NOTICE
Decision filed 12/28/07. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

NO. 5-06-0418

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	) Appeal from the
	) Circuit Court of
Plaintiff-Appellee,	) Franklin County.
	)
v.	) No. 05-CF-13
	)
JONI R. MOCABY,	) Honorable
	) Leo T. Desmond,
Defendant-Appellant.	) Judge, presiding.

PRESIDING JUSTICE STEWART delivered the opinion of the court:

Following a jury trial in the circuit court of Franklin County, the defendant, Joni R. Mocaby, was found guilty of the unlawful delivery of a controlled substance, 10 pills containing morphine (720 ILCS 570/401(d) (West 2002)); the unlawful delivery of a controlled substance, 30 pills containing diazepam (720 ILCS 570/401(g) (West 2002)); and the unlawful delivery of a controlled substance, 36 pills containing dihydrocodeinone (720 ILCS 570/401(d) (West 2002)). The trial court sentenced the defendant to 30 months' probation and ordered her to pay various fees, including $420 in restitution to the Southern Illinois Drug Task Force. The defendant raises numerous arguments on appeal. We reverse in part, vacate in part, and modify in part.

BACKGROUND

Pursuant to information from a confidential source that morphine was available for purchase at the defendant's home, Inspector Stacy Eaton of the Southern Illinois Drug Task Force, along with a confidential source, made three undercover visits to the defendant's home to purchase controlled substances. The confidential source did not testify at the trial. Eaton