2026 IL App (1st) 250294-U

No. 1-25-0294

Order filed November 4, 2026

Third 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. 24 MC3 000169
	)	
KESHAWN L. BATES,	)	Honorable
	)	Eric Michael Sauceda,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE LAMPKIN delivered the judgment of the court.
Presiding Justice Quish and Justice Rochford concurred in the judgment.

ORDER

¶ 1 *Held*: Defendant's criminal sexual abuse conviction is affirmed where the trial court did not plainly err in admitting text messages between defendant and the victim, and trial counsel did not render ineffective assistance by not preserving the meritless claim.

¶ 2 Following a bench trial, defendant Keshawn L. Bates was convicted of misdemeanor criminal sexual abuse and sentenced to two years of probation. On appeal, defendant contends that the court plainly erred in admitting sexually explicit text messages between himself and the victim,

arguing that the messages created an inference of "propensity to commit the charged offense" and were significantly more prejudicial than probative. Defendant alternatively argues that counsel was ineffective for failing to preserve the claim. For the reasons stated below, we affirm.[1]

¶ 3 Defendant was charged with misdemeanor criminal sexual abuse (720 ILCS 5/11-1.50(c) (West 2022)) for knowingly touching S.C.'s breast on or about May 13, 2023, when she was between 13 and 17 years old and he was less than five years older than her.

¶ 4 We set forth only the evidence relevant to the issue on appeal.

¶ 5 At trial in September 2024, S.C. testified that she was currently 17 years old. In April 2021, when S.C. was 14 years old, defendant contacted her through Snapchat. She gave him her cellphone number and they then corresponded by text messages.

¶ 6 Defendant and S.C. had no contact from 2021 until April 2023, when S.C. attended a "party for high schoolers." At the party, defendant, whom S.C. identified in court, tapped on her shoulder and asked for her Snapchat information. S.C. was "taken aback" because, while she recognized his "user name" from their communication in 2021, she had never met him in person. S.C. and defendant had no further interaction that evening. Afterwards, S.C. and defendant exchanged text messages "[s]everal times a week" about "[e]veryday things."

¶ 7 On April 15, 2023, S.C. saw defendant at her friend's home and defendant drove her home. Nothing unusual happened during the drive and their texting continued afterwards. Some of the text messages were "sexual in nature."

[1]In adherence with the requirements of Illinois Supreme Court Rule 352(a) (eff. July 1, 2018), this appeal has been resolved without oral argument upon the entry of a separate written order.

¶ 8 When the court instructed the State to display the text messages on a screen and offer them into evidence before asking S.C. about them, defense counsel objected that the messages were irrelevant and "inflammatory." Defense counsel explained that "sexually explicit" text messages between S.C. and defendant from 2021 and 2023 were irrelevant to the charged conduct and were "painting a picture of their relationship, and we don't know what else was said besides what is being presented." The court found the messages relevant to show the nature of S.C. and defendant's relationship because the messages were "painting a picture, maybe not the picture the defense wants to paint, *** as to the nature of their relationship."

¶ 9 Defense counsel also objected to messages from the day of the alleged incident referencing "Plan B" birth control as irrelevant to whether defendant touched S.C.'s breast. The court overruled the objection, noting that the messages could be used to show defendant's state of mind and whether his "conduct on that day *** was sexual in nature." The State then showed S.C. text messages between defendant and herself on April 30 and May 2, 2021, and April 15, May 3, and May 13, 2023.

¶ 10 S.C. testified that in the text messages from April 15, 2023, she thanked defendant for giving her a ride home. Later, defendant asked S.C. for oral sex in a vulgar manner. S.C. took offense and responded in a vulgar manner.

¶ 11 This court has viewed the text messages. In addition to the instance that S.C. described at trial, there was an instance in 2021 of defendant making a vulgar reference to oral sex.

