No. 127794

IN THE
SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. CAROLINE WOODS, Defendant-Appellant.	)))))))))	Appeal from the Appellate Court of Illinois, First Judicial District, No. 1-19-0493 There on Appeal from the Circuit Court of Cook County, No. 16 CR 16436 The Honorable Timothy J. Joyce, Judge Presiding.

BRIEF OF PLAINTIFF-APPELLEE PEOPLE OF THE STATE OF ILLINOIS

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POINTS AND AUTHORITIES

NATURE OF THE CASE

Defendant was charged with aggravated battery of a child under two theories of liability: as a principal because she personally abused her son, Z.W., and under an accountability theory because her fiancé abused Z.W. Following her conviction, defendant argued that the jury instruction regarding the parental duty portion of the accountability rule (which makes parents liable in some situations for failing to intervene and stop their child from being abused by another person) was incorrect because it stated that a parent has a duty to intervene if the parent knows or "should know" that the child is being abused. The appellate court affirmed her convictions, which she now appeals to this Court. No issue is raised on the pleadings.

ISSUES PRESENTED

1. Whether an incorrect jury instruction regarding the parental duty portion of the accountability rule is harmless where defendant was convicted as a principal for personally abusing her son.

2. In the alternative, if defendant were convicted under an accountability theory, whether an incorrect jury instruction regarding the parental duty rule is harmless where defendant admitted at trial that she knew her son was being abused and had a duty to protect him if possible.

JURISDICTION

Jurisdiction lies under Supreme Court Rules 315(a) and 604(a). This Court allowed defendant's petition for leave to appeal on January 26, 2022.

STATEMENT OF FACTS

A. Defendant's Arrest

Defendant had two children: a seven-year-old son, Z.W. (whom she had with a former boyfriend), and a two-year-old daughter, H.W. (whom she had with her fiancé, Andrew Richardson). R236-37, 253.[1] In October 2016, Z.W. escaped from defendant's apartment — where she had tied him up in a closet — and was discovered by a Good Samaritan, who found the burned and heavily-scarred boy limping along Lake Shore Drive in Chicago. Sup.R412-13. Z.W. told responding police officers that he had been severely abused by defendant and Richardson for years. AR.Sup.R159, 198. Defendant and Richardson were arrested and charged with numerous felonies. C20-48.

B. Defendant's Trial and Conviction

Defendant and Richardson were tried separately but simultaneously, defendant by a jury and Richardson by the trial court. The prosecution proceeded against defendant and Richardson on multiple counts of aggravated battery of a child causing great bodily harm and permanent disfigurement by striking and burning Z.W. C21, 23-25; AR.Supp.R95.

The prosecution told the jury in its opening statement that defendant and Richardson both personally abused Z.W. Sup.R400-05. As the

[1] The common law record, report of proceedings, and People's trial exhibits are cited as "C_," "R_," and "Exh. _." The supplemental report of proceedings and common law record from defendant's appeal are cited as "Supp.R_" and "Supp.C_," and from Richardson's appeal as "AR.Supp.R_." Defendant's opening brief is cited as "Def. Br. _."

prosecution put it, "[t]he defendants acted together, two adults against a small child." Sup.R402. Both defendant and Richardson "brutalized and tortured [Z.W.] behind closed doors" and took steps to ensure their crimes would not be discovered. Sup.R404. For years, the "defendants beat [Z.W.] on his legs and feet with a baseball bat," they kept him locked in a closet, "they struck him about the body repeatedly on multiple occasions with a belt and electrical cords," and "[h]is mother, defendant Woods, struck him with a hose from a vacuum cleaner." Sup.R401-04. By contrast, defendant's theory at trial was that she never personally abused Z.W. and was powerless to stop Richardson from doing so. R375-86.

The State's Witnesses

Marsha Byndom, one of defendant's neighbors, testified that she saw defendant walking outside with her daughter, H.W., "every day or so," but she never saw defendant with any other child. AR.Sup.R123-24.

Ronnie Rush, the chief engineer of the apartment building where defendant lived, testified that he also saw defendant leaving the building with a little girl almost every morning. R35. But one day, Rush had to enter defendant's apartment because it was causing a leak in an adjoining unit. R36-37. When he went inside, he saw Z.W. for the first and only time. R40-41. There were "marks" on Z.W.'s face and neck; his face was "beat up," "marked up," and "scratched up." R42, 55. Rush saw several security cameras in the apartment and a closet that appeared to be used as "sleeping

quarters," with a pillow and a blanket on the floor. R45. Rush was carrying his lunch, and Z.W.'s eyes got "really big," so Rush shared his food with him. R47. Rush did not call the police because Richardson told him that Z.W. was defendant's nephew who had recently begun staying with them because someone had abused him. R68-69.

Mason Arion testified that on October 2, 2016, he was walking his dog on Lake Shore Drive, when he found a child (later identified as Z.W.) "limping" along the road. Sup.R412. Arion saw scars and bruises all over the child's face, arms, and legs. Sup.R413. Police arrived shortly thereafter. Sup.R413-14.

The first responding officer, Sergeant Troy Williams, testified that he immediately saw that seven-year-old Z.W. had facial scars and other injuries, walked with a limp, and was wearing a diaper. AR.Sup.R158. Z.W. told Williams that defendant and Richardson caused his injuries. AR.Sup.R159.

Z.W. led Williams and several other officers to his apartment building, where he was placed in an ambulance. AR.Sup.R163-65. As the officers stood in the lobby, defendant walked in with her daughter and spoke with the officers. AR. Sup. R166. Bodycam footage of defendant's conversation with police was played for the jury. AR.Sup.R399-400. In that footage, defendant told the officers, among other things, that (1) Z.W. was "accident prone, he trips a lot, then blames it on other people"; (2) Z.W.'s scars and injuries were caused by a car accident and a fall down a stairwell; (3) Richardson was not

abusive; and (4) Richardson treated her and Z.W. "very well." Exh. 76 at 3:10-20, 5:00-45, 6:12-6:18; AR.Sup.R405-08. Following those discussions, officers arrested defendant; other officers arrested Richardson in California, where he was traveling at the time. AR.Sup.R167-68, 338.

Meanwhile, Lieutenant Jacob Alderden spoke with Z.W. in the ambulance. Alderden testified that Z.W. had "obvious injuries to his face," AR.Sup.R196, and told Alderden that he was "routinely beaten" by his mother and Richardson with various objects, including a baseball bat, AR.Sup.R198-99, 212. Alderden also learned that defendant had kept Z.W. out of school for the preceding two years. AR.Sup.R216.

