

NOTICE

The text of this order may be changed or corrected prior to the time for filing of a Petition for Rehearing or the disposition of the same.

2019 IL App (1st) 152604-U

No. 1-15-2604

Order filed November 1, 2019

Modified upon denial of rehearing January 13, 2020

Fifth Division

NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party 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,

Plaintiff-Appellee,

v.

DEMARIUS BRIDGES,

Defendant-Appellant.

) Appeal from the
) Circuit Court of
) Cook County.
)
) No. 11 CR 16534
)
) Honorable
) Erica L. Reddick,
) Judge, Presiding.
)
)

JUSTICE HALL delivered the judgment of the court.
Justices Lampkin and Rochford concurred in the judgment.

ORDER

¶ 1 *Held:* Defendant's right to confrontation claim is forfeited where he failed to preserve for review the issue of whether the State proved by a preponderance of the evidence that a deceased witness's statements were admissible against defendant at trial under the forfeiture by wrongdoing doctrine; the deceased witness's videotaped statement was properly admitted under the forfeiture by wrongdoing doctrine; defendant failed to establish error sufficient for plain error review of his

APPENDIX-A)

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claim that his right to confrontation at the forfeiture by wrongdoing hearing was violated; and trial counsel was not ineffective for failing to preserve such issue.

¶2 Following a jury trial, defendant Demarius Bridges was convicted of first degree murder in the shooting death of Keith Slugg and attempted murder of Kimberly Harris, personal discharge of a firearm, and aggravated battery. He was sentenced to 55 years' imprisonment for murder and a consecutive 35-year term for attempted murder. Prior to trial, in a different incident, Harris was shot and killed.

¶3 On appeal, defendant contends that Harris's testimonial hearsay statements of identification were inadmissible because the State failed to prove by a preponderance of the evidence that he forfeited his right to confront Harris by wrongdoing and the trial court's error in admitting Harris's testimonial hearsay statements, which violated defendant's right to confrontation, prejudiced him and this matter should be remanded for a new trial.

¶4 Alternately, defendant contends that this court must reverse and remand for a new forfeiture by wrongdoing hearing because the admission of his brother's, Terry Bridges (Terry), testimonial hearsay statements at the hearing violated defendant's right to confrontation. He contends that admission of Terry's statements was plain error and that his attorney was ineffective for failing to object to their admission.

¶5 For the following reasons, we affirm.

¶6 BACKGROUND

¶7 On August 28, 2011, at approximately 3:55 a.m., Harris and her boyfriend, Slugg, were engaged in sexual intercourse in the driver's seat of Slugg's parked car when shots rang out. At the time, Harris was on Slugg's lap in the driver's seat and facing the rear of the car. She looked up and saw defendant holding a gun near the rear passenger window of the car. Harris

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unsuccessfully attempted to dive into the passenger seat, but her foot was wedged between Slugg's torso and the steering wheel. Harris was subsequently shot 15 times while Slugg was fatally shot. After the shooting stopped, Harris used her foot to honk the car's horn until police arrived and she was subsequently transported to the hospital by ambulance.

¶ 8 On September 7, 2011, defendant was arrested and charged with the first degree murder of Slugg and attempted murder of Harris. Prior to trial, on October 8, 2014, the State filed a motion *in limine* to "Admit Kimberly Harris's Statements as Dying Declarations and as Excited Utterances, Made During an Ongoing Emergency Situation, and Pursuant to the Doctrine of Forfeiture by Wrongdoing."

¶ 9 A. The State's Motion *in Limine* to Admit Harris's Statements

¶ 10 In its initial motion, the State sought to admit the three statements that Harris made on August 28, 2011, immediately after the shooting. Subsequent to Harris's death on April 15, 2012, the State amended its motion to seek admission of all nine statements Harris made after the shooting. In support of its motion, the State presented Harris's statements and other evidence.

¶ 11 1. Harris's Statements

¶ 12 Harris made her first statements to Chicago police officers Garza and Ponce, who were the first to arrive at the scene of the shooting. The officers were dispatched to the area in response to 911 calls and they heard the car's horn when they arrived. Harris was screaming and told Officer Garza that she could not breathe. Officer Garza asked Harris who did this, and she replied, "Debo." She then told Officer Garza that Debo's first name was "Demarius."