¶ 12 S.C. further testified that defendant "kept harassing" her, but she "needed a person that [she] could rely on for rides," so she wanted to meet with him "to talk things out." On May 13, 2023, defendant picked her up in his vehicle and S.C. believed they were going to a public place to talk, but he drove to "a secluded area." S.C. said she wanted to talk, but defendant said he wanted

to have sex with her. She refused, and they argued. Defendant remarked that his brother had killed someone and he was "not afraid to do the same," which S.C. took as a threat. Defendant then pulled her arm "aggressive[ly]." S.C. concluded that she "had to comply with what he had wanted" and removed her pants. Defendant removed his pants, kissed her right breast, and "penetrated" her as she cried. Afterwards, he drove her back to where he picked her up.

¶ 13 A short time later, defendant sent S.C. a text message that she had left her keys in his vehicle. S.C. agreed to meet him at a pharmacy to retrieve her keys and she "needed Plan B, emergency contraceptive" after he "penetrated [her] without any protection." Defendant arrived at the pharmacy and lent her his credit card to make the purchase. After making the purchase and returning defendant's credit card, S.C. walked home.

¶ 14 S.C. called her friend Rachel Roberts, who urged her to go to the hospital. S.C. then went to the hospital where she told hospital staff that she was sexually assaulted and a sexual assault kit was collected. S.C. was 16 years old on the day of the incident and believed defendant was 20 years old. On cross-examination, S.C. denied that she ever wore or possessed a pair of defendant's shorts.

¶ 15 A forensic scientist testified that she examined S.C.'s sexual assault kit. She determined that a swab of S.C.'s right breast tested positive for defendant's DNA, as it was about 1.5 octillion times more likely that the sample came from defendant than an unrelated person.

¶ 16 Palatine police detective Kristy Taylor testified that, while investigating the incident, she interviewed defendant in July 2023 and again in January 2024, after receiving the sexual assault kit test results. Both interviews were recorded, and portions of the videos were published at trial.

¶ 17 This court has viewed the interview videos. In the first interview, defendant acknowledges that S.C. was 16 years old. He denies having or discussing sex with her. Defendant states that S.C.

borrowed his spare underwear when she "leaked," then feared she became pregnant from his ejaculation on the underwear, so he paid for the Plan B. He denies any physical contact with S.C. except for a hug. After the text messages were mentioned, he agrees that he "flirted" with S.C.

¶ 18 In the second interview, defendant states that he did not know how his DNA got on S.C.'s breast, denies they met on the day in question for sex, and reiterates that their only physical contact was a hug. Later, he denies kissing S.C. but admits touching her, claiming that S.C. placed his hand on her breast.

¶ 19 Defendant testified that he never threatened S.C., had no physical contact with her beyond a hug, and paid for the Plan B because S.C. "took my shorts." He explained that he gave S.C. a pair of his shorts, she feared she could become pregnant thinking he ejaculated on the shorts, and he agreed to pay for the contraceptive. Defendant told S.C. about his brother before the party in April 2023, not on the day of the incident. Defendant told the police interviewer that S.C. took his hand and placed it on her breast, because he "felt like they wouldn't let [him] leave until [he] gave them some evidence."

¶ 20 On cross-examination, defendant acknowledged that his text messages prior to the incident "expressed a sexual desire towards S.C.," but he was not seeking a sexual relationship with her. When asked why he had sent S.C. a vulgar proposition of oral sex, he was "not sure" why he had done so. Defendant acknowledged that, in the police interviews, he initially denied all contact with S.C. but, when he was told about the test results, said that S.C. put his hand on her breast. At trial, he denied that contact, maintaining they only touched once in a hug.

¶ 21 Following arguments, the court found defendant guilty of criminal sexual abuse. The court noted that S.C.'s account was corroborated by the Plan B purchase and the DNA evidence, as well as the text messages showing defendant was "pursuing some kind of physical relationship." The

court remarked that, based on witness credibility and "the unlikelihood of the defendant's statements that this did not happen in the manner" S.C. testified, it believed S.C.'s version of events.

¶ 22 Defendant filed a posttrial motion challenging the sufficiency of the evidence, which the court denied.

¶ 23 Following a sentencing hearing, the court sentenced defendant to two years of probation.

¶ 24 On appeal, defendant contends that the trial court erred in admitting into evidence the text messages between himself and S.C. Defendant argues that the messages were irrelevant, improperly created an inference of propensity to commit the charged offense, and were significantly more prejudicial than probative.

