not purchase the sign. We note that he failed to cite any controlling legal authority to support his contention in contravention of Illinois Supreme Court Rule 341(h)(7) (eff. Feb. 6, 2013). Moreover, his argument is not well founded as it completely ignores the liberal construction that Illinois courts have afforded to the phrase "property of another." Accordingly, we find that defendant was proven guilty of the offense of criminal damage to property beyond a reasonable doubt.

¶ 54 CONCLUSION

¶ 55 The judgment of the circuit court is affirmed.

¶ 56 Affirmed.