2026 IL App (1st) 251519-U
No. 1-25-1519
Order filed November 13, 2026

**NOTICE:** This order was filed under Illinois Supreme Court Rule 23 and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

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IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

Fifth Division

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THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee,

v.

ROBERT WEST, Defendant-Appellant.

Appeal from the Circuit Court of Cook County.
Honorable Sunil Bhave, Diann Marsalek, and Kenya Jenkins-Wright, Judges, Presiding.
Nos. TU 371273, TU 371274, TU 371275, TU 371276, TU 371277, TU 371278

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JUSTICE DONNELLY delivered the judgment of the court.
Presiding Justice Oden Johnson and Justice Wilson concurred in the judgment.

**ORDER**

¶ 1 *Held*: We affirm defendant's conviction for driving under the influence of alcohol over his challenge to the evidence that he was "actually" impaired.

¶ 2 Following a bench trial, the trial court found defendant Robert West guilty of driving the wrong way on a one-way street, driving on a suspended or revoked driver's license, and driving under the influence of alcohol (DUI). It sentenced West to an agreed term of 100 days of 12-hour curfew. On appeal, West contends the State failed to prove him guilty of DUI beyond a reasonable doubt because no facts show he was "actually" impaired. We affirm.

¶ 3 After a June 20, 2022, car crash, the State charged West with failure to reduce speed, driving the wrong way on a one-way street, failure to notify of damage caused by a motor vehicle crash, driving on a suspended or revoked driver's license, operating an uninsured vehicle, and driving under the influence of alcohol. The State alleged West drove or was in actual physical control of a vehicle while under the influence of alcohol. See 625 ILCS 5/11-501(a)(2) (West 2022).

¶ 4 Chicago police officer Beluso testified that he had been a police officer for 18 years. While at the police academy, he received at least 24 hours of DUI investigation training and passed written and practical exams.

¶ 5 On the afternoon of June 20, 2022, Beluso responded to a traffic accident and saw firefighters "rendering aid" to West. West sat in the driver's seat of a stopped car facing south, going the wrong way on a one-way northbound street. West's car appeared to have crashed into and damaged several north-facing parked cars. A sign on the corner marked the street as one-way.

¶ 6 The ambulance took West to the hospital. Someone gave Beluso keys to the car where West had been sitting. A half-empty bottle of whiskey lay on the passenger side seat, next to a wallet and a pair of glasses. After locking the car, Beluso drove to the hospital, arriving about 30 minutes after West left in the ambulance.

¶ 7 At the hospital, Beluso met West and Officer Gomulka. West sat on a bed in a hallway. West slurred his words, his eyes were watery, and he smelled of alcohol. He was "babbling," and said that he had been at the hospital for several hours. When the officers offered to give West field sobriety tests, he refused. After the officers read him the "Warning to Motorist," he also refused a breathalyzer test and a DUI "blood kit." Based on Beluso's observation of over 200 people under the influence of alcohol, he believed West was under the influence of alcohol. He ran West's name

and date of birth through "Leads and iClear," which showed his driver's license was "suspended or had been revoked."

¶ 8 Beluso further testified that he wore a body camera that truly and accurately captured the events. The trial court allowed the State to publish the footage, stating that it would not consider any inadmissible hearsay it contained. The footage depicts West in the driver's seat of a blue vehicle. The front passenger seat contains a wallet, a bottle of alcohol, and a pair of glasses.

¶ 9 Additional footage depicts West seated on a gurney speaking with Gomulka. Gomulka asks what happened "as far as the auto accident," and West responds, "s*** happened, and it was an accident." West states that he was "test" driving a Honda that he had worked on. When Gomulka asks if West's driver's license was revoked, West responds that it expired in 1995. Finally, Gomulka states that West's speech is slurred and that he has watery, glassy eyes, and asks whether West had been drinking. West denies drinking, states that he does not have his glasses, and references a "driving problem."

¶ 10 The State then entered West's certified driving abstract.

¶ 11 During cross-examination, Beluso admitted that he first met West at the hospital and that West was polite. Beluso agreed that "abusive language" could be a DUI "cue." While West's eyes were not bloodshot, they were "watery." Beluso conceded that watery eyes alone do not show impairment and that he did not know West's normal speaking voice. Beluso did not ask West about physical disabilities and did not remember asking whether West was under a physician's care, sick, injured, diabetic, epileptic, or taking medication. Beluso admitted that officers were trained to be "alert" to medical conditions that "mimic" impairment.

¶ 12 Gomulka testified that he had been a police officer for seven years. At the police academy, he received at least 24 hours of training in DUI investigation and passed written and practical exams. Since graduation, he attended at least one DUI "refresher" training.

