2014 IL App (2d) 130399-U
No. 2-13-0399
Order filed October 9, 2014

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. ONE 2000 LEXUS, Defendant (David Shutack, Claimant-Appellant).	)	Appeal from the Circuit Court of Du Page County. No. 12-MR-1548 Honorable Bonnie M. Wheaton, Judge, Presiding.

JUSTICE SPENCE delivered the judgment of the court.
Justices Schostok and Hudson concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court did not abuse its discretion by denying Shutack's motion for discovery sanctions, and the forfeiture order was not against the manifest weight of the evidence. Therefore, we affirmed.

¶ 2 Claimant, David Shutack, appeals the forfeiture of his 2000 Lexus. On appeal, Shutack argues that: (1) the trial court abused its discretion by denying his motion for discovery sanctions; and (2) the forfeiture order was against the manifest weight of the evidence. We affirm.

¶ 3 I. BACKGROUND

¶ 4 On October 17, 2012, the State filed a complaint for forfeiture and seizure of Shutack's 2000 Lexus under section 36-1 of the Criminal Code of 2012 (Code) (720 ILCS 5/36-1 (West 2012)). The complaint alleged that the vehicle was used in the commission of the offense of driving while license was suspended (DWLS) (625 ILCS 5/6-303(a) (West 2012)) and was seized from the owner, Shutack, on October 9, 2012. Shutack pled guilty to DWLS on November 13, 2012.

¶ 5 Prior to the forfeiture hearing, Shutack filed a "Notice to Produce At Forfeiture Hearing Pursuant to Rule 214" (request to produce) on December 4, 2012. See Ill. S. Ct. R. 214 (eff. Jan. 1, 1996) (the request to produce shall specify a reasonable time, which "shall not be less than 28 days except by agreement or by order of court"). In the body of the request to produce, Shutack requested documents for inspection "within twenty-eight days." A status hearing occurred on January 28, 2013, and there was no mention of Shutack's request to produce. The forfeiture hearing was scheduled for April 4, 2013.

¶ 6 At the forfeiture hearing, Shutack's counsel began by arguing that the State had failed to comply with his request to produce under Rule 214 in that it had surpassed the 28-day limit. The State noted that it had faxed two police reports to Shutack the day before (April 3). At this point, Shutack's counsel moved *in limine* to prevent the introduction of any evidence that was not compliant with his request to produce (*i.e.* motion for sanctions).

¶ 7 The court noted that the request to produce was titled "Request to Produce at Forfeiture Hearing." Shutack's counsel replied, "I apologize, your Honor. If I might, it says beneath that, specifically, what is requested." The court, however, found that the request to produce was "internally inconsistent." Admitting that " 'at' is arguably whether it's the location or relevant

to," Shutack's counsel argued that the State should know the supreme court rules and its obligation under Rule 214. Shutack's counsel further argued that the State did not indicate confusion or seek clarification; it just ignored it, even thought the request to produce said 28 days and was "quite clear."

¶ 8 The State responded that it was aware of the supreme court rule but "looked through the title and it said produce at forfeiture hearing." The State then indicated that it was prepared to proceed. According to the State, it did "not appear that documents which [it had] received or not received would jeopardize the case in establishing whether or not the vehicle was used in the commission of the offense." The trial court denied Shutack's motion for sanctions.

¶ 9 The State's only witness was Hinsdale police sergeant Peter Jirasek, who testified as follows. On October 9, 2012, Sergeant Jirasek responded to a report of a hit-and-run. Shutack's counsel objected on the basis of hearsay, and the trial court overruled the objection. Sergeant Jirasek reported to a parking lot of an apartment complex called Hidden Lakes on the 300 block of West 59 in Hinsdale. Sergeant Jirasek talked to some witnesses and based on those conversations, he conducted a vehicle license plate search with the Secretary of State and obtained the license plate number of the vehicle seen by witnesses. Shutack's counsel again objected on the basis of hearsay, and his objection was overrruled.