Alderden did not have a bodycam but another officer arrived while he was talking with Z.W., and the video recording from her bodycam was played for the jury. AR.Sup.R200-02. In the video, Z.W. said that defendant and Richardson hit him with things such as a baseball bat, belt, a cord, and parts of a vacuum cleaner. Exh. 9 at 2:10-3:23. Z.W. said that his mother had beaten him all over his body, including "my feet, my head, my arms, my tummy, my legs, my back and my neck, and my hands." *Id.* at 8:11-36. Z.W. also said in the video that defendant knew that Richardson burned him on the stove but that, "She didn't care. She never does." *Id.* at 10:00-18.

Detective Brian Boeddeker testified that he was assigned to investigate Z.W.'s case and met with the boy in the emergency room the day that he was found wandering along Lake Shore Drive. AR.Sup.R325-26.

Boeddeker noticed injuries and scarring "head to toe, all over his body." AR.Sup.R331, 360. This included burns on Z.W.'s penis. AR.Sup.R333.

Z.W. told the detective that "both" defendant and Richardson "beat him." AR.Sup.R335. Z.W. said that "his mother and [Richardson] hit him" on the feet with a black baseball bat and "his mother and [Richardson] beat him" on his head and neck with a black belt. AR.Sup.R330. Z.W. also said that they used various other weapons to inflict his injuries, including parts of a vacuum cleaner, electrical cords, and a hair iron. AR.Sup.R336, 341. In addition, Richardson burned him on the stove. AR.Sup.R330.

Z.W. further told Boeddeker that he was kept in a closet "all day every day" and often relieved himself there. AR.Sup.R332-35. Z.W. knew that defendant could watch him in the closet because she installed a security camera there and showed him the video feed on her iPhone. AR.Sup.R337. Z.W. did not know how often he was fed, but when he was given something to eat, it was canned okra, water, or a protein drink. AR.Sup.R334.

Police executed a search warrant at defendant's apartment the day they arrested her. AR.Sup.R203. Alderden testified that he saw a "small" closet with three empty cans of okra, a fork, water bottles, and a strap hanging from a pole; DNA later recovered from the strap later was consistent with Z.W.'s DNA. AR.Sup.R204-05, 277; R139. The closet had a "strong odor of urine." AR.Sup.R210. A security camera in the closet sent a feed to a television in the living room. AR.Sup.R235-36, 238-40. Police also recovered

various items that Z.W. had said were used to beat him, including a black baseball bat, a black belt, and a hair iron that were kept near each other in the living room. AR.Sup.R236-37.

Officer Mandy Tucker testified that she spent "significant time" with defendant around the time of her arrest. AR.Sup.R407. Tucker and another officer confirmed that defendant had no black eyes, bruises, or any other indications suggesting that she had been abused. AR.Sup.R215, 407-08.

Gabrielle Aranda, a pediatric social worker, testified that she met Z.W. when police brought him to the emergency room. R98-99. He was wearing a diaper that was "soiled" both "inside and outside" and held together with duct tape. R99, 103. Z.W. had numerous abrasions all over his face and an open lesion on his back. R99. He also had burn marks on his penis and inner thighs. R116. Aranda testified that Z.W. had "tons" of old scars "throughout his entire body"; there were "way too many" scars for her to ask him about each one. R99, 117.

Z.W. told Aranda that defendant "beat him with a pole," which caused some of the scars on his body. R102, 105-06. Z.W. also told Aranda that defendant and Richardson had threatened to throw him out the window and told him on numerous occasions that they wanted him dead. R107. Z.W. said he slept in a closet and was not always allowed to use the bathroom, which is why he wore a diaper. R102.

Alison Alstott, a forensic interviewer for the Chicago Children's Advocacy Center, testified that she interviewed Z.W. at the hospital the day after defendant's arrest. AR.Sup.R414. The interview was recorded and played for the jury. Peo. Exh. 77; AR.Sup.R420. In the video recording, Z.W.'s account of his injuries was similar to the account he had provided in his prior interviews with police and Aranda, including that his injuries were caused by both defendant and Richardson. Peo. Exh. 77. Among other things, Z.W. said that defendant hit him with a pole from the vacuum cleaner, a bat, a belt, and a cord. AR.Sup.R435.

Dr. Veena Ramaiah, a pediatric emergency room physician and child abuse pediatrician, testified that she examined Z.W. the day after he was found. R159-60, 168. Z.W. had numerous injuries — both scars and fresh wounds — including to his penis, face, neck, collarbone, shoulder, chest, abdomen, back, arms, legs, and inner thighs. R173-97. Z.W. had "too many" injuries and scars to count, and he would have some of them for life. R210, 226.

According to Dr. Ramaiah, some of Z.W.'s injuries and scars were consistent with Z.W.'s reports that defendant beat him with a pole. R219-20. In addition, X-rays showed that (1) some of Z.W.'s toes had been broken weeks or months earlier, and (2) his left femur (thigh bone) had been fractured weeks earlier, which caused his limp. R200-04. Blood tests

suggested that Z.W. also had an old injury to his liver that was consistent with blunt force trauma to his abdomen. R209-10.

Dr. Ramaiah further testified that there was a "deep" burn on Z.W.'s back that penetrated multiple layers of skin and was consistent with Z.W. being burned on a stove. R187-88, 208. Other injuries to his penis and inner thighs were also consistent with being burned and "very highly" suggestive of abuse. R193, 195. And scars on his back and legs were consistent with being whipped by a rope or cord. R186, 197. Dr. Ramaiah's medical diagnosis of Z.W. was "physical abuse" and "a victim of torture," the first time she had diagnosed "torture" in the hundreds or thousands of children she had evaluated in her career as a child abuse specialist. R210-11.

Z.W. also testified at trial. At that time, two years after defendant's arrest, Z.W. still walked with a limp. R364, 372.

Z.W. testified that his mother "burned" his "privates with the hair iron." Sup.R440. She also hit his feet with a baseball bat. Sup.R441. And she hit him on the head, causing a scar above his eye. Sup.R444, 449-50. Z.W. testified that Richardson also hit him with a baseball bat, belt, and wires. Sup.R428-29. Sometimes Richardson forced Z.W.'s head into the toilet or a tub full of water. Sup.R434. Richardson also burned Z.W. by putting him on the stove. Sup.R435-36, 443.