¶ 13 At the hospital, Gomulka smelled a "slight" odor of alcoholic beverage from West's breath, saw his eyes were "glassy" and watery, and heard him slur his speech. After Gomulka read West the "Warning to Motorist," he offered West a "DUI kit," which West refused. West also refused to perform standardized field sobriety tests. When Gomulka told West his driver's license was revoked, West claimed it was merely "expired." West also said that he was driving and involved in a vehicle accident. Based on observing hundreds of people under the influence of alcohol, Gomulka believed West was under the influence of alcohol based upon the slight odor of alcohol on his breath, his watery, glassy eyes, and his slurred speech.

¶ 14 The trial court entered a directed finding for West as to failure to reduce speed, failure to notify of damage caused by a motor vehicle crash, and operating an uninsured vehicle.

¶ 15 During closing argument, defense counsel noted that the body-camera footage did not show the officers providing West with the "Warning to Motorist," and it was therefore unclear what they advised West before he declined to take any sobriety tests.

¶ 16 Following closing argument, the trial court found West guilty of driving the wrong way on a one-way street, driving on a suspended or revoked driver's license, and DUI. The trial court found West controlled the car at the time of the crash. Moreover, West had watery eyes, slurred speech, and the "slight" odor of alcohol. An unsealed bottle of whiskey sat on the front seat. West's refusal to perform standardized field sobriety tests, take a breathalyzer test, or undergo a "DUI kit," indicated West knew he was driving under the influence of alcohol. Based upon all the evidence and reasonable inferences, the court found West had committed DUI.

¶ 17 Months later, the trial court sentenced West to 100 days of 12-hour curfew and noted that West had completed the agreed sentence.

¶ 18 West now appeals. He contends that the State failed to prove him guilty of DUI beyond a reasonable doubt, because the State failed to show that he was "actually" impaired where it provided no "specific details" of his alcohol consumption, no test results, and no medical history.

¶ 19 When considering a challenge to the sufficiency of the evidence, a reviewing court must determine "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 and internal quotation marks omitted.) *People v. Gray*, 2024 IL 127815, ¶ 20. We apply the same standard of review whether the evidence is direct or circumstantial. *People v. Cooper*, 194 Ill. 2d 419, 431 (2000). Circumstantial evidence alone may sustain a conviction, if it proves the elements of the charged crime beyond a reasonable doubt. *People v. Galarza*, 2023 IL 127678, ¶ 27. On appeal, we must draw all reasonable inferences favoring the State. *People v. Cunningham*, 212 Ill. 2d 274, 280 (2004).

¶ 20 The trier of fact must weigh the evidence, resolve conflicting evidence, and draw reasonable inferences from the facts at trial. *People v. Harris*, 2018 IL 121932, ¶ 26. The trier of fact may infer facts that, according to common experience, reasonably and usually follow from the proof of facts and circumstances the parties presented at trial. *People v. McPeak*, 399 Ill. App. 3d 799, 801 (2010). It need not find that possible innocent explanations for the defendant's acts create a reasonable doubt. *People v. Moore*, 2023 IL App (1st) 211421, ¶ 90. We may not substitute our judgment for the trier of fact's on issues involving the weight of the evidence. *People v. Johnson*, 2026 IL 131337, ¶ 59. We will only reverse a conviction if the evidence is so improbable or

unsatisfactory that it creates a reasonable doubt of the defendant's guilt. *Harris*, 2018 IL 121932, ¶ 26.

¶ 21 West contends that the State failed to prove he was under the influence of alcohol, as required to convict him of DUI. 625 ILCS 5/11-501(a)(2) (West 2022). Driving a car "under the influence of alcohol" means that "as a result of consuming alcohol," the driver's "mental or physical faculties are so impaired as to reduce [the] ability to think and act with ordinary care." (Internal quotation marks omitted.) *People v. Groebe*, 2019 IL App (1st) 180503, ¶ 57. To be under the influence of alcohol, the driver must be incapable of driving safely. *Id*. Whether a defendant was intoxicated forms a question of fact. *Id.*

¶ 22 The State need not present scientific evidence, such as breath or blood alcohol tests, to prove a driver intoxicated. See *id*. ¶¶ 58-60 (defendant failed field sobriety tests). Rather, "it may rely solely on circumstantial evidence, such as the credible testimony of the arresting officer." *Id*. ¶ 58; see also *People v. Janik*, 127 Ill. 2d 390, 402 (1989) (defendant admitted drinking and failed field sobriety tests). Glassy, bloodshot eyes and breath that smells like alcohol provide relevant, admissible evidence. *People v. Morris*, 2014 IL App (1st) 130512, ¶¶ 20-22 (defendant failed field sobriety test, his eyes were bloodshot, and he reeked of alcohol). Moreover, "[a] defendant's refusal to submit to chemical testing shows a consciousness of guilt." *Id*. (defendant refused breath test); see also *Groebe*, 2019 IL App (1st) 180503, ¶ 59 (refusing a breath test shows consciousness of guilt).

