2016 IL App (1st) 152757-U

SIXTH DIVISION
February 5, 2016

No. 1-15-2757

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

In re Daquan L., a Minor,	)	Appeal from the Circuit Court
	)	of Cook County.
Respondent-Appellant	)	
	)	
(The People of the State of Illinois,	)	
	)	
Petitioner-Appellee,	)	
	)	
v.	)	No. 15 JD 2735
	)	
Daquan L.,	)	Honorable
	)	Stuart P. Katz,
Respondent-Appellant).	)	Judge Presiding

JUSTICE DELORT delivered the judgment of the court.
Presiding Justice Rochford and Justice Hall concurred in the judgment.

ORDER

¶ 1 ***Held:*** The evidence was sufficient to support respondent's adjudication for possession of a stolen motor vehicle. Affirmed.

¶ 2 Following a hearing, the trial court adjudicated minor-respondent, Daquan L., to be a ward of the court for having committed the offense of possession of a stolen motor vehicle (625 ILCS 5/4-103 (West 2014)). The trial court then placed respondent on four years' probation. On

appeal, respondent contends that the evidence was insufficient to support his conviction because the State presented no evidence that the car respondent was driving had the same Vehicle Identification Number (VIN) as the victim's stolen vehicle, or in the alternative, that the State failed to prove beyond reasonable doubt that respondent knew that the car was stolen. We affirm.

¶ 3 BACKGROUND

¶ 4 The State alleged in a petition for adjudication of delinquency that the 16-year-old minor-respondent, Daquan L., committed the offense of possession of a stolen motor vehicle in that he possessed a 1998 Dodge Neon with Illinois license plate number V828112 and belonging to Anthony Craridi,[1] but respondent was not entitled to possession of the vehicle and knew that it was stolen. The following evidence was adduced at respondent's adjudicatory hearing.

¶ 5 Chicago police officer Foy testified that, on August 23, 2015, at around 10 p.m., he was on duty in an unmarked vehicle with two partners in the area of 6500 South Union Avenue in Chicago. Foy was in the rear passenger seat. Foy said that, while they were stopped at the intersection of West 65th Street and South Lowe Avenue, he saw respondent, who was driving a Dodge Neon, stopped at the stop sign to his right (facing northbound at Lowe). Foy agreed that the model year 1998 "sound[ed] right." Foy was asked regarding the license plate of the Neon, but defense counsel stipulated that the license plate number was V828112.

¶ 6 Foy said that the officers expected the Neon to proceed through the intersection first because it had arrived at the intersection first, but the Neon remained stopped for "an extended period of time," which Foy estimated was about ten seconds. While they were stopped, one of the officers in front began to "run a check" on the Neon's license plate. Respondent then proceeded through the intersection and turned left (west), in the opposite direction that the

[1] The vehicle owner's name is also spelled "Caridi" in the record.

officers' vehicle was facing. At that point, Foy said the license plate number came back as an "active steal," so the officers made a U-turn and followed respondent. Foy said the officers did not activate the police car's emergency lights.

¶ 7 According to Foy, respondent sped forward to the next block, South Union Avenue, and turned left, heading southbound. The officers followed, and Foy saw respondent drive "a couple of houses in" on Union and immediately park. Foy said the car was not parked normally, but instead was parked on a slight diagonal with the front of the car facing the curb. Respondent and another male occupant fled the vehicle, but the third occupant, a female, calmly walked away from the scene. Foy said that respondent jumped out of the car very quickly, and while holding his pants, went into a vacant lot as quickly as he could.

¶ 8 Foy and one of his partners (who was riding in the front passenger seat) exited their car and gave chase. Foy's other partner, who was the driver, stayed in their car. Foy and his partner chased respondent and eventually apprehended him in the vacant lot. Respondent was then transported to the police station.

¶ 9 At the police station, Foy testified that, while he was "processing" respondent and performing a custodial search, respondent said, "[M]an, I knew you were thirsty and you were going to flip around on me; so I told my boy [to] get ready to run." Foy confirmed that he had not asked respondent anything prior to that statement.

¶ 10 The parties stipulated that (1) Anthony Craridi was the owner of a 1998 Dodge Neon with Illinois license plate V828112, (2) Craridi reported the Neon missing on August 21, 2015, (3) Craridi did not have any keys in the vehicle, (3) he did not give anyone permission to be in his car, and (4) he did not know respondent. The State then rested.

¶ 11 The defense called Thomas Harvey to testify. Harvey stated that, at around 10 p.m. on August 23, 2015, he was on the back porch of respondent's residence with respondent, respondent's sister Alesha, Anthony Smith, and Antonia "Nia" Collins. Harvey said that he saw Collins give respondent a set of keys and told respondent to go to the store. Harvey and Smith accompanied respondent, and when they returned, Harvey and Smith got out of the car, and Harvey saw respondent drive off with Collins to take her home. Harvey said no one else was in the car, and described the car as "green, kind of, bluish, like."

