2026 IL App (1st) 241255-U

No. 1-24-1255

Order filed September 18, 2026

Fifth 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. TQ058394
	)	
JESSE M. WILLIAMS,	)	Honorable
	)	Chloe Pedersen and
Defendant-Appellant.	)	Athena Frentzas,
	)	Judges, presiding.

JUSTICE WILSON delivered the judgment of the court.
Presiding Justice Oden Johnson and Justice Mikva concurred in the judgment.

ORDER

¶ 1 *Held*: Defendant's conviction is affirmed where the evidence was sufficient to establish that he operated a motor vehicle while under the influence of alcohol.

¶ 2 Following a bench trial, defendant Jesse M. Williams was convicted of driving under the influence of alcohol and sentenced to 12 months' supervision, participation in a victim impact panel, and fines. On appeal, Williams argues that the State did not establish beyond a reasonable doubt that he was under the influence of alcohol. For the following reasons, we affirm.

¶ 3 On June 2, 2019, Williams was issued multiple traffic citations. The State proceeded to trial on citations for driving under the influence (625 ILCS 5/11-501(a)(2) (West 2018)) and missing a front license plate (Chicago Municipal Code § 9-76-160(a) (amended Nov. 13, 2007)).

¶ 4 At trial, Officer Vincenzo Lupo testified that on the evening of June 2, 2019, he was driving northbound on Wentworth Avenue in Chicago. In his squad car's mirrors, Lupo observed that the vehicle behind him lacked a front license plate. After letting the vehicle pass and observing a temporary Illinois license plate on the vehicle's rear, Lupo curbed the vehicle. Lupo approached the vehicle and, in court, identified Williams as the driver. Lupo requested Williams's driver's license and proof of insurance. Williams produced his driver's license but could not locate his proof of insurance.

¶ 5 When Lupo first spoke with Williams, Lupo noticed the "strong" smell of alcohol on Williams's breath, and that he had bloodshot and glassy eyes. This, coupled with Williams's inability to locate his proof of insurance, prompted Lupo to ask him to exit the vehicle. After Lupo issued "multiple orders," Williams exited the vehicle.

¶ 6 Lupo then administered field sobriety tests. First, Lupo administered the horizontal gaze nystagmus (HGN) test, which, according to Lupo, tests for the lack of smooth pursuit from an individual's eyes when following a stimuli. Williams exhibited all six possible signs of impairment, but at trial, Lupo could only recall two: "the lack of smooth pursuit" and "onset prior to 45 degrees." Lupo explained that only four signs were needed to indicate impairment from alcohol.

¶ 7 Next, Lupo administered the walk-and-turn test. Williams exhibited four of eight signs of impairment: he started before instructions were finished, stopped to steady himself, stepped off the

line, and used his arms to balance. According to Lupo, two signs were needed to indicate impairment.

¶ 8 Lupo lastly administered the one-leg-stand test. Williams exhibited all four possible signs of impairment: "[a]rms further than six inches, swaying, putting his foot down, and hopping." Lupo stated that two signs were needed to indicate impairment.

¶ 9 Lupo arrested Williams, who "just kept talking." This made it difficult for Lupo to communicate with him. At the police station, Williams became "more aggressive and irate." Lupo advised Williams of his rights under *Miranda v. Arizona*, 384 U.S. 436 (1966), and informed him of the warning to motorists. Lupo then offered Williams a breathalyzer test. Williams refused the breathalyzer test and continued "rambling." Lupo opined that Williams was under the influence of alcohol.

¶ 10 Lupo's body-worn camera recorded the encounter between himself and Williams. The State published the footage in two videos, which are included in the record and have been viewed by this court.

¶ 11 The first video depicts the traffic stop. Lupo exits his squad car and approaches a vehicle driven by Williams. Lupo requests Williams's driver's license and proof of insurance, and asks him to exit the vehicle when he does not produce his proof of insurance. After Williams exits the vehicle, Lupo administers the three field sobriety tests.

¶ 12 Williams's eyes cannot be seen during the HGN test. On the walk-and-turn test, Williams takes nine heel-to-toe steps before turning around and taking nine more. Williams stops halfway through the test, does not put his feet perfectly heel to toe, and loses his balance. On the one-leg-stand test, Williams struggles to balance and hops throughout the entire test. Lupo arrests Williams.

¶ 13 The second video depicts Lupo and Williams's interaction at the police station. Lupo repeatedly offers a breathalyzer test, which Williams refuses. Williams appears to be angry and yells throughout the entire video.

¶ 14 On cross-examination, Lupo testified that he gave Williams incomplete instructions for the field sobriety tests. Lupo agreed that because the instructions were incomplete, the field sobriety tests were not administered correctly.

¶ 15 On redirect examination, Lupo stated that Williams's performance on the tests was not the only basis for Lupo's opinion that Williams was intoxicated. Rather, Lupo also relied on his demeanor, speaking with him, and being in close proximity to him.

¶ 16 The court found Williams guilty of driving under the influence, and not guilty of missing a front license plate. The court placed "significantly" less weight on the field sobriety tests because of Lupo's incomplete instructions. The court also stated that the video "made clear" that complete instructions "likely would not have changed the result" because of the signs of impairment that Williams exhibited on the tests.

¶ 17 The court sentenced Williams to 12 months of supervision plus participation in a victim impact panel and fines.

¶ 18 On appeal, Williams argues that the State failed to prove him guilty beyond a reasonable doubt of driving under the influence because the field sobriety tests did not establish that he was impaired.

¶ 19 On a challenge to the sufficiency of the evidence, we consider "whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." (Emphasis in original.) *People v.*

McLaurin, 2020 IL 124563, ¶ 22 (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1976)). This standard applies "regardless of whether the evidence is direct or circumstantial [citation], and regardless of whether the defendant receives a bench or jury trial [citation]." *People v. Cooper*, 194 Ill. 2d 419, 431 (2000). The trier of fact determines the credibility of witnesses, assigns weight to their testimony, and resolves any conflicts in the evidence. *People v. Williams*, 193 Ill. 2d 306, 338 (2000). "[I]t is not our function to retry the defendant," nor may we substitute our judgment for that of the trial court. *People v. Ealy*, 2019 IL App (1st) 161575, ¶ 24; *People v. Middleton*, 2018 IL App (1st) 152040, ¶ 20. We will not reverse a conviction merely due to contradictions in the evidence or the claim that a witness was not credible. *People v. Edward*, 402 Ill. App. 3d 555, 564 (2010).

¶ 20 Section 11-501(a)(2) of the Illinois Vehicle Code provides that a person commits driving under the influence when they are in actual physical control of any vehicle while under the influence of alcohol. 625 ILCS 5/11-501(a)(2) (West 2018). Williams does not challenge whether he was in "actual, physical control" of a vehicle, but only whether he was "under the influence of alcohol."

¶ 21 A person is under the influence of alcohol when, due to consuming alcohol, their mental or physical faculties are so impaired that the person cannot operate a motor vehicle safely. *People v. Morris*, 2014 IL App (1st) 130512, ¶ 20. Whether a defendant was intoxicated is determined by the trier of fact. *Id*. The State need not present chemical evidence that the defendant was intoxicated. *Id*. Circumstantial evidence alone, as well as the credible testimony of the arresting officer, may sustain a conviction. *Id.*; *People v. Hostetter*, 384 Ill. App. 3d 700, 712 (2008). For example, "testimony that a defendant's breath smelled of alcohol and his or her eyes were glassy

and bloodshot is relevant and admissible evidence in a DUI prosecution." *Morris*, 2014 IL App (1st) 130512, ¶ 20. A defendant's refusal to submit to a breathalyzer test is circumstantial evidence of his consciousness of guilt. *People v. Diaz*, 377 Ill. App. 3d 339, 345 (2007). A defendant's inability to follow direction, agitation, and combativeness are also "behaviors consistent with and indicative of alcohol impairment." *People v. Tatera*, 2018 IL App (2d) 160207, ¶ 34.

¶ 22 At trial, Lupo testified that Williams's breath smelled of alcohol and his eyes were glassy and bloodshot. Williams initially refused to exit the vehicle when prompted. Williams then failed all three field sobriety tests, showing sufficient signs of impairment on each test. When Williams was detained and taken to the police station, he became "more aggressive and irate." Williams declined a breathalyzer test and continued "rambling on." Lupo's observations comport with alcohol impairment and, from this evidence, a rational factfinder could determine that Williams was intoxicated.

¶ 23 Although Lupo admitted on cross-examination that he did not provide complete instructions before administering all three exams, the court accorded the tests "significantly" less weight. See *People v. Day*, 2016 IL App (3d) 150852, ¶ 29 (trial court properly gave field sobriety tests less weight where the police officer administered them incorrectly). Nevertheless, the tests remain relevant when considering whether Williams was impaired by alcohol. *Id*. ¶¶ 30-32. Here, the lower court believed "that the instructions likely would not have changed the results" of the tests, a determination we will not disturb on appeal. *Middleton*, 2018 IL App (1st) 152040, ¶ 20.

¶ 24 Williams claims that, absent the field sobriety tests, no other evidence established his intoxication. Lupo, however, observed that Williams had bloodshot, glassy eyes, and the smell of alcohol on his breath. When viewed in the light most favorable to the State, Lupo's testimony

sufficed to establish that Williams was under the influence of alcohol. See *People v. Eagletail*, 2014 IL App (1st) 130252, ¶ 39. Williams "ask[s] us to reweigh the evidence *** and usurp the function of the trial court as the trier of fact." *Phillips*, 2015 IL App (1st) 131147, ¶¶ 26. This we cannot do. We therefore hold that any rational trier of fact could find that the State established Williams's intoxication beyond a reasonable doubt, and we affirm the decision of the court below.

¶ 25 Affirmed.