¶ 25 Defendant acknowledges that he did not preserve this error for review as it was not raised in his posttrial motion. An error is preserved when a defendant raises it in an objection and again in a posttrial motion but is forfeited when both steps are not followed. *People v. Chambliss*, 2026 IL 130585, ¶ 58. However, defendant requests plain error review and contends alternatively that trial counsel was ineffective for not preserving the error.

¶ 26 Under the plain error doctrine, we may consider an unpreserved error if it is clear and obvious and either (1) the trial evidence was so closely balanced that the error alone threatened to tip the scales of justice against the defendant, or (2) the error was so serious that it affected the fairness of the defendant's trial and challenged the integrity of the judicial process. *Id.* ¶¶ 60-61. The defendant bears the burden of persuasion. *Id.* ¶ 61. Here, defendant requests review under the closely balanced prong. However, the initial step of a plain error analysis is determining whether a clear or obvious error occurred, because absent error, there can be no plain error. *Id.* ¶ 62.

¶ 27 Evidence is relevant if it has "any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Ill. S. Ct. R. 401 (eff. Jan. 1, 2011). Relevant evidence "may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice." Ill. S. Ct. R. 402 (eff. Jan. 1, 2011). Evidence is unfairly prejudicial "when it casts a negative light on a defendant for reasons that have little to do with the case on trial." *People v. Woodson*, 2023 IL App (1st) 191353, ¶ 101.

¶ 28 Generally, "[e]vidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith" but may be "admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident." Ill. S. Ct. R. 404(b) (eff. Jan. 1, 2011). Intent to commit a criminal offense may be inferred from the defendant's conduct and the attending circumstances. *People v. Johnson*, 2026 IL App (1st) 230142, ¶ 33.

¶ 29 The admission of evidence is a matter of the trial court's discretion, reversed only for an abuse of discretion. *Id.* ¶ 45. An abuse of discretion occurs when the trial court's ruling was arbitrary, fanciful, or unreasonable or where no reasonable person could agree with the ruling. *Id.*

¶ 30 Here, the trial court did not abuse its discretion in admitting the text messages. The messages were relevant to establish defendant's intent and state of mind towards S.C. The text messages did not concern defendant's general character or propensity, nor did they concern any "other crimes, wrongs, or acts" by defendant. Ill. S. Ct. R. 404(b) (eff. Jan. 1, 2011). Rather, they were concerned about his particular desire to have sexual contact with S.C., which was relevant to whether he knowingly touched S.C.'s breast as charged.

¶ 31 Because defendant's text messages sent to S.C. concerned his sexual feelings or intentions towards S.C., we cannot find them unduly prejudicial. They may indeed cast defendant in a negative light, but they do not do so "for reasons that have little to do with the case on trial." *Woodson*, 2023 IL App (1st) 191353, ¶ 101. Stated another way, the text messages between defendant and S.C. were part of the attending circumstances from which defendant's intent or state of mind regarding S.C. may be inferred. *Johnson*, 2026 IL App (1st) 230142, ¶ 33. The court therefore did not abuse its discretion in admitting the challenged text messages. Consequently, no clear or obvious error occurred and defendant's challenge to the court's admission of evidence remains forfeited.

¶ 32 Defendant alternatively argues that counsel was ineffective for failing to preserve the error for our review. To succeed on a claim of ineffective assistance of counsel, a defendant must show both that (1) counsel's performance was objectively unreasonable and (2) the defendant was prejudiced. *People v. Carroll*, 2026 IL 131360, ¶ 67. Where an error did not occur, "it necessarily follows" that counsel's "performance cannot be considered deficient" and defendant could not "have suffered any prejudice by counsel's actions." *People v. Redmond*, 2025 IL App (1st) 231795, ¶ 63.

¶ 33 As stated, the trial court did not abuse its discretion in admitting the challenged text messages. Counsel therefore could not have rendered ineffective assistance for failing to preserve a meritless claim of error. *Id.*

¶ 34 For the foregoing reasons, the judgment of the circuit court of Cook County is affirmed.

¶ 35 Affirmed.