¶ 13 Shortly thereafter, Paramedics Basic and Roan arrived to the scene. Harris was lying across the front seat of the car, bleeding, and asking for help. Harris was coherent, and was able

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to provide her name and medical history to Paramedic Basic. During her ambulance transport to the hospital, Harris told the paramedics that she did not want to die because she had a four-year-old daughter and twice said that "Debo" shot her. When they arrived to the hospital, Paramedic Basic heard Harris state to medical personnel that "Debo shot [her]."

¶ 14 Within 90 minutes of the shooting, Harris was prepped for surgery. Just prior to her surgery, between approximately 5:30 a.m. and 5:37 a.m., Sergeant Gallagher and Detective Hopps arrived at the hospital to interview Harris. Harris told them that she and Slugg were in the car when "Debo" walked up to the car and shot them. She told them that "Debo" was defendant's nickname and that she knew him from the area's housing complex.

¶ 15 On August 30, 2011, Detectives Egan and Vincent Alonzo interviewed Harris in the intensive care unit (ICU) of the hospital. The detectives showed Harris a photo array and she identified defendant. Harris stated that she had known defendant for 10 years, and he shot her from a distance of four- to five-feet away.

¶ 16 On August 31, 2011, Detectives Kennedy and Moreth, along with Assistant State's Attorney (ADA) Chevlin, interviewed Harris, who was still in ICU. Harris told them that after Slugg picked her up on August 28, 2011, they drove to the parking lot and began having intercourse. She heard a gunshot and "immediately" recognized defendant, who was holding a handgun outside of the rear passenger door. Harris stated that she heard gunfire, "felt pain" and threw herself down into the front passenger side seat. She heard Slugg say, "are you for real," and "that's it," before dying. Harris also stated that she had known defendant for 10 years, since she was 15 years old. Detective Kennedy showed Harris defendant's photo from the previous day's photo array and she again identified defendant.

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¶ 17 On September 7, 2011, ASA Coakley and Detectives Kennedy and Moreth interviewed Harris at the hospital. Harris again described Slugg's murder and she again identified defendant in a photograph. Directly after her interview with ASA Coakley, Harris agreed to give a videotaped statement (her seventh statement).¹

¶ 18 On October 4, 2011, Harris met with ASA Giancola for a pre-grand jury interview. Harris described the shooting similarly to her prior descriptions and again identified defendant in a photograph. ASA Giancola then showed Harris a copy of a previously signed line-up photo advisory form and the original photo array, both of which were signed by her sister on her behalf because her hands were incapacitated as a result of the shooting, and also played the videotaped interview Harris gave at the hospital. Harris indicated that the items were accurate just as she originally saw them and that she did not wish to amend her previous statements.

¶ 19 Later that same day, Harris testified under oath before a grand jury, again summarizing the shooting of August 28, 2011. She stated that within two to three minutes of Slugg's and her arrival at the parking lot, Harris heard gunshots and saw fire coming from a gun barrel. She looked up and saw defendant holding a gun. Harris stated she could see defendant clearly from outside the rear passenger window because of the lights in the parking lot. She also stated that defendant's nickname was "Debo."

¶ 20 Harris further testified that she felt pain, saw holes in her left arm, and attempted to move her body away from Slugg. She heard the shooting stop briefly, then start up again with less rapid shots. After the shooting stopped, she could see Slugg slumped over, and before he died, he

¹ Harris's videotaped statement is not part of the record on appeal. However, both parties acknowledge that the videotape was admitted at defendant's trial in the current case as the People's Exhibit No. 17.

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was the same as one of the guns used in the August 28, 2011, shooting which killed Slugg and injured Harris.