¶ 10 Sergeant Jirasek then issued an emergency dispatch to the "Illinois State Police in Elgin" with information on "a suspect vehicle, a suspect offender, the vehicle color and its last known direction of travel." Based on this emergency dispatch, Sergeant Jirasek received a radio dispatch from another agency to report to the 5600 or 5700 block of County Line Road in Hinsdale. Sergeant Jirasek went to that location and spoke with Burr Ridge police officer Cervenka, who had stopped the vehicle. The two officers exchanged information, and Sergeant

Jirasek spoke to Shutack, the driver of the vehicle. In addition, Sergeant Jirasek saw that the vehicle was "consistent with the description that [he] broadcast." At this point, Shutack's counsel made another hearsay objection, arguing that "somebody undefined has told him, he is trying to hook it up to what he saw and infuse what you must draw as the content of the conversation." The court overrruled the objection and stated that the State's question did not elicit hearsay.

¶ 11 Sergeant Jirasek further testified that he observed damage to Shutack's vehicle that was consistent with the observations he made of the vehicle struck in the parking lot of Hidden Lakes. Shutack's counsel objected on the basis of foundation and hearsay, and his objection was overruled. Sergeant Jirasek asked Shutack about the accident he had had, and Shutack admitted driving out of the Hidden Lakes parking lot but did not recall hitting a car.

¶ 12 Sergeant Jirasek confirmed that his contact with Shutack and his vehicle was in the 5600 or 5700 block of County Line Road in Hinsdale. When asked if that was "within Du Page County," Sergeant Jirasek stated that "[t]hat particular roadway is multi-juridictional." According to Sergeant Jirasek, [i]t's the dividing line between Cook and Du Page County, County Line is."

¶ 13 Sergeant Jirasek testified that prior to his conversation with Shutack, he had called the Secretary of State with the license plate information to find out the registered owner and his driver's license status. Again, Shutack's counsel objected, arguing that although the records themselves were admissible, Sergeant Jirasek's testimony was not. The court overruled the objection. Sergeant Jirasek testified that Shutack's license had been "revoked" as the result of a driving under the influence (DUI) conviction. Sergeant Jirasek then charged Shutack with driving while license suspended or revoked and other traffic offenses.

¶ 14 On cross-examination, Sergeant Jirasek admitted testifying that the Secretary of State had indicated that Shutack was arrested for driving while his license was "revoked," even though he wrote in his report that Shutack had been arrested for driving while his license was "suspended." Shutack's counsel asked why Sergeant Jirasek's report said that he had placed Shutack under arrest "while driving while license suspended, not the word 'revoked'?" Sergeant Jirasek answered, "I can't recall" but confirmed that his report said "suspended." Sergeant Jirasek had been a police officer for 30 years and knew the difference between a "suspended" and a "revoked" license.

¶ 15 Shutack's counsel then asked, "County Line Road presumes there's a county line right, right? There isn't like a no-man's zone between Cook County and Du Page where it's two different counties in the same spot, correct?" Sergeant Jirasek responded that in his 30 years' experience, "that issue has never really been resolved too much one way or the other." Sergeant Jirasek admitted that he never saw Shutack in his vehicle when he was arrested on October 9.

¶ 16 Sergeant Jirasek was then questioned about a witness he interviewed in the Hidden Lakes parking lot, Christina Gerena. The State objected on the basis of hearsay and argued that it was beyond the scope of direct because it "did not go into identifying any parties." Shutack's counsel argued that he could pursue it under the completeness doctrine. At this point, the court inquired whether it could take judicial notice of any file in the court system, and Shutack's counsel replied affirmatively. The court then stated it was taking judicial notice of Shutack pleading guilty and being found guilty of DWLS, and also of being placed on court supervision "arising out of this same incident."

¶ 17 On redirect examination, Sergeant Jirasek testified that the citation he issued to Shutack was for the offense of DWLS. Regarding jurisdiction, Sergeant Jirasek testified that Shutack's

vehicle was seized "within the corporate limits of Hinsdale" and towed to the Hinsdale Police Department in Du Page County.

¶ 18 Shutack moved for a directed finding, which the trial court denied. The court entered an order of forfeiture, and Shutack timely appealed.

¶ 19 II. ANALYSIS

¶ 20 A. Motion for Sanctions

¶ 21 Shutack's first argument on appeal is that the trial court erred by denying his motion for sanctions against the State for failing to comply with his request to produce. Shutack points out that the State faxed two police reports to him the day before the forfeiture hearing and then introduced three exhibits at the hearing. According to Shutack, the State deliberately disregarded his request to produce within 28 days. In addition, Shutack points out that the Committee Comments to Rule 214 state that "[t]he party receiving the request must comply with it or serve objections" (Ill. S. Ct. R. 214, Committee Comments (adopted June 1, 1995)), meaning the State was obligated to bring up any confusion regarding the request prior to the hearing. Shutack also faults the court for valuing form over substance when it focused on the title of his request to produce rather than the language that followed. He argues that the trial court's explanation for the failure to comply was not even adopted by the State. Finally, Shutack argues that the State's untimely disclosure deprived him of the opportunity to interview witnesses, discuss the information with his client, or seek an independent review of the materials.

