

No. 1-16-2955

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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. 13 CR 7724
)
 VIBRON LLOYD,) Honorable
) Gregory R. Ginex,
 Defendant-Appellant.) Judge Presiding.

JUSTICE CONNORS delivered the judgment of the court.
Presiding Justice Delort and Justice Cunningham concurred in the judgment.

ORDER

¶ 1 *Held:* The State proved that defendant possessed a firearm beyond a reasonable doubt based on the unequivocal testimony of two eyewitnesses. The trial court did not abuse its discretion in prohibiting defense counsel from questioning an eyewitness about his residency status absent evidence that it was relevant to the witness's bias or motivation to give false testimony.

¶ 2 Following a bench trial, defendant Vibron Lloyd was found guilty of, *inter alia*, armed robbery for taking money from a gas station while armed with a firearm. He was sentenced to 12 years in prison for armed robbery, and an additional 15-year enhancement for the firearm. He appeals, arguing that (1) the State failed to prove he possessed a firearm beyond a reasonable

doubt, and (2) the trial court erred in not allowing his counsel to cross-examine an eyewitness about his residency status. We affirm.

¶ 3 Defendant was charged by indictment with armed robbery (720 ILCS 5/18-2(a)(2) (West 2012)), aggravated robbery (720 ILCS 5/18-5(a) (West 2012)), burglary (720 ILCS 5/19-1(a) (West 2012)), mob action (720 ILCS 5/25-1(a)(1)(2) (2012)), contributing to the delinquency of a minor (720 ILCS 5/33d-1(a) (West 2012)), two counts of theft (720 ILCS 5/16-1(a)(1)(A) (West 2012)), and two counts of aggravated unlawful restraint (720 ILCS 5/10-3.1 (West 2012)), all in connection with his alleged involvement in the November 2012 robbery of a Mobil gas station in Maywood, Illinois.

¶ 4 At trial, Imad Khalil testified through an Arabic interpreter that he was working at the gas station on November 25, 2012. The two cash registers were located in a secured area with a locking door and bulletproof glass between the cashier and the customers. Only he and Ahmad Adi, the other employee working that night, had access to the secured area. Khalil and Adi were in the secured area when a young man, later identified as J.G., entered the store seeking to purchase an item that was located higher than he could reach. Khalil exited the secured area and obtained a stick used to retrieve such merchandise. As he did so, he left the door to the secured area unlocked because he thought he was “going to go out for a couple of minutes and go back again.”

¶ 5 While Khalil helped J.G. just outside of the secured area, another man, later identified as defendant, entered the area, pointed a “gun” at Adi, and instructed him to open the cash registers. Adi complied and gave defendant a plastic bag, which defendant filled with money. Khalil observed defendant empty the registers from approximately eight feet away. Defendant then left

the store and J.G. also “disappeared” without making a purchase. Adi called the police, and Khalil provided them with a description of the offenders once they arrived. Sometime after the robbery, Khalil left his job because defendant returned to the gas station and told him, “I am out of prison, and I am back.”

¶ 6 On December 17, 2012, Khalil identified J.G. in a photo array in the presence of Maywood commander of investigations Elijah Willis.¹ On January 10, 2013, Khalil identified J.G. in a physical lineup at the police station. Khalil also identified defendant in a photo array on January 13, 2013, and in a physical lineup on March 11, 2013, in the presence of Lieutenant Diaz.² However, he did not identify defendant in court as the man with the firearm, but rather, identified another man who was sitting in the gallery. Defense counsel did not cross-examine Khalil.

¶ 7 Adi testified that he was working the two adjacent cash registers in the secured area when J.G. approached the counter and asked to purchase a hat that was out of his reach. Khalil exited the secured area to assist J.G. Defendant, whom Adi identified in court, then entered the secured area, “showed [Adi] a gun,” and demanded he open the registers. When Adi complied and handed him a plastic bag, defendant placed the money in the bag and left the store. Adi explained that he stood next to defendant as he emptied the registers, and could tell that defendant had a firearm because “I saw the gun. It was too close. It was in his right hand. It was black and metal.” Defense counsel objected on the basis that it was “beyond [Adi’s] knowledge *** what the gun was made of.” The trial court overruled the objection.