Z.W. further testified that defendant and Richardson locked him inside the closet with his hands tied together and attached to a strap that was

hanging from a metal pole. Sup.R430-31. That happened "a lot." Sup.R431. Defendant and Richardson put cameras in the closet to watch him and made him wear diapers every day. Sup.R432, 457-58. At the time of defendant's arrest, Z.W. had not been to school or a doctor in years. Sup.R449.

Z.W. testified that Richardson never hit defendant. Sup.R466, 473. And he testified that defendant was at home at times when Richardson abused him but did nothing to stop the abuse. Sup.R450. The day Z.W. escaped, Richardson was in California, where he went "a lot." Sup.R445. Earlier that day, defendant had tied Z.W. up in the closet. Sup.R444. He was wearing only a diaper. Sup. R446-47. Defendant left to go to the store, and Z.W. was able to untie the rope and escape the apartment. Sup.R445-46.

Defendant's Case

Defendant testified that she began dating Richardson in 2012, when Z.W. was four years old. R242. A few months later, they became engaged and moved in together. R244-45. Defendant and Richardson had a daughter, H.W., in 2014. R253.

Defendant admitted that on multiple occasions she "hit [Z.W.] with a belt" and that she also "hit [him] with a piece from the vacuum cleaner" that looked like a "pole." R273, 303. She used the pole if she "couldn't find the belt." R273. She testified that she knew it was wrong to do so: "I know I shouldn't have hit him with it." *Id.* Sometimes she "hit" Z.W. on "the back of the head" with her hand. R257. Defendant admitted that she burned Z.W.

with a hair iron, but she claimed that she burned him accidentally when he fell out of the shower. R322. Defendant also admitted that she made Z.W. sleep and eat in the closet and wear diapers. R308, 334-35. She stopped taking Z.W. to school more than two years before her arrest, but claimed that she was home-schooling him. R266.

Defendant knew that Z.W. was "terrified" of Richardson. R275. Richardson started hitting Z.W. when her son was four years old, and did so with greater frequency as time went on. R255-56, 268-69, 281. When Richardson hit Z.W., her son would "cry" and "bleed." R283. Defendant admitted that she knew Z.W. had a scar on his penis (although she "didn't think nothing of it") and that he had scars on his stomach. R321. However, she denied knowing that her son had broken his femur a few weeks or months before her arrest, claiming that he had always "walked funny" because he was "pigeon-toed." R328. Although there were times defendant thought Z.W. needed to go to the hospital due to his injuries, she never took him. R275, 301, 327. She admitted that she lied to police about Z.W.'s injuries, claiming they were the result of a car accident and falling down a stairwell. R280-81. She and Richardson had agreed to use those lies if police ever questioned them. *Id.*

Contrary to Z.W.'s testimony, defendant claimed that she confronted Richardson about Z.W.'s injuries, but that when she said that Z.W. needed to go to the hospital, Richardson hit her. R256, 275, 279. She claimed this

happened five to ten times. R275. Contrary to the police officers' testimony about her appearance, defendant claimed she had "poofy eyes" at the time of her arrest because Richardson had recently hit her. R336. However, defendant admitted that she told police that Richardson treated her "quite well." R337.

Defendant testified that Richardson went out of town for "a few days" on multiple occasions, including on trips to California, but that she never took those opportunities to contact police, take Z.W. to a doctor, or ask anyone for help. R295, 301, 305-06. Defendant further admitted that, the day her son escaped (and Richardson was in California), she knew of the numerous wounds on his face and back, but did not take him to get treatment or bandage them herself. R315-20.

Closing Arguments

The prosecution argued in closing that defendant personally "abuse[d]," "battere[d]," and "torture[d]" her son. R361. Defendant "kept him in that closet, strapped to that rod like an animal," R362, and "inflicted" her own "cruelty" on her son, R368. The prosecution argued that defendant (1) "inflicted harm — great bodily harm — to [Z.W.] herself"; (2) "facilitated" Richardson's abuse of Z.W. as his "partner in crime" by means such as keeping Z.W. locked up so no one would discover his injuries; and (3) violated her duty to help her son because she knew of the abuse but did not help him.

R366-68. As the prosecutors put it, defendant "knew it was being done to her child, and she did nothing except cause her own injuries on [Z.W.]." R368.

The defense argued that when defendant hit Z.W., they were merely "spankings." R377. Counsel admitted that defendant knew Richardson abused Z.W., and conceded that she had a duty to protect her son, but argued that it was impossible for her to help him:

> [Defendant] told you that when she tried to get in-between [Richardson] and [Z.W.] when she did see it, he turned it on her. He beat her. She said she was scared of him, that he was strong, he's a personal trainer. She was not physically able to protect herself or her children.
>
> That's important to notice because that's part of the law too. We all have a duty as parents to protect our children. We have to be able to physically do that. She couldn't. When she tried and she told you she tried, she got beat. And did you notice how — I told you this. All these awful things were happening when [defendant] was out, [defendant] was in the bedroom. Because he didn't do it in front of her because he was trying to hide it. Once it came out, he couldn't. And what would happen if she went to the police? What would happen to her? He got so controlling to the fact that he said, here's the story. Here's the story you need to tell in case the police come. I want you to have a secret. . . .
>
> Her life was living in fear as well. [Z.W. is] the true victim, but she is a victim as well. . . .
>
> She cannot control [Richardson]. When she tried to jump in, when she tried to stop it, she got it. She got it too. . . .
>
> She did the best she could to protect her family[.]

R381-83, 386.

In rebuttal, the prosecution noted that (1) the evidence proved that defendant personally abused Z.W.; (2) defendant told police that Richardson

treated her well and there was no evidence he abused her; and (3) Richardson traveled often, yet defendant never took those opportunities to contact police or take Z.W. to a hospital, despite having the means to do so. R387-96.

Jury Instructions

The judge instructed the jury on the elements of aggravated battery of a child because the prosecution had pursued the charge on the theory that defendant was guilty as a principal for personally abusing her son. R403-05.

The judge also instructed the jury on accountability:

> A person is legally responsible for the conduct of another person when, either before or during the commission of an offense, and with the intent to promote or facilitate the commission of an offense, he knowingly solicits, aids, abets, agrees to aid or attempts to aid the other person in the planning or commission of an offense. The word, conduct, includes any criminal act done in furtherance of the plan and intended act.