¶ 22 The State responds that Shutack admitted the internal inconsistency of his request to produce and that his actions were akin to invited error. In addition, the State points out that Shutack did not include the police reports in the record and that the other exhibits were already

in Shutack's possession or otherwise available to him prior to trial. The State thus argues that Shutack was not prejudiced.

¶ 23 Rule 214 states that "[a]ny party may by written request direct any other party to produce for inspection *** specified documents *** whenever the nature *** is relevant to the subject matter of the action. The request shall specify a reasonable time, which shall not be less than 28 days except by agreement or by order of court ***." Ill. S. Ct. R. 214 (eff. Jan. 1, 1996). Illinois Supreme Court Rule 219(c) (eff. July 1, 2002), addresses the consequences of a party's refusal or failure to comply with rules or court orders regarding discovery. *Locasto v. City of Chicago*, 2014 IL App (1st) 113576, ¶ 26. Under Rule 219(c), a trial court may impose sanctions upon any party who unreasonably fails to comply with supreme court rules governing discovery. *Stringer v. Packaging Corp. of America*, 351 Ill. App. 3d 1135, 1138 (2004). The decision whether to impose a particular sanction is within the discretion of the trial court, and only a clear abuse of discretion will justify a reversal. *Rosen v. Larken Center, Inc.*, 2012 IL App (2d) 120589, ¶ 17.

¶ 24 As stated, Shutack's December 2012 request to produce was titled "Request to Produce at Forfeiture Hearing Pursuant to Rule 214." In the body of the request, Shutack requested the State to produce documents for inspection "within twenty-eight days." At the April 2013 forfeiture hearing, Shutack's counsel pointed out that the State had failed to comply with his request to produce under Rule 214. Shutack's counsel asked the court to sanction the State by barring the introduction of any evidence that was outside the 28-day limit, which included two police reports that the State had faxed to him the day before (April 3, 2013).

¶ 25 In response to Shutack's motion, the court noted that the request to produce was titled "at Forfeiture Hearing." Shutack's counsel apologized, stating that the body of the request to

produce contained "what [was] requested." The court found the request to produce to be "internally inconsistent," and counsel for Shutack conceded that the word "at" could refer to "the location," meaning the forfeiture hearing. Nevertheless, Shutack's counsel argued that the State had never indicated confusion over the request to produce and should know the supreme court rules. The court denied Shutack's motion for sanctions, and the trial court did not abuse its discretion.

¶ 26 First, we disagree with Shutack's statement that the State did not adopt the trial court's explanation for its failure to comply, which was the title of the request to produce. Contrary to Shutack's assertion, the State responded that it was aware of Rule 214 but "looked through the title and it said produce at forfeiture hearing." Thus, the State did rely on the title of the request to produce to explain why it did not produce within the 28-day limit under Rule 214.

¶ 27 Second, the trial court was correct that the request to produce was "internally inconsistent," in that it requested the documents at the forfeiture hearing and also within 28 days. As the State points out, Shutack's counsel conceded that the title could be construed as requesting production *at* the forfeiture hearing, which means that any error was invited. See *Fleming v. Moswin*, 2012 IL App (1st) 103475-B, ¶ 92 (under the doctrine of invited error, a party may not request to proceed in one manner and then later contend on appeal that the course of action was in error); see also *In re Ch. W.*, 408 Ill. App. 3d 541, 547 (2011) (a party cannot complain of error that it induced the court to make or to which it consented).

¶ 28 Third, while Shutack relies on the Committee Comments to Rule 214 to argue that the State must comply with the request or object (see Ill. S. Ct. R. 214, Committee Comments (adopted June 1, 1995)), the State did comply by faxing the two police reports the day before the forfeiture hearing and producing the other documents at the hearing. Given the State's

compliance with the title, it cannot be said that the State unreasonably failed to comply with supreme court rules governing discovery. *Cf. Shelbyville Mutual Insurance Co. v. Sunbeam Leisure Products Co.*, 262 Ill. App. 3d 636, 641 (1994) (unreasonable noncompliance with a discovery rule has been defined by the courts as a deliberate and pronounced disregard for a discovery rule).

