2026 IL App (1st) 250364-U

No. 1-25-0364

Order filed September 30, 2026

Second Division

NOTICE: This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 24 C 440298
	)	
BRIAN WHITE,	)	Honorable
	)	John Wellington Wilson,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE REYES delivered the judgment of the court.
Justices McBride and Van Tine concurred in the judgment.

ORDER

¶ 1 *Held*: We affirm defendant's conviction for burglary over his challenge to the sufficiency of the evidence.

¶ 2 Following a bench trial, defendant Brian White was convicted of burglary and sentenced to five years in prison. Defendant appeals, arguing the State failed to prove beyond a reasonable doubt that he stole a bicycle. We affirm.

¶ 3 Defendant was charged with one count of burglary alleging that he entered a garage intending to commit theft. See 720 ILCS 5/19-1(a) (West 2024).

¶ 4 At trial, Marjory Bredrup testified that around 9 p.m. on May 9, 2024, she was at her home in Forest Park and observed that the pedestrian door to her detached garage was open. An African American male wearing "dark clothes, a coat, pants, and yellow boots, yellow or tan," and a "hat, a beanie" exited the pedestrian door. Bredrup opened the back door to her home and yelled at the man, who then reentered the garage and emerged wheeling Bredrup's bicycle. The man left through the alley and rode Bredrup's bicycle north. It was dark outside, and the closest Bredrup came to the man was about 15 feet.

¶ 5 Bredrup called 911 to report the incident and described the burglar and bicycle. About 30 to 40 minutes later, police advised Bredrup that an officer was returning her bicycle. When the officer arrived, Bredrup identified the recovered bicycle as hers.

¶ 6 The State published three photographs, which are included in the record. One depicts a bicycle, and the other two depict a man in handcuffs. In the photographs, Bredrup identified her stolen bicycle and confirmed that the man in handcuffs was wearing the same clothing as the person who stole her bicycle.

¶ 7 Forest Park police officer Marti, whose first name is not in the record, testified that around 9:30 p.m. on May 9, 2024, he was on patrol in a marked police vehicle when he received a dispatch that "a male black, wearing a black coat with jeans and boots, yellow in color," was suspected of committing a burglary. As Marti traveled toward the location of the burglary, he received another dispatch that the suspect had stolen a bicycle. Marti then saw a man matching the suspect's description riding a bicycle south on Harlem Avenue.

¶ 8 Marti activated his emergency lights, performed a U-turn, and attempted to catch up to the man on the bicycle, who "was increasing speed and attempting to evade." Marti ordered the man to stop, but the man "turned around on the bicycle and started heading the opposite direction." Marti pursued and arrested the man, whom he identified in court as defendant.

¶ 9 The State published video recorded by Marti's vehicle's dash camera and his body-worn camera, which this court has viewed. The dash camera video shows a cyclist wearing dark clothes and yellow shoes riding south on Harlem, then east on Jackson Boulevard. When the police vehicle catches up to the cyclist, he slows, pulls over, and looks at the vehicle.

¶ 10 The body-worn camera video's timestamp indicates that Marti first saw the cyclist at 9:58 p.m. The video shows Marti exit his vehicle, pursue the cyclist on foot, pull him from the bicycle, and handcuff him. The cyclist initiates conversation, first stating that he paid $200 for the bicycle, then that he paid $80 for it. The cyclist is wearing a black hooded jacket, yellow high-top sneakers, and blue sweatpants over blue jeans. (The photographs in which Bredrup identified the burglar's clothes appear to be still images from this video of defendant's arrest.)

¶ 11 Forest Park police officer Solms, whose first name is not in the record, testified that he was also on patrol in a marked police vehicle on May 9, 2024, when he received the burglary dispatch describing the suspect as "a male black wearing a black puffy coat, blue jeans, and yellow shoes." Solms later joined Marti and observed defendant, whom Solms identified in court, and a bicycle matching the stolen bicycle's description. Solms returned the bicycle to Bredrup, who confirmed it was hers. Bredrup's home was "four or five blocks" from where defendant was arrested.

¶ 12 Defendant testified that around 9:30 p.m. on May 9, 2024, he was walking in a park near Forest Park when he encountered a "white guy" in his early 40s, wearing a fisherman hat and

brown boots, with a bicycle. Defendant asked to purchase the bicycle. The man sold it to defendant for $80 and told him to "go the opposite way."

¶ 13 Defendant rode the bicycle to the 7-Eleven at Harlem and Chicago Avenue, where he made a purchase. He left riding the bicycle, then saw blue and red lights flashing behind him. Defendant tried to brake and dismount, but the police officer "jumped on" him and arrested him. At that time, defendant had been riding the bicycle for 25 to 30 minutes. He did not tell officers at the scene where he obtained the bicycle, because "[t]hey never asked." Rather, he told officers at the police station that he had bought the bicycle. Defendant denied entering a garage, seeing Bredrup, or evading police. He testified that he was convicted of theft in 2023 and of robbery in 2018.

¶ 14 The trial court found defendant guilty of burglary. The court reasoned that defendant was arrested while riding Bredrup's bicycle wearing clothing that matched Bredrup's description of the burglar. The court noted that defendant's testimony was inconsistent, and the clothing he said the "white guy" wore did not match Bredrup's description of the burglar's clothing.

¶ 15 Defendant filed a motion for a new trial, challenging, in relevant part, the weight of the evidence against him. The court denied defendant's motion.

¶ 16 The court sentenced defendant to five years in prison and denied his motion to reconsider.

¶ 17 Defendant appeals, arguing that evidence that he possessed Bredrup's bicycle and matched the description she provided of the burglar was insufficient to support a conviction for burglary.

¶ 18 On a challenge to the sufficiency of the evidence, we view the evidence in the light most favorable to the State to determine whether any rational trier of fact could have found the elements of the crime beyond a reasonable doubt. *People v. Johnson*, 2026 IL 131337, ¶ 59; see also *Jackson v. Virginia*, 443 U.S. 307, 318-19 (1979). We will not retry the defendant or substitute our

judgment for the trier of fact's regarding the weight of the evidence or the credibility of witnesses. *People v. Jones*, 2023 IL 127810, ¶ 28. We allow all reasonable inferences in favor of the State and will not reverse unless the evidence is so unreasonable, improbable, or unsatisfactory as to create a reasonable doubt of the defendant's guilt. *Id.*

¶ 19 To sustain a conviction for burglary as charged, the State had to prove that defendant knowingly and without authority entered Bredrup's garage with the intent to commit theft. 720 ILCS 5/19-1(a) (West 2024).

¶ 20 Possession of recently stolen property alone is not sufficient to sustain a conviction for burglary. *People v. Padilla*, 2021 IL App (1st) 171632, ¶ 45. Under the test articulated in *People v. Housby*, 84 Ill. 2d 415, 424 (1981), however, a trier of fact may infer guilt from a defendant's recent and exclusive possession of stolen property, if (1) there is a rational connection between the defendant's possession of stolen property and his participation in the burglary, (2) the defendant's guilt of burglary more likely than not flows from his unexplained possession of burglary proceeds, and (3) there is evidence corroborating the defendant's guilt. The closer in time and space to the burglary that the defendant is discovered with the stolen property, the more permissible an inference of guilt. *Padilla*, 2021 IL App (1st) 171632, ¶ 46.

¶ 21 *Housby* addressed a jury instruction regarding what inferences the jury may draw from a defendant's exclusive possession of recently stolen property. *Housby*, 84 Ill. 2d at 418-19. Nonetheless, this court has applied the test in deciding whether, as here, sufficient evidence supported a burglary conviction following a bench trial. See, *e.g.*, *Padilla*, 2021 IL App (1st) 171632, ¶¶ 50-52 (applying *Housby* in determining whether sufficient evidence supported trial court's finding of guilt); *People v. Smith*, 2014 IL App (1st) 123094, ¶ 14 (recognizing "that the

issue in *Housby* was not sufficiency of the evidence. *** However, we still find the test to be applicable").

¶ 22 When viewed in the light most favorable to the State, the evidence and reasonable inferences therefrom were sufficient to sustain defendant's conviction. Specifically, applying *Housby*, we find a rational trier of fact could infer, based on defendant's exclusive possession of Bredrup's bicycle in conjunction with other evidence, that he stole the bicycle.

¶ 23 At trial, Bredrup identified a photograph of her stolen bicycle and confirmed that defendant's clothing in a photograph from his arrest matched the burglar's; that is, a black jacket and yellow shoes. Officers Marti and Solms further testified that defendant was arrested in clothing matching the burglar's description within 30 minutes of the dispatch and within four to five blocks of the scene of the burglary. This evidence established a rational connection between defendant's possession of the stolen bicycle and his participation in the burglary for purposes of *Housby*'s first prong. See *Housby*, 84 Ill. 2d at 425-26 (finding a rational connection between possession and participation where the defendant was seen transporting stolen property within three hours of the burglary).

¶ 24 The same evidence satisfies *Housby*'s second and third prongs. See *Padilla*, 2021 IL App (1st) 171632, ¶ 46 ("Identical evidence may be used to satisfy all three prongs of the *Housby* test."). To reiterate, defendant's appearance matched Bredrup's description of the burglar and defendant was arrested nearby within an hour of the burglary. Defendant's guilt of burglary thus more likely than not flows from his exclusive possession of the stolen bicycle. Further, the "white guy" whom defendant described did not match Bredrup's description of the burglar. See *Housby*, 84 Ill. 2d at

430-31 ("Sufficient corroboration is also presented where the defendant himself presents an explanation of possession that the [trier of fact] finds to be false.").

¶ 25 Finally, Marti's testimony that defendant attempted to evade police further corroborates his guilt. See *People v. Velez*, 2012 IL App (1st) 101325, ¶¶ 36, 38 (finding a defendant's flight corroborated evidence of guilt for purposes of the *Housby* test). Although the trial court did not discuss defendant's flight in rendering its decision, we may affirm on any basis in the record. See *In re D.F.*, 2025 IL App (1st) 240914, ¶ 89.

¶ 26 It was thus reasonable for the trial court, as trier of fact, to infer from defendant's exclusive possession of Bredrup's bicycle that he committed burglary. See *Padilla*, 2021 IL App (1st) 171632, ¶ 46.

¶ 27 In so holding, we acknowledge defendant's claims that the evidence regarding his clothing was "inconsistent." Specifically, Bredrup testified the burglar was wearing "dark clothes, a coat, pants," "yellow [or tan] boots," and a "hat, a beanie." Yet both Marti and Solms testified that the burglar's description included jeans. Ultimately, the body-worn camera video shows that at the time of his arrest, defendant was wearing blue sweatpants over blue jeans, a hooded jacket rather than a beanie, and high-top sneakers rather than boots.

¶ 28 These discrepancies do not create a reasonable doubt of defendant's guilt. See *People v. McGee*, 373 Ill. App. 3d 824, 834 (2007) (the victim's description of burglar wearing a dark parka, tight hat, and white bag corroborated evidence of guilt where the defendant was arrested wearing similar items, but not a parka). Bredrup acknowledged that she saw defendant from 15 feet away in the dark. Nonetheless, the evidence showed defendant's appearance generally matched her description of an African American male wearing dark clothes and yellow shoes, and she identified

defendant's clothing in a photograph as the burglar's. As discussed, this evidence—in conjunction with defendant's exclusive possession of the stolen bicycle, his nearness in time and place to the burglary, and his flight from police—corroborates defendant's guilt of burglary.

¶ 29 Finally, defendant requests we take judicial notice of several locations on Google Maps, including a 7-Eleven at Harlem and Division Street. (Defendant testified he visited a 7-Eleven at Harlem and Chicago.) Defendant argues that traveling from this 7-Eleven back toward the scene of the crime is "difficult to square" with a consciousness of guilt, and thus "the trial court should have given more weight to [his] explanation of how he came to possess the bike."

¶ 30 Our supreme court has instructed against using material outside the record to evaluate the sufficiency of the trial evidence. *People v. Cline*, 2022 IL 126383, ¶¶ 32-33 (declining to take judicial notice of a forensic analytical procedure's general acceptance in order to evaluate expert testimony). Likewise, a defendant may not rely on judicial notice to introduce material to draw new inferences about the trial evidence. *People v. Bowman*, 2025 IL App (4th) 241066-U, ¶¶ 50-51 (declining to take judicial notice of a Google Maps aerial photograph to evaluate witness testimony); see Ill. S. Ct. R. 23(e) (eff. June 3, 2025) ("[A] nonprecedential order entered under subpart (b) of this rule on or after January 1, 2021, may be cited for persuasive purposes.").

¶ 31 Here, defendant relies on evidence not in the record to challenge the trial court's credibility findings. This is not appropriate material for a request for judicial notice on appeal. See *Cline*, 2022 IL 126383, ¶¶ 32-33; *Bowman*, 2025 IL App (4th) 241066-U, ¶ 51. Accordingly, we decline his requests.

¶ 32 For the reasons stated above, we affirm the judgment of the circuit court of Cook County.

¶ 33 Affirmed.