

2026 IL App (1st) 242093-U
No. 1-24-2093
Order filed September 30, 2026

Sixth 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. 23 CR 07555
	)	
JOHN PARKS,	)	Honorable
	)	Mary Margaret Brosnahan,
Defendant-Appellant.	)	Judge Presiding.

PRESIDING JUSTICE GAMRATH delivered the judgment of the court.
Justices Pucinski and Hyman concurred in the judgment.

ORDER

¶ 1 *Held:* Defendant's conviction for possession of a stolen motor vehicle affirmed where any error in admission of hearsay evidence was harmless and counsel was not ineffective.

¶ 2 Following a jury trial, defendant John Parks was convicted of possession of a stolen motor vehicle (PSMV) and sentenced to four years' imprisonment. On appeal, Parks contends that the trial court improperly admitted hearsay testimony that the State used to establish the knowledge element of the offense. He also contends that trial counsel rendered ineffective assistance by

eliciting testimony that permitted the State to introduce a video in which Parks acknowledged a prior incident involving a stolen or converted vehicle. We affirm.

¶ 3

BACKGROUND

¶ 4 Parks was charged with PSMV for possessing a 2023 Chevrolet Express van owned by U-Haul while not entitled to possession and knowing it to have been stolen or converted. 625 ILCS 5/4-103(a)(1) (West 2024). The State alleged that the van had been rented from U-Haul and not returned, after which U-Haul reported it stolen. On June 29, 2023, police stopped the van while Parks was driving it. After receiving *Miranda* warnings, Parks told officers that he had obtained the van approximately five days earlier from two unknown individuals for \$100.

¶ 5 Before trial, the State moved to admit evidence of a January 10, 2022, prior incident in which Parks was stopped while driving a stolen U-Haul van that had been painted red and stripped of its U-Haul markings. According to the State, Parks admitted that he knew the van was stolen and had paid to have it repainted and altered to conceal its origin as a U-Haul truck. Parks objected, noting that a PSMV charge arising from that incident had been dismissed and arguing that the evidence was unduly prejudicial.

¶ 6 The trial court allowed evidence of the 2022 incident to show knowledge, intent, and absence of mistake or innocent frame of mind. The court also addressed body-worn camera footage from both incidents. As relevant here, the court initially barred a portion of a 2022 video in which Officer Natalie Acosta remarked that Parks knew the van was stolen and Parks appeared to agree. The court further ruled that, although the State could not introduce video from the 2023 stop showing the passenger identifying herself as Diana Perez, Officer Melissa Pena could testify that the passenger gave that name.

¶ 7 At trial, U-Haul employee Danielle Patterson testified that U-Haul rented the van involved in this case to Chastity Gonzalez. Neither Parks nor Diana Perez were authorized to drive or possess the vehicle. When the van was not returned, Patterson reported it stolen. A certified Arizona vehicle record established that the van was owned by and registered to U-Haul.

¶ 8 Chicago police officers Max Torres and Marcos Gomez testified that, on June 29, 2023, they located and stopped the stolen U-Haul van. Parks was driving and a woman occupied the front passenger seat. Parks produced identification but no driver's license and said the van belonged to a friend.

¶ 9 After receiving *Miranda* warnings, Parks gave varying explanations regarding how he obtained the van. He told Torres that he acquired it from two individuals for \$100 and described them only in general terms. He told Gomez that he borrowed the van from a friend for five days in exchange for \$100. Parks further stated that he expected the individual to have a U-Haul because he had previously seen that person driving U-Hauls and knew that person had been stopped by police, arrested, and found in possession of a stolen U-Haul. Gomez acknowledged on cross-examination that Parks repeatedly denied knowing the van was stolen.

¶ 10 Pena testified that she assisted during the stop. Over a hearsay objection, the court allowed her to testify that Parks's female passenger identified herself as Diana Perez. Pena acknowledged that she did not verify the passenger's identity.

¶ 11 To establish the other-crimes evidence stemming from the 2022 incident, U-Haul employee Alfonso Garcia testified that Diana Perez rented a U-Haul van in December 2021, failed to return it, and the vehicle was reported stolen. When it was recovered, it had been painted red.

¶ 12 Officer Diana Saavedra testified that, on January 10, 2022, she stopped a red van reported stolen and identified Parks as the driver. Over objection, she testified that she learned the

passenger's name was Diana Perez. After receiving *Miranda* warnings, Parks stated that he paid someone \$25 to remove the U-Haul decals and paint the van red.

¶ 13 During cross-examination, defense counsel asked Saavedra whether she had questioned Parks about when or whether he had purchased the vehicle. The State argued that the question created the impression of an incomplete investigation and opened the door to the previously excluded portion of the body-worn camera footage. The court agreed.

¶ 14 On redirect, the State introduced the video showing Officer Acosta telling Parks, “you knew the car was stolen and you’re still bringing attention to yourself,” to which Parks responded, “yeah.” Parks subsequently introduced a stipulation that the State had nol-prossed the PSMV charge arising from the 2022 incident.

¶ 15 In opening statement and closing argument, the State mentioned that the woman identified as Diana Perez was connected to both the 2022 and 2023 incidents. The jury found Parks guilty of PSMV.

¶ 16 Parks filed a posttrial motion challenging, among other things, the admission of the 2022 other-crimes evidence and testimony identifying Diana Perez as a passenger in both incidents. The court denied the motion and sentenced Parks to four years’ imprisonment. This appeal followed.