¶ 12 Alesha Gaither, respondent's sister, testified that, at around 10 p.m. on August 23, 2015, she was with respondent, Smith, Collins, and Harvey. She said that Collins and respondent spoke briefly, and Collins handed respondent some car keys. Respondent then drove off, and Gaither left. On cross-examination, Gaither said that she had seen Collins with that same set of keys on two or three prior occasions, and described the car as a "brownish yellow" four-door.

¶ 13 Respondent then testified that, after he dropped Harvey off and he and Collins got back into the car, respondent took Collins home. No one else was in the car. He dropped Collins off at her house, and he started driving back home. He saw the police car to his left at the cross-street of the intersection. Respondent said he then turned left, and when he looked in the rear-view mirror, he saw the police car make a U-turn and turn its "blue lights" on. The police car was driving fast, but he said he was not speeding, and respondent confirmed that he was alone in the car at that point. He drove to the next block, turned left, pulled over to the sidewalk, and got out. He began walking along the sidewalk, but the police car stopped in front of him. He said the police put him in the back of the police car, and an officer said, "[L]et's look up the car." Respondent said they then informed him that the car he was driving had been stolen.

Respondent denied telling the police, "I knew you were thirsty, told my boy to get ready to run, or anything like that."

¶ 14 On cross-examination, respondent agreed that Collins gave him the keys to the car. Respondent initially said he had seen her with the car three times before, then said it was twice, and finally settled on three times: when he was first discharged from the hospital, then around three days before his arrest, and finally on the day of his arrest. Respondent had also seen Collins with a "PT Cruiser," but he never drove that car. Respondent also explained that he had parked the car and was walking toward home at "67th and Marquette Road," but said he was not sure if he was going to keep Collins's car for the entire evening.

¶ 15 The parties then presented their closing arguments. At the conclusion of the hearing, the trial court found respondent guilty of possession of a stolen motor vehicle, and then placed respondent on probation for four years. This appeal followed.

¶ 16 ANALYSIS

¶ 17 On appeal, respondent contends that the State failed to prove beyond a reasonable doubt that he committed the offense of possession of a stolen motor vehicle on two grounds. First, respondent argues that, although the evidence established that Craridi reported a 1998 Dodge Neon (with license plate number V828112) stolen and respondent was arrested for driving a 1998 Dodge Neon with those plates, there was no evidence that the car respondent was driving had the same VIN as Craridi's stolen car and Craridi never identified the car as his. Alternatively, respondent argues the State failed to prove that respondent knew the car was stolen because respondent's girlfriend gave him the keys to the car after telling him to go to the store and that there was no damage to the car's steering column or ignition.

¶ 18 When presented with a challenge to the sufficiency of the evidence, we must consider whether, "after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." (Emphasis added.) *In re W.C.*, 167 Ill. 2d 307, 336 (1995) (citing *People v. Young*, 128 Ill. 2d 1, 48-49 (1989); *People v. Collins*, 106 Ill. 2d 237, 261 (1985)). Reasonable inferences drawn from the evidence are the responsibility of the trier of fact, and where, as here, a criminal conviction is based solely on circumstantial evidence, we may not set it aside unless the evidence is so improbable or unsatisfactory that there remains a reasonable doubt of the respondent's guilt. *Id.* (citing *Collins*, 106 Ill. 2d at 261). Moreover, a finder of fact is not required to accept any possible explanation compatible with an accused's innocence and elevate it to the status of reasonable doubt. *People v. Herrett*, 137 Ill. 2d 195, 206 (1990).

¶ 19 To sustain a conviction for possession of a stolen motor vehicle, the State must prove beyond a reasonable doubt that the accused possessed the vehicle, was not entitled to possession of it, and knew that it was stolen. *People v. Anderson*, 188 Ill. 2d 384, 389 (1999). Knowledge may be established by proof of circumstances that would cause a reasonable person to believe property had been stolen. *People v. Whitfield*, 214 Ill. App. 3d 446, 454 (1991). In addition, where possession has been established, an inference of an accused's knowledge can be drawn from the surrounding facts and circumstances, such as evidence of flight from the scene. *Id.* Moreover, section 4-103(a)(1) of the Illinois Vehicle Code provides in relevant part that it may be inferred that a person exercising "exclusive unexplained possession over a stolen *** vehicle *** has knowledge that such vehicle *** is stolen." 625 ILCS 5/4-103(a)(1) (West 2014).

