2020 IL App (4th) 160830-U

NO. 4-16-0830

FILED
April 28, 2020
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Macon County
RANDALL D. ROBERSON,	)	No. 13CF901
Defendant-Appellant.	)	
	)	Honorable
	)	Wm. Hugh Finson,
	)	Judge Presiding.

JUSTICE KNECHT delivered the judgment of the court.
Presiding Justice Steigmann and Justice Turner concurred in the judgment.

ORDER

¶ 1 *Held*: (1) Defendant was improperly convicted and sentenced for the inchoate offense of criminal drug conspiracy and the principal offenses of unlawful possession of a controlled substance and unlawful delivery of a controlled substance.

(2) The evidence sufficiently supports defendant's convictions.

(3) Defendant forfeited the argument the trial court erred in denying his motion to suppress, as defendant did not raise the issue in a posttrial motion and failed to develop an argument on appeal the forfeiture should be excused as plain error.

(4) Defendant forfeited his arguments he was denied a speedy trial, his sentence was excessive, and count III should not have been reinstated by not complying with the briefing requirements of Illinois Supreme Court Rule 341(h)(7) (eff. May 25, 2018).

(5) Defendant forfeited his challenges to evidentiary rulings by not complying with the briefing requirements of Illinois Supreme Court Rule 341(h)(7) (eff. May 25, 2018).

(6) Any error in allowing a witness to identify defendant in a video shown to the trial court is harmless, as the court, the trier of fact, observed the video and identified defendant.

¶ 2 Defendant, Randall D. Roberson, was convicted of unlawful criminal drug conspiracy, armed violence, armed habitual criminal, unlawful possession of a controlled substance with intent to deliver with a prior unlawful possession of a controlled substance, and unlawful delivery of a controlled substance. He was sentenced to concurrent terms of imprisonment, with the lengthiest sentence of 30 years for his conspiracy conviction. Defendant appeals his convictions and sentences.

¶ 3 On appeal, defendant argues multiple errors, including the following: (1) the trial court improperly convicted him of the inchoate offense of conspiracy and the principle offenses, (2) the State failed to prove him guilty beyond a reasonable doubt, (3) the court erroneously denied his motion to suppress evidence, (4) he was denied his right to a speedy trial, (5) the court improperly reinstated the original count III, (6) his sentence was excessive, and (7) the court committed multiple evidentiary errors. We affirm in part and vacate in part.

¶ 4 I. BACKGROUND

¶ 5 In July 2013, defendant was charged with six offenses: count I, unlawful criminal drug conspiracy (720 ILCS 570/405.1 (West 2012)); count II, armed violence (720 ILCS 5/33A-2(a), 33A-3(a) (West 2012)); count III, armed habitual criminal (720 ILCS 5/24-1.7(a) (West 2012)); count IV, unlawful possession controlled substance with intent to deliver with prior unlawful-possession-of-controlled-substance conviction (720 ILCS 570/401(a)(2)(B) (West 2012)); count V, unlawful delivery of a controlled substance to Lindy Miller on February 11, 2013 (720 ILCS 570/401(c)(2) (West 2012)); and count VI, unlawful delivery of a controlled

substance to Winston Baker on February 11, 2013 (720 ILCS 570/401(c)(2) (West 2012)).

¶ 6 In February 2016, the State amended count III to a charge of Unlawful Possession of Weapons by Felons, alleging defendant, who had been convicted of a felony, knowingly possessed on or about his person or in his own abode a firearm, a .22-caliber revolver. 720 ILCS 5/24-1.1(a) (West 2012). After a continuation of the bench trial, the court allowed the State to reinstate the original count III.

¶ 7 A. Defendant's Bench Trial

¶ 8 Beginning February 1, 2016, a bench trial was held. Multiple witnesses testified.

¶ 9 1. *Chad Larner*

¶ 10 Chad Larner, a detective with the Decatur Police Department, testified, in January 2013, he was informed a confidential source, Winston Baker, wanted to provide information about an individual distributing large amounts of cocaine. Baker initially solicited the police department after his arrest on cocaine-related charges and wanted to "work off those charges." Once those charges were "work[ed] off," Baker wanted to be a paid confidential source.

¶ 11 Detective Larner testified he was investigating Matthew Anderson. He implemented several controlled purchases as part of this investigation. On January 22, 2013, Detective Larner met with Baker at approximately 2:26 p.m. Officers searched Baker and his vehicle. No contraband was discovered. Baker then called Anderson. The call was recorded. The recording was played for the court. Baker informed Anderson, "I'm ready for you." Anderson referred to the caller as "Daddy-O" and said he would have "Randy" "bring it to you."

¶ 12 When defendant objected to the admission of an audio recording of the alleged coconspirator's statements, stating the conspiracy must be established first, the trial court held:

"This is a bench proceeding. There is no jury here. The Court is going to go ahead and let the exhibit be played. If the Court later finds there's no conspiracy, of course, when I'm about to hear or watch will not be considered."

¶ 13 Approximately four minutes after the first call, Baker received a call. The recording was played for the court. In the recording, the individual identified as Anderson told Baker the following: "I was gonna give him your phone number, but he's like 'nah,' *** so he said he can't, can't come to it just right now. I'm on my way back. I'll be back in like 20 minutes, daddy-O. I'm flying, daddy-O. *** It might take me a little time, but I'm going to make sure it's right, right for you, boy. *** Just meet me *** in 30 minutes, man." Anderson directed Baker to meet him on East Garfield. It was understood Anderson was referring to his mother's house at 2595 East Garfield. In the call, Anderson referenced that he was returning from Champaign. In response, Detective Larner sent a surveillance team to the interstate to try to locate Anderson in his gold Chevrolet Tahoe.

¶ 14 The State then played for the trial court a third recorded call. During the call, Baker and Anderson finalized the agreement to meet.

¶ 15 Detective Larner testified, before the transaction, he provided Baker with $1600. The two parted ways at 3:05 p.m. Mobile surveillance was employed. Officers were placed near 2595 East Garfield and at 2315 North Rosedale, defendant's residence. Detective Larner learned from surveillance Anderson arrived in Decatur. He stopped at 2315 North Rosedale, at which time he exited his vehicle, entered the building, and then exited the building. A video showing the transaction in the kitchen at 2595 East Garfield between Anderson and Baker was shown for the court. The video shows Anderson counting money and cocaine on the table. After the

transaction, Detective Larner met with Baker. Baker handed Detective Larner over 28.5 grams of cocaine.