¶ 29 Last, other than a conclusory assertion that the State's untimely disclosure deprived him of the opportunity to interview witnesses, discuss the information with his client, or seek an independent review of the materials, Shutack has not explained how he was prejudiced. While Shutack argues that "[g]enerally, police reports contain important and necessary information for the Claimant to challenge the forfeiture of his vehicle," Shutack has failed to include the two police reports in the record. As a result, this court has nothing to review, and any doubts arising from the incompleteness of the record are construed against Shutack. See *People v. Henderson*, 2011 IL App (1st) 090923, ¶ 45 (it is the appellant's burden to properly complete the record on appeal, and any doubts arising from the incompleteness of the record will be construed against the appellant and in favor of the judgment rendered in the lower court). Regarding the three exhibits the State introduced at the hearing, Shutack does not dispute that these documents were already in his possession or otherwise available to him prior to the State's disclosure. Accordingly, the trial court did not abuse its discretion by denying Shutack's motion for sanctions.

¶ 30 B. Forfeiture Order

¶ 31 The remainder of Shutack's arguments pertain to the forfeiture order. A forfeiture proceeding is civil in nature and is an *in rem* proceeding against the item used in the commission of a crime. *People v. 1998 Lexus GS 300*, 402 Ill. App. 3d 462, 465 (2010). The State must

prove that the property is subject to forfeiture by a preponderance of the evidence, rather than beyond a reasonable doubt. *People v. 1995 Ford Van*, 348 Ill. App. 3d 303, 306 (2004). The burden then shifts to the owner to show, by a preponderance of the evidence, that he did not know, and did not have reason to know, that the vehicle was used in the commission of such an offense or that an exception applies. 720 ILCS 5/36-2 (West 2012). We will not disturb a trial court's findings in a forfeiture action unless they are against the manifest weight of the evidence. *1998 Lexus GS 300*, 402 Ill. App. 3d at 465.

¶ 32 Shutack first argues that the State failed to prove that the trial court had jurisdiction to order the forfeiture. He relies on section 36-1 of the Code, which provides that any vehicle "used with the knowledge and consent of the owner in the commission of *** an offense *** may be seized and delivered forthwith to the sheriff *of the county of seizure*." (Emphasis added.) 720 ILCS 5/36-1 (West 2012). Shutack does not dispute that following the seizure of his car, it was delivered to Du Page County. Rather, Shutack argues that the State failed to establish that his vehicle was seized in Du Page County because Sergeant Jirasek never saw him drive on County Line Road and because the sergeant was unable to testify which county his vehicle was in when he came into contact with him.

¶ 33 For the following reasons, Shutack's argument lacks merit. As an initial matter, it is of no consequence that Sergeant Jirasek did not see Shutack driving, because the statute refers to the "county of seizure." To this end, Sergeant Jirasek testified that he came into contact with Shutack and his vehicle in the 5600 or 5700 block of County Line Road in Hinsdale. When the State inquired if that location was in Du Page County, Sergeant Jirasek explained that that particular roadway was "multi-juridictional," in that County Line Road was the dividing line between Du Page County and Cook County. Essentially, Shutack argues that County Line Road

cannot be considered both Du Page County and Cook County, and he attempted to elicit such testimony when cross-examining Officer Jirasek. However, Officer Jirasek testified that in his 30 years' experience, the issue of County Line Road had never really been resolved one way or the other.

¶ 34 Sergeant Jirasek's testimony was sufficient to show, by a preponderance of the evidence, that the vehicle was seized in Du Page County. As the dividing line between two counties, County Line Road encompasses both Du Page and Cook County. Shutack presented no evidence that a road cannot be classified as multi-jurisidictional, and the trial court had jurisdiction to order the forfeiture.

¶ 35 Second, Shutack argues that the State's evidence was self-impeaching. Shutack bases this argument on Sergeant Jirasek's testimony that he learned from the Secretary of State records that Shutack's license had been "revoked" when the State's exhibit containing a driving abstract showed that Shutack's license had been "suspended." Shutack points out that a suspension and a revocation are not synonymous and argues that the State's evidence was not consistent on this issue.