¶ 23 Viewing the evidence most favorably to the State, a rational trier of fact could reasonably infer that West was under the influence of alcohol.

¶ 24 With a half-empty whiskey bottle at his side, officers found West seated in the driver's seat of a car facing the wrong way on a one-way street after crashing into several cars. At the hospital,

West slurred his words, his eyes were glassy and watery, and he smelled of alcohol. Confused, after less than 30 minutes at the hospital, West claimed he had been there several hours.

¶ 25 While West denied drinking and suggested in the video footage that his eyes were watery and he crashed because he did not have his glasses, both officers believed West was under the influence of alcohol. West, however, contends that the State failed to link his watery eyes, slurred speech, and odor of alcohol to impairment when it failed to "negat[e]" the possibility that he suffered from a medical condition that "mimic[ked]" the signs of intoxication.

¶ 26 But the trial court found that the evidence and its reasonable inferences established West's intoxication, rejecting the medical condition theory. It was not required to "disregard inferences that naturally flow from the evidence or accept all possible explanations consistent with [the] defendant's innocence and elevate them to the status of reasonable doubt." *Moore*, 2023 IL App (1st) 211421, ¶ 90. And we may not substitute our judgment for the trier of fact's on issues involving the weight of the evidence. *Johnson*, 2026 IL 131337, ¶ 59.

¶ 27 West further argues that there was insufficient evidence of impairment absent the results of breathalyzer or standardized field sobriety tests, or a DUI "blood kit." But the officers testified that West refused all testing, which the trial court could construe as evidence that West knew he was drunk. See *Groebe*, 2019 IL App (1st) 180503, ¶ 59 (refusal to take breath test shows consciousness of guilt). West acknowledges that he refused all testing but urges us to infer he had "more innocent reasons" for doing so. And as defense counsel noted at trial, the officers' body-camera footage does not show them providing West the "Warning to Motorist," offering him any test, or him refusing any test. Again, however, the trial court did not need to find that possible innocent explanations for West's conduct created a reasonable doubt. *Moore*, 2023 IL App (1st) 211421, ¶ 90.

¶ 28 We note that, while a DUI conviction may be sustained based solely on the arresting officer's testimony, generally, the arresting officer bases that opinion in part on failed field sobriety tests or the defendant's poor driving. See *Janik*, 127 Ill. 2d at 396-97, 402-03 (the arresting officer's opinion based in part on defendant's failing two field sobriety tests); *Groebe*, 2019 IL App (1st) 180503, ¶¶ 4-15, 59-60 (defendant drove over lane lines and failed three field sobriety tests); *Morris*, 2014 IL App (1st) 130512, ¶¶ 6-7, 21-22 (two officers testified the defendant was intoxicated, one of whom administered a field sobriety test which the defendant failed); *People v. Fowler*, 98 Ill. App. 3d 202, 203-04 (1981) (defendant appeared intoxicated before he left a party and drove erratically before he crashed).

¶ 29 West did not fail any such test, and no one testified that they saw him drinking or driving erratically. The State provided only circumstantial evidence of his intoxication: his glassy and watery eyes, his slurred speech, the smell of alcohol, the half-empty bottle of whiskey in the car, and the officers' testimony that he refused to take field sobriety tests, a breath test, or a "blood kit."

¶ 30 Nevertheless, circumstantial evidence suffices to sustain a conviction if it proves the elements of the charged crime beyond a reasonable doubt. *Galarza*, 2023 IL 127678, ¶ 27. The credible police officer testimony regarding West's level of intoxication alone supports a conviction. *Janik*, 127 Ill. 2d at 402. His half-empty whiskey bottle by his side, his car facing the wrong way on a one-way street after crashing into several cars, his glassy and watery eyes, his alcohol breath, his slurred, confused, and babbling speech all create a reasonable inference that West was under the influence of alcohol. *Cunningham*, 212 Ill. 2d at 280 (reviewing court must draw all reasonable inferences favoring the State). Accordingly, we affirm West's conviction for DUI.

¶ 31 For the foregoing reasons, we affirm the judgment of the circuit court of Cook County.

¶ 32 Affirmed.