¶ 16 Detective Larner testified, on January 24, 2013, he initiated another controlled purchase of cocaine by Baker from Anderson. Surveillance was set up at 2595 East Garfield as well as at 2315 North Rosedale. The audio was played for the court. The audio started at approximately 2:43 p.m. Baker placed a call to Anderson to arrange a purchase of powder cocaine. They agreed to meet at the Garfield residence. Surveillance placed Anderson at the Rosedale address, which he left to travel to the Garfield address. A video of the transaction was played. At the Garfield residence, Anderson directed Baker to give Anderson's mother the $5200, which came from the Decatur Police Department. After Anderson's mother took the money, Anderson and Baker went to 2345 North Rosedale, which was two buildings away from defendant's apartment at 2315 North Rosedale. At the Rosedale address, Baker received 113 grams of alleged powder cocaine. Baker turned over the cocaine to Detective Larner.

¶ 17 On February 5, 2013, Detective Larner organized another controlled purchase by Baker from Anderson. Baker was provided $200. Baker called Anderson on the phone at approximately 3:35 p.m. The State played the audio recording for the trial court. Baker then went to the East Garfield address to meet Anderson. The purchase did not occur at the Garfield residence. Baker and Anderson were observed going to 2315 North Rosedale. Anderson dropped Baker off at 2200 East Olive, which was a few blocks south of the Garfield residence. Once they parted ways, Baker gave the officers two grams of alleged cocaine.

¶ 18 Detective Larner further testified regarding two controlled purchases of cocaine on February 11, 2013. For the first purchase, Detective Larner worked with a different

confidential source, Lindy Miller. Miller had been arrested by another detective. She indicated she wished to cooperate and implicated defendant and Anderson as cocaine dealers. As a part of this controlled purchase, detectives were assigned to conduct surveillance in the area of 2315 North Rosedale, as well as at 2595 East Garfield. Miller contacted defendant by phone. Initially, Detective Larner could not identify the voice speaking to Miller. However, as a result of the investigation, Detective Larner became familiar with defendant's voice and recognized him as the individual called by Miller.

¶ 19 Miller called defendant at 3 or 4 p.m. to arrange a purchase. Miller was provided $400. When she left the officers, she began traveling toward 2315 North Rosedale. An additional call occurred while Miller was traveling. After the call, Miller changed direction. Mobile surveillance followed her to Anderson's residence at 2595 East Garfield. Miller entered the Garfield residence and returned. She met the officers at a predetermined location and returned with approximately 19 grams of suspected powder cocaine. The video was played for the trial court. The face of the seller could not be seen. During the call, the call that resulted in Miller changing directions, Miller referred to the other speaker as "Randy."

¶ 20 Detective Larner identified photographs taken from the video of the transaction. These photographs show a man in a yellow and dark green polo shirt or navy blue horizontal-striped polo shirt and the back of the same man wearing green shoes.

¶ 21 According to Detective Larner, because he wanted to capture the face of the man in the striped polo shirt and green shoes, he arranged the second February 11, 2013, controlled purchase. For this transaction, Detective Larner used Baker. At approximately 6:30 p.m., Detective Larner and Baker met. Baker believed he was contacting Anderson, as Baker did not

have the phone number for defendant. Baker called Anderson's phone number. Defendant answered the phone. Defendant directed Baker to the Rosedale address. Baker was provided $200 to make a purchase. Baker went to the Rosedale address. After the purchase, Baker met with Detective Larner. Baker gave the detective a clear, plastic Baggie containing approximately 3.5 grams of field-tested powder cocaine.

¶ 22 The video of the purchase was played for the court. Near the end of the video, a number one is on the door. Detective Larner identified that as defendant's apartment number. The video showed a man in the same shirt as the man in the video of the Miller transaction.

¶ 23 Detective Larner testified during the months of March through May 2013, the investigation had little activity. In the latter part of June and into July, the investigation began "to heat up again." In July 2013, search warrants for 2315 North Rosedale, 2595 East Garfield, and 225 West Wood, an apartment for Anderson's mother, Jill Blue, were executed. At the Garfield residence, a digital scale was found on top of the refrigerator. Also found at that residence was a bottle of Inositol in the hutch inside the kitchen/dining room area and a box of .22-caliber rounds of ammunition.

¶ 24 On cross-examination, Detective Larner testified Baker was also known as Tyler Baker or TB. Baker was being paid for his assistance. Detective Larner believed Baker may have had a driving case against him at the time Baker assisted with the controlled purchases. As of the date of Detective Larner's testimony, Baker was no longer used as an informant. In the months the investigation was slowed, Baker ended up in jail "a couple times." Detective Larner could not specify the amount Baker was paid but said the buy that involved $5200 and the purchase of 113 grams would generally pay a confidential source $250 to $300. The amount recovered

determined the amount paid. Miller was also working for consideration for her charges, perhaps a prostitution charge. She was not paid for her assistance.

¶ 25 Detective Larner testified Anderson's nickname was Daddy-O. He called everyone Daddy-O. As an evidentiary matter, when using department funds to make controlled purchases, the serial numbers of the bills used are often recorded. No funds matching those serial numbers were recovered from defendant.

¶ 26 Before February 11, 2013, Detective Larner had not talked to defendant. Detective Larner became familiar with defendant's voice after watching a lengthy interview between defendant and Detective Jason Hesse and Special Agent Richard Dollus on the evening of defendant's arrest. Regarding the phone call instructing Miller to change the location of the pickup, Detective Larner did not hear the voice at the other end of the call. Miller told Detective Larner defendant was on the other end of the line.

¶ 27 On redirect examination, Detective Larner testified before Anderson met with Baker on January 22, 2013, Anderson was seen entering 2315 North Rosedale and returning a short time later. The same occurred on February 5, 2013. No one other than defendant, related to the investigation, resided at 2315 North Rosedale. There were six to eight apartments at 2315 North Rosedale.

¶ 28 2. *Jeffrey Hockaday*

¶ 29 Jeffrey Hockaday, a detective with the Decatur Police Department, testified in January 2013, he was assisting Detective Larner in the investigation of Anderson. Detective Hockaday learned defendant was associated with Anderson. On January 22, 2013, Detective Hockaday was surveilling the front of the apartment complex at 2315 North Rosedale, where

defendant's apartment was located. Around 3:30 p.m., Anderson arrived at the apartment complex in a tan SUV. He entered the apartment. After a minute or less, Anderson exited the apartment building. Anderson entered the same vehicle and drove away. Detective Hockaday did not see the specific apartment Anderson entered. Detective Hockaday did not see defendant that day.

¶ 30 On February 5, 2013, Detective Hockaday surveilled the complex again in another attempt at a controlled purchase from Anderson. Detective Hockaday was at the same location, watching the front entrance to the North Rosedale apartment complex. Just before 3:30 p.m., Detective Hockaday observed defendant at 2315 North Rosedale. Defendant exited the building and checked a mailbox at the front of the building. Defendant entered a vehicle and drove away. Around 4 p.m., Anderson arrived. He entered the front door of the complex. Approximately two to three minutes later, Anderson exited the complex and left in the vehicle he arrived in. Detective Hockaday did not see the specific complex Anderson entered. Defendant did not return while Detective Hockaday was surveilling the complex.