¶ 36 The State responds that Sergeant Jirasek's testimony that Shutack's license had been revoked rather than suspended was nothing more than a misstatement. We agree. With the exception of Officer Jirasek's testimony on direct examination in which he misspoke and stated that the Secretary of State had indicated that Shutack's license had been revoked, everything in the record, including Shutack's guilty plea, demonstrates that defendant's license had been suspended. Officer Jirasek admitted as much on cross-examination, when he agreed that his report indicated that Shutack's license had been suspended. Officer Jirasek's testimony on cross-examination revealed that he knew the difference between a suspended and revoked license and

that he merely misspoke. Finally, Sergeant Jirasek confirmed on redirect examination that the citation he issued to Shutack was for the offense of driving while his license was suspended. Accordingly, other than Sergeant Jirasek's single misstatement, the State's evidence was consistent that Shutack's license had been suspended.

¶ 37 Shutack's third argument regarding the forfeiture is that the State's "use of hearsay and double hearsay significantly" decreased the reliability and weight of its evidence. Examples of the improper admission of hearsay, according to Shutack, included: (1) information from the witnesses whom Sergeant Jirasek spoke to in the Hidden Lakes parking lot; (2) the information from the Secretary of State, such as the make, model, and license plate of the vehicle; and (3) the exchange of information between Sergeant Jirasek and Officer Cervenka. Shutack argues that this inadmissible hearsay denied him a fair trial and an impartial forfeiture hearing because the State's evidence was unreliable and because he was deprived of the opportunity to cross-examine the statements made by unknown witnesses.

¶ 38 The State counters that the evidence challenged by Shutack was not hearsay but was offered to show Sergeant Jirasek's course of conduct. The State also argues that Sergeant Jirasek had personal knowledge regarding some of the testimony to which Shutack objected. Finally, the State argues that even if error occurred, it was harmless.

¶ 39 Hearsay is an out-of-court statement offered to establish the truth of the matter asserted. *People v. Richardson*, 2011 IL App (5th) 090663, ¶ 22. Testimony about an out-of-court statement used for a purpose other than to prove the truth of the matter asserted is not hearsay. *Id*. Law enforcement officers may recount the steps taken in the investigation of a crime, and may describe the events leading up to the defendant's arrest, where such testimony is necessary and important to fully explain the State's case to the trier of fact. *Id*. Furthermore, officers may

testify about their conversations with others, such as witnesses, when such testimony is not offered to prove the truth of the matter asserted but rather is used to show the investigative steps taken by the officer. *Id*. Testimony that describes the progress of the investigation is admissible even if it suggests that a nontestifying witness has implicated the defendant. *Id*.

¶ 40 Evidentiary rulings are within the discretion of the trial court and will not be reversed absent an abuse of discretion. *In re Jovan A.*, 2014 IL App (1st) 103835, ¶ 20. An abuse of discretion will be found only where the trial court's ruling is arbitrary, fanciful, or unreasonable, or where no reasonable person would take the view adopted by the trial court. *Id*.

¶ 41 The State is correct that the majority of evidence objected to was not hearsay. Regarding Sergeant Jirasek's conversation with the witnesses in the Hidden Lakes parking lot, the State asked, "without going into the content of any conversation you had *** what action did you take?" Accordingly, the State did not elicit a hearsay response from Sergeant Jirasek regarding the contents of his conversation with witnesses but instead elicited Sergeant Jirasek's next investigative step. Sergeant Jirasek testified that based on his conversation with the witnesses, he contacted the Secretary of State and obtained a license plate number for the vehicle seen by the witnesses. Because Sergeant Jirasek did not testify to the contents of his conversation with witnesses, it was not hearsay. See *People v. Jura*, 352 Ill. App. 3d 1080, 1087 (2004) (the police officer should not testify to the contents of the conversation); see also *People v. Gayfield*, 261 Ill. App. 3d 379, 390 (1994) (testimony recounting the steps taken in an police investigation is admissible and does not violate the sixth amendment, even if a jury would conclude that the police began looking for a defendant as a result of what a nontestifying witness told them, as long as the testimony does not gratuitously reveal the substance of their statements and so inform the jury that they told the police that the defendant was responsible for the crime).