¶ 17 ANALYSIS

¶ 18 On appeal, Parks contends that he was denied a fair trial because the trial court improperly admitted hearsay testimony, specifically, Pena’s testimony that the passenger in the charged incident identified herself as Diana Perez. According to Parks, the State used that testimony to argue that Perez was the passenger in both the 2023 offense and the 2022 incident, thereby supporting an inference that Parks knowingly possessed a stolen or converted van in 2023. Parks further argues that the improper hearsay was prejudicial because the State emphasized it in both

opening statement and closing argument to suggest his knowledge and criminal intent through the repeated association with Perez. The State acknowledges that the testimony constituted inadmissible hearsay but maintains that its admission was harmless.

¶ 19 Hearsay is an out-of-court statement offered to prove the truth of the matter asserted and is generally inadmissible, subject to certain recognized exceptions. Ill. R. Evid. 801(c) (eff. Oct. 15, 2015); *People v. Brown*, 2025 IL App (1st) 230772, ¶ 54. We review a trial court’s evidentiary rulings, including whether evidence constitutes inadmissible hearsay, for an abuse of discretion. *Brown*, 2025 IL App (1st) 230772, ¶ 55. An abuse of discretion occurs where the court’s ruling is arbitrary, fanciful, or unreasonable, or where no reasonable person would agree with it. *Id.* Even where hearsay is admitted in error, reversal is not required if there is no reasonable probability that the verdict would have been different had the hearsay been excluded. *People v. Williams*, 2023 IL App (1st) 192463, ¶ 129.

¶ 20 A person commits PSMV when he or she possesses a vehicle while not entitled to possession and does so “knowing it to have been stolen or converted.” 625 ILCS 5/4-103(a)(1) (West 2024). Parks challenges only the knowledge element. The statute provides that knowledge may be inferred either from surrounding facts and circumstances that would lead a reasonable person to believe the vehicle is stolen or converted or from the defendant’s exclusive unexplained possession of the stolen or converted vehicle. *Id.*

¶ 21 A defendant’s knowledge that property is stolen need not be established by personal observation. *People v. Garmon*, 394 Ill. App. 3d 977, 982 (2009). Rather, knowledge may be inferred from circumstances that would cause a reasonable person to believe the property was stolen. *Id.* In evaluating the evidence and choosing among competing inferences, jurors may give considerable weight to their collective experience and common sense. *People v. Rudd*, 2020 IL

App (1st) 182037, ¶ 58. That principle is particularly applicable where the issue is knowledge, which is often proven through circumstantial evidence. *Id.*

¶ 22 Here, any error in admitting the testimony identifying the passenger as Diana Perez was harmless because the remaining admissible evidence was sufficient to establish that Parks knew the van he possessed was stolen or converted. Accordingly, there is no reasonable probability that the verdict would have been different had the challenged testimony been excluded. See *Williams*, 2023 IL App (1st) 192463, ¶ 129.

¶ 23 The evidence showed that Parks gave inconsistent accounts of how he obtained the van. He told Gomez that he got it from a friend. He later told Torres that he obtained it from two individuals in their mid-twenties, including a “dope fiend,” approximately five days earlier in exchange for \$100. Parks also told Gomez that he had borrowed the van from someone he knew would have a U-Haul because he had previously seen that person driving other U-Hauls and knew that the person had been stopped by police, arrested, and found in possession of a stolen U-Haul. From these circumstances, the jury could reasonably infer, based on its collective experience and common sense, that Parks knew the van was stolen or converted. See *Garmon*, 394 Ill. App. 3d at 982.

¶ 24 Evidence relating to the 2022 incident further undermined any claim that Parks acted with an innocent frame of mind. Parks was found driving another stolen U-Haul and admitted that he paid someone \$25 to remove the vehicle’s U-Haul decals and paint it red. A rational trier of fact could view those actions as efforts to conceal the vehicle’s identity and infer that Parks knew the 2022 van was stolen or converted. That evidence, in turn, supported the State’s theory that Parks did not innocently possess the van involved in the 2023 offense.

¶ 25 In light of this evidence, sufficient admissible proof established Parks's knowledge that the van was stolen or converted. Any error in admitting testimony identifying the passenger as Diana Perez was therefore harmless beyond a reasonable doubt.

¶ 26 Parks next contends that trial counsel rendered ineffective assistance by eliciting testimony from Saavedra that allowed the State to introduce otherwise excluded video evidence showing Parks agreeing with Acosta's statement that he knew the vehicle in the 2022 incident was stolen.

¶ 27 To prevail on a claim of ineffective assistance of counsel, a defendant must demonstrate both that counsel's performance was objectively unreasonable and that, absent counsel's alleged error, there is a reasonable probability the result of the proceeding would have been different. *People v. Carroll*, 2026 IL 131360, ¶ 67 (citing *Strickland v. Washington*, 466 U.S. 668, 687 (1984)). Because a defendant must satisfy both prongs of this test, a reviewing court may resolve the claim on the ground of lack of prejudice alone. *Id.* ¶ 68.

¶ 28 Parks cannot establish prejudice. Defense counsel's question to Saavedra regarding whether she asked Parks "when and if" he purchased the van led the trial court to admit additional evidence from the 2022 incident, namely Parks's apparent agreement with Acosta's assertion that he knew the vehicle was stolen. Even assuming counsel's question opened the door to that evidence, the State otherwise presented ample evidence from which the jury could conclude that Parks knew the van in the 2023 incident was stolen or converted distinct from the 2022 incident. Consequently, there is no reasonable probability that the outcome of the trial would have been different had the challenged video evidence remained excluded. Without a showing of prejudice, Parks's ineffective-assistance claim fails. *Carroll*, 2026 IL 131360, ¶ 68.

¶ 29 For these reasons, we affirm the judgment of the circuit court of Cook County.

¶ 30 Affirmed.