¶ 31 Detective Hockaday testified, on July 9, 2013, he participated in the execution of the search warrant at the West Wood apartment. In a suitcase at that apartment, Detective Hockaday found a bag of a substance that field-tested positive for cocaine. It was identified as People's Exhibit 14, which contained 54.9 grams of cocaine.

¶ 32 3. *Paul Vinton*

¶ 33 Paul Vinton, a detective with the Decatur Police Department, testified in January 2013, he was assisting in the investigation of Anderson and defendant. On January 24, 2013, Detective Vinton was surveilling 2345 North Rosedale, two buildings away from the 2315 North

Rosedale building. Both were part of the same apartment complex, Rosedale Apartments. A controlled buy from Anderson was planned. At approximately 2:45 p.m., Detective Vinton saw a gold Tahoe associated with Anderson arrive. Anderson was driving the vehicle. Anderson exited the vehicle. He entered the building at 2345 North Rosedale. At 2:55 p.m., Anderson walked to his vehicle, reached into it, and returned to the building. While Anderson was inside 2345 North Rosedale, a black SUV arrived. Anderson exited the building and approached the black SUV, talking to the male inside. Anderson then returned to the building. At 3:15 p.m., Anderson entered his vehicle and drove away.

¶ 34 Detective Vinton continued surveillance at 2345 Rosedale. Around 3:27 p.m., Anderson returned in the Gold Tahoe. At this point, a confidential source was riding with Anderson. The two entered the building. Three minutes later, they returned to Anderson's vehicle.

¶ 35 On February 11, 2013, Detective Vinton provided surveillance at 2315 North Rosedale. At approximately 3:42 p.m., a gold SUV, Yukon or Tahoe, arrived at the apartment. It appeared to be the same vehicle Detective Vinton observed on January 24, 2013. A black female and a small child exited the vehicle and entered 2315 North Rosedale. At 6:30 p.m. that same day, Detective Vinton was conducting surveillance at the same address as part of a controlled buy for defendant. At 7:18 p.m., the confidential source arrived at the residence. Five minutes later, the confidential source left. Detective Vinton did not see defendant on either of the two days he surveilled the Rosedale Apartments.

¶ 36 4. *Joshua Stern*

¶ 37 Joshua Stern, a forensic scientist specializing in drug chemistry for the Illinois

State Police at the Springfield Forensic Science Laboratory, testified he tested the State's exhibits for the existence of controlled substances. From those exhibits, Stern identified over 400 grams of substances containing cocaine.

¶ 38 5. *Toby Williams*

¶ 39 Toby Williams, a sergeant with the Decatur Police Department, testified he assisted in conducting the search of Apartment 1 at 2315 North Rosedale. When the team approached, they observed the front door of the building was open. They anticipated walking up a few stairs onto a landing in front of that apartment. As the team members crossed the threshold of the front door to the building, a suspect, identified as defendant, exited Apartment 1. Defendant ran back into the apartment. The team commanded defendant to the ground. Defendant complied. As the team entered the apartment, they found defendant lying face down with his hands out. He obeyed verbal commands. Sergeant Williams secured defendant with flexi cuffs and patted him for weapons. No weapons were found on defendant. In the front pants pocket, Sergeant Williams found "a small amount of cannabis, maybe a little bit small amount of cocaine."

¶ 40 6. *Jonathan Jones*

¶ 41 Jonathan Jones, a detective with the Decatur Police Department, testified he assisted in the search of Apartment 1 at 2315 North Rosedale. In the southeast corner of the living room, Detective Jones found a trash bag that contained "altered sandwich baggies." He further located a compact-disc case that contained a white, powdery residue. Detective Jones located, under the couch, a clear plastic Baggie containing five other Baggies with a white, powdery substance inside.

¶ 42 7. *Steve Young*

¶ 43 Steve Young, a detective with the Decatur Police Department, testified he assisted in the search at 2315 North Rosedale, Apartment 1. Detective Young searched the living room area of the residence. In the living room, he found two envelopes addressed to Randy Roberson, 2315 North Rosedale, number one in Decatur, Illinois. In the kitchen area, Detective Young found a functioning digital scale with suspected residue, a plastic Baggie with a gram of substance that field-tested positive for cocaine, and a plastic Baggie that contained an unknown white powdery substance.

¶ 44 8. *Jason Hesse*

¶ 45 Jason Hesse, a detective for the Decatur Police Department, testified he oversaw the execution of the search warrant at 2315 North Rosedale, Apartment 1. Detective Hesse's role was to document the evidence. When the team secured the residence, there was only one other person, defendant, in the apartment. On a coffee table, Detective Hesse found a loaded .22-caliber revolver, defendant's identification, and a broken cell phone. The revolver contained seven live cartridges. On a nightstand between the two couches, a DVD and a rolled up dollar bill with suspected cocaine residue was found. Underneath the couch, officers located a CD case and a debit or credit card with suspected cocaine residue. A set of keys was also found. Defendant informed Detective Hesse he could lock the apartment door with those keys. Defendant acknowledged the keys were his.

¶ 46 Detective Hesse identified exhibits found in the apartment. People's Exhibit 31 contained one gram of suspected cocaine. People's Exhibit 33 contained 15 grams of suspected cocaine. In a closet in a bedroom inside the apartment, 85 grams of field-tested positive cocaine

was found on a shelf.

¶ 47 On cross-examination, Detective Hesse acknowledged the name on the credit or debit card found in the apartment had the name "Jeremiah Barham" on it.

¶ 48 9. *Chad Ramey*

¶ 49 Chad Ramey, a detective with the Street Crimes Unit of the Decatur Police Department, was tendered as an expert in the field of narcotics distribution. He testified over 30 times in state court and six times in federal court. Detective Ramey testified to having participated in "[p]robably over a thousand" drug investigations. He had spoken to "probably" five or six hundred people involved in the illegal use and distribution of narcotics. Detective Ramey testified, through his experience, he was familiar with the methods of operations of those involved in the illegal distribution of narcotics. The court found Detective Ramey to be an expert, over defendant's objection.

¶ 50 Detective Ramey testified he assisted Detective Larner in his investigation of Anderson and defendant. On January 24, 2013, he was assigned to provide surveillance of 2595 East Garfield. On that date, Detective Ramey saw the confidential source arrive and then Anderson arrive. The two entered Anderson's tan Chevy Tahoe and drove away. They returned and both entered 2595 East Garfield.