R402. In conjunction with the accountability instruction, the trial court also gave the following instruction on parental duty, quoting the Committee Notes to Illinois Pattern Jury Instruction (I.P.I.) 5.03:

> A parent has a legal duty to aid a small child if the parent knows or should know about a danger to the child, and the parent has the physical ability to protect the child. Criminal conduct may arise by overt acts or by an omission to act where there is a legal duty to do so.

Id.; *see also* I.P.I. Crim. No. 5.03 Comm. Note 1 (approved 2016). The trial court overruled defense counsel's objection to the portion of the parental duty instruction providing that a parent has a legal duty to aid her child if she "should know" about a danger to the child. R353-55.

Guilty Verdict, Post-Trial Motions, and Sentence

The jury found defendant guilty of four counts of aggravated battery of a child, and further found that her behavior was brutal and heinous, indicating wanton cruelty. R413-14. Based on the description of the offenses in the indictment, the trial court merged those four counts into two convictions of aggravated battery of a child: one for striking Z.W. and one for burning him. Sup.R581-82. The trial court likewise found Richardson guilty of aggravated battery of a child, with brutal and heinous behavior indicative of wanton cruelty. AR.Supp.R728. Defendant moved for a new trial, arguing that the parental duty instruction misstated the law. C200. The court denied the motion. Sup.R541-42.

At sentencing, the trial court stated that defendant's and Richardson's actions were "incomprehensible," and that the evidence clearly showed "that both defendants were active participants in the torture of this child." Sup.R588, 591. The court observed that, in some cases, a mother's liability "is premised on the fact that she did nothing to protect her child," but the court emphasized, "I want to make it very clear that this is not that case. Both these defendants were active participants in the brutalization of [Z.W.]" Sup.R589. The court explained that Z.W. "testified in no uncertain terms that [defendant] would strike him, [defendant] would strike him with a bat in the feet, perhaps how his bones were broken in that part of his body. She would hang him up with the strap." *Id.* Further, the court noted that

"[defendant] is the one who restrained [Z.W.] and brutalized him on the day that he was able to escape and get outside. This is not an instance where her criminal liability is premised on some passive presence at the time all this took place." Sup.R589-90. Accordingly, the court sentenced defendant to a total of 50 years in prison. Sup.R595-96.

C. Defendant's Appeal

On appeal, defendant argued that the parental duty instruction misstated the law because it stated that defendant had a duty to help her son if she should have known that Richardson was abusing him. *People v. Woods*, 2021 IL App (1st) 190493, ¶¶ 2, 55. The appellate court held that any error was harmless and affirmed defendant's convictions. *Id.* ¶¶ 62-78.

STANDARD OF REVIEW

An error in a jury instruction is harmless "if it is demonstrated that the result of the trial would not have been different had the jury been properly instructed." *E.g., People v. Mohr*, 228 Ill. 2d 53, 69 (2008).

ARGUMENT

When instructing the jury on accountability, the trial court gave the parental duty instruction provided by the Committee Notes to the Illinois Pattern Jury Instructions: a parent has a legal duty to aid a child if the parent "knows or should know" about a danger to the child and the parent has the physical ability to protect the child. R402; *see also* I.P.I Crim. No. 5.03 Comm. Note 1 (approved 2016). Although the trial court faithfully

followed the Committee Note, the People acknowledge that this Court has held that it is error to instruct a jury that a parent's duty to act is triggered if the parent "should know" a child is being abused because actual knowledge is required. *People v. Pollock*, 202 Ill. 2d 189, 215 (2002).[2]

Notwithstanding the erroneous instruction that a parent is accountable for harm visited upon her child if she should have been aware of the danger, this Court should affirm defendant's convictions for two independent reasons. First, any error in the parental duty portion of the accountability instruction was harmless because the evidence showed beyond a reasonable doubt that defendant was guilty as a principal for personally abusing Z.W. Second, even if defendant were convicted under an accountability theory, any error in the parental duty portion of that instruction was harmless because the defense admitted at trial that defendant knew Richardson was abusing Z.W., and had a duty to protect her son from that abuse, but argued that it was impossible for her to do so.

I. Error in the Parental Duty Portion of the Accountability Instruction Was Harmless Because Defendant Was Guilty as a Principal.

A. The Evidence Proves That Defendant Personally Abused Z.W.

The error in the parental duty portion of the accountability instruction was harmless because the evidence proves that defendant was guilty as a

[2] The People respectfully suggest that the Court direct the Committee to amend the Note accordingly.

principal. It is settled that where a jury "is instructed on multiple theories of guilt, one of which is improper, a harmless-error analysis is applicable." *People v. Davis*, 233 Ill. 2d 244, 270-71 (2009) (citing *Hedgpeth v. Pulido*, 555 U.S. 57, 60-61 (2008)). Accordingly, courts have consistently held that incorrectly instructing the jury on accountability is harmless if the evidence shows that the defendant was guilty as a principal. *See*, *e.g.*, *People v. Williams*, 161 Ill. 2d 1, 51-52 (1994) (error in giving accountability instruction was harmless where evidence showed that defendant was guilty as the principal); *People v. Le Mirage, Inc.*, 2013 IL App (1st) 093547, ¶¶ 81-85 (alleged errors in accountability instruction were harmless where the evidence was sufficient to show that defendants were guilty as principals); *People v. Pena*, 317 Ill. App. 3d 312, 319 (2d Dist. 2000) ("A jury instruction that was defective with respect to accountability does not constitute reversible error where sufficient evidence was adduced from which the jury could find a defendant guilty as a principal."); *cf. Davis*, 233 Ill. 2d at 267, 273-75 (error in felony murder instruction was harmless where evidence showed that defendant was guilty of intentional murder under accountability theory). Such an error is harmless because where the prosecution argues that the defendant was guilty as a principal, and proves that fact beyond a reasonable doubt, the jury's verdict is sound even if an instruction on a separate theory of liability (*e.g.*, accountability) was incorrect.