¹ At the time of trial, Willis’s title was deputy police chief.

² The transcript does not contain Diaz’s first name.

¶ 8 After the robbery, police arrived and Adi described the offenders to them. At the police station on January 13, 2013, he identified J.G. in a lineup and defendant in a photo array conducted by Willis. Adi returned to the police station on March 12, 2013, and identified defendant in a lineup conducted by Diaz.

¶ 9 On cross-examination, Adi testified that he was from Jordan and a native Arabic speaker. Defense counsel asked, “what is your status in this country?” and the State objected. In response, defense counsel argued that his question “goes to [Adi’s] credibility.” The court asked whether defense counsel could show that there was “a problem” with Adi’s “status,” and sustained the State’s objection when counsel conceded that he did not know. Counsel replied, “Well, then I’d ask the State to explain to me what his status is then.” The court stated that “[t]hey don’t have to do that,” and that counsel would only be allowed to cross-examine Adi on the subject if he had evidence that Adi “has an issue with the status of his citizenship and that there may be a motive or bias to testify.”

¶ 10 Defense counsel continued to cross-examine Adi, who testified that, before each time he viewed a photo array or lineup, the police told him that it included a suspect. Khalil was not with him either time he went to the police station, but they did speak between the occasions. Adi had not spoken to Khalil in three years. Defense counsel also asked Adi whether he prepared for trial by watching surveillance footage from the night of the robbery. Adi responded that he “saw the whole video that they showed [him].” He agreed that the timestamps on the video were accurate.

¶ 11 The State published the surveillance footage from multiple cameras within the gas station during both Khalil and Adi’s testimonies. The footage is included in the record on appeal. One clip shows J.G. inside the gas station at 9:27 p.m. on the video’s timestamp. Khalil exits the

secured area and grabs a stick as J.G. looks and points upward toward some merchandise. While Khalil is distracted with J.G., the man whom he and Adi identified as defendant enters the secured area. J.G. immediately leaves the store, followed by the other man about a minute later.

¶ 12 Another clip from inside the secured area shows the man whom Khalil and Adi identified as defendant approach Adi at the cash registers around 9:28 p.m. Adi put his hands up, gives the man a plastic bag, and opens one of the registers. The man loads the money into the bag. As he turns to leave approximately 40 seconds later, a dark object that appears to be a handgun is visible in his right hand.

¶ 13 A third clip shows the second cash register from above. Adi gives a plastic bag to someone off camera at 9:28 p.m. The video then skips to 9:30 p.m., at which point the cash register is open and empty.

¶ 14 J.G. testified that he did not remember the events of November 25, 2012, but acknowledged that he pled guilty to robbery for his actions at the gas station on that night. He viewed a portion of the surveillance video in court, and agreed that it showed him in the store at 9:27 p.m. However, he denied being able to see on the video that a man entered the store behind him.

¶ 15 J.G. went to the police station with his mother on January 9, 2013, but did not remember giving Willis a statement because he was “intoxicated on pills and liquor.” The State presented J.G. with a copy of a handwritten statement, which he acknowledged was signed on each page by himself, his mother, Willis, and another detective.

¶ 16 Willis testified that he assigned himself to investigate the robbery after reading a report written by one of the responding officers. He viewed the surveillance video and recognized J.G.

as the man “who distracted one of the clerks.” Willis assembled a photo array that included J.G. and showed it to Khalil on December 17, 2012. Khalil identified J.G. as one of the offenders.

¶ 17 On January 9, 2013, Willis approached J.G. on the street. J.G. fled, but was detained after a foot chase. Willis took J.G. to the police station, read him the *Miranda* rights, and interviewed him in the presence of his mother and another detective. J.G. did not appear to be intoxicated, and did not claim to be under the influence of any substances. He told Willis that a man called “Viper,” who was the father of Cortez Lloyd, also participated in the robbery. From that information, Willis knew that J.G. was referring to defendant, whom Willis identified in court. Willis showed J.G. a photograph of defendant, and J.G. identified him as “Viper.” The State also entered into evidence the transcript of J.G.’s guilty plea. Therein, J.G. stipulated that he would have named defendant as the man called “Viper” and would have identified him in court had he gone to trial.

¶ 18 Willis further testified that J.G. gave a handwritten statement, which he identified in court. According to the statement, which is in the record on appeal, J.G. asked “Viper” to drive him to the gas station on the night of the robbery. Viper parked nearby, “showed [J.G.] a gun,” and said, “ ‘I’m going to [r]ob the gas station and I want you to look out.’ ” Inside, J.G. distracted the clerks as Viper “went into the cash register area and pointed the gun at the clerk, who was behind the cash register.” J.G. exited the store, followed by Viper “[s]econds later.” They ran away together until Viper told J.G. that he would “catch up to [him] tomorrow.” The next day, Viper gave J.G. \$30 and told him, “ ‘Thanks for looking out we have to do this again[.]’ ” In pleading guilty to the robbery, J.G. stipulated that he would have testified consistently with the statement at his own trial.

¶ 19 After interviewing J.G., Willis went to the gas station and showed Khalil a photo array that included defendant. Khalil identified defendant as the man with the gun. Adi later also identified defendant in a photo array. In March 2013, both Khalil and Adi identified defendant in separate lineups.

¶ 20 On cross-examination, Willis acknowledged that a report he created in March 2013 stated that J.G. told him that he did not know if defendant had a “real gun.” Willis also acknowledged that he was a defendant in a civil lawsuit filed by defendant. He did not know defendant by the nickname “Viper” prior to interviewing J.G.

¶ 21 Diaz testified that he saw defendant, whom he knew from previous encounters, in the lobby of the police station on March 9, 2013. Diaz was aware that defendant was wanted in connection with an armed robbery, so he escorted him to the lock-up area. Diaz was present when Khalil and Adi identified defendant in separate lineups over the next few days.

¶ 22 After arguments, the court found defendant guilty of all charges except for the aggravated unlawful restraint of Khalil. In so finding, the court opined that “the evidence is overwhelming,” as J.G. identified defendant to police and “I clearly saw [defendant] on the video.” The court acknowledged that Khalil identified someone other than defendant in court as the second offender. However, the court observed that Khalil looked only at the gallery and avoided glancing toward the defense table when asked to make the in-court identification.

¶ 23 In addressing defendant’s contention that the State failed to prove his possession of a firearm, the court explained:

“In determining whether someone commits an armed robbery with a firearm or has a look-alike gun, Illinois Court[s] look at the victim’s in-court testimony [and] the circumstances under which the victim was able to see the gun.

The testimony of a single witness unequivocally stating the defendant possessed a gun during the commission of a robbery can sustain a conviction for armed robbery.

Indeed Mr. Adi described the weapon as a metal gun. It is clear that there is a weapon in the defendant’s hands on the video. The factual judgment concerning the commission of a robbery is the determination left for the trier of fact and the victims who testified in question.

Defendant argued that there was no gun recovered or that there was no actual gun. And [J.G.] said there is not possibly a real weapon.

The conviction or armed robbery determination is not contingent on physical evidence being admitted at trial.

Victims’ testimony and other evidence being videos again is sufficient to lead a reasonable inference under the law that the defendant possessed a real gun.

The victim said the defendant had a gun. The video shows he had a gun. [J.G.] says the defendant had a weapon although he’s not sure if it was real, but the weapon is clearly in the video.”

¶ 24 Defendant filed a motion for a new trial, arguing, among other things, that the State did not prove the firearm element beyond a reasonable doubt, and that the court erred in not allowing defense counsel to cross-examine Adi about his residency status. The court denied the motion.

¶ 25 Following a hearing, the court merged all of its findings of guilt into one count of armed robbery, and sentenced defendant to 12 years in prison. The court also imposed a mandatory 15-year enhancement based on defendant's possession of a firearm during the offense.

¶ 26 On appeal, defendant first argues that the State failed to prove his possession of a firearm beyond a reasonable doubt. Accordingly, he asks us to remand the matter for resentencing on the armed robbery without the 15-year firearm enhancement. The State responds that the testimony of Khalil and Adi, who both had the opportunity to view defendant's weapon at close range, was sufficient to establish that defendant carried a firearm during the robbery.

¶ 27 When a defendant challenges the sufficiency of the evidence, a reviewing court must determine whether, viewing the evidence in the light most favorable to the State, any rational trier of fact could have found the elements of the offense beyond a reasonable doubt. *People v. Wright*, 2017 IL 119561, ¶ 70. The trier of fact is not required to raise all possible explanations consistent with a defendant's innocence to the level of reasonable doubt. *People v. Siguenza-Brito*, 235 Ill. 2d 213, 235 (2009). Instead, the trier of fact is responsible for determining witness credibility, the weight of the evidence, and which inferences to be drawn from the testimony. *Wright*, 2017 IL 119561, ¶ 70. A reviewing court must not retry the defendant or substitute its own judgment on these matters. *Id.* A conviction will not be disturbed unless the evidence was so improbable, unreasonable, or unsatisfactory that it leaves a reasonable doubt of defendant's guilt. *Id.*

¶ 28 A person commits armed robbery by taking property from the presence of another through the threat of force and while armed with either a "dangerous weapon" or a "firearm." 720 ILCS 5/18-1(a) (West 2012); 720 ILCS 5/18-2(a) (West 2012). When committed with a

firearm, armed robbery is a Class X offense that carries a mandatory sentencing enhancement of 15 years. 720 ILCS 5/18-2(b) (West 2012). The armed robbery statute derives its definition of “firearm” from the Firearm Owners Identification (FOID) Card Act (430 ILCS 65/1 *et seq.* (West 2012)), which defines a “firearm” as “any device *** designed to expel a projectile or projectiles by the action of an explosion, expansion of gas, or escape of gas,” and specifically excludes, *inter alia*, pneumatic guns, BB guns, paintball guns, spring guns, and antique guns. 430 ILCS 65/1.1 (West 2012); 720 ILCS 5/2-7.5 (West 2012) (adopting the FOID Card Act’s definition).

¶ 29 The testimony of a single eyewitness may establish that a defendant possessed a firearm beyond a reasonable doubt. *Wright*, 2017 IL 119561, ¶ 76. The State is not required to corroborate such testimony with physical evidence (*People v. Jackson*, 2016 IL App (1st) 141448, ¶ 15) or with evidence that the witness has experience with firearms (*People v. Charles*, 2018 IL App (1st) 153625, ¶ 29). However, the focus remains on whether the defendant carried a firearm within the meaning of the FOID Card Act, not on what the witness subjectively believed. *People v. Clifton*, 2019 IL App (1st) 151967, ¶ 33. As such, the witness must provide sufficient facts to support an inference that the weapon in question meets the statutory definition. *Id.* An eyewitness’s unequivocal testimony that a defendant was armed with a firearm can sustain a conviction if the witness had a sufficient opportunity to view the weapon. *People v. Fields*, 2017 IL 110311-B, ¶ 36; *People v. Malone*, 2012 IL App (1st) 110517, ¶ 52.

¶ 30 Here, Khalil and Adi, who both viewed defendant’s weapon from less than 10 feet away, unequivocally and repeatedly testified that it was a firearm. Adi, who stood next to defendant as he emptied the cash registers, described defendant’s weapon as a black “gun” made of metal. Adi

explained that he could tell the firearm was real because he “saw the gun. It was too close.” Willis also testified that J.G. told him that defendant showed him a firearm while they sat in defendant’s car before the robbery, although J.G. was not sure if the firearm was real. Additionally, as the trial court noted, the surveillance video showed defendant holding a “gun” in his right hand, which the court found to be an actual firearm. Taking the evidence in the light most favorable to the State, we conclude that a rational trier of fact could have found defendant carried a firearm beyond a reasonable doubt under these circumstances.

¶ 31 This court recently affirmed a defendant’s conviction under analogous facts in *Charles*. There, the defendant was convicted of aggravated criminal sexual assault with a firearm and aggravated kidnaping with a firearm under statutes that also adopted the FOID Card Act’s definition of a “firearm.” *Charles*, 2018 IL App (1st) 153625, ¶¶ 3-4. The victim, R.G., testified that the defendant pointed “a black gun” at her from a few feet away and ordered her into his car. *Id.* ¶ 3. She complied, and the defendant placed the weapon behind the driver’s seat before driving to a deserted area and sexually assaulting her. *Id.*

¶ 32 On appeal, the defendant contended that there was insufficient evidence that he was armed with a firearm within the statutory definition. *Id.* ¶ 24. We affirmed, noting that R.G. repeatedly referred to the defendant’s weapon as a “gun,” described its color, and observed it as it was pointed at her from a few feet away. *Id.* ¶ 30. Thus, we concluded that “the jury could reasonably infer from such evidence that the object was a firearm, particularly since [the defendant] was using it to compel R.G. to enter his car.” *Id.*

¶ 33 Similarly, in the present case, Khalil and Adi both referred to defendant’s weapon as a “gun” multiple times throughout their testimonies. Adi viewed the firearm as it was pointed at

him from a few feet away, and could tell that it was black and metallic. When he saw the weapon, he raised his hands and complied with defendant's demands. Thus, as in *Charles*, the trier of fact could have concluded that defendant was armed with a firearm.

¶ 34 Defendant's reliance on *People v. Ross*, 229 Ill. 2d 255 (2008), and *People v. McLaurin*, 2018 IL App (1st) 170258, is misplaced. In *Ross*, the issue was whether the defendant was proven to have carried a "dangerous weapon" within the meaning of a prior version of the armed robbery statute. *Ross*, 229 Ill. 2d at 272. The victim testified that he observed the defendant's weapon from less than five feet away and described it as a "small" black gun that was "portable" and "conceal[able]." *Id.* at 257-58. However, the police officer who recovered the weapon minutes after the offense testified that it was a BB gun with a three-inch barrel. *Id.* at 258. Our supreme court held that there was insufficient evidence to prove that the gun was a dangerous weapon, and affirmed this court's decision instructing the trial court to enter a conviction for simple robbery. *Id.* at 277.

¶ 35 Here, in contrast, both Khalil and Adi unequivocally testified that defendant had a firearm. Although J.G. told Willis that he was not sure if defendant's firearm was real, there was no testimony that the weapon was in fact something other than a firearm. Thus, *Ross* is distinguishable.

¶ 36 In *McLaurin*, we considered the defendant's challenge to the sufficiency of the evidence supporting his conviction for armed habitual criminal, which required the State to prove he possessed a firearm within the meaning of the FOID Card Act. *McLaurin*, 2018 IL App (1st) 170258, ¶¶ 20-21. We found the evidence insufficient because the sole witness who saw the defendant with a weapon viewed it from 50 feet away and was only able to describe its color. *Id.*

¶ 26. Here, unlike *McLaurin*, two eyewitnesses viewed defendant from less than 10 feet away and testified that he had a firearm. This testimony was corroborated by video evidence. Adi in particular explained that he saw the firearm as he stood next to defendant for approximately one minute, and could tell not only that it was black, but also that it was made of metal. Thus, the witnesses in the present case had a far superior opportunity to view defendant's weapon than did the lone witness in *McLaurin*.

¶ 37 As a final matter on this issue, defendant's brief on appeal contains information from the Bureau of Justice Statistics and an image of a pellet gun offered to show the ease with which a witness could mistake a "fake" or toy gun for an actual firearm. This evidence was not submitted to the trial court, and we therefore cannot consider it on appeal. See *People v. Hunter*, 2016 IL App (1st) 141904, ¶ 20 (holding that considering photographs of a pellet gun and air pistol for the first time on appeal "would amount to a trial *de novo* on an essential element of the charges") (quoting *People v. Williams*, 200 Ill. App. 3d 503, 513 (1990)). Accordingly, we find that the State proved defendant guilty of armed robbery beyond a reasonable doubt.

¶ 38 Defendant next argues that the trial court erred in refusing to allow defense counsel to cross-examine Adi about his residency status.

¶ 39 A defendant has the constitutional right to confront the witnesses against him. U.S. Const., amends VI, XIV; Ill. Const. 1970, art. I, § 8. This right encompasses cross-examining witnesses to reveal any bias, prejudice, or motivation to give false testimony. *People v. Arze*, 2016 IL App (1st) 131959, ¶ 113. However, the right to cross-examine is not absolute, as the constitution " 'guarantees an *opportunity* for effective cross-examination, not cross-examination that is effective in whatever way, and to whatever extent, the defense might wish.' " (Emphasis

in original.) *People v. Harris*, 123 Ill. 2d 113, 144-45 (1988) (quoting *Delaware v. Fensterer*, 474 U.S. 15, 20 (1985)). Thus, a trial court has “wide latitude” to reasonably curtail lines of inquiry that are of limited relevance without offending the constitution. *People v. Klepper*, 234 Ill. 2d 337, 355 (2009).

¶ 40 A reviewing court’s analysis involves a bifurcated standard of review. First, the court reviews *de novo* whether the defendant’s constitutional right to confrontation was violated. *People v. Williams*, 238 Ill. 2d 125, 141 (2010). This step involves examining what the defendant was allowed to do, not what he was prohibited from doing. *Arze*, 2016 IL App (1st) 131959, ¶ 113. If the record as a whole shows that the defense was allowed to question witnesses on relevant areas of impeachment, “ ‘no constitutional question arises merely because defendant has been prohibited on cross-examination from pursuing other areas of inquiry.’ ” *People v. Green*, 339 Ill. App. 3d 443, 456 (2003) (quoting *People v. Averhart*, 311 Ill. App. 3d 492, 497 (1999)). If the opportunity for cross-examination is determined to be constitutionally sufficient, the trial court’s limitations are reviewed for abuse of discretion. *Arze*, 2016 IL App (1st) 131959, ¶ 113.

¶ 41 Here, the record demonstrates that defense counsel was allowed to question Adi about such topics as his observations during the robbery, his identifications of defendant, and his preparation for trial. In particular, defense counsel adduced that officers told Adi that the photo arrays and lineups included suspects, and that Adi talked to Khalil around the times when he was shown those photo arrays and lineups. The trial court, as trier of fact, was therefore apprised of circumstances relevant to Adi’s credibility. Consequently, we find that the cross-examination was constitutionally sufficient. See *Green*, 339 Ill. App. 3d at 456.

¶ 42 The next step is to determine whether the trial court abused its discretion in refusing to allow defense counsel to question Adi about his residency status. A reviewing court must not disturb a trial court's decision to limit cross-examination absent a clear abuse of discretion that caused prejudice to the defendant. *Arze*, 2016 IL App (1st) 131959, ¶ 113. Abuse of discretion occurs when the court's decision is "fanciful, arbitrary, or unreasonable to the degree that no reasonable person would agree with it." *People v. Ortega*, 209 Ill. 2d 354, 359 (2004).

¶ 43 "Potential limitations on a defendant's right to cross-examine a witness as to bias, interest, or motive to testify falsely are clearly rooted in the relevancy concepts of materiality and probative value." *Green*, 339 Ill. App. 3d at 455. Accordingly, evidence offered to impeach a witness's credibility "must give rise to the inference that the witness has something to gain by h[is] testimony." *People v. Johnson*, 2018 IL App (1st) 140725, ¶ 91. To preserve the issue for appeal, a defendant generally must set forth an offer of proof at trial to establish that the questioning was "positive and direct on the issue of bias or motive to testify falsely." *People v. Wallace*, 331 Ill. App. 3d 822, 831 (2002). Such evidence must be "unequivocal and directly related, and may not be remote or uncertain." *Johnson*, 2018 IL App (1st) 140725, ¶ 91.

¶ 44 Applying these principles to the present case, we cannot say that the trial court abused its discretion. Notwithstanding that Adi was born in Jordan and spoke Arabic, there was no indication that he was not a United States citizen or legal resident. Thus, even accepting the premise that a nonlegal resident would be biased toward the State, the defense's evidence of Adi's bias was not "unequivocal," but rather "remote or uncertain." See *Johnson*, 2018 IL App (1st) 140725, ¶ 91. The court specifically asked defense counsel whether Adi had a residency "problem," and defense counsel answered that he was unaware of any issues. Under these

circumstances, it was reasonable for the court to conclude that the line of questioning would not reveal that Adi had something to gain by his testimony. *Id.*

¶ 45 Defendant's reliance on *People v. Austin*, 123 Ill. App. 3d 788 (1984) is misplaced. In *Austin*, the State acknowledged that some of its key witnesses were "illegals" and were "attempting to gain residency" in the United States, but nevertheless filed a motion *in limine* to preclude the defense from adducing that information at trial. *Austin*, 123 Ill. App. 3d at 795. The trial court granted the motion, and the defendant appealed. *Id.* This court found that the defense should have been allowed to cross-examine the State's witnesses about their residency statuses "if all or some of these witnesses were in fact illegal aliens." *Id.* at 797. However, as the evidence against defendant was overwhelming, we found the error to be harmless. *Id.*

¶ 46 Here, unlike in *Austin*, there was no evidence that Adi was not a citizen or legal resident of the United States. Indeed, defense counsel stated that he was unaware of any issues with Adi's residency status. Thus, *Austin* is distinguishable.

¶ 47 We also reject defendant's argument that the trial court created a "catch-22" by not allowing him to learn about Adi's residency status through cross-examination. As we have explained, it was within the trial court's discretion to restrict cross-examination to relevant areas of inquiry, *i.e.* those giving rise to an inference that Adi had a bias or motivation to give false testimony. We also note that defendant was not, in fact, *per se* prohibited from cross-examining Adi about his residency status. Rather, the court merely required the defense to provide some factual basis for its questioning. The trial court was not required to allow defense counsel to embark on a fishing expedition. See *People v. Staake*, 2016 IL App (4th) 140638, ¶ 79 (trial

court did not err in requiring the defense to show that its cross-examination was based on more than speculation).

¶ 48 Finally, even assuming, *arguendo*, that an error occurred, the error would be harmless in light of the overwhelming evidence of defendant's guilt. Although, as defendant notes, Adi was the only eyewitness to identify him at trial, there was ample other evidence establishing that defendant was the man who emptied the cash registers. Khalil identified both J.G. and defendant as the offenders in photo arrays and physical lineups. J.G. named defendant as his co-offender in pleading guilty to the robbery, and, according to Willis, identified him in a photograph at the police station. Moreover, Adi's testimony was substantially identical to Khalil's and was corroborated by the surveillance video. The trial court viewed the video and found that defendant was clearly shown as one of the offenders. Thus, there is no reasonable doubt that defendant would have been found guilty had defense counsel cross-examined Adi about his residency status.

¶ 49 In short, the trial court did not err in refusing to allow defense counsel to cross-examine Adi about his residency status without establishing the question's relevance. Taking the evidence in the light most favorable to the State, defendant was proven guilty of armed robbery with a firearm beyond a reasonable doubt.

¶ 50 For the foregoing reasons, the judgment of the circuit court is affirmed.

¶ 51 Affirmed.