¶ 51 On February 5, 2013, Detective Ramey again surveilled the residence on Garfield. The confidential source arrived. Anderson arrived shortly after. On this day, Anderson was driving a black Chevy Impala, a rental car. The two entered the Impala.

¶ 52 In July 2013, the street value of cocaine was roughly $100 per gram. Detective Ramey was asked to look at the exhibits. He opined the multiple exhibits were, in totality,

consistent with possession with intent to deliver. Detective Ramey testified, in one of the locations searched, roughly 211 grams of cocaine were recovered. Digital scales and a firearm were consistent with actual distribution. The 211 grams of cocaine equated to roughly twenty thousand dollars. In addition to the firearm and the scales, cocaine was found in a separate residence. Detective Ramey opined it was common in actual distribution to keep different amounts in different locations, as well as firearms at a different location. Detective Ramey testified the digital scales and cocaine were usually kept at the same residence. Detective Ramey opined, even if he considered only the items found at the Rosedale apartment, defendant committed possession with intent to deliver. After admitting the exhibits, the State rested.

¶ 53 10. *Winston Baker*

¶ 54 Defendant called Baker to testify. At the time of his testimony, Baker was serving a 10-year sentence in the Department of Corrections for a "domestic." According to Baker, in the middle or early part of 2013, he made buys for the Decatur Police Department. He had known defendant five or six years. Before February 11, 2013, Baker had not purchased or was present for the purchase of drugs from defendant. On February 11, Baker was asked to purchase drugs from defendant by the Decatur Police Department. A camera and an audio recording device were attached to Baker. Baker met defendant at an apartment building. He did not know if it was at defendant's apartment, but it was in the area of Rosedale. After meeting with defendant, Baker gave drugs to the officers. Baker denied getting those drugs from defendant. He testified he "had like a little bit on myself." Baker did not tell the officers he received the drugs from defendant. The officers did not ask him. He recalled the officers "just *** asking me to go over there and when I came back they just assume that's where I got it from." The officers "didn't ask

anything." At no point did Anderson say he was working with defendant to sell drugs.

¶ 55 On cross-examination, Baker testified he met defendant through a mutual friend. The two talked "through girls." Baker denied obtaining cocaine from defendant. Baker testified he needed the money. Baker acknowledged the officers searched him before the controlled buy but did not search his vehicle. The drugs Baker delivered to the police were in the center console in the cup holder. Baker kept the $250 the police gave him to facilitate the purchase.

¶ 56 The parties submitted written closing argument.

¶ 57 11. *Judgment*

¶ 58 In July 2016, the trial court entered its rulings. As to count I, unlawful criminal drug conspiracy, the court found defendant guilty. The court summarized the evidence and found no reasonable doubt, "in light of all the evidence taken as a whole the defendant was in a criminal drug conspiracy with Matthew Anderson." As to count II, armed violence, the court found defendant guilty, as defendant was in possession of a pistol and between 100 and 400 grams of cocaine.

¶ 59 The trial court found defendant guilty of count III, armed habitual criminal. The court observed defendant had previously been convicted of multiple felonies in two cases. The court found "no question that the defendant was in possession of the pistol on the day of the execution of the search warrant." The pistol was in plain view in defendant's apartment, and there was no evidence anyone else resided there.

¶ 60 The trial court found defendant guilty of count IV, unlawful possession of a controlled substance with the intent to deliver between 100 and 400 grams of cocaine. The court had no reasonable doubt a drug distribution operation was running out of the apartment. The

court found the State proved beyond a reasonable doubt defendant was in possession of the cocaine in his apartment and he intended to distribute it.

¶ 61 As to count V, the trial court found the State failed to prove defendant guilty of the unlawful delivery of a controlled substance to Miller on February 11, 2013. The court found the videotape was "worthless as evidence against the defendant." According to the court, the biggest problem with the video was the viewer could not see the face of the person who sold the controlled substance to Miller.

¶ 62 The trial court found defendant guilty of count VI, unlawful delivery of a controlled substance to Baker on February 11, 2013. The court noted the transaction was video-recorded and the court saw defendant make the sale: "It was also videoed and on this one we can see the face of the person who delivers the substance to Mr. Baker and it's the defendant Mr. Roberson. In the video we can clearly see a drug sale happen between Mr. Roberson and Mr. Baker." The court found Baker's testimony not credible.

¶ 63 B. Sentencing

¶ 64 Defendant's sentencing hearing was held in September 2016. Kneoca Roberson, defendant's sister, testified on his behalf. According to Kneoca, she and defendant had a "very rough childhood." Their mother was addicted to drugs and alcohol. Defendant looked out for the family. They had four other brothers and sisters. Defendant had to do things he was not proud of to take care of his siblings. He had a big heart and never hurt anyone. Defendant's siblings looked to defendant for all they needed.

¶ 65 Bonnie Howell-Dippel testified defendant dated her youngest daughter. Howell-Dippel testified defendant was "very good hearted." He had been through a lot that year since the

daughter of the woman he was dating had died. Defendant was supportive of the family. He was not mean or violent.

¶ 66 The presentence investigation report indicated defendant had a Class 2 robbery charge in 1995 and went to prison. He had a possession charge in 1999 and returned to prison. In 2009, defendant had a Class 1 delivery-of-cocaine charge. He went to prison for six years in 2009.

¶ 67 Defendant made a statement in allocution. He acknowledged he had been found guilty. He apologized for the pain and grief he caused. He requested leniency.

¶ 68 The trial court indicated it considered the presentence report as well as the testimony at the sentencing hearing and the statement in allocution. The court expressed it considered the statutory factors in aggravation and mitigation. The court stated the following:

> "In any sentencing hearing[,] there are [going to] be things in the defendant's favor and there are [going to] be things that are not in the defendant's favor. In [defendant's] favor is the fact that he had a job. He was employed, until he was incarcerated in July. He has a high school education. He dropped out of high school, as I recall, but he went back and finished his GED in 2012 and that's very much in his favor.
>
> The offenses that—excuse me, that [defendant] has been found guilty of, obviously, are not crimes of violence. Ms. Roberson testified that he is big[-]hearted, good[-]hearted. Ms. Howell-Dippel testified he is good-hearted, helped considerably

when her granddaughter died. And Mr. Roberson expresses remorse to his family.

On the other side of the coin the things that are not in his favor, he has a fair amount of record. A lot of it for convictions for Driving on a Revoked License, over a period of time. But as [the State] pointed out he was convicted of Robbery in Sangamon County in 1995. Then in this county he was convicted of Possession of Controlled Substance in 1999. Then in 2008, in this county, he was convicted of manufacture or delivery of 1 to 15 grams of cocaine or analog. On those three sentences imposed at different times, the defendant was committed to the [DOC]. Um—I agree with [the State] that his criminal conduct seemed to be escalating. He stands convicted of extremely serious drug charges involving several hundred grams of cocaine. The Court feels that to some extent, um—not enough to make the sentences consecutive, but to some extent he is a threat to the community and the public. Mixing drugs with firearms is always dangerous. Although the Court is mindful that there's no evidence or allegation that he was in any way misusing a firearm."