Following that logic here, the error in the parental duty portion of the accountability instruction was harmless because the People emphasized that defendant was a principal and the evidence proved beyond a reasonable doubt that she abused her son. The People's opening statement did not mention accountability — instead, the prosecution said that defendant was guilty as a principal for personally abusing Z.W. alongside Richardson. Sup.R400-05. The prosecution told the jury, "[t]he defendants acted together, two adults against a small child." Sup. R402. As the prosecution said, defendant and Richardson both "brutalized and tortured [Z.W.] behind closed doors," "beat [him] on his legs and feet with a baseball bat," kept him locked in a closet, and "struck him about the body repeatedly on multiple occasions with a belt and electrical cords," and "his mother, defendant Woods, struck him with a hose from a vacuum cleaner." Sup.R401-04.

The evidence then overwhelmingly supported the People's theory that defendant abused her son as a principal. Z.W. testified, among other things, that his mother beat him with things such as a baseball bat and burned him with a hair iron. Sup.R440-41, 444, 449-50. Z.W. further testified that defendant frequently locked him inside a closet with his hands bound to a strap that hung from a metal pole. Sup.R430-31.

Z.W.'s testimony that his mother personally abused him was corroborated by his prior statements to police and outcry witnesses. Z.W. told the first responding officer, Sergeant Williams, that his mother abused him.

AR.Sup.R159. Z.W. likewise told the second responding officer, Alderden, that he was "routinely beaten" by his mother with various things, including a baseball bat. AR.Sup.R198-99, 212. After he was taken to the hospital, Z.W. told the lead investigator, Detective Boeddeker, that "both" defendant and Richardson "beat him" with weapons such a baseball bat, belt, cords, and parts from a vacuum cleaner. AR.Sup.R330, 335-36, 341. Z.W. then consistently repeated this account of abuse at defendant's hands in separate interviews with a social worker and a forensic interviewer. *Supra* pp. 7-8.

Z.W.'s account of defendant's abuse was also corroborated by the evidence recovered from the search of her apartment. There, police recovered the various items that Z.W. said were used to torture him, including a black baseball bat, a black belt, and a hair iron, all of which were kept near each other in the living room. AR.Sup.R234-37, 249. Z.W.'s statement that defendant confined him to a closet where he was denied access to a bathroom, fed canned okra and water, and tied to a hanging strap was corroborated by the discovery of a small closet that smelled strongly of urine and contained a couple empty cans of okra and a hanging cord from which DNA consistent with Z.W.'s was recovered. AR.Sup.R204-05, 210; R139-40.

Medical evidence further corroborated Z.W.'s testimony that defendant abused him. His body was covered in injuries far too numerous to catalog, but it suffices to note a few. Z.W. said that his mother hit him with a pole and other things on his midsection and the rest of his body, and evidence

showed that he had scars on his stomach that were consistent with being hit with a pole and old liver injuries consistent with blunt force trauma. R102, 105-06, 209-10, 219-20. Z.W. also said his mother beat him on the legs and feet with a bat and cords, and the medical evidence showed that he had broken toes, a broken femur, and scars on his legs. R186, 197, 200-04. And Z.W. said that his mother burned his "privates" with a hair iron, and the evidence showed he had burn marks on his penis and inner thighs, as well as all over the rest of his body. *E.g.*, R187-88, 192-95, 208.

In addition, defendant's own testimony implicated herself as a principal abuser. Defendant testified that on multiple occasions she "hit [Z.W.] with a belt" and "hit [Z.W.] with a piece from the vacuum cleaner" that looked like a "pole," which she "kn[e]w [she] shouldn't have." R273, 303. She also admitted she "hit" Z.W. on his head with her hand, forced him to sleep and eat in the closet, and forced him to wear diapers. R257, 308, 334-35.

The clarity of the overwhelming case for defendant's guilt as a principal is evidenced from the trial judge's statements at sentencing. Indeed, the trial judge — who had an opportunity to observe each witness — went out of his way to emphasize at sentencing that defendant was guilty as a principal who personally abused Z.W. As the judge said, the record was "replete" with evidence "that both defendants were active participants in the torture of this child." Sup.R591. The trial judge recognized that sometimes a mother's liability "is premised on the fact that she did nothing to protect her

child," but he emphasized: "I want to make it very clear that this is not that case. Both these defendants were active participants in the brutalization of [Z.W.] . . . This is not an instance where her criminal liability is premised on some passive presence at the time all this took place." Sup. R589-90. And the appellate court agreed, noting that the prosecution "pursued and overwhelmingly established that defendant was a principal" who personally abused Z.W. *Woods*, 2021 IL App (1st) 190493, ¶ 68. Accordingly, given the overwhelming evidence that defendant was guilty as a principal, any error in instructing the jury on the People's alternative allegation that defendant was guilty under an accountability theory for breaching her parental duty to protect Z.W. from Richardson was harmless.

B. Defendant's Counterarguments Are Meritless.

Defendant argues that the overwhelming evidence of her guilt as a principal did not render the error in the parental duty portion of accountability instruction harmless, but that assertion is meritless. To begin, defendant's reliance on *Pollock,* 202 Ill. 2d 189, for her contention that a defective accountability instruction is never harmless, even if the evidence shows that that defendant was guilty as a principal, rests on a misapprehension of that case's holding. *See* Def. Br. 30-32. Although the defendant in *Pollock* was charged both as a principal and under accountability theory, the evidence at trial showed that she was not guilty as

a principal because her boyfriend admitted that he fatally struck the child without the defendant's involvement. 202 Ill. 2d at 201-03.

Indeed, the *Pollock* Court noted that it was "undisputed" that the defendant was convicted "based on an accountability theory" only. *Id.* at 210. Accordingly, the Court held, "[*b*]*ecause defendant's conviction was premised upon the State's theory that defendant was accountable* for the actions of [her boyfriend], accountability was a fundamental element of the offense charged and the error in instruction cannot be deemed harmless." *Id.* at 216 (emphasis added). Therefore, *Pollock's* holding that the erroneous accountability instruction was not harmless depended on the fact that the defendant was convicted under an accountability theory, *not* as a principal.

Defendant points to nothing in *Pollock* suggesting that the Court intended to overturn the rule that erroneous instructions on only one of multiple theories of guilt are subject to harmless-error analysis. Nor can she. *Pollock* is based on the straightforward logic that when a conviction is obtained solely under an accountability theory, and the accountability instruction given to the jury was internally contradictory regarding mens rea, then usually there can be no confidence in the soundness of the jury's verdict. But where, as here, prosecutors emphasize that the defendant was guilty as a principal, and the evidence proves her guilt as a principal beyond a reasonable doubt, then the jury's verdict may be trusted even though the jury

was incorrectly instructed on another theory (here, accountability). Thus, defendant's reliance on *Pollock* is misplaced.

