

**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

---

IN THE  
APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

---

THE PEOPLE OF THE STATE	)	Appeal from the Circuit Court
OF ILLINOIS,	)	of Lake County.
	)	
Plaintiff-Appellee,	)	
	)	
v.	)	No. 13-CF-447
	)	
JIM L. MCPHERSON,	)	Honorable
	)	George D. Strickland,
Defendant-Appellant.	)	Judge, Presiding.

---

JUSTICE ZENOFF delivered the judgment of the court.  
Justices McLaren and Burke concurred in the judgment.

**ORDER**

¶ 1 *Held:* Defendant's conviction of first degree murder was affirmed where there was sufficient evidence to support the jury's verdict.

¶ 2 Following a jury trial, defendant, Jim L. McPherson, was convicted of first degree murder (720 ILCS 5/9-1(a)(1), (2) (West 2012)) in connection with the shooting death of Janay McFarlane. Defendant appeals, challenging the sufficiency of the evidence. For the reasons that follow, we affirm.

¶ 3 I. BACKGROUND

¶ 4 On the night of February 15, 2013, McFarlane attended a house party at 1305 Jackson

Street in North Chicago, Illinois. Sometime after 11 p.m., she left the party with Calvin Burns and Leewon Gordon and walked to John's Liquors, which was located a few blocks away at the corner of 14th Street and Victoria Avenue. To get there, they walked south through an alley that ran between Jackson and Victoria, took a left into another alley and walked east toward Victoria, and then took a right on Victoria and walked south toward the store.

¶ 5 Surveillance video from inside and outside the liquor store showed that the group arrived shortly before 11:18 p.m. Defendant arrived approximately two minutes later in a dark-colored vehicle and entered the store. After obtaining cups from the cashier, defendant exited the store, got into the passenger side of the same vehicle, and travelled northbound on Victoria Avenue. The vehicle disappeared from the view of one of John's Liquor's exterior cameras at 11:22:44 p.m. Gordon, McFarlane, and Burns started walking back toward 1305 Jackson Street approximately one minute later, disappearing from the view of the same exterior camera at 11:24:03 p.m.

¶ 6 The trio walked the reverse of the route they had taken to get to the store. At approximately 11:25 p.m., while they were walking through the north-south alley in the vicinity of 1311 Jackson Street, McFarlane was struck in the head and killed by a .380 caliber bullet. The murder weapon was never recovered, and the actual shooting was not recorded on any surveillance cameras.

¶ 7 Police found five spent .380 caliber casings near 1302 Victoria Avenue, which was approximately 75 feet northeast of McFarlane's body. Those casings were all fired from a single weapon. That same unknown weapon had also been used in another shooting in this neighborhood two weeks earlier. However, in the absence of a weapon for comparison, the State's expert was unable to determine whether the casings found on the night of February 15,

2013, came from the same weapon that fired the bullet fragments recovered from McFarlane's head. During their investigation of McFarlane's murder, police also located two spent .22 caliber casings within 10 feet of her body. Those casings could not have been fired from the same weapon that fired the .380 casings. Police never located the gun that fired the .22 caliber casings.

¶ 8 From information received at the scene of the crime, police immediately began searching for defendant and his friend, Chaz Ali. Defendant and Ali were apprehended in the early morning hours of February 16, 2013, at the Red Carpet Inn in North Chicago, where a party was being held. Upon searching the hotel room, police found a .357 Magnum revolver in the tank of a toilet with five live rounds and one empty chamber. That weapon was determined not to have been the weapon used to kill McFarlane. Around 4 a.m. on the 16th, police tested the hands of both defendant and Ali for primer gunshot residue. Laboratory tests subsequently showed that Ali did not have primer gunshot residue on either of his hands, but that defendant had residue on his right hand. Police did not perform residue tests on numerous other individuals who were at the hotel party.

¶ 9 Several days after the shooting, police searched defendant's home at 1133 Victoria Avenue in North Chicago and found gang literature in his bedroom. They also found two small bullet fragments on his floor. Those bullet fragments were part of the ".38 caliber family," and it was determined that they exhibited certain characteristics that were similar to the fragments that were recovered from McFarlane's head. Although it could not be determined whether the fragments on defendant's floor were fired from the same weapon as the fragments found in McFarlane's head, both sets of fragments must have been fired from one of 16 models of guns identified in an FBI database.

¶ 10 Defendant was charged by indictment with three counts of first degree murder in connection with McFarlane's death. The matter proceeded to a jury trial in November 2014. The State's theory was that defendant had intended to shoot Gordon, not McFarlane, and that the shooting was motivated by a gang feud precipitated by an exchange of words between Gordon and Ali several weeks earlier. We will summarize in greater detail the testimony that was most pertinent to the issue of the identification of the shooter.

¶ 11 Andrew Outlaw, a self-admitted member of the Gangster Disciples, testified that Gordon was a member of the Black P. Stone gang, which was also known as the "Stone Moes." On February 15, 2013, Outlaw attended the party at 1305 Jackson Street, where he lived with his mother, Rhonda Jackson. There were members of multiple gangs at that party, including the Four Corner Hustlers, the Black P. Stones, and the Gangster Disciples. Outlaw estimated that 30 people were in the house before McFarlane left the party with Gordon and Burns. Around 11:25 p.m., he heard gunshots from behind the house. Three or four minutes later, Burns ran into the house crying and saying "Jim took my baby."

¶ 12 Outlaw also testified regarding an incident that occurred a few weeks before the shooting. He had been walking with Gordon when they encountered defendant and Ali, who were both members of the Gangster Disciples. According to Outlaw, Gordon was singing a song called "Play Around." Ali said to Gordon: "Moe, what is that stuff you was saying?" "Moe" was a reference to the Black P. Stones. When Gordon responded that he was singing a song, Ali said: "You know how we work" and "die five." Outlaw explained that "die five" was insulting in the gang culture and referred to the five-point star affiliated with the People nation. According to Outlaw, Gordon then told Ali: "Five the best, fuck the rest." Outlaw proceeded to his home after this exchange. Outlaw testified that Ali had been carrying a firearm that day and that defendant

was on the corner with his hands in his pocket while this was going on. Outlaw acknowledged that one of his written statements to police did not reflect that defendant was present during this incident.

¶ 13 Burns testified that he dated McFarlane. He and McFarlane attended the party at 1305 Jackson Street on February 15, 2013, and people were coming and going throughout the evening. Shortly after 11 p.m., McFarlane told him that she wanted to get snacks at John's Liquors, and he and his friend Gordon walked there with her. Burns did not know defendant personally at the time, but he had seen him around the neighborhood. When defendant came into the liquor store, the two men "caught eyes," and defendant had "a mean look on his face." According to Burns, defendant's mean look made him feel unsafe, even though defendant never said anything to him. Burns explained that defendant proceeded to the cash register and eventually left the store.

¶ 14 Burns testified that he walked out of the store immediately after defendant and saw him get into the front-passenger side of a black Bonneville, which was being driven by Darius McPherson, defendant's brother. There was nobody in the back seat of that car. Burns watched the car drive north on Victoria Avenue and make a left into an alley. Once the car made that left turn, Burns walked back into the liquor store to get tobacco products. He then proceeded back to the house party with McFarlane and Gordon.

¶ 15 According to Burns, as the trio walked north on Victoria Avenue, they got closer to the alley into which defendant's car had turned. Burns looked north on Victoria toward the intersection of Victoria and 13th and observed that the same black car was traveling east on 13th Street.<sup>1</sup> Burns acknowledged having told police a few days after the incident that he thought that

---

<sup>1</sup> A car travelling eastbound on 13th Street would have been traveling away from the alley where McFarlane would be shot moments later.

he had seen two people in the car at that point, but that he may have mistaken a headrest for a person.

¶ 16 Burns testified that the group made a left turn into the east-west alley and then a right turn into the north-south alley. Halfway through that second alley, in the vicinity of 1311 Jackson Street, shots rang out from the northeast. Before ducking, Burns looked to see where the gunfire came from, and he saw defendant waving his right hand and shooting a gun from 75-80 feet away. Burns could not see defendant's face, but he knew that defendant was the shooter because he had seen him in the store less than two minutes earlier. Defendant had been wearing a black top, black bottom, and a hat, and the shooter was wearing the same thing. The height, weight, and general build were also the same. Burns acknowledged that other people in the liquor store had been wearing black that night, as were some of the people whom police ultimately located at the Red Carpet Inn hours after the shooting. Burns nevertheless said that he had no doubt that defendant was the shooter because of his build and the clothing.

¶ 17 Burns was aware that officers found two .22 caliber shell casings in the area where McFarlane was shot. He claimed that he did not have a gun on him that night, and he said that he was not sure whether Gordon did. Burns did not remember telling a police officer named Sellers at the scene of the crime that he did not know who the shooter was.

¶ 18 Curtis Sellers, a North Chicago police officer, testified that he responded to the scene of the shooting and noticed a lot of people in the alley. He spoke with a man who was crying and had blood on his shirt. That person told Sellers that he had been walking with McFarlane. When Sellers asked the man what had happened, the man responded that he "didn't know who did the shooting or where they went." Sellers did not get this man's full name, and there were other people interfering with the interview and telling the man not to talk to Sellers.

¶ 19 Donald Florance, a North Chicago police officer, testified that he located defendant's brother Darius at a liquor store three days after the shooting. Darius was driving a black four-door 1995 Pontiac Bonneville at the time. During his testimony, Florance reviewed surveillance footage taken from the exterior of John's Liquors on the night of February 15, 2013. He testified that the dark vehicle depicted in that video appeared to be the same size, shape, and color as Darius' car. Florance noted that the John's Liquors footage showed that a car traveled northbound on Victoria Avenue at around 11:22:41 p.m. Florance explained that there was an alley into which such car could have turned left one quarter block up the street. If that car indeed turned left into that east-west alley, it would soon thereafter have had an opportunity to turn right into the north-south alley where McFarlane was later shot.

¶ 20 Florance reviewed surveillance video taken from the rear entrance parking lot of the Best Market at 1012 14th Street, which showed the north-south alley. Apparently referring to the relatively minor discrepancies between the time stamps on the John's Liquors footage and the Best Market footage, Florance testified that it is almost always the case that different surveillance systems depict the same moment in time but have time stamps that are a minute or two off. From his review of the Best Market video, which was in black and white, he noticed that in the 25 minutes before the shooting, two cars traveled west along the east-west alley before turning right into the north-south alley. The first car, which had three brake lights, made the right turn at 11:14:33 p.m. Florance testified that the car that Darius was driving did not have three taillights. A second car entered the north-south alley at 11:21:45 p.m. Florance noticed certain similarities between that second car and the car in which defendant had driven away from John's Liquors, specifically: the dark color, the shape and number of the taillights, and the chromed hubcaps. The Best Market video showed that McFarlane, Burns, and Gordon started to

walk into the north-south alley about a minute and a half after that second car had made the same turn.

¶ 21 Nekeira Friar testified that at around 7:30 p.m. on February 15, 2013, she arrived at 1305 Jackson Street with Kalin Friar, Dajhae Martin, and Querra Allen. At 10 p.m., they went to the Red Carpet Inn, where they planned to throw a party. According to a receipt entered into evidence, Martin signed for hotel room number 104 at 10:07 p.m. Friar testified that guests started to arrive at 10:30 p.m. Ali and a person named Joey, whom Friar knew as “Jobo,” were the first to arrive. She was not sure if Jabar Coleman, Andre Bridges a/k/a “Lil’ G,” and a person she knew as Aaron arrived then too. Friar had known Ali for two years before that evening and was good friends with him. She did not know defendant.

¶ 22 At some point, which Friar estimated to be a half hour or an hour after Ali arrived, Ali and Allen got into an argument about their past relationship. Shortly after that, there was another altercation involving Allen and Jobo. Friar was at the hotel party the whole night until police arrived, and she saw Ali there the entire time. According to Friar, a half hour before the police came, she went upstairs in the hotel room and saw a man, whom she later learned was defendant, wearing all black and lying face-down on a bed. Friar did not see everybody come and leave that night, and she did not know when defendant arrived at the party. She acknowledged that there were multiple people at the party wearing black. When the police came, she hid in the bathroom of the hotel room and noticed a gun in the toilet bowl (not the back of the toilet). She did not see who put the gun there.

¶ 23 Martin testified that she was at 1305 Jackson Street on February 15, 2013, from 7 p.m. until 9:45, when she left for the Red Carpet Inn. Ali arrived at the Red Carpet Inn around 10:30 p.m. with Jobo and Lil’ G. Like Friar, Martin knew Ali but had not known defendant prior to



that evening. Immediately after Ali arrived, he got into a fight with Allen. At some point, Jobo and Allen got into a fight. Jobo left shortly thereafter with Lil' G, and they were gone for about half an hour. Martin testified that she got sick at some point that night and threw up in the bathroom. While she was in the bathroom, Lil' G came in to check on her, and she saw the handle of a revolver underneath his shirt tucked into his pants. At no time before she was throwing up did she see defendant at the hotel party.

¶ 24 Allen testified that she started the night of February 15, 2013, at 1305 Jackson Street, where she saw Burns and McFarlane. Allen was not dating Burns in February 2013, but as of the time of trial, he was the father of the child she was expecting. Allen left for the Red Carpet Inn around 10 p.m. Among the first to arrive at the hotel before 11 p.m. were Joey (Jobo), "Chaz Washington," Lil' G, Jabar, and Rashee. Allen had previously dated Chaz and knew him as "Chaz Washington," not "Chaz Ali." She had met defendant a couple of times when she was dating Chaz, and Chaz and defendant were close friends who referred to each other as "brothers." Chaz and Allen got into an argument 20 or 30 minutes after Chaz arrived at the party. Jobo then got involved in the fight and hit Allen on the eye. According to Allen, the argument centered around Burns. Specifically, Chaz told her not to have Burns call her phone. She responded that she did not know what Chaz was talking about, as she was not on the phone with Burns. Chaz and Jobo then "started talking stuff" about Burns, saying what they were going to do to him if he called her phone. Allen testified that Chaz also mentioned that Burns should not start hanging around with Gordon, because "they were into it with" Gordon.

¶ 25 According to Allen, twenty minutes after Jobo hit her, she went back to 1305 Jackson Street, where she noticed police and found out that McFarlane had been shot. After learning what had happened to McFarlane, Allen returned to the hotel. She did not know what time she

returned, but she testified that she was gone for 15 minutes. When she got back to the hotel, she saw defendant, who had arrived while she was gone. Chaz was also there when she got back.

¶ 26 Luis Rivera, a North Chicago police officer, testified as an expert witness in the area of gang culture and identification of gangs. He explained that the various gangs in the area were split into two nations called the “People” and the “Folks.” The People used a five-point star, and the Folks used a six-point star. According to Rivera, the Gangster Disciples belonged to the Folks nation, and the Black P. Stones belonged to the People nation. Although it did not always happen, it was not uncommon for violent tendencies to come out when rival gang members saw each other. Rivera testified that he had heard of “nation guns” purchased with gang money, which any member could use. Based on defendant’s known associations, certain statements that defendant had made to police, and certain materials that were found in defendant’s room when it was searched, Rivera opined that defendant was a member of the Gangster Disciples in February 2013. Rivera further opined that Gordon was a member of the Black P. Stones. Rivera was aware of a verbal argument between Gordon and Ali in the weeks before McFarlane was shot. Rivera testified that he had seen disputes between individual gang members blow up into violence between the gangs. On the other hand, he acknowledged that sometimes gang members had personal issues that were not gang-related.

¶ 27 Rhonda Jackson testified for the defense. She lived at 1305 Jackson Street and was Outlaw’s mother and Burns’ aunt. At around 8 p.m. on February 1, 2013, two weeks before McFarlane was shot, Jackson saw Ali wearing all black and shooting at her nephews in the vicinity of 14th and Jackson Street. However, Jackson acknowledged that she had not known at the time who Ali was, as she had never seen him before.

¶ 28 Marc Keske, a North Chicago police officer, testified for the defense that he was

dispatched to the area of 1305 Jackson Street on February 1, 2013, in reference to multiple calls of shots fired. He directed officer Ron Laracuenta to look for shell casings. Laracuenta then testified for the defense that he located seven .380 caliber casings at the corner of 14th and Jackson Street. Those seven casings were later compared with the five casings that were found near 1302 Victoria Avenue following the February 15, 2013, shooting of McFarlane. It was determined that both sets of casings were fired from the same unknown firearm. Police never made any arrests in connection with the February 1, 2013, shooting.

¶ 29 Defendant's mother, Patricia McPherson, testified that she saw defendant a little after 9 p.m. on February 15, 2013, at their residence at 1133 Victoria Avenue in North Chicago. Defendant told her that he had gone shopping, and then he went downstairs to get dressed. A little after 10 p.m., she heard him say "bye mama, bye dada." Defendant was acting normally when she interacted with him.

¶ 30 Quanicia McKnight testified for the defense that she lived at 1625 Lincoln Street in North Chicago. As of February 15, 2013, she was dating Ali and her mother was dating defendant's older brother Darius. Defendant arrived at McKnight's house around 8 p.m., and they went to Gurnee Mills mall with Ali and another friend. They stayed at the mall until 9:30 p.m., and there was some conversation about attending a party at the Red Carpet Inn later that night. The group dropped defendant off at his parents' house around 10 p.m. so that he could get dressed for the party. Defendant did not appear nervous or angry at the time. McKnight then went back to her own home with Ali, who got dressed and left 20 minutes later. Defendant returned to McKnight's house about an hour and a half after Ali had left, which would have been around midnight. When defendant came into her house, he had some cups with him and he drank Hennessy from a brown bag. Defendant was still making jokes and acting like himself, and he

did not appear to be angry, nervous, or excited. McKnight testified that defendant did not wash his hands or change his clothes. After a 30 minute period, Jessica Gully picked up defendant from McKnight's house.

¶ 31 Gully testified for the defense that she spoke with defendant on the afternoon of February 15, 2013, about going to a hotel party at the Red Carpet Inn. She had a phone conversation with him later that night as she was leaving her home in Waukegan, and she told him that she was on her way to pick him up. On her way to pick defendant up, she stopped to see her uncle, who told her that somebody had been shot. She then picked defendant up at 1625 Lincoln Street, and they went to a gas station before proceeding to the Red Carpet Inn. Gully did not remember exactly what time she picked defendant up, but he was acting normally and did not seem upset, sad, or angry. Gully testified that surveillance footage from the gas station showed that she was there around 12:10 a.m. Ali was already at the Red Carpet Inn when Gully arrived.

¶ 32 Samuel Asad, an employee of John's Liquors, testified for the defense that February 15, 2013, was a busy night at the store. He had known defendant as a long-time patron of the store. Asad was not directly watching as defendant walked into the store that night, but said that defendant looked "normal." According to Asad, a lot of people in North Chicago wear black clothing, and he recalled seeing more than one person that night wearing black hoodies.

¶ 33 The jury found defendant guilty of all three counts of first degree murder and found that he personally discharged a firearm. The court sentenced defendant on one of those counts to a period of 60 years' imprisonment, which included a 25-year firearm enhancement. Defendant timely appealed.

¶ 34

## II. ANALYSIS

¶ 35 Defendant argues that the State failed to prove him guilty beyond a reasonable doubt. In addressing this issue, the question is not whether *we* believe that the evidence established defendant's guilt beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 318-319 (1979). "Instead, the relevant question is 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 in original.) *Jackson*, 443 U.S. at 319. In answering this question, we allow all reasonable inferences supported by the record in favor of the State. *People v. Cunningham*, 212 Ill. 2d 274, 280 (2004). We must also defer to the jury in its role of determining witness credibility and weighing the evidence. See *People v. Milka*, 336 Ill. App. 3d 206, 227 (2003).

¶ 36 "A person who kills an individual without lawful justification commits first degree murder if, in performing the acts which cause the death \*\*\* he either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another." 720 ILCS 5/9-1(a)(1) (West 2012). Defendant challenges only the sufficiency of the State's proof that he was the individual who shot McFarlane.

¶ 37 We hold that any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. The State introduced ample evidence connecting defendant to the shooting. For example, there was evidence that defendant had a motive by reason of his gang affiliation to shoot Gordon, who happened to be walking with McFarlane and Burns on the night of February 15, 2013. Additionally, surveillance footage established that defendant was in the neighborhood moments before the shooting occurred, having encountered Gordon, McFarlane, and Burns in the liquor store. The jury also could have inferred that the dark-colored car that was shown on the Best Market surveillance video driving into the north-south alley shortly

before the shooting was Darius' car. Furthermore, the jury heard from Burns, who identified defendant as the shooter based on his clothing and build and explained that defendant gave him a "mean look" in the liquor store. Moreover, when defendant was apprehended hours after the shooting, he had primer gunshot residue on his right hand, the same hand which Burns testified the shooter had used to fire the gun. Finally, police found bullet fragments in defendant's bedroom with certain characteristics that were similar to the fragments that were recovered from McFarlane's head. Under the totality of the circumstances, the evidence was sufficient to support the jury's verdict.

¶ 38 Defendant isolates individual pieces of evidence in an attempt to establish doubt as to the jury's verdict. Such an approach is improper. *Milka*, 336 Ill. App. 3d at 229 (2003). Particularly where circumstantial evidence is involved, "[t]he evidence is sufficient if all of it, taken together, satisfies the jury that the defendant is guilty beyond a reasonable doubt." *Milka*, 336 Ill. App. 3d at 229. We will nevertheless consider defendant's specific contentions.

¶ 39 Citing *People v. Smith*, 141 Ill. 2d 40 (1990), defendant first contends that his motive to retaliate against Gordon for singing an offensive rap song "was little more than an abstraction," because many in his community were members of the Gangster Disciples and had the same motive. *Smith* is distinguishable. In that case, the State introduced no evidence to support its theory that the defendant shot a prison warden at the behest of a person named Murray in retaliation for the warden's intolerance of gang activity in prison. *Smith*, 141 Ill. 2d at 58-59. According to the court, the evidence did not show that the defendant was even affiliated with Murray's gang. *Smith*, 141 Ill. 2d at 60. In contrast, here there was uncontradicted evidence that defendant was a member of the Gangster Disciples. Moreover, Outlaw testified that defendant had been present when Ali and Gordon exchanged words, which was purportedly the impetus for

the February 15, 2013, shooting. Unlike in *Smith*, the State introduced evidence to show that defendant was aware of the facts giving rise to the alleged motive for the crime.

¶ 40 Defendant also attempts to minimize the significance of the fact that he was seen in the neighborhood around the time of the shooting, noting that he lived in the area and that he frequented this particular liquor store. According to defendant, “[t]his is not a case where the offender was demonstrated to be in a place to which he had no discernible connection other than ostensibly to commit the offense.” Although that is true, a reasonable inference from the evidence was that the shooting was a crime of opportunity: *i.e.*, that defendant decided to shoot at McFarlane, Gordon, and Burns after he encountered them by chance at the liquor store.

¶ 41 Defendant further contends that Burns’ identification of him as the shooter was insufficient to establish guilt beyond a reasonable doubt. Defendant emphasizes that Burns was 75 feet away from the shooter and did not see the shooter’s face, that black attire is quite common in North Chicago, and that the shooting occurred at night. Additionally, defendant submits that a reasonable inference from the evidence was that Burns was the individual who told Officer Sellers at the scene of the crime that he did not know the identity of the shooter. Defendant further notes that Burns once told police that he thought he had seen two people in defendant’s brother’s car as it drove east on 13th Street shortly before the shooting, which would have been the opposite direction from the alley where McFarlane was shot.

¶ 42 Defendant draws an analogy to *People v. Hughes*, 59 Ill. App. 3d 860, 863 (1978), where the defendant was convicted of robbery solely upon the complaining witness’s “unsubstantiated identification.” In that case, the victim was in a grocery store when she looked out a window and saw two men walking outside. *Hughes*, 59 Ill. App. 3d at 861. She left the store five-to-ten minutes later and walked two blocks, where she was assailed from behind and knocked out.

*Hughes*, 59 Ill. App. 3d at 861. When the victim got to her feet, she observed two individuals running away 500 yards in the distance. *Hughes*, 59 Ill. App. 3d at 861. Those individuals did not turn around, and the victim did not see their faces. *Hughes*, 59 Ill. App. 3d at 861. Nevertheless, the victim testified that she was certain that the clothing worn by the men was the same as what she had seen the two individuals wearing outside the store. *Hughes*, 59 Ill. App. 3d at 861. Based on the similarities between the clothing, the victim identified defendant as one of the men who robbed her. *Hughes*, 59 Ill. App. 3d at 861. The appellate court reversed defendant's conviction, concluding that "[a] conviction which is based on such doubtful and groundless identification, absent other corroborating evidence, is not sustainable upon review." *Hughes*, 59 Ill. App. 3d at 862. According to the court, the mode of dress of the perpetrators was not "so distinctive or uncommon as to justify a positive identification under these circumstances." *Hughes*, 59 Ill. App. 3d at 863.

¶ 43 *Hughes* is distinguishable. In *Hughes*, the perpetrators were 500 yards away from the victim when she first saw them. Additionally, no evidence corroborated her identification of the defendant as one of the perpetrators. Here, Burns saw the assailant during the shooting and from a distance of only 75 to 80 feet. More importantly, there was evidence to corroborate Burns' identification of defendant as the shooter, including the primer gunshot residue on defendant's right hand and the surveillance footage which placed defendant in the neighborhood around the time of the crime. Although defendant highlights what he deems to be a number of shortcomings in Burns' identification testimony, those were matters for the jury to consider in light of the totality of the evidence.

¶ 44 We note that defendant asserts in a heading in his brief that Burns' identification was "the product of suggestion." Defendant does not develop any argument in support of that statement,



and we will not consider it. See *Hall v. Naper Gold Hospitality LLC*, 2012 IL App (2d) 111151, ¶ 12 (“Mere contentions, without argument or citation to authority, do not merit consideration on appeal.”).

¶ 45 Defendant next contends that the gunshot residue evidence had “very little probative value,” because the State’s expert acknowledged that such residue could be transferred either from the hands of one person to another or from the mere handling of a firearm that had been discharged. Defendant acknowledges that “[t]here was no evidence that [he] handled the revolver” that was found in room 104 of the Red Carpet Inn. However, he notes that there was likewise “no evidence that he did not handle the revolver.” According to defendant, he could have been contaminated with gunshot residue by shaking hands with somebody who had handled that revolver. To that end, he notes that the police did not examine all of the men who were present at the Red Carpet Inn to determine whether they too had gunshot residue on their hands.

¶ 46 Defendant’s argument is sheer speculation. As he concedes, there was no evidence connecting him to the .357 revolver that was found in the crowded hotel room. Nor was there evidence as to when, or even whether, that particular weapon had been discharged. Moreover, the jury was not required to accept defense counsel’s suggestions as to the various innocent reasons why defendant might have had primer gunshot residue on his hand. See *People v. Walker*, 2016 IL App (2d) 140566, ¶ 12 (“It is possible, of course, that the telephone was used without defendant’s knowledge or that defendant provided the telephone to a third party for an innocent purpose. The trier of fact was not obligated, however, to elevate the possibility to a reasonable doubt.”); *Milka*, 336 Ill. App. 3d at 228 (juries are not required to accept all reasonable hypotheses of innocence).

¶ 47 Finally, defendant emphasizes the “very weak linkage” between the bullet fragments that were found in his home and the fragments that were recovered from McFarlane’s head. As explained above, the State’s expert was unable to link the fragments on defendant’s floor and the fragments in McFarlane’s head to a common gun. Instead, it was determined only that the fragments shared certain characteristics that were associated with 16 models of firearms. Even if this evidence was relatively insignificant in and of itself, as explained above, there was ample other direct and circumstantial evidence of defendant’s guilt.

¶ 48 III. CONCLUSION

¶ 49 For the reasons stated, the judgment of the circuit court of Lake County is affirmed. As part of our judgment, we grant the State’s request that defendant be assessed \$50 as costs for this appeal. 55 ILCS 5/4–2002(a) (West 2014); see also *People v. Nicholls*, 71 Ill. 2d 166, 178 (1978).

¶ 50 Affirmed.