¶ 25 Defendant, Terry and Lewis were charged with Harris's murder under a separate indictment. Terry made post-arrest statements to investigating detectives on September 20 and 21, 2012, namely that he conspired with defendant and Lewis to kill Harris. In his statements, Terry stated that defendant spoke with him and Lewis about killing Harris; the three agreed on the amount that defendant would pay Lewis for killing Harris; after Terry's visit with defendant, he believed that defendant would be released and would pay Lewis for killing Harris. These statements were not admitted against defendant at his trial for Harris's murder.³

¶ 26 3. State's Arguments in Support of its Motion to Admit Harris's Statements

¶ 27 The State sought to have Harris's nine statements to police, paramedics, hospital personnel and various ASAs admitted at defendant's trial because she was deceased and unavailable to testify. Harris's nine statements were: (1) statements made to Officers Garza and Ponce at the scene; (2) statements made to Paramedics Basic and Roan at the scene and in the ambulance, and statements to hospital personnel overheard by Basic; (3) statements made 90 minutes after the shooting to Sergeant Gallagher and Detective Hopps in the emergency room prior to her first surgery; (4) statements and the photo identification made to Detectives Egan and Alonso in ICU on August 30, 2011; (5) statements and the photo identification made to Detectives Kennedy and Moreth and ASA Chevlin in ICU on August 31, 2011; (6) statements made to ASA Coakley in ICU on September 7, 2011; (7) statements made to ASA Coakley in a

³ Defendant was later acquitted of Harris's murder in a separate bench trial, while Terry and Lewis were convicted of her murder.

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videotaped statement on September 7, 2011; (8) statements made to ASA Giancola prior to the grand jury proceedings on October 4, 2011; and (9) her grand jury testimony on October 4, 2011.

¶ 28 The State contended that the first three statements, which were nontestimonial in nature, qualified as dying declarations, excited utterances, and statements made during an ongoing emergency situation. The State noted that when the statements were made on August 28, 2011, Harris had been shot 15 times, struggled to speak, and thought she was going to die.

¶ 29 The State also contended that all nine of Harris's statements were admissible at trial under the doctrine of forfeiture by wrongdoing. The State argued that defendant coordinated with Terry and Lewis to kill Harris, and but for his actions, she would have been available to testify and be cross-examined at defendant's trial.

¶ 30 To support this theory, the State proffered the following evidence that defendant was responsible for Harris's absence: (1) various phone calls between Lewis, Terry and English; (2) video footage showing Terry's vehicle arriving near the scene of Harris's shooting death; (3) Terry's visits to defendant in jail in the days before and after Harris's murder; (4) Lewis' visit to defendant 11 days before Harris's murder; and (5) the gun used in Harris's murder was one of the guns used in the August 28, 2011, shooting of Slugg and Harris.

¶ 31 The State also presented Terry's post-arrest statements on September 20 and 21, 2012. The State argued that, although these statements were not admissible in defendant's trial for Harris's murder, they were admissible against defendant in the forfeiture by wrongdoing hearing.

¶ 32 Lastly, the State presented a written statement from English, which outlined his conversations with Harris about Terry's offer, and the arrangements they made to meet Terry on the day she died.

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¶33

4. Defendant's Response to the State's Motion

¶34 Defendant filed a written response to the State's motion to admit Harris's initial three statements; however, he did not amend his response to address the State's amended motion which added the forfeiture by wrongdoing arguments.

¶35 In his response, defendant contended that when the first statements were made, Harris was alert and her statements did not reflect a belief that her death was imminent because Paramedic Basic told Harris that she was not going to die. Defendant asserted that Harris's statements were unreliable because the close range of the bullets would have distorted her vision and numbed her senses. Defendant also contended that Harris's statements were not excited utterances because officers arrived several minutes after the shooting occurred and the emergency had subsided. Similarly defendant contended that the first three statements were not made as part of an ongoing emergency because when the police and paramedics arrived at the scene, there was neither a shooter nor a hot pursuit situation that constituted an emergency.

¶36

5. The Forfeiture by Wrongdoing Hearing

¶37 A hearing was held on the State's motion on March 20, 2015. The State proffered its evidence as to the admissibility of Harris's and Terry's statements to the court without objection.

¶38 During his argument, defendant contended that the State produced no witnesses, phone conversations, nor records that proved he participated in or intended to cause Harris's murder. Defendant also argued that Terry's statements as a co-conspirator was not competent evidence against defendant because Terry had a motive to lie in his post-arrest statements to officers.