¶ 20 In this case, viewing the evidence in the light most favorable to the State, as we must (*W.C.*, 167 Ill. 2d at 336), there was ample evidence supporting the trial court's finding. Officer

Foy testified that he saw respondent driving a 1998 Dodge Neon, and defense counsel stipulated that the car had Illinois license plate number V828112. While waiting for respondent to proceed through the intersection at which both vehicles were stopped, Foy's partner researched the plate and they discovered the car registered with that plate (also a 1998 Dodge Neon) had been reported stolen. Finally, the parties stipulated that the owner of the 1998 Dodge Neon with that license plate number had reported it stolen two days before. Since the vehicle respondent had been driving had the same license plate number and was the same make, model, and year as Caridi's stolen car, the trial court's finding that the two cars were the same was a reasonable inference. Since the evidence was not so improbable or unsatisfactory to create a reasonable doubt of the respondent's guilt, we may not set aside the trial court's findings. See *id.* Although defendant complains that there was no evidence that the VIN of the car that respondent was driving matched Caridi's stolen car, the trial court was not required to accept any possible explanation compatible with respondent's innocence and elevate it to the status of reasonable doubt. *Herrett*, 137 Ill. 2d at 206. Consequently, defendant's claim of error is unavailing.

¶ 21 Moreover, our decision is unaffected by respondent's reliance upon *People v. Fernandez*, 204 Ill. App. 3d 105 (1990), or *People v. Hope*, 69 Ill. App. 3d 375 (1979). In *Fernandez*, the defendant was charged with possession of a stolen "1984 Mazda" belonging to the victim, and the parties stipulated as to that Mazda's unique VIN, but at trial, the State's principal witness only testified that she had seen "a red Mazda RX7" that had been "stripped to the chassis." *Fernandez*, 204 Ill. App. 3d at 106-07. We reversed, noting that the link between the victim's car and the car found by the witness was "inadvertently omitted." *Id.* at 107. Similarly, in *Hope*, the State produced evidence that a white 1976 Oldsmobile 98 had been reported stolen "sometime between" May 20, 1976, and July 8, 1976 (the date the defendant was arrested).

Notably, the license plates on the car defendant had been driving corresponded to a 1971 Dodge Dart. *Id.* at 376. This court reversed the defendant's conviction, noting that any evidence linking the car defendant was driving with the car reported stolen was "clearly lacking." *Id.* at 380. Unlike *Fernandez* and *Hope*, the evidence that both cars had the same license plate established the link between the two cars. Since *Fernandez* and *Hope* are factually distinguishable from this case, defendant's reliance upon them is unavailing.

¶ 22 Turning to defendant's alternate contention, that the State failed to show that respondent knew the Neon was stolen, the evidence established that respondent was driving the car, and when the police followed him, he parked the car and fled the scene. As noted above, evidence of flight may support an inference that respondent knew the car was stolen. *Whitfield*, 214 Ill. App. 3d at 454. Respondent's knowledge that the car was stolen was further supported by his unexplained and exclusive possession over the car. See 625 ILCS 5/4-103(a)(1) (West 2014). Finally, respondent's statement that he knew the officers were "thirsty" and he told his companion to "get ready to run," further supports an inference that defendant knew the car was stolen. Although respondent argues that it was equally reasonable to conclude that he fled because he did not have a driver's license and feared he would be charged with a violation of his probation imposed on a prior offense, it is well established that this court may not retry defendant. *People v. Evans*, 209 Ill. 2d 194, 209 (2004). Overall, we cannot hold that the evidence as to respondent's knowledge was so improbable or unsatisfactory that there remains a reasonable doubt of his guilt. *W.C.*, 167 Ill. 2d at 336 (citing *Collins*, 106 Ill. 2d at 261). We are therefore compelled to sustain the trial court's finding, and reject defendant's alternate contention of error.

¶ 23 Defendant's reliance upon *People v. Gordon*, 204 Ill. App. 3d 123 (1990), does not alter our conclusion. In *Gordon*, the defendant and his codefendant (Jackson) were charged with possession of a stolen motor vehicle, but Jackson waived his right to a jury trial. *Id.* at 124. Following simultaneous trials, the trial court found Jackson not guilty, but the jury found the defendant guilty. *Id.* The trial testimony showed the vehicle owner had previously given Jackson permission to drive the vehicle and would not have reported it stolen if he had known Jackson was in possession of the car. *Id.* at 128. In addition, the defendant worked on cars and had ridden in the car with Jackson on at least one previous occasion. *Id.* Jackson also gave the defendant permission to drive the car, "in broad daylight, in a public area where the car was known and the keys were in the ignition." *Id.* at 127. Finally, Jackson had asked the defendant to repair the radio, and when the police approached the individuals in the car they made no attempt to flee. *Id.* at 127-28. This court reversed, holding that the State failed to prove the defendant had knowledge that the car had been reported stolen. *Id.* at 128. Here, by contrast, there was stipulated evidence that the owner had reported the car stolen, had never known respondent, and had never given respondent permission to use the car. These facts, combined with respondent's flight from the scene, were ample evidence supporting the trial court's conclusion that respondent knew the car was stolen. *Gordon* is thus unavailing.

¶ 24 CONCLUSION

¶ 25 The evidence was sufficient to support respondent's adjudication for possession of a stolen motor vehicle. The State presented sufficient evidence to establish both that the vehicle that respondent possessed was stolen and that respondent knew the vehicle was stolen. Accordingly, we affirm the judgment of the trial court.

¶ 26 Affirmed.