¶ 69 The court sentenced defendant to 30 years' imprisonment on count I, 20 years' imprisonment on count II, 20 years' imprisonment on count III, 20 years' imprisonment on count IV, and 20 years' imprisonment on count VI, with all terms to be served concurrently.

¶ 70 This appeal followed.

¶ 71 II. ANALYSIS

¶ 72 Defendant's brief lacks organization and is confusing. Defendant's heading for his first argument suggests he will argue he was not proven guilty beyond a reasonable doubt. However, defendant's first paragraph begins the "conspiracy conviction should be reversed because the inchoate offense conspiracy does not permit a sentence on the conspiracy but only the principle offense." Defendant cites section 8-6 of the Criminal Code of 2012 (Criminal Code) as providing "No person shall be convicted of both the inchoate and the principle offense," but section 8-6 states " 'offense' shall include conduct which if performed in another State would be criminal by the laws of that State and which conduct if performed in this State would be an offense under the laws of this State." 720 ILCS 5/8-6 (West 2012). Defendant then jumps to his convictions for armed violence and armed habitual criminal and contends the sentences violate the one-act, one-crime rule. He provides no argument or authority. This disoriented approach continues through the argument section of defendant's brief.

¶ 73 Defendant fails to provide proper citations to the record, develop legal argument, or cite relevant authority. Defendant continually dumps the burden of research and argument on this court in violation of supreme court rules. See *People v. Hood*, 210 Ill. App. 3d 743, 746, 569 N.E.2d 228, 230 (1991) (observing our court "is not simply a depository into which the appealing party may dump the burden of argument and research"). We will not accept that burden. Accordingly, as we state below, a number of defendant's arguments are forfeited under Illinois Supreme Court Rule 341(h)(7) (eff. May 25, 2018) (mandating an argument "shall contain the contentions of the appellant and the reasons therefor, with citation of the

authorities"). We shall address defendant's arguments as he has presented them and as best as we can discern them.

¶ 74 A. Inchoate and Principal Offenses

¶ 75 Defendant begins the argument by simply citing one case, *People v. Stroud*, 392 Ill. App. 3d 776, 911 N.E.2d 1152 (2009), and briefly summarizing its holding that the defendant's conviction and sentence for the principle offenses of possession with intent to deliver 900 grams or more was affirmed while the conviction and sentence for the inchoate offense of criminal drug conspiracy was vacated. No pinpoint cites were provided. No argument was made to apply the case to the circumstances here.

¶ 76 Defendant then cites *People v. Lombardi*, 13 Ill. App. 3d 754, 301 N.E.2d 70 (1973), without a pinpoint cite, and states the case held the defendant could not be convicted for both theft and conspiracy to commit theft. Defendant then loosely states "the defendant was charged with conspiracy for drugs and as a result only the predicate drug counts should be appropriate for sentencing and the conspiracy sentence should be reversed." This, according to defendant, applies to his convictions for armed violence, habitual criminal, and possession of a controlled substance.

¶ 77 Defendant did not raise the issue in the trial court, but the State concedes the plain-error doctrine applies when a person is convicted of an inchoate offense and the underlying principle offense. See *People v. Castaneda*, 299 Ill. App. 3d 779, 781, 701 N.E.2d 1190, 1191 (1998). The State, citing *People v. Allen*, 116 Ill. App. 3d 996, 1013, 452 N.E.2d 636 (1983), maintains, however, although a defendant may not be convicted of both the inchoate and principal offenses, the convictions may stand when the object of the conspiracy was broader than

the specific crime committed. The State concedes, however, in this case, the same drugs were used to support the convictions of counts I, IV, and VI.

¶ 78 "No person shall be convicted of both the inchoate and the principal offense." 720 ILCS 5/8-5 (West 2012). "Conspiracy is an inchoate offense." *People v. Gomez*, 286 Ill. App. 3d 232, 235, 675 N.E.2d 971, 972 (1997).

¶ 79 In count I, the State alleged defendant, between January 1, 2013, and July 9, 2013, committed the offense of criminal drug conspiracy in that he, with the intent to commit the offense of:

> "Unlawful Possession of Controlled Substance with Intent to Deliver more than 400 but less than 900 grams of a substance containing cocaine be committed, agreed with another to the commission of Unlawful Possession of Controlled Substance with Intent to Deliver more than 400 but less than 900 grams of a substance containing cocaine *in that he obtained and delivered a substance containing cocaine* and said defendant having been previously convicted of Unlawful Possession of Controlled Substance under Macon County, Illinois case number 99-CF-166." (Emphasis added.)

In count IV, the State alleged defendant, on or about July 9, 2013, committed the offense of unlawful possession of a controlled substance with intent to deliver with prior unlawful possession of controlled substance conviction in that defendant knowingly and unlawfully possessed with intent to deliver 100 grams or more but less than 400 grams of a substance

containing cocaine and defendant had "previously been convicted of Unlawful Possession of Controlled Substance under Macon County, Illinois case number 99-CF-166." In count VI, the State alleged defendant, on or about February 11, 2013, committed the offense of unlawful delivery of controlled substance in that defendant knowingly and unlawfully delivered to Baker more than one gram but less than 15 grams of a substance containing cocaine and "said defendant having been previously convicted of Unlawful Possession of Controlled Substance under Macon County, Illinois case number 99-CF-166."

¶ 80 The State's argument all convictions should stand is not convincing. The lone case the State cites is factually distinguishable. In that case, the defendant *conceded* the conspiracy case was improperly merged into the attempt case. See *Allen*, 116 Ill. App. 3d at 1013, 452 N.E.2d at 648-49. It also involved a conspiracy "which include[d] criminal objectives other than the attempted armed robbery of [the victim of attempt]." *Id.* Here, the criminal objectives were the same in counts I, IV, and VI. Defendant has established he was improperly convicted of the inchoate offense, count I, and the principle offenses, counts IV and VI.

¶ 81 Defendant, with no argument, also asserts his inchoate argument "applied to the convictions of Armed Violence [and] Habitual Criminal ***." The possession of the handgun element of the armed-violence count (count II) and the armed habitual-criminal count (count III) are not part of the conspiracy charge. Defendant has not convinced this court the convictions for those counts and the conspiracy count violate section 8-5 of the Criminal Code. See 720 ILCS 5/8-5 (West 2012).

¶ 82 The question remains of the proper relief for defendant. The State contends if we agree defendant cannot be sentenced for count I and counts IV and VI, we should keep the

conviction and sentence for conspiracy, the more serious offense, and vacate the convictions and sentences for the less serious offenses. Defendant does not suggest a remedy.