¶ 42 The same is true for the information from the Secretary of State pertaining to the details of Shutack's vehicle. The State did not elicit the content of Sergeant Jirasek's conversation with the Secretary of State but merely explained how the investigation proceeded after that conversation. At most, Sergeant Jirasek testified that based on his communication with the Secretary of State, he issued an emergency dispatch with information on a "suspect vehicle, a suspect offender, the vehicle color and its last known direction of travel." Sergeant Jirasek's generic description did not implicate Shutack's vehicle in any way and was not hearsay. See *People v. Bell*, 343 Ill. App. 3d 110, 114 (2003) (the officer's testimony was not inadmissible hearsay where he did not testify to the content of the complaints or the suspect's description).

¶ 43 In a related argument, Shutack argues that Sergeant Jirasek should not have been allowed to testify that he learned from the Secretary of State that Shutack's driver's license had been "revoked" (actually "suspended," as explained above) because the record from the Secretary of State was not admitted into evidence. However, Shutack cannot show how he was prejudiced given that the State introduced this record from the Secretary of State at the close of its case, which was directly after Sergeant Jirasek's testimony. The document, which is Shutack's "driver's license file," indicates that Shutack's driver's license was suspended on the date he was arrested, October 9, 2012.

¶ 44 Last, Shutack argues that "[a]ny information related to Sergeant Jirasek from Officer Cervenka (i.e. make of car, model of car, who was driving, if the person was driving) was all hearsay." This argument makes little sense in that the State did not elicit the contents of Sergeant Jirasek's conversation with Officer Cervenka. Sergeant Jirasek testified that he exchanged information with Officer Cervenka and then questioned Shutack regarding the accident in the Hidden Lakes parking lot. As a result, no hearsay testimony was elicited by the

State. See *People v. Hunley*, 313 Ill. App. 3d 16, 33 (2000) (a police officer may testify about a conversation that he had with an individual and his actions pursuant to the conversation to establish the officer's investigative process).

¶ 45 Once Sergeant Jirasek was at the scene of Shutack's stopped vehicle, he was able to observe the make and model of the vehicle for himself. Likewise, Sergeant Jirasek was able to personally observe that the damage to Shutack's vehicle was consistent with the vehicle struck in the Hidden Lakes parking lot. In sum, because the State did not elicit hearsay testimony, the trial court did not abuse its discretion by overruling Shutack's objections.

¶ 46 Shutack's final challenge to the forfeiture order is that his guilty plea to DWLS, standing alone, was not sufficient evidence to support the court's finding of forfeiture. Shutack argues that other than his guilty plea, the State failed to present any other reliable evidence that he drove his vehicle on a public roadway. Again, we reject this argument.

¶ 47 As an initial matter, the case Shutack cites is a criminal case, *People v. Lesure*, 271 Ill. App. 3d 679, 681-82 (1995), in which the issue was whether the defendant was proven guilty beyond a reasonable doubt. However, in a forfeiture hearing, the State must prove that the property is subject to forfeiture by a preponderance of the evidence, rather than beyond a reasonable doubt (*1995 Ford Van*, 348 Ill. App. 3d at 306), and our standard of review is whether the court's forfeiture order was against the manifest weight of the evidence (*1998 Lexus GS 300*, 402 Ill. App. 3d at 465).

¶ 48 In this case, the court took judicial notice of Shutack's pleading guilty and being found guilty of DWLS. The DWLS complaint alleged that Shutack drove on a public highway, 300 W. 59th Street in Hinsdale, at a time when his driver's license privilege was suspended. See *1998 Lexus GS 300*, 402 Ill. App. 3d at 465 ("Our legislature has determined that one of the best ways

to achieve the objective of keeping alcohol and drug impaired drivers off the roadways is to subject their vehicles to forfeiture if they are caught driving with a license that has been revoked or suspended because of a previous DUI conviction.").

¶ 49 Besides the guilty plea, the State elicited testimony from Sergeant Jirasek of Shutack's admission to driving on a public roadway. When Sergeant Jirasek reported to the location where Shutack was stopped on County Line Road, Sergeant Jirasek questioned Shutack, who admitted that he had driven out of the Hidden Lakes parking lot. The Hidden Lakes parking lot was located at 300 W. 59th Street in Hinsdale, which supports the conclusion that Shutack drove on a public highway (59th Street) until he was stopped on County Line Road. Accordingly, the State presented ample evidence that Shutack drove his vehicle on a public roadway, and the court's forfeiture order was not against the manifest weight of the evidence.

¶ 50 III. CONCLUSION

¶ 51 For the reasons stated, we affirm the judgment of the Du Page County circuit court.

¶ 52 Affirmed.