¶39 Before issuing a ruling, the trial court requested additional materials from the State, which were filed in an addendum on March 23, 2015. The additional materials were: (1) a

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transcript from a separate proceeding on June 30, 2014,⁴ in which Detective Egan testified as to Harris's August 30, 2011, statement; (2) Officer Garza's written notes from Harris's initial statement on August 28, 2011; (3) a partial transcript of Harris's statement to ASA Chevlin on August 31, 2011; and (4) the transcript of Harris's grand jury testimony on October 4, 2011.

¶ 40

6. The Trial Court's Ruling

¶ 41 On March 27, 2015, the trial court issued its ruling as to the admissibility of Harris's statements at defendant's trial as follows.

¶ 42

a. The First Three Statements

¶ 43 The trial court found that Harris's first three statements sufficiently satisfied the elements for a dying declaration because: (1) Harris, as the declarant, was unavailable because of her death; (2) defendant was separately on trial for her murder; (3) and Harris was under the belief that her death was imminent when she made those statements. The trial court noted that Harris spoke swiftly, and consistently expressed fear that she was going to die. Regarding Harris's third statement to police at the hospital just before her surgery, the court stated that although the emergency had passed, she persisted in trying to tell police and hospital personnel the information again under the belief that her death was imminent. The court found each of the three statements admissible as a dying declaration.

¶ 44 The court also found that Harris's statements were admissible as excited utterances because even after 90 minutes, Harris was aware that she had been shot many times, she witnessed her companion's shooting, and there was no self-interest motivation in her statements.

⁴ The State does not specify the type of proceeding during which Detective Egan testified.

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¶ 45 The court further found that they were non-testimonial and admissible under the ongoing emergency hearsay exception because when Harris made them, defendant had not yet been arrested, and this information was provided to aid officers in an ongoing emergency.

¶ 46 b. Forfeiture by Wrongdoing – All Nine Statements

¶ 47 The trial court then addressed whether all nine statements were admissible under the doctrine of forfeiture by wrongdoing under Illinois Rule of Evidence 804(b)(5) (eff. Jan. 1, 2011), and under statute, codified at 725 ILCS 5/115-10.7 (West 2014), which has since been repealed by Pub. Act 99-243, § 5 (eff. Aug. 3, 2015).⁵

¶ 48 The trial court found that the State offered sufficient evidence in support of admissibility under this doctrine. The State offered evidence of: (1) Terry's post-arrest statements made to police on September 20 and 21, 2012; (2) defendant's arrest on September 7, 2011, for Slugg's murder and Harris's attempted murder; (3) Harris's death in April 2012, seven months after defendant's arrest; (4) English's statement that Terry contacted him to offer Harris money to not testify; (5) Terry's request to meet Harris in person before giving English any money; and (6) Lewis's fatal shooting of Harris. The court also noted that ballistics testing established that one of the handguns used in the 2011 shooting was the same gun that killed Harris on April 15, 2012.

¶ 49 In light of this evidence, the trial court found that the State established by a preponderance of the evidence that defendant acted under the doctrine of forfeiture by wrongdoing in procuring Harris's absence. The trial court concluded that all nine statements were admissible at defendant's trial on that basis, and the case proceeded to trial.

¶ 50 B. Defendant's Jury Trial

⁵ The State requested that the trial court admit Harris's statements under both the Illinois Rules of Evidence and section 115-10.7.

IN THE
SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,) Petition for Leave to Appeal from the Appellate Court of Illinois, First Judicial District, No. 1-15-2604
Respondent-Appellee,)
-vs-) There heard on Appeal from the Circuit Court of Cook County, Illinois, No. 11 CR 16534.
DEMARIUS BRIDGES,)
Petitioner-Appellant.) Honorable Erica L. Reddick, Judge Presiding.