Similarly misplaced is defendant's reliance on the various cases that she cites in support of her argument that internally contradictory jury instructions are never harmless. Def. Br. 16, 19-20. Setting aside the fact that some of those cases are more than one hundred years old and two are civil cases, all of those cases are inapposite for the same reason as *Pollock*: they do not address the circumstance where the jury was given an allegedly improper accountability instruction but the People proved that the defendant was guilty as a principal. Rather, as defendant's descriptions of the cases make clear, they address materially distinguishable scenarios, such as the effect of contradictory self-defense instructions given in a murder case. *Id.* (describing cases). And *People v. Hartfield*, 2022 IL 126729, ¶¶ 53-61, which defendant provided to this Court as supplemental authority, is similarly inapposite because it does not involve erroneous accountability instructions in a case involving multiple theories of liability but instead merely addresses an incorrect instruction regarding the elements of aggravated discharge of a firearm.

Defendant appears to suggest that the cases she cites hold that contradictory instructions can never be harmless under any possible circumstances. Def. Br. 15-18. But a careful reading shows they stand for the more limited proposition that an internally contradictory instruction that

contains both correct and incorrect statements of the law is not harmless simply because one of its two conflicting statements of the law is correct. For example, *Enright v. People*, one of the cases upon which defendant relies most heavily, states:

> When the language of an instruction is inaccurate, and, standing alone, might have misled the jury, others in the series may explain it, remove the error or render it harmless. But that can never be so when two instructions are in direct conflict with each other, one stating the law correctly and the other incorrectly.

155 Ill. 32, 36 (1895) (cited in Def. Br. 16-17, 19, 29). Thus, *Enright* held that a self-defense instruction that incorrectly required proof that it was "absolutely necessary" to kill the victim was not rendered harmless by a directly contradictory instruction that correctly provided the elements of self-defense. *Id.* Defendants' other cases are similarly limited. *See, e.g., People v. Miller*, 403 Ill. 561, 564-65, 567 (1949) (citing *Enright* for proposition that contradictory instructions are not harmless merely because one of the two contradictory propositions is correct); *People v. Jenkins*, 69 Ill. 2d 61, 66 (1977) (citing *Miller* for same proposition); Def. Br. 15-18 (collecting similar cases). Indeed, as shown below, this Court has held that contradictory instructions can sometimes be harmless. *Infra* pp. 31-32.

Defendant also argues that the erroneous parental duty instruction could not have been harmless because the evidence did not prove that she personally caused great bodily harm to Z.W., and so the jury must have convicted her under an accountability theory. Def. Br. 31. But defendant's

contention that the evidence showed that Richardson was the only principal — that is, as the only person who abused Z.W. — is flatly rebutted by the record. *Id.* As discussed, (1) Z.W. testified that his mother abused him in many horrific ways; (2) police officers and outcry witnesses testified that Z.W. told them that defendant personally abused him; (3) Z.W.'s account was corroborated by medical evidence of his injuries and physical evidence recovered from defendant's apartment; and (4) defendant admitted at trial that she struck Z.W. on multiple occasions with a belt, parts of a vacuum cleaner, and her hand, and she admitted that doing so was wrong. *Supra* pp. 4-12. And again, the trial judge, who was in the best position to judge the witnesses' credibility, strongly emphasized that there was no doubt that defendant was guilty as a principal for personally abusing her son for years. Sup.R589-91.

Defendant is also incorrect that the evidence did not prove she inflicted great bodily harm on Z.W. because the prosecution's theory that Z.W. suffered great bodily harm rested "only" on his broken feet, broken femur, burns, and one particular gash to his face, which defendant contends were all caused by Richardson alone. Def. Br. 31 (citing R369-70). But in the pages of the transcript that defendant cites, the prosecution stated that defendant caused great bodily harm "all over" Z.W.'s body, and did not limit that harm to any particular injuries as defendant asserts. R369-70. Nor was there any reason for the prosecution to so limit its arguments about the great bodily

harm defendant inflicted on Z.W.; as noted, the prosecution presented strong evidence that defendant inflicted a wide array of serious injuries on Z.W., not only by burning him and breaking the bones in his legs and feet, but by beating him so hard and so often that she left numerous scars and injuries. *Supra* pp. 4-12.

Although defendant argues that the People failed to prove that she caused four of Z.W.'s many injuries — his broken toes, burns on his body, a gash on his head, and his broken femur, Def. Br. 31 — she does not argue that the People failed to prove that she caused a number of other injuries supporting her convictions, such as the scars on his legs, midsection, and the rest of his body by abusing him with various weapons. *See id.*

Moreover, even if the great bodily harm inflicted on Z.W. were limited to the broken bones in his legs and feet, his burns, and the gash on his forehead, the evidence still overwhelmingly proved that defendant personally inflicted great bodily harm on Z.W. Defendant argues that the evidence failed to prove that she broke her son's toes, but Z.W. testified (and told outcry witnesses) that his mother hit him on the feet with a baseball bat, X-rays confirmed that his toes were broken, and police discovered a bat in defendant's apartment near other weapons used to torture Z.W. R200-03; AR.Supp.R236-37, 330; Sup.R441; Exh. 9 at 8:11-36.

As to the burns, Z.W. testified clearly and consistently at trial that his mother "burned" him with a "hair iron," Sup.R435-36, 440, and he did not

waver on that point even when pressed repeatedly in cross-examination, Sup.R477-78. His testimony that defendant burned him with a hair iron was corroborated by the recovery of a hair iron from defendant's living room, near the other objects used in Z.W.'s torture, such as the baseball bat defendant used to break his toes and the belt that she used to whip him. AR.Sup.R234, 236-37, 249. Further evidencing that defendant burned Z.W. was her absurd claim to police that she accidentally burned Z.W. when he "fell out of the shower," which shows consciousness of guilt. R322-23; *see, e.g., People v. Drake*, 2019 IL 123734, ¶ 26 (false exculpatory statements show consciousness of guilt). Similarly supporting the conclusion that she burned Z.W.'s penis was her incredible claim that she thought nothing of the burn scar on her seven-year-old son's penis because she did not know that such scars are unusual. R321. Defendant's observation that the outcry witnesses did not recall Z.W. saying that defendant burned him with the hair iron does not negate the foregoing evidence, especially considering that (1) the outcry witnesses testified that they did not ask Z.W. about all of his injuries because there were far too many to do so, and (2) given that Z.W. suffered all kinds of abuse over multiple years, he was only seven years old when he spoke to the outcry witnesses (all of whom were strangers), the subject matter is understandably uncomfortable for a little boy, and the interviews were short, any omissions or differences in his account of his injuries are unsurprising.