¶ 83 We agree with the State's suggestion and affirm the conspiracy conviction and sentence. That conviction, based on possession with intent to deliver more than 400 and less than 900 grams of cocaine carries a greater sentence than the two principal offenses. See *Gomez*, 286 Ill. App. 3d at 235, 675 N.E.2d at 973 ("The Committee Comments make it clear that a judgment of conviction and sentence may be entered on either the inchoate or the principal offense, but not both."). Accordingly, we vacate the convictions and sentences for counts IV and VI. Resentencing is not required as the trial court entered separate sentences for each offense, and the sentences were not so interrelated to necessitate a new sentencing hearing. See *People v. Sonntag*, 238 Ill. App. 3d 854, 857, 605 N.E.2d 1064, 1066 (1992) ("Where a defendant is convicted of multiple offenses, reversal of one conviction does not *per se* require that the defendant be resentenced on the remaining conviction or convictions, as long as the record shows that the trial court considered the offenses separately and sentenced the defendant separately on each offense.").

¶ 84 We note, in the middle of his argument regarding the inchoate and principal offenses, defendant asserts his sentences for the offenses charged for conduct on July 9, 2013, violate the one-act, one-crime doctrine. Later in his brief, between two other arguments, defendant touches on the one-act, one-crime doctrine again by stating, without authority, the rule is applied in two steps. Defendant cites one case simply to support the proposition a reviewing court considers the relative punishment prescribed by the legislature for each offense. See *People v. Artis*, 232 Ill. 2d 156, 170, 902 N.E.2d 677, 686 (2009).

¶ 85 It is not clear whether defendant intends this argument be part of his inchoate-offense argument or if he intends for it to stand alone. Either way, defendant has not provided relevant authority or argument to support his claim. The one-act, one-crime argument is therefore forfeited. Ill. S. Ct. R. 341(h)(7) (eff. May 25, 2018) (mandating an argument "shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities"); see also *Vancura v. Katris*, 238 Ill. 2d 352, 370, 939 N.E.2d 328, 340 (2010) ("An issue that is merely listed or included in a vague allegation of error is not 'argued' and will not satisfy the requirements of the rule.").

¶ 86 B. Sufficiency of the Evidence

¶ 87 1. *Criminal Drug Conspiracy*

¶ 88 Defendant contends the State failed to prove him guilty of conspiracy beyond a reasonable doubt. According to defendant, the State's evidence established nothing more than a buyer-seller relationship that did not give rise to the level of a conspiracy. We disagree.

¶ 89 Upon a challenge to the sufficiency of the evidence, we must determine whether, when viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the State proved the essential elements of the crime beyond a reasonable doubt. *People v. Hostetter*, 384 Ill. App. 3d 700, 711, 893 N.E.2d 313, 322 (2008). It is the responsibility of the trier of fact to determine witness credibility and the weight afforded to the testimony, "to resolve conflicts in the evidence, and to draw reasonable inferences from the evidence." *People v. Gill*, 355 Ill. App. 3d 805, 810, 825 N.E.2d 339, 343 (2005). This court will not substitute its judgment for the judgment of the trier of fact on these matters. *Id.*

¶ 90 To prove defendant guilty beyond a reasonable doubt of count I, criminal drug

conspiracy, the State had to prove the following:

> "[He] agreed with another to the commission of Unlawful Possession of Controlled Substance with Intent to Deliver more than 400 but less than 900 grams of a substance containing cocaine in that he obtained and delivered a substance containing cocaine and said defendant having been previously convicted of Unlawful Possession of Controlled Substance under Macon County, Illinois case number 99-CF-166."

See 720 ILCS 570/405.1 (West 2012). The existence of the agreement between defendant and Anderson may be inferred from circumstantial evidence. *People v. Ulloa*, 2015 IL App (1st) 131632, ¶ 16, 36 N.E.3d 445.

¶ 91 In this case, viewing the light most favorable to the prosecution, the State met its burden. The circumstantial evidence established more than a simply buyer-seller arrangement between defendant and Anderson; it established an agreement to possess and sell cocaine. In the audio of the earliest call admitted into evidence from Baker to Anderson, Anderson initially said he would have "Randy," which is defendant's name, "bring it" to Baker. Before Anderson delivered 28 grams of cocaine to Baker, Anderson briefly stopped at defendant's apartment building before meeting Baker at 2595 East Garfield. On February 5, 2013, Baker and Anderson met at 2595 East Garfield but traveled to defendant's apartment building together, during which time Baker acquired two grams of cocaine. As the State observes, defendant was seen leaving his apartment building before Baker and Anderson arrived that day, suggesting Anderson had access to defendant's apartment. On February 11, 2013, Miller called defendant to arrange the purchase

of cocaine. She started toward defendant's apartment but, after a phone call she received from someone she called "Randy," she changed directions and met the seller at 2595 East Garfield, Anderson's residence, where she obtained 19 grams of cocaine. Additionally, when Baker called the number he had for Anderson, defendant answered the phone and sold cocaine to Baker at defendant's apartment at 2315 North Rosedale.

¶ 92 2. *Armed Violence*

¶ 93 Defendant's reasonable-doubt challenge to his armed-violence conviction is not clear. He begins the argument simply by citing and summarizing *People v. Condon*, 148 Ill. 2d 96, 592 N.E.2d 951 (1992), providing no explanation for the reason he was relying on that case. We begin there as well.

¶ 94 In *Condon*, the defendant was convicted of armed violence, unlawful possession with intent to deliver cannabis, unlawful possession with intent to deliver cocaine, and unlawful delivery of controlled substances. *Id.* at 99. When the special weapons and tactics (SWAT) officers entered the house, the defendant was in the kitchen. *Id.* at 101. Two unloaded guns were found in a first-floor bedroom. Eleven other guns were found on the second floor. *Id.* at 102. Of these eleven, a loaded revolver was found in defendant's bedroom. *Id.* On appeal, the court considered the issue whether the defendant was "otherwise armed" when the weapons were found throughout the house and not in the defendant's immediate possession. *Id.* at 109. In considering this question, the court observed the armed-violence statute was enacted to respond to the increasing incidence of violent crime. *Id.* The purpose of the statute is to deter felons from using dangerous weapons in order to avoid deadly consequences that might result if the felony victim resists. *Id.* "A felon with a weapon at his or her disposal is forced to make a spontaneous

and often instantaneous decision to kill without time to reflect on the use of such deadly force." *Id.* When the weapon is not at hand, "the felon is not faced with such a deadly decision." *Id.* at 109-10. For the purpose of the statute to be served, "the defendant [must] have some type of *immediate access to* or *timely control over* the weapon." (Emphasis in original.) *Id.* at 110. The court reversed the defendant's armed-violence conviction because defendant had no immediate access to or timely control over the weapons. *Id.* at 110, 112.

¶ 95 Defendant, upon citing and summarizing *Condon*, maintains all convictions of defendant involving the gun should be reversed. Then, defendant cites *People v. Anderson*, 364 Ill. App. 3d 528, 848 N.E.2d 98 (2006), and states the court found a defendant's mere possession of drugs and a weapon simultaneously where the weapon was not immediately accessible as it was in a different room of the house cannot sustain a conviction of armed violence.

¶ 96 Confusingly, defendant halts the argument and transitions for three pages to different arguments but returns to the armed-violence conviction by asserting he was not proven guilty of armed violence beyond a reasonable doubt. Defendant emphasizes when the officers approached, defendant obeyed and went to the floor just inside his apartment door. Defendant did not shut the door. Defendant further states no evidence shows defendant knew about the gun or the drugs. He denied the gun was accessible to him, and he emphasizes the State did not analyze the weapon or the drugs for fingerprints or DNA. Defendant further points to the existence of the ammunition at Anderson's apartment as showing the weapon belonged to Anderson and not defendant.

¶ 97 Armed violence is committed when an individual "while armed with a dangerous weapon *** commits any felony defined by Illinois Law" with exceptions not relevant here. 720

ILCS 5/33A-2(a) (West 2012). The felony alleged in this case was defendant's possession of more than 100 but less than 400 grams of a substance containing cocaine (720 ILCS 570/402 (West 2012)). An individual is "armed with a dangerous weapon *** when he or she carries on or about his or her person" a qualifying weapon. 720 ILCS 5/33A-1(c) (West 2012). It is not required the weapon be on defendant's person. The *Condon* court found it sufficient when "the defendant [has] some type of *immediate access to* or *timely control over* the weapon." (Emphasis in original.) *Condon*, 148 Ill. 2d at 110, 592 N.E.2d at 958.

¶ 98 Viewing the evidence in the light most favorable to the State, any rational trier of fact could have found the State proved the essential elements of armed violence beyond a reasonable doubt. *Hostetter*, 384 Ill. App. 3d at 711, 893 N.E.2d at 322. The evidence supports the finding defendant had immediate access to the handgun. The gun was found in plain view in defendant's apartment. Defendant was the only individual in the apartment, which was his apartment. The testimony showed when officers approached the defendant, he ran back into his apartment. The door to the apartment opened into the living room. The loaded firearm was found on the coffee table in the living room, where defendant had exited and then returned.

¶ 99 We also found the State sufficiently proved defendant committed the felony of possessing more than 100 and less than 400 grams of a substance containing cocaine. The testimony at trial showed a reasonable trier of fact could find defendant had constructive possession of the illegal substances. It was reasonable to infer defendant had knowledge of the existence of the contraband and immediate and exclusive control over his apartment, where the contraband was found. See *People v. Canizalez-Cardena*, 2012 IL App (4th) 110720, ¶ 14, 979 N.E.2d 1014 ("[C]onstructive possession of contraband is often found where it is located on

premises over which the defendant has control, such as the defendant's home."). The evidence overwhelmingly established defendant resided in the apartment where over 100 grams of a substance containing cocaine was found. The evidence showed defendant sold cocaine to Baker from the residence. A digital scale was found in the home. Baggies and items with drug residue were also found in the home. The absence of fingerprint or DNA analysis does not undermine the conviction. The State met its burden.

¶ 100 Defendant has not established an armed-violence conviction is inappropriate here. The cases he cites for this court's review are distinguishable and unconvincing. In *Condon*, the defendant was not found by officers in the same room as the weapons. See *Condon*, 148 Ill. 2d at 101-02, 592 N.E.2d at 958. In *People v. Smith*, 191 Ill. 2d 408, 412-13, 732 N.E.2d 513, 515 (2000), the evidence was insufficient to support an armed-violence conviction when the contraband was found in the living room and the defendant dropped a handgun out his bedroom apartment window as the police began the search of the apartment. In *Anderson*, the armed-violence conviction stood, as the defendant was found with a weapon on his person. *Anderson*, 364 Ill. App. 3d at 542-43, 848 N.E.2d at 110.

¶ 101 3. *Armed Habitual Criminal*

¶ 102 Defendant contends the evidence was insufficient to prove him guilty beyond a reasonable doubt for being an armed habitual criminal. Defendant does not cite the statute but simply says no fingerprints were found on the weapon and the ammunition for the gun was found at Anderson's residence. In light of the evidence establishing the handgun was in plain view on a coffee table in defendant's apartment at a time when defendant was there alone, defendant's argument is not convincing.

¶ 103 4. *Unlawful Possession with Intent to Deliver*

¶ 104 Defendant provides no citation to authority in support of this claim the State failed to prove him guilty beyond a reasonable doubt of count IV. He has forfeited this claim. See Ill. S. Ct. R. 341(h)(7) (eff. May 25, 2018); see also *Crull v. Sriratana*, 388 Ill. App. 3d 1036, 1045, 904 N.E.2d 1183, 1190-91 (2009) ("A contention that is supported by some argument but no authority does not meet the requirements of Rule 341 and is considered forfeited.").

¶ 105 5. *Unlawful Delivery of a Controlled Substance*

¶ 106 Defendant argues the evidence was insufficient to find him guilty beyond a reasonable doubt of count VI. Again, defendant provides no citation to authority. This argument is forfeited. See Ill. S. Ct. R. 341(h)(7) (eff. May 25, 2018).

¶ 107 C. Defendant's Motion to Suppress

¶ 108 Defendant argues the trial court erred in denying defendant's motion to suppress evidence and motion for a "Franks Hearing." In November 2014, defendant filed his motion, arguing the complaint used to secure the search warrant contains falsehoods or a reckless disregard for the truth. Defendant challenged the allegations in that complaint, including the assertions the recordings show Anderson obtained items, including cocaine, from defendant's residence, and a cellular call was placed to defendant when no recording substantiated the claim.

¶ 109 In January 2017, the trial court denied defendant's motion. The court found defendant failed to meet his burden of making a substantial preliminary showing Detective Larner included statements he knew to be false or statements made with reckless disregard for the truth.

¶ 110 On appeal, defendant acknowledges the issue is forfeited because he did not raise the error in a posttrial motion but urges this court to find plain error occurred. Defendant's assertion for plain error is simply a statement the error exists; it is supported with no argument or authority. Defendant acknowledges relief may be granted if the evidence is closely balanced or if the error is so fundamental and of such magnitude that the defendant was denied a fair trial. Defendant, however, did not even assert the evidence was closely balanced. It is not. While defendant asserts, in one sentence, the introduction of cocaine prejudiced him, that assertion is insufficient. Proof of the second prong requires more than "prejudice." Defendant must show the error " 'affected the fairness of the defendant's trial and challenged the integrity of the judicial process.' " See *People v. Allen*, 222 Ill. 2d 340, 359, 856 N.E.2d 349, 360 (2006) (quoting *People v. Herron*, 215 Ill. 2d 167, 187, 830 N.E.2d 467, 479-80 (2005)). Defendant has made no effort to do so. He has forfeited the argument the denial of his motion to suppress amounts to plain error. See *Sakellariadis v. Campbell*, 391 Ill. App. 3d 795, 804, 909 N.E.2d 353, 362 (2009) ("The failure to assert a well-reasoned argument supported by legal authority is a violation of Supreme Court Rule 341(h)(7) (210 Ill. 2d R. 341(h)(7)), resulting in waiver.").

¶ 111 D. Speedy-Trial Argument

¶ 112 Defendant contends he was denied his right to a speedy trial. Defendant asserts he was in custody more than 120 days "and no exceptions are noted." Again, however, defendant does not develop the argument. He makes a broad, sweeping assertion and asks this court to do the research for him. In this case, it is not a matter of simply counting the days from the demand for a speedy trial to the date of trial. The record shows defendant was imprisoned on unrelated charges during this time, defendant had a change in counsel, and defendant requested multiple

continuances. All of these matters affect the calculation, and defendant has not provided record citations, authority, or argument in support. The argument is forfeited for failure to comply with Rule 341(h)(7). See *Hood*, 210 Ill. App. 3d at 746, 569 N.E.2d at 230 (observing our court "is not simply a depository into which the appealing party may dump the burden of research and argument").

¶ 113 E. Reinstatement of Count III

¶ 114 Defendant asserts error when the trial court allowed the State to withdraw and then reinstate the original count III. Defendant cites no authority in support of this general assertion. The argument is forfeited. Ill. S. Ct. R. 341(h)(7) (eff. May 25, 2018) ("Points not argued are forfeited ***.").

¶ 115 F. Excessive Sentence Argument

¶ 116 Defendant argues his sentence is excessive as the trial court failed to consider his rehabilitative potential. Aside from summarizing his sentences and the law affording the trial court sentencing discretion, this is the only argument made by defendant regarding his sentence.

¶ 117 The sentencing determination of the trial court is afforded great deference and will not be changed absent an abuse of discretion. *People v. Kennedy*, 336 Ill. App. 3d 425, 433, 782 N.E.2d 864, 871 (2002). If the imposed sentence falls within the statutory range, the sentence will not be deemed excessive unless it varies greatly with the spirit and purpose of the law or is manifestly disproportionate to the nature of the offense. *Id.*

¶ 118 The record demonstrates the court reviewed the presentence investigation report and the mitigating factors including the fact defendant was employed and completed high school. The court considered the testimony of defendant's relatives and defendant's criminal history. We

see no evidence the trial court failed to consider and give weight to defendant's rehabilitative potential.

¶ 119 G. Evidentiary Rulings

¶ 120 1. *Declarations of a Coconspirator*

¶ 121 Defendant next argues the trial court erroneously allowed the hearsay statements of Detective Larner to show the existence and furtherance of the conspiracy. Defendant maintains declarations of coconspirators made in furtherance of and during the pendency of conspiracy are admissible only upon an independent *prima facie* showing of the conspiracy.

¶ 122 Defendant has forfeited our review of this argument. First, defendant did not challenge the admissibility of the statements in a posttrial motion and did not argue plain error occurred. See *People v. McCarty*, 223 Ill. 2d 109, 122, 858 N.E.2d 15, 25 (2006) ("In general, the failure to raise an issue in a posttrial motion results in the forfeiture of that issue on appeal."). Second, defendant fails to comply with Rule 341(h)(7). He does not identify the statements he is challenging and fails to cite the record where the challenged statements occurred. Ill. S. Ct. R. 341(h)(7) (eff. May 25, 2018) ("Argument *** shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on.").

¶ 123 2. *Detective Larner's Identification of Defendant*

¶ 124 Defendant next argues the trial court erroneously permitted Detective Larner's identification of him on the February 11, 2013, video. Defendant's five-sentence argument cites one case, *People v. Sykes*, 2012 IL App (4th) 111110, 972 N.E.2d 1272, as establishing error. *Sykes* is, however, distinguishable. *Sykes* involved a jury trial and error occurred as the "lay opinion testimony *** invaded the province of the jury." *Id.* ¶ 34. This case involved a bench

trial. Even if error occurred, such error is harmless as the trial court viewed the videotape and expressly found defendant delivered the substance to Baker: "This was the sale made to Winston Baker, also on February 11, 2013. It was also videoed and on this one we can see the face of the person who delivers the substance to Mr. Baker and it's the defendant, Mr. Roberson. In the video we can clearly see a drug sale happen between [defendant] and Mr. Baker."

¶ 125 3. *The Decision to Bar Cross-examination on the Purity of the Cocaine*

¶ 126 Defendant argues the trial court erroneously sustained the State's objection to his questioning of Stern regarding the purity of the cocaine. The only authority defendant cites in this one-paragraph assertion is to establish the standard of review for cross-examination as the abuse-of-discretion standard. See *People v. Starks*, 2012 IL App (2d) 110273, ¶ 20, 966 N.E.2d 347. Defendant provides no authority to show the purity of the cocaine had any relevance to the case or to show the exclusion of such evidence was improper. He has forfeited review of the alleged error. See *Elder v. Bryant*, 324 Ill. App. 3d 526, 533, 755 N.E.2d 515, 522 (2001) ("Allegations of trial court error summarily raised without supporting authority are deficient and warrant a finding of waiver.").

¶ 127 4. *Chain-of-custody Argument*

¶ 128 Defendant asserts he was denied due process as the chain of evidence was not established with sufficient completeness. Defendant does not specify for which evidence the chain was insufficient. Defendant does not cite pages of the record. This argument is forfeited.

¶ 129 5. *Expert Testimony of Detective Ramey*

¶ 130 Defendant argues the trial court erred by allowing Detective Ramey to testify as an expert. Defendant takes issue with the fact Detective Ramey did not testify regarding

"scientific principles." Defendant's citations to authority show expert witnesses shall be allowed to testify and the trial court's decision is reviewed for an abuse of discretion but makes no effort other than the absence of "scientific principles" as the basis for error. Defendant has provided no relevant authority to support his claim of error. The issue is forfeited.

¶ 131 III. CONCLUSION

¶ 132 We vacate defendant's convictions and sentences for counts IV and VI and affirm defendant's convictions and sentences for the remaining offenses.

¶ 133 Affirmed in part and vacated in part.