NOTICE AND PROOF OF SERVICE

Mr. Kwame Raoul, Attorney General, 100 W. Randolph St., 12th Floor, Chicago, IL 60601, eserve.criminalappeals@atg.state.il.us;

Ms. Kimberly M. Foxx, State's Attorney, Cook County State's Attorney Office, 300 Daley Center, Chicago, IL 60602, eserve.criminalappeals@cookcountyil.gov;

Mr. Demarius Bridges, Register No. M53495, Menard Correctional Center, P.O. Box 1000, Menard, IL 62259

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct. On February 13, 2020, the Petition for Leave to Appeal was filed with the Clerk of the Supreme Court of Illinois using the court's electronic filing system in the above-entitled cause. On that same date, we electronically served the Attorney General of Illinois and opposing counsel by transmitting a copy from an agency email address to the email addresses of the persons named above. One copy is being mailed to the petitioner in an envelope deposited in a U.S. mail box in Chicago, Illinois, with proper postage prepaid. Additionally, upon its acceptance by the court's electronic filing system, the undersigned will send 13 copies of the Petition for Leave to Appeal to the Clerk of the above Court.

E-FILED
2/13/2020 2:51 PM
Carolyn Taft Grosboll
SUPREME COURT CLERK

/s/Alicia Corona
LEGAL SECRETARY
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203 N. LaSalle St., 24th Floor
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(Appendix B)



SUPREME COURT OF ILLINOIS

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SPRINGFIELD, ILLINOIS 62701-1721
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FIRST DISTRICT OFFICE
160 North LaSalle Street, 20th Floor
Chicago, IL 60601-3103
(312) 793-1332
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May 27, 2020

In re: People State of Illinois, respondent, v. Demarius Bridges,
petitioner. Leave to appeal, Appellate Court, First District.
125758

The Supreme Court today DENIED the Petition for Leave to Appeal in the above
entitled cause.

The mandate of this Court will issue to the Appellate Court on 07/01/2020.

Very truly yours,

Carolyn Taft Gosboll

Clerk of the Supreme Court

(Appendix -B)

IN THE
SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,) Petition for Leave to Appeal from the Appellate Court of Illinois, First Judicial District, No. 1-15-2604
Respondent-Appellee,)
-vs-) There heard on Appeal from the Circuit Court of Cook County, Illinois, No. 11 CR 16534.
DEMARIUS BRIDGES,)
Petitioner-Appellant.) Honorable Erica L. Reddick, Judge Presiding.

PETITION FOR LEAVE TO APPEAL

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2/13/2020 2:51 PM
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SUPREME COURT CLERK

(Appendix B)

DEMARUS BRIDGES
Defendant

) DATE OF ARREST 09/07/11
IR NUMBER 1702722 SID NUMBER 05584534Q

ORDER OF COMMITMENT AND SENTENCE TO
ILLINOIS DEPARTMENT OF CORRECTIONS
=====

The above named defendant having been adjudged guilty of the offense(s) enumerated below is hereby sentenced to the Illinois Department of Corrections as follows:

Count	Statutory Citation	Offense	Sentence	Class
005	<u>720-5/9-1(A) (1)</u> and said sentence shall run concurrent with count(s) _____	MURDER/INTENT TO KILL/INJURE	YRS. 055 MOS.00	M
010	<u>720 - 5/8-4(A) (720-5)</u> and said sentence shall run concurrent with count(s) _____	(ATT) ATTEMPT MURDER/INTENT TO	YRS. 035 MOS.00	X
		and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:	YRS. _____ MOS. _____	
		and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:	YRS. _____ MOS. _____	
		and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:	YRS. _____ MOS. _____	

On Count _____ defendant having been convicted of a class _____ offense is sentenced as a class X offender pursuant to 730 ILCS 5/5-5-3(C) (8).

On Count _____ defendant is sentenced to an extended term pursuant to 730 ILCS 5/5-8-2.

The Court finds that the defendant is entitled to receive credit for time actually served in custody for a total credit of 1427 days as of the date of this order

IT IS FURTHER ORDERED that the above sentence(s) be concurrent with the sentence imposed in case number(s) _____
AND: consecutive to the sentence imposed under case number(s) _____

IT IS FURTHER ORDERED THAT COUNT 6 IS TO MERGE INTO COUNT 5 AND COUNTS 11,12 IS TO MERGE INTO COUNT 10. PLUS 3YRS MSR. MITT TO ISSUE. _____

IT IS FURTHER ORDERED that the Clerk provide the Sheriff of Cook County with a copy of this Order and that the Sheriff take the defendant into custody and deliver him/her to the Illinois Department of Corrections and that the Department take him/her into custody and confine him/her in a manner provided by law until the above sentence is fulfilled.

DATED AUGUST 03, 2015
CERTIFIED BY K DOWDELL

DEPUTY CLERK

VERIFIED BY _____

AUG 03 2015 ENTERED 08/03/15
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL
DEPUTY CLERK

JUDGE: REDDICK, ERICA L.

2038

CCG N305

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A-8
(APPENDIX-C)

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POINTS AND AUTHORITIES

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Kim Harris's testimonial hearsay statements of identification were inadmissible because the State failed to prove by a preponderance of the evidence that Demarius forfeited his right to confront Harris.	19
A. Admitting Kim Harris's testimonial hearsay statements at trial violated Demarius's right to confrontation.	19
<i>Crawford v. Washington</i> , 541 U.S. 36 (2004)	19-20
<i>People v. Lofton</i> , 194 Ill. 2d 40 (2000)	20
U.S. Const. Amends. VI, XIV	20
Ill. Const. 1970, Art. 1, §8	20
<i>People v. Williams</i> , 238 Ill. 2d 125 (2010)	20
<i>Michigan v. Bryant</i> , 562 U.S. 344 (2011)	21, 22, 24, 25
<i>People v. Stechly</i> , 225 Ill. 2d 246 (2007)	21
<i>People v. Sutton</i> , 233 Ill. 2d 89 (2009)	21, 22
<i>People v. Purcell</i> , 364 Ill. App. 3d 283 (2d Dist. 2006)	22, 23
<i>People v. West</i> , 355 Ill. App. 3d 28 (1st Dist. 2005)	22
<i>People v. Victors</i> , 353 Ill. App. 3d 801 (2d Dist. 2004)	22, 23
<i>Davis v. Washington</i> , 547 U.S. 813 (2006)	23, 25
<i>People v. Spicer</i> , 379 Ill. App. 3d 441 (1st Dist. 2007)	23
B. The State failed to prove that Demarius forfeited his right to confront Harris.	26
725 ILCS 5/115-10.7 (West 2014)	26
725 ILCS 5/115-10.7(b), (d) (West 2014)	26
P.A. 99-243, § 5	26
<i>People v. Hanson</i> , 238 Ill. 2d 74 (2010)	27

<i>People v. Stechly</i> , 225 Ill. 2d 246 (2007)	27
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<i>Giles v. California</i> , 554 U.S. 353 (2008)	27
Computerized Docket of the Clerk of the Circuit Court of Cook County (“Computerized Docket”), Case No. 13CR0237201 at A2	27
<i>Wells Fargo Bank, N.A. v. Simpson</i> , 2015 IL App (1st) 142925, ¶ 24 n.4	27
<i>Coronet Ins. Co. v. Travers</i> , 282 Ill. App. 3d 920, 927 (1st Dist. 1996) 27	
1. The State failed to prove that Demarius acted with the intent to procure Harris's unavailability at trial.	28
<i>People v. Smith</i> , 185 Ill. 2d 532	30
<i>United States v. Scott</i> , 437 U.S. 82	30, 31
<i>Evans v. Michigan</i> , 568 U.S. 313 (2013)	31
<i>People v. Stechly</i> , 225 Ill.2d 246 (2007)	31-32, 34
<i>Davis v. Washington</i> , 547 U.S. 813 (2006)	32
<i>Williamson v. United States</i> , 512 U.S. 594 (1994)	32
<i>People v. Young</i> , 128 Ill. 2d 1 (1989)	34
<i>People v. Hermens</i> , 5 Ill. 2d 577 (1955)	34
<i>People v. Washington</i> , 375 Ill. App. 3d 1012 (2d Dist. 2007)	35
<i>People v. Newell</i> , 103 Ill. 2d 465 (1984)	35
C. The trial court's error in admitting Kim Harris's testimonial hearsay statements, which violated Demarius's right to confrontation, prejudiced Demarius and this Court should remand for a new trial.	36

<i>People v. Enoch</i> , 22 Ill. 2d 176 (1988)	36
<i>People v. Cregan</i> , 2014 IL 113600	36
<i>People v. Patterson</i> , 217 Ill. 2d 407 (2005)	36
<i>People v. Stechly</i> , 225 Ill.2d 246 (2007)	36
<i>U.S. v. Wade</i> , 388 U.S. 218 (1967)	38
<i>People v. Gardner</i> , 35 Ill.2d 564 (1966)	38
57 J. Crim. L., C.& P.S. 376	38
<i>People v. Allen</i> , 376 Ill. App. 3d 511 (1st Dist. 2007)	38
F. Levine and J. Trapp, The Psychology of Criminal Identification: The Gap from Wade to Kirby, 121 U. Pa. L. Rev. 1079 (1973)	38
<i>United States v. Wade</i> , 388 U.S. 218 (1967)	38
<i>People v. Gardner</i> , 35 Ill. 2d 564 (1966)	39
D. In the alternative, this Court must reverse and remand for a new hearing on the State's motion <i>in limine</i> because the admission of Terry Bridges's testimonial hearsay statements at the forfeiture by wrongdoing hearing violated Demarius's right to confrontation.	39
<i>Crawford v. Washington</i> , 541 U.S. 36 (2004)	39-40
<i>People v. Lewis</i> , 223 Ill. 2d 393 (2006)	40
U.S. Const. Amends. VI, XIV	40
Ill. Const. 1970, Art. 1, §8	40
<i>People v. Sutton</i> , 233 Ill. 2d 89 (2009)	40
<i>Davis v. Washington</i> , 547 U.S. 813 (2006)	40
<i>People v. Purcell</i> , 364 Ill. App. 3d 283 (2d Dist. 2006)	40
<i>People v. McClanahan</i> , 191 Ill. 2d 127 (2000)	40
<i>Taylor v. Illinois</i> , 484 U.S. 400 (1988)	40

<i>People v. Martin</i> , 102 Ill. 2d 412 (1984)	41
<i>Kirby v. Illinois</i> , 406 U.S. 682 (1972)	41
<i>People v. Fultz</i> , 32 Ill. App. 3d 317 (1st Dist. 1975)	41, 42
<i>Gerstein v. Pugh</i> , 420 U.S. 103 (1975)	42, 43
<i>People v. Burton</i> , 184 Ill. 2d 1 (1998)	44
<i>People v. Smith</i> , 384 Ill. App. 3d 489 (1st Dist. 2008)	44
<i>In re Denzel W.</i> , 237 Ill. 2d 285 (2010)	44
<i>People v. Gonzales</i> , 40 Ill. 2d 233 (1968)	44
<i>United States v. Lott</i> , 433 F.3d 718 (10th Cir. 2006)	44
<i>United States v. Hodge</i> , 19 F.3d 51 (D.C. Cir. 1994)	44
<i>Granville v. Graziano</i> , 139 Ohio. Misc. 2d 29 (2006)	45
<i>United States v. Green</i> , 670 F.2d 1148 (D.C. Cir. 1981)	45
<i>State v. Sigerson</i> , 282 So. 2d 649 (Fla. Dist. Ct. App. 1973)	45
<i>Curry v. State</i> , 228 S.W.3d 292 (Tex. Crim. App. 2007)	45
<i>People v. Sammons</i> , 191 Mich. App. 351 (1991)	45
 <u>Plain error and ineffective assistance of counsel</u>	
<i>Ill. Sup. Ct. R. 615(a)(2014)</i>	46
<i>People v. Herron</i> , 215 Ill. 2d 167 (2005)	46
<i>People v. Feazell</i> , 386 Ill. App. 3d 55 (1st Dist. 2007)	46
<i>People v. Young</i> , 128 Ill. 2d 1 (1989)	47
<i>People v. Hermens</i> , 5 Ill. 2d 577 (1955)	47
<i>People v. Washington</i> , 375 Ill. App. 3d 1012 (2d Dist. 2007)	47
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