The evidence also showed that defendant caused the gash on Z.W.'s head. It is undisputed that there was a gash on Z.W.'s head, Z.W. testified that defendant caused the gash, and any inconsistency between his testimony and his statements to the outcry witness has little impeachment value, given the circumstances under which he was interviewed. *Supra* pp. 9, 28. In any event, even if defendant were correct that the People did not prove beyond a reasonable doubt that she caused that particular gash, the evidence still proved that she inflicted other injuries constituting great bodily harm on him as discussed above.

Defendant also speculates that Richardson is the person who broke Z.W.'s femur. Def. Br. 31. As noted, that argument is irrelevant because even if Richardson broke Z.W.'s femur there is still overwhelming evidence that defendant inflicted great bodily harm on her son in other ways. Moreover, defendant's speculation is not well-supported. She claims that Richardson likely caused the injury because "he was the one who was a personal trainer." *Id.* But defendant fails to acknowledge that she was bigger than Richardson: at the time of their arrests, both Richardson and defendant weighed 130 pounds, but defendant was four inches taller, standing 5'7" to Richardson's 5'3". C17; SupC.4. And defendant showed consciousness of guilt at trial, when she incredibly claimed that she did not know Z.W.'s leg was broken because he was "walked funny to begin with" —

i.e., she claimed that she could not tell the difference between a severe limp caused by an untreated broken femur and being "pigeon-toed." R328.

In sum, the appellate court correctly concluded that any error in the parental duty portion of the accountability instruction was harmless because the prosecution argued, and the evidence overwhelmingly proved, that defendant was guilty as a principal for personally abusing her son.

II. Even If Defendant Were Convicted Under an Accountability Theory, the Parental Duty Instruction Was Harmless.

A. The Error Was Harmless Because the Defense Conceded that Defendant Had a Duty to Help Her Son.

Even if defendant were convicted under an accountability theory, error in the jury instruction on the parental duty portion of accountability was harmless because the defense expressly agreed that defendant knew her son was being abused and that she had a duty to help him if possible.

It is settled that a jury instruction that omits a material element of an offense is harmless if the evidence proving that element was uncontested at trial. *E.g., People v. Thurow*, 203 Ill. 2d 352, 368-69 (2003) (failure to instruct the jury that prosecutors had to prove the victim and defendant were members of the same household was harmless where it was undisputed that they lived together) (citing *Neder v. United States*, 527 U.S. 1, 15 (1999)); *People v. Rexroad*, 2013 IL App (4th) 110981, ¶¶ 20-25 (where evidence of mental state was uncontested at trial, reversal was not required though jury instructions incorrectly omitted mens rea element); *People v. Carter*, 405 Ill. App. 3d 246, 254 (1st Dist. 2010) (same). The logic underlying this rule is

plain: by conceding a particular fact (such as that the defendant had the necessary mental state), the defense removes the existence of that fact from the contested issues the jury must resolve, and there is no danger that the failure to instruct the jury correctly on that element resulted in the conviction of an innocent person.

This Court has applied similar logic where, as here, the defendant alleged that the jury was given contradictory instructions that diluted the mens rea requirement. *People v. Jones*, 81 Ill. 2d 1, 10 (1979). Jones was charged with attempted murder of a victim who was abducted, robbed, and shot four times. *Id.* at 4-5. The jury was given contradictory instructions that correctly stated that Jones was guilty of attempted murder if he had the specific intent to kill the victim but also incorrectly stated that he was guilty of attempted murder if he intended merely to cause great bodily harm. *People v. Jones*, 68 Ill. App. 3d 44, 47-49 (3d Dist. 1979). Relying on precedent that "'contradictory instructions'" require a new trial, the appellate court reversed Jones's conviction and remanded for a new trial. *Id.* at 48-49 (quoting *Jenkins*, 69 Ill. 2d at 66).

This Court reversed the appellate court's judgment and affirmed the defendant's conviction. *Jones*, 81 Ill. 2d at 10. This Court's analysis turned on the fact that the evidence that the shooter had the intent to kill was overwhelming and undisputed. *Id.* Specifically, defense counsel "admitted" at trial that whoever shot the victim intended to kill the victim but argued

that defendant was not the shooter. *Id.* Thus, because it was undisputed that the shooter (whoever he was) had the requisite intent, the contradictory instruction regarding mens rea was harmless — the only contested issue for the jury to decide was whether the defendant was the shooter, not whether the shooter had the necessary intent. *Id.*; *see also People v. Hopp*, 209 Ill. 2d 1, 10-11 (2004) (citing *Jones* with approval); *People v. Leger*, 149 Ill. 2d 355, 404 (1992) (following *Jones* and holding that contradictory instructions were harmless).

The logic of *Jones* is sound. In the ordinary case where a trial court gives contradictory instructions regarding a particular element (such as knowledge or intent), there is a concern that the jury might have followed the incorrect instruction, found the incorrect element, and therefore incorrectly found an innocent person guilty. But that concern vanishes — and, with it, any need for a new trial — when the evidence overwhelmingly proved the correct element, such as when the defendant conceded the element at trial.

Applying that same logic here establishes that the error in the parental duty instruction was harmless. According to defendant, the parental duty instruction caused the "dilution of the mens rea requirement" by incorrectly stating that a parent has a duty to help her child if she knows or "should know" that the child is being abused. Def. Br. 24. But at trial the defense did not dispute that defendant knew Z.W. was being abused and that she therefore had a duty to help him if possible. Rather, the defense

expressly told the jury in closing that defendant *knew* that Richardson was abusing Z.W. and therefore had a duty to help her son, but claimed that she could not be liable for breaching that duty because her fear of Richardson made it impossible for her to protect Z.W. *See* R381-83, 386.

This was a sensible concession, for the evidence that defendant knew Richardson was abusing Z.W. was overwhelming. Defendant herself testified that she knew that Richardson was abusing Z.W. and that the abuse was causing serious injuries. R255-56, 268-69, 273, 281, 301. Defendant admitted that she saw Richardson "getting more violent towards [Z.W.]," "hitting him more often," and causing Z.W. to "cry" and "bleed." R281, 283. Indeed, defendant testified that she had conversations with Richardson in which he admitted that he caused Z.W.'s injuries and they discussed the false stories they would tell to conceal the abuse if questioned by police. R278-83. Defendant also testified that she knew some of the injuries were so severe that Z.W. needed to go to the hospital (although she did not take him). R256, 275, 279. According to defendant, she would confront Richardson about Z.W.'s injuries, tell him that Z.W. needed to go to the hospital, and Richardson would respond by beating her. R275, 279. Defendant testified that this happened "five to ten times." R275.

Therefore, as noted, it was the defense theory that defendant knew of the abuse that Richardson inflicted on her son, and she admittedly had a

duty to protect Z.W., but that was impossible for her to do so because she was afraid of Richardson. As defense counsel said in closing argument,

> [Defendant] told you that when she tried to get in-between [Richardson] and [Z.W.] when she did see it, he turned it on her. He beat her. She said she was scared of him, that he was strong, he's a personal trainer. She was not physically able to protect herself or her children.
>
> That's important to notice because that's part of the law too. We all have a duty as parents to protect our children. We have to be able to physically do that. She couldn't. When she tried and she told you she tried, she got beat. . . .
>
> Her life was living in fear as well. [Z.W. is] the true victim, but she is a victim as well. . . .
>
> She cannot control [Richardson]. When she tried to jump in, when she tried to stop it, she got it. She got it too. . . .
>
> She did the best she could to protect her family[.]

R381-83, 386.

Consequently, the erroneous instruction that a parent has a duty to help her child if she either knew or "should know" of the abuse was harmless because it could have had no effect on the outcome of trial. Simply put, the jury never had to decide whether defendant should have known about the abuse, because defendant admitted at trial and defense counsel admitted in closing that she *actually* knew about the abuse and *she did have a duty* to help Z.W. Thus, even if defendant were convicted under an accountability theory, the error in the parental duty instruction was harmless.

B. Defendant's Arguments Are Meritless.

Defendant does not dispute that the defense admitted at trial that she knew Richardson was abusing Z.W. and she therefore had a duty to help her son. Instead, defendant argues that the erroneous instruction about a parent also having a duty if she "should know" that her child is being abused was not harmless because the prosecution said in closing argument that the most important instruction regarding accountability was the parental duty rule. Def. Br. 24-25 (citing R366). But, as defendant notes, this was only a single, brief reference in a closing argument that spanned 14 transcript pages. *Id.*; R361-74. Much of the rest of the closing argument was devoted to arguing that defendant was guilty as a principal. *See* R361-74.

Moreover, read in context it is clear why the prosecutor said that the parental duty rule was the most important accountability instruction: the prosecutor meant that, as far as accountability went, the People did not need to prove that defendant actively facilitated Richardson's abuse (as required under the general accountability instruction) because defendant had a duty to help Z.W. once she actually knew he was being abused. R366. As the prosecution explained in the very next paragraph of its closing argument, defendant knew that Richardson was abusing Z.W. but, "She ignored it, and she did nothing. She did nothing to stop it. She did nothing to help [Z.W.] She did not call anyone. She did not go to the police. She did absolutely nothing." *Id.* And moments later the prosecution said:

> She knew it was being done to her child, and she did nothing except cause her own injuries on [Z.W.]
>
> Now, remember what [Z.W.] said in that absolutely gut-wrenching video from the ambulance, when he was talking to Lieutenant Alderden? He said, do you tell your mom when this happens? What does she do? And [Z.W.] said, she didn't care; she never does. In the ambulance on October 2nd, 2016, [Z.W.] told you that [defendant] is legally responsible for every scar, every bruise, every cut, every burn on his body. She was more than capable of saving [Z.W.] from [Richardson's] cruelty. And, instead, she inflicted her own.

R368. Therefore, the comment that defendant challenges was part of the prosecution's argument that the evidence showed defendant *knew* Richardson was abusing Z.W. and breached her duty to stop that abuse, not that she was ignorant of the abuse but should have known about it. The prosecution's primary argument was that defendant was guilty as a principal, but that the jury could also find her guilty under an accountability theory because (1) under the parental duty rule, the People did not have to prove that defendant facilitated Richardson's abuse; (2) it was clear (and, indeed, undisputed) that defendant knew Richardson was abusing Z.W.; and (3) defendant could have helped Z.W. but failed to do so.

Defendant also relies once again on *Pollock* to argue that the erroneous parental duty instruction was not harmless, but that case is again inapposite. Def. Br. 28-29. In contrast to this case, the defendant in *Pollock* sharply disputed that she knew her boyfriend was abusing her son. 202 Ill. 2d at 206. Without evidence that the defendant knew her son was being abused, the prosecution in *Pollock* relied "repeatedly" on the incorrect instruction that the

defendant was guilty if she merely "should have known" of the abuse. *Id.* at 211. Thus, the erroneous parental duty instruction was not harmless because there was "insufficient evidence to support the inference" that the defendant knew her son was being abused and so and "no rational jury" could have found her guilty if given the correct instruction. *Id.* at 220, 224. Thus, *Pollock* cannot be compared to the instant case, where defendant expressly admitted that she knew her son was being abused.

Defendant also relies on *People v. Burton*, 338 Ill. App. 3d 406, 414 (1st Dist. 2003) (cited in Def. Br. 29), but that case lacks any analysis and merely announced its reversal of the defendant's conviction "[i]n light of *Pollock*." More importantly, nothing in *Burton* suggests that the defendant in that case conceded at trial that she knew her son was being abused, so the opinion is irrelevant to this appeal. Defendant's string cite of several other cases, two of which are civil cases, has the same flaw: none of those cases involves a defendant who conceded that she had the requisite mens rea or any other analogous circumstance. Def. Br. 29-30.

* * *

In sum, defendant's appeal rests solely on the fact that the jury was incorrectly told that a parent's duty to act is triggered if the parent "should know" that the child is being abused. But that error was clearly harmless because (1) the evidence overwhelmingly proved that defendant was guilty as a principal who personally abused Z.W.; and (2) even if she were convicted under accountability theory, the evidence overwhelmingly proved (and the

defense conceded) that she knew Richardson was abusing her son and, thus, she breached her duty to stop the abuse.

CONCLUSION

This Court should affirