2017 IL App (4th) 141087-U

NO. 4-14-1087

FILED
April 27, 2017
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Adams County
BRADLEY L. KINDHART,	)	No. 14CF341
Defendant-Appellant.	)	
	)	Honorable
	)	Mark A. Drummond,
	)	Judge Presiding.

JUSTICE POPE delivered the judgment of the court.
Presiding Justice Turner and Justice Harris concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed, concluding (1) the State presented sufficient evidence for the jury to find defendant knowingly possessed methamphetamine beyond a reasonable doubt and (2) the prosecutor's remarks during closing arguments were not improper.

¶ 2 In October 2014, a jury found defendant, Bradley L. Kindhart, guilty of unlawful possession of methamphetamine (720 ILCS 646/60(b)(1) (West 2014)). In December 2014, the trial court sentenced defendant to 30 months of probation and 270 days in jail. Defendant appeals, arguing the State (1) failed to prove he knowingly possessed methamphetamine beyond a reasonable doubt and (2) improperly bolstered the police officers' testimony during closing arguments. For the following reasons, we affirm.

¶ 3 I. BACKGROUND

¶ 4 On June 18, 2014, the State charged defendant by information with one count of unlawful possession of methamphetamine (720 ILCS 646/60(b)(1) (West 2014)) and one count of unlawful possession of drug paraphernalia (720 ILCS 600/3.5(a) (West 2014)). These charges arose from a search warrant executed on June 17, 2014.

¶ 5 A. Testimony

¶ 6 Officer Patrick Frazier, a master sergeant with the Illinois State Police, testified he worked with the West Central Illinois Drug Task Force. On June 16, 2014, Officer Frazier conducted surveillance on the residence of Bridgette Skirvin, defendant's girlfriend. As part of his investigation, he retrieved Skirvin's garbage from an alley. Officer Frazier discovered pieces of tinfoil, a corner-cut Baggie with a piece of cardboard used as a scoop, and mail addressed to Skirvin at the address under surveillance. He testified Officer Cody Cook used a field test kit on the tinfoil and the Baggie, which tested positive for methamphetamine. Based on these results, Officer Cook applied for and received a search warrant for Skirvin's residence.

¶ 7 Officer Frazier testified the following day, June 17, 2014, at 10 a.m., his office, the sheriff's department, and a trooper from the Illinois State Police executed the search warrant on Skirvin's residence. The officers approached the residence and Officer Cook knocked on the door. Skirvin answered the door and stepped out onto the porch. Several officers then entered the residence. When the officers entered the home, they saw defendant in a recliner in the living room and another male, identified as John Bohnenblust, in the living room. The officers secured defendant, Bohnenblust, and Skirvin in handcuffs and began their search. Skirvin did not cooperate and requested an attorney. The officers transported her to the sheriff's department. Defendant remained seated in the recliner and the officers searched an end table next to the recliner. Inside the top drawer of the end table, the officers found a glass pipe with burnt

residue. The officers also found a corner-cut Baggie in a different piece of furniture in the living room.

¶ 8 On cross-examination, Officer Frazier admitted he was not present when Officer Cook interviewed defendant, but he did speak to defendant afterward. When asked whether defendant made any admissions, Officer Frazier said, "Basically, he told me the same thing he just told Special Agent Cook." Since defendant did not tell him anything different, he did not write a report. Officer Frazier also testified he did not smell methamphetamine when he entered Skirvin's residence. However, Frazier explained he would not expect to smell methamphetamine unless a person was burning it in his presence.

¶ 9 Officer Cook, a special agent with the Illinois State Police Meth Response Team and a member of the West Central Illinois Task Force, testified on June 17, 2014, at 10:15 a.m., he executed a search warrant on Skirvin's residence. Officer Cook testified he walked up to Skirvin's residence and knocked on the door. Skirvin stepped outside onto the porch and Officer Cook informed her he had a search warrant for her house. Skirvin requested to speak with her attorney and an officer escorted her to a squad car. Officer Cook was the first officer to enter the residence. He immediately observed defendant in a recliner and John Bohnenblust getting up from the couch in the living room. The officers searched the home and found a glass methamphetamine pipe in the drawer of an end table. Based on his training and experience, Officer Cook believed the pipe had residue from methamphetamine use. In a different end table in the living room, Officer Cook found a corner-cut Baggie used for packaging drugs. Officer Cook also found a piece of mail addressed to defendant, but it bore an address other than Skirvin's. Officer Cook stated he did not smell methamphetamine when he entered the house.

He only smelled cigarette smoke. Officer Cook explained methamphetamine has a chemical odor and after use, the smell lingers in the air for a short period of time.

¶ 10 Officer Cook testified after he finished executing the search warrant, he interviewed defendant at the Adam's County sherriff's department. He asked for defendant's permission to audio-and video-record the interview, and defendant declined. The recording equipment remained mounted in the interview room, but the interview proceeded without being audio- or video-recorded. Defendant told Cook he arrived at Skirvin's residence around 7:30 that morning and she had not yet returned from work. Defendant stated he stayed with Skirvin off and on and had been dating her for about three months. He said he received mail at Skirvin's address and kept some clothes there. Officer Cook testified defendant expressed disbelief the police "would kick in a door for just one quarter of a gram of methamphetamine."

¶ 11 During the interview, defendant told Cook he used methamphetamine once every three months. Defendant elaborated he had used methamphetamine at Skirvin's residence on three occasions. One of those occasions was the morning the officers executed the search warrant. Defendant explained, "all we do is get high," "[w]e never sell," and "[w]e are just users." When Officer Cook asked defendant about the pipe, defendant admitted he used it to smoke methamphetamine that morning. Defendant stated he lost his job three weeks earlier due to a misunderstanding and he began to use methamphetamine. Throughout the interview, defendant continuously expressed disbelief the police would "go through this for this little amount." Defendant explained a police informant gave him the methamphetamine he smoked that morning but would not provide a name. Based on these admissions, Officer Cook decided not to have the pipe fingerprinted. Defendant advised Officer Cook, "I'm going to take this to

trial and tell the judge that I have an addictive personality, and I was over there getting high. So what." Officer Cook testified he also interviewed Bohnenblust and he recorded the interview.

¶ 12 Kristin Stiefvater, a drug chemist with the Illinois State Police, testified she performed an analysis on the glass pipe found in the end table in Skirvin's living room. The first step in her analysis typically would be to weigh the material. However, the glass pipe did not contain any material she could physically weigh, as it only contained residue. Stiefvater used methanol to rinse the inside of the pipe and placed the methanol in a vial for testing. Stiefvater conducted two tests on the sample. First, she conducted a gas chromatography analysis, which indicated methamphetamine may be present. Second, she conducted a mass spectrometry, which confirmed methamphetamine was present in the residue. In Stiefvater's final report, she concluded the residue from the glass pipe was methamphetamine.

¶ 13 Defendant testified he arrived at Skirvin's residence at 9 a.m., about 20 or 30 minutes before the police arrived to execute the search warrant. Skirvin was not home, and he and Bohnenblust waited on Skirvin's front porch for 20 minutes, until they discovered the back door was unlocked. Once inside, defendant started to make coffee and sat down in the recliner with a glass of tea. Bohnenblust lay on the couch. Defendant testified he did not use the pipe found in Skirvin's end table that morning and he did not know it was in there. Defendant believed his interview with Officer Cook was audio-recorded because Officer Cook asked for his permission to record the interview and placed a recording device on the table. However, defendant testified he declined Officer Cook's request to video-record the interview. Defendant denied admitting he used methamphetamine that morning and used the pipe found in the end table. Defendant also denied ever telling Officer Cook he received mail at Skirvin's residence.

Defendant stated he was employed on the day the search warrant was executed and was subject to drug testing to keep his job.

¶ 14 B. Closing Arguments

¶ 15 During the closing arguments, the State made the following statements:

> "Now, you have just been treated to one of the most amusing heads, I win, tails, you lose propositions you're likely going to hear in a while. And that is this: You know, not only do I not want you to record this so that I have the chance to make up my own version when we get into this room, but, I'm going to say that I did request that it be recorded and that he denied it and that the cop then lied about it.
>
> In fact, you have just been treated to the notion that two sworn law enforcement officers of significant experience have just lied through their teeth to frame and wrongly convict a completely innocent person.
>
> Because there's no in-between, is there? There isn't any way to reconcile or make the sworn testimony of the officers, what you just heard from the defendant, line up. It's either/or; isn't it? Now your job comes into sharp focus from that and *** it is your job as the jury to assess and determine the credibility of witnesses. That's your job. ***
>
> And the Judge is going to tell you *** in deciding that, you have some tools available to you. And that is that you may, in

deciding the credibility of witnesses, take into consideration a person's bias, a person's interest in the outcome, their recall, their attitude while testifying ***, and the reasonableness of their testimony in light of all of the evidence. ***

Now, let's start here. The defendant got on the witness stand and claimed, you know, not only did I [not] refuse to be recorded, I wanted to be recorded. I just didn't want to be video recorded. Now, ask yourself how reasonable is it that a person who can easily figure out that not only audio recording but video recording would document exactly what happened and say, you know, I'll take the audio but I'll pass on the video. I don't want that video. How reasonable is that to claim that? Not even a little bit. ***

And now let us go to another step in that process of assessing the reasonableness of his claim in light of all of the evidence. Here's the next part. Now, let us assume that you got two sworn law enforcement officers who are going to lie through their teeth and frame an innocent person who didn't do a thing.

Now, if that is their goal, they failed miserably. Why? *** [I]f they are lying through their teeth, they would have really and should have really done a better job at gilding the lily; shouldn't they?

For instance, you know, instead of just one piece of mail *** Cook found ***, he could have and should have said there were tons. *** [I]n fact, he said, you know, I didn't find any mail there with his address or the address where he was found on there. ***

But that's not all. You know, both of them, Agent Frazier and Agent Cook could have come in and said, you know, that place reeked of meth. We could hardly breathe. We needed gas masks there was so much meth odor in there. You know, if they really wanted to do him in, I think they probably should have said that. If they were really inclined to lie about it, might as well throw that in, too.

What they said was, no, didn't smell a thing. Some cigarettes maybe but that was it. And you know what, if *** Cook really wanted to jam the defendant up, despite the defendant's innocence, you know what he would have said? Wouldn't have been hard. He would have said, yeah, I asked him, hey, did you get laid off from [work] because you failed a drug test and you know what he told me, he said, yeah, I failed a drug test. You know, if he really wanted to put it to him, falsely, wrongly, he'd have said that. But he didn't, did he?

***

> The reasonableness of this guy behind me's testimony in light of all of the other evidence, that's really where the rubber meets the road here."

Defense counsel made the following statements during closing arguments:

> "[The prosecutor] talked about the mail and said, you know, if they really wanted to gild the lily, they could have said they found mail all over the house that belonged to [defendant]. The fact was they found one piece of mail in that house that had a different address on it. It didn't even come to that house. That leads [*sic*] credence to [defendant's] testimony that he didn't tell them that he got mail at that house. I believe the testimony was they searched every room, every drawer, and that's the only piece of mail they found.
>
> Back to the interview, this is *** Cook versus [defendant], you know, who said what to when. [Defendant] thought the interview was audio recorded. He said he became angry because *** Cook kept asking the same questions over and over. A lot of discrepancies in what *** Cook said [defendant] said and what [defendant] said [he] didn't say."

During rebuttal argument, the State said, in relevant part, as follows:

> "[W]hen are they going to get around to laying it right out there in front of you? You know, because you can dance around it all you want, and they danced. But they wouldn't say what they want you

> to believe. At least the defendant should have the courage to get up and say they're lying to you.
>
> Well, I'm going to submit to you, he doesn't have the courage to say that because he can't bring himself to say that. He cannot. Again, he engages in the ultimate heads, I win, tails, you lose farce. ***
>
> Unless we all want to buy what the defendant's trying to sell, and that is, again, that two sworn law enforcement officers would come in here and not only commit a farce but a miscarriage of justice to convict an innocent man. Versus what he just told you, I think the answer to credibility issue becomes quite clear."

¶ 16 C. The Verdict

¶ 17 During jury deliberations, the jury asked the trial court two questions. First, was there a drug test done on defendant after taking him into custody? Second, why or why not? The court directed the jury to base its verdict upon the evidence presented and it had all the evidence in the case. The jury found defendant guilty of possession of methamphetamine and the State dismissed the possession of drug paraphernalia charge. On December 10, 2014, the trial court sentenced defendant to 30 months' probation and 270 days in jail.

¶ 18 This appeal followed.

¶ 19 II. ANALYSIS

¶ 20 Defendant raises two arguments on appeal. First, defendant argues the State failed to prove he knowingly possessed methamphetamine beyond a reasonable doubt. Second,

defendant argues the State improperly bolstered the police officers' testimony during closing arguments.

¶ 21 A. Sufficiency of the Evidence

¶ 22 "Where a criminal conviction is challenged based on insufficient evidence, a reviewing court, considering all of the evidence in the light most favorable to the prosecution, must determine whether any rational trier of fact could have found beyond a reasonable doubt the essential elements of the crime." *People v. Brown*, 2013 IL 114196, ¶ 48, 1 N.E.3d 888. It is the responsibility of the trier of fact to resolve conflicts in the testimony, weigh the evidence, and draw reasonable inferences from the facts. *People v. Siguenza-Brito*, 235 Ill. 2d 213, 224, 920 N.E.2d 233, 240 (2009). A reviewing court will reverse a conviction only where the evidence is so unreasonable, improbable, or unsatisfactory as to justify a reasonable doubt of the defendant's guilt. *People v. Belknap*, 2014 IL 117094, ¶ 67, 23 N.E.3d 325.

¶ 23 A person commits the offense of unlawful possession of methamphetamine when he or she *knowingly* possesses methamphetamine or a substance containing methamphetamine (720 ILCS 646/60(b)(1) (West 2014)). Defendant argues the State failed to prove he *knowingly* possessed methamphetamine or a substance containing methamphetamine beyond a reasonable doubt. Defendant suggests, "if the police and a forensic scientist could not determine that the pipe contained a substance containing methamphetamine without performing a series of very specific and complicated tests, there was no way for [him] to know that the pipe contained a substance containing methamphetamine."

¶ 24 "Knowledge can rarely be proved by direct evidence and is typically 'proved by defendant's actions, declarations, or conduct from which an inference of knowledge may be fairly drawn.' " *People v. Warren*, 2016 IL App (4th) 120721-B, ¶ 65, 55 N.E.3d 117 (quoting

People v. Roberts, 263 Ill. App. 3d 348, 352, 636 N.E.2d 86, 90 (1994)). Because knowledge is difficult to prove, when the evidence establishes the defendant possessed the controlled substance, his knowledge may be inferred from the surrounding circumstances. *Warren*, 2016 IL App (4th) 120721-B, ¶ 65, 55 N.E.3d 117. The trier of fact bears the responsibility to determine the witnesses' credibility and the weight given to their testimony, to resolve conflicts in the evidence, and to draw reasonable inferences from the evidence. *People v. Ortiz*, 196 Ill. 2d 236, 259, 752 N.E.2d 410, 425 (2001). Accordingly, whether the defendant had the requisite knowledge is a question of fact to be determined by the trier of fact. *People v. Schmalz*, 194 Ill. 2d 75, 81, 740 N.E.2d 775, 779 (2000).

¶ 25 This court addressed this issue in *People v. Comage*, 303 Ill. App. 3d 269, 709 N.E.2d 244 (1999). In *Comage*, the police searched the defendant's car and found a pipe used for smoking crack cocaine underneath a seat. *Comage*, 303 Ill. App. 3d at 271, 709 N.E.2d at 246. At trial, a police officer testified the defendant admitted the pipe belonged to him and he traded compact discs for crack cocaine earlier that day. *Comage*, 303 Ill. App. 3d at 271, 709 N.E.2d at 246. The defendant stipulated the pipe contained cocaine residue. *Comage*, 303 Ill. App. 3d at 271, 709 N.E.2d at 246. The defendant testified the pipe contained nothing visible to indicate there was still cocaine in the pipe, and he did not know there was cocaine in the pipe because he believed once the cocaine burned, it was eliminated. *Comage*, 303 Ill. App. 3d at 271, 709 N.E.2d at 246. The defendant testified, when the police found the pipe, he had not used it for almost a month. *Comage*, 303 Ill. App. 3d at 271, 709 N.E.2d at 246.

¶ 26 On appeal, the defendant argued he was denied his constitutional right to a fair trial when the trial court refused to respond to the jury's question regarding the word "knowingly" as used in the jury instructions. *Comage*, 303 Ill. App. 3d at 272, 709 N.E.2d at

246. This court agreed, and in determining whether double jeopardy applied, found the State presented sufficient evidence for the jury to find the defendant guilty beyond a reasonable doubt. *Comage*, 303 Ill. App. 3d at 275-76, 709 N.E.2d at 248-49. In regard to the sufficiency of the evidence, this court stated, in relevant part, as follows:

> "We reject defendant's claim that the evidence here was not sufficient to prove him guilty beyond a reasonable doubt. Defendant admitted using the crack pipe a month before he was arrested. He also admitted smoking crack earlier the day he was arrested. While defendant testified he did not use his own pipe earlier that day, the jury was not required to believe this aspect of defendant's testimony. The jury could reasonably conclude that, unless exceptional measures were taken, the defendant knew residue from the crack cocaine would remain, and his prior knowing possession was continuing. The fact the residue was found in defendant's drug paraphernalia demonstrates defendant's possession was not innocent or accidental." *Comage*, 303 Ill. App. 3d at 275-76, 709 N.E.2d at 248-49.

¶ 27 In this case, it is undisputed the facts before the jury indicated the glass pipe found in Skirvin's end table contained methamphetamine. However, we must determine whether the facts submitted to the jury allowed it to reasonably infer defendant *knowingly* possessed methamphetamine or a substance containing methamphetamine beyond a reasonable doubt. Stiefvater testified when she first observed the glass pipe, there was no visible substance, but what she identified as residue. After performing a series of tests, Stiefvater opined the residue

found in the glass pipe was methamphetamine. Officer Cook testified defendant admitted using the pipe the very morning the police executed the search warrant and found the glass pipe. Officer Cook further testified defendant admitted to merely being a drug user and believed he would receive leniency because of his addictive personality. A number of times throughout the interview, Officer Cook recalled defendant expressing disbelief the police would go through this much trouble for such a small amount of methamphetamine. Officer Cook testified he did not order a fingerprint examination of the pipe based on defendant's admission. Officer Frazier testified defendant made the same admissions to him.

¶ 28 Defendant argues *Comage* is distinguishable from his case because he (1) did not stipulate to the presence of methamphetamine residue in the glass pipe and (2) testified he did not use the pipe to smoke methamphetamine. First, the defendant's stipulation in *Comage* that the pipe contained cocaine residue had no bearing on the issue of whether the defendant *knowingly* possessed the controlled substance. Second, although defendant in this case testified he never admitted to Officer Cook that he smoked methamphetamine from the glass pipe, it was the jury's responsibility to resolve the conflicting testimony and to draw reasonable inferences from the evidence. See *Siguenza-Brito,* 235 Ill. 2d at 224, 920 N.E.2d at 240.

¶ 29 Defendant also notes the jury in *Comage* was not instructed on the definition of "knowingly," similar to the jury in his case. However, the jury in *Comage* specifically requested clarification on the "knowingly" element and the trial court erroneously declined the request without informing defendant or his counsel. *Comage,* 303 Ill. App. 3d at 272, 709 N.E.2d at 246. In defendant's case, the jury asked whether defendant was drug tested and why or why not. The record is devoid of any indication the jury needed clarification on the "knowingly" element,

and as a result, the trial court was not required to instruct the jury on its definition. *Comage*, 303 Ill. App. 3d at 273, 709 N.E.2d at 247.

¶ 30 Nevertheless, defendant largely relies on the Wisconsin Supreme Court's decision in *Kabat v. State*, 76 Wis. 2d 224, 228 (1977), to support his contention, if the methamphetamine was not apparent to the naked eye, then the trier of fact could not reasonably conclude he knew the pipe contained a substance containing methamphetamine. We find *Kabat* unpersuasive. Given this court has previously spoken on this issue in *Comage*, defendant's reliance on a Wisconsin Supreme Court case is misguided. See *People v. Reese*, 2015 IL App (1st) 120654, ¶ 70, 42 N.E.3d 389 ("this court is not bound by *** out-of-state decisions" and "reliance on *** out-of-state cases is particularly problematic, because courts in our own jurisdiction have already spoken on the issue").

¶ 31 Thus, consistent with this court's precedent, we reject defendant's argument and find the jury could reasonably conclude, based on the facts presented (which include defendant's admission he smoked methamphetamine out of the same pipe that morning), defendant knew residue from the methamphetamine remained in the glass pipe. See *Comage*, 303 Ill. App. 3d at 275, 709 N.E.2d at 249 ("The jury could reasonably conclude that, unless exceptional measures were taken, the defendant knew residue from the crack cocaine would remain [in the pipe after his admitted use], and his prior knowing possession was continuing."). After viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have concluded beyond a reasonable doubt defendant knowingly possessed methamphetamine or a substance containing methamphetamine.

¶ 32 B. Closing Arguments

¶ 33 Next, defendant argues the prosecutor improperly bolstered the police officers' testimony when he stated during closing arguments "two sworn law enforcement officers of significant experience" did not frame him, and if they wanted to, they would have "done a better job gilding the lily." Defendant also contends the prosecutor's remark defendant did not testify the officers lied because "he doesn't have the courage to say that" was improper. Defendant concedes he did not preserve the alleged errors as he did not object at trial and he failed to raise the issue in a posttrial motion. See *People v. Rathbone*, 345 Ill. App. 3d 305, 309, 802 N.E.2d 333, 336 (2003). However, he argues for plain-error review.

¶ 34 "The plain-error doctrine allows errors not previously challenged to be considered on appeal if either: (1) the evidence is so closely balanced that the error alone threatened to tip the scales of justice against the defendant; or (2) the error was so fundamental and of such magnitude that it affected the fairness of the trial and challenged the integrity of the judicial process, regardless of the closeness of the evidence." *People v. Wilmington*, 2013 IL 112938, ¶ 31, 983 N.E.2d 1015. Under both prongs of the plain-error analysis, the defendant bears the burden of persuasion. *People v. Hillier*, 237 Ill. 2d 539, 545, 931 N.E.2d 1184, 1187 (2010). As the first step of the analysis, we determine whether any error occurred at all. *People v. Taylor*, 2011 IL 110067, ¶ 30, 956 N.E.2d 431. If we find error occurred, we then consider whether either prong has been satisfied. *People v. Sykes*, 2012 IL App (4th) 111110, ¶ 31, 972 N.E.2d 1272. Here, defendant only argues the first prong—the evidence of his guilt was closely balanced.

¶ 35 "A prosecutor has wide latitude in making a closing argument and is permitted to comment on the evidence and any fair, reasonable inferences it yields." *People v. Glasper*, 234 Ill. 2d 173, 204, 917 N.E.2d 401, 419 (2009). A defendant cannot ordinarily claim error where

the prosecutor's statements were invited or provoked by the defendant's argument. *Glasper*, 234 Ill. 2d at 204, 917 N.E.2d at 420. If a reviewing court finds a prosecutor's remarks during closing arguments to be improper, it does not merit reversal unless the result substantially prejudiced the defendant. *People v. Cosmano*, 2011 IL App (1st) 101196, ¶ 57, 964 N.E.2d 87. "A closing argument must be viewed in its entirety, and the challenged remarks must be viewed in their context." *People v. Nicholas*, 218 Ill. 2d 104, 122, 842 N.E.2d 674, 685 (2005).

¶ 36 Defendant argues the prosecutor improperly bolstered the officers' testimony when (1) he stated during closing arguments, in order to believe defendant's story, the jury would need to find "two sworn law enforcement officers of significant experience have just lied through their teeth to frame and wrongly convict a completely innocent person"; and (2) during rebuttal argument, the prosecutor stated, in order to believe defendant's story, the jury would need to conclude "two sworn law enforcement officers would come in here and not only commit a farce but a miscarriage of justice to convict an innocent man." Defendant suggests the prosecutor was asking the jury to find the officers more credible because of their status as police officers, citing *People v. Fields*, 258 Ill. App. 3d 912, 631 N.E.2d 303 (1994), and *People v. Ford*, 113 Ill. App. 3d 659, 447 N.E.2d 564 (1983).

¶ 37 Without any explanation, defendant argues his case is "virtually indistinguishable" from *Fields* and *Ford*. We disagree. In *Fields*, the victim reported a man showed a knife and stole her purse and a bag of pillows she purchased as she was walking down the street. *Fields*, 258 Ill. App. 3d at 914, 631 N.E.2d at 304. She provided a description of the defendant to the police, and consistent with that description, she identified the defendant and his clothes that same night when the police arrested him. *Fields*, 258 Ill. App. 3d at 914, 631 N.E.2d at 304-05. The defendant testified at trial he saw a man set the bag down by a Dumpster and

believed "he had been blessed with the man's 'stash.' " *Fields*, 258 Ill. App. 3d at 916, 631 N.E.2d at 306. He then walked over to the Dumpster, picked up the bag, and was almost immediately apprehended by the police. *Fields*, 258 Ill. App. 3d at 916, 631 N.E.2d at 306. A jury found the defendant guilty of armed robbery. *Fields*, 258 Ill. App. 3d at 917, 631 N.E.2d at 306. On appeal, the defendant argued, *inter alia*, the State improperly bolstered the police officers' testimony and mocked the defense. *Fields*, 258 Ill. App. 3d at 920, 631 N.E.2d at 308. The defendant challenged the following statements in support of his contention:

> " 'Yet the defense *** wants you to believe that [defendant] is now a victim of a huge conspiracy concocted by the police, [the victim,] and the State's Attorney's office. He wants you to believe that [the victim] is a liar, that the police are liars, thieves and framers and that even myself and my partner are somehow involved in this conspiracy.
>
> * * *
>
> The police? Are they going to come in here and risk perjury, a perjury charge for [defendant]? They're not going to do that for him.
>
> * * *
>
> And the most important evidence of all, ladies and gentlemen, *** Officer Garrett told you where this was recovered from, from the defendant's pocket, ladies and gentlemen. He didn't perjure himself here too and lie to you. If he wanted to lie why not say we saw the victim's purse on him also.

* * *

> Wouldn't you think that if the defense or the police were part of this big frame-up, [they'd] do a better job for Christ sake. Wouldn't they put a little bit more beef into it. Wouldn't they at least say the defendant, yeah, we recovered the knife, this is the knife, this is the purse she had on her shoulder, the defendant confessed to everything. Of course they would have if it was a frame-up. But the police came in here and told you exactly what happened, the truth. That is what happened, that is what they told you. It is preposterous to think that.
>
> * * *
>
> And ask yourselves this, ladies and gentlemen, why would the police come here and lie to you about their testimony. Would they risk their jobs, their careers, their pensions? Would they risk their reputation as police officers to lie for [defendant]? Of course not. They are under oath, they were doing their duty, and they want to tell you exactly what happened, ladies and gentlemen.' " *Fields*, 258 Ill. App. 3d at 920-21, 631 N.E.2d at 308-09.

¶ 38 The First District held the prosecutor's remarks during closing arguments were improper. *Fields*, 258 Ill. App. 3d at 921, 631 N.E.2d at 309. In making this finding, the court found it was improper for the prosecutor to (1) argue a witness was more credible because of his status as a police officer, (2) express personal beliefs regarding the credibility of witnesses or to invoke the integrity of the State's Attorney's office, and (3) contend the defendant was not a

victim of a conspiracy because the defendant presented a defense of mistaken identity. *Fields*, 258 Ill. App. 3d at 921, 631 N.E.2d at 309.

¶ 39 The case at bar is distinguishable. Unlike the prosecutor in defendant's case, the prosecutor in *Fields* commented the officer would not risk a perjury charge to lie in order to convict the defendant. *Fields*, 258 Ill. App. 3d at 920, 631 N.E.2d at 308. Such a comment is improper because it violates the principle a prosecutor may not argue a person is more credible because of his status as a police officer. See *People v. Adams*, 2012 IL 111168, ¶ 20, 962 N.E.2d 410 ("[b]y invoking unspecified, but assumed, punitive consequences or sanctions that might result if a police officer testifies falsely, a prosecutor's arguments imply that a police officer has a greater reason to testify truthfully than any other witness with a different type of job" (internal quotation marks omitted)). However, the prosecutor did not make such a comment in defendant's case. Additionally, unlike *Fields*, the prosecutor in this case did not express personal beliefs regarding the credibility of the witnesses, but rather, discussed reasonable inferences that could be made therefrom. Last, defendant's case is unlike *Fields* because the prosecutor did not erroneously argue he was presenting a defense other than the police were attempting to frame him.

¶ 40 In *Ford*, the Third District held a prosecutor's repeated references to the witness' status as a police officer and a sworn deputy was an improper attempt to enhance the credibility of the witness. *Ford*, 113 Ill. App. 3d at 662, 447 N.E.2d at 567. The defendant in *Ford* was found guilty of unlawful possession of cannabis. *Ford*, 113 Ill. App. 3d at 660, 447 N.E.2d at 565. An undercover police officer testified she was working undercover when the defendant sold her cannabis. *Ford*, 113 Ill. App. 3d at 660, 447 N.E.2d at 565. The defendant also testified but recalled different facts, arguing she was not the one who sold the officer the cannabis. *Ford*,

113 Ill. App. 3d at 659, 447 N.E.2d at 565. On appeal, the defendant contended she was denied her constitutional right to a fair trial when the prosecutor referenced during closing argument (1) its sole witness was more credible due to her status as a police officer and (2) children in the jurors' community. *Ford*, 113 Ill. App. 3d at 659, 447 N.E.2d at 565-66. The defendant challenged the following remarks:

> " 'On the one hand you have got Donna Kurkinkus [*sic*] who, in addition to being a Warren County Deputy, is a person of impecable [*sic*] credentials versus an individual, [defendant], who by her own testimony to you people in her own community didn't trust.
>
> You have Donna Kurlinkus who is a member of the Multi-County Drug Enforcement Group, MEG, with eight years of integrity serving in this community versus the Defendant ***, who, again, in the words of her attorney, was a member of the drug scene.
>
> * * *
>
> You have the agent, Donna Kurlinkus, a sworn police officer working on assignment to the Multi-County Drug Enforcement Group.
>
> * * *
>
> Why would Donna Kurlinkus, a sworn Warren County Deputy, pull a charade like this and lie and perjure herself for a lousy 15 gram purchase of marijuana?' " *Ford*, 113 Ill. App. 3d at 661-62, 447 N.E.2d at 566-67.

¶ 41 The Third District held the prosecutor's remarks regarding the credibility of the police officer were improper. *Ford*, 113 Ill. App. 3d at 662, 447 N.E.2d at 567. The court held, "The manner in which the prosecutor repeated references to Kurlinkus' status as a police officer and a sworn deputy was an improper attempt to enhance the credibility of his witness." *Ford*, 113 Ill. App. 3d at 662, 447 N.E.2d at 567. The court also found other statements made by the prosecutor regarding children in the jurors' community to be improper. *Ford*, 113 Ill. App. 3d at 662, 447 N.E.2d at 567. The court ordered a new trial, concluding, "[a]lthough we would be reluctant to order a new trial based on any one of the errors standing alone, we find that the cumulative impact of the statements may well have prejudiced the jury and constituted a material factor leading to the conviction." *Ford*, 113 Ill. App. 3d at 663, 447 N.E.2d at 567.

¶ 42 After *Ford* was decided, this court held, although a prosecutor's remarks the officer was a "sworn police officer" may have enhanced the witness' credibility, "there was nothing unfair about them." *People v. Killen*, 217 Ill. App. 3d 473, 481-82, 577 N.E.2d 560, 565-66 (1991). As such, we decline to hold the prosecutor's references to "two sworn law enforcement officers" in this case was improper.

¶ 43 Defendant also suggests it was improper for the prosecutor to suggest, if the police officers were lying, they would have "done a better job gilding the lily." Defendant argues this was another attempt by the prosecutor to improperly enhance the credibility of the officers' testimony. However, in similar situations, this court has found statements of the like emphasize the officers' lack of bias or motive to testify untruthfully. See *People v. Curry*, 2013 IL App (4th) 120724, ¶ 84, 990 N.E.2d 1269. Viewing the closing argument in its entirety, the prosecutor's comments on the officers' lack of motive to lie about defendant's admissions were inferences fairly drawn from the evidence produced and, consequently, proper.

¶ 44 Last, defendant argues it was improper when "the State chastised [him] for not accusing the officers of lying." However, defendant fails to cite to any authority to support this contention or further develop this argument. Therefore, we need not consider it. See *People v. Hood*, 210 Ill. App. 3d 743, 746, 569 N.E.2d 228, 230 (1991) ("A reviewing court is entitled to have the issues clearly defined with pertinent authority cited and is not simply a depository into which the appealing party may dump the burden of argument and research.").

¶ 45 Because we conclude no error occurred in this case, we need not consider whether the evidence was closely balanced. Accordingly, we affirm the trial court's judgment.

¶ 46 III. CONCLUSION

¶ 47 For the reasons stated above, we affirm the trial court's judgment. As part of our judgment, we award the State its $75 statutory assessment against defendant as costs of this appeal.

¶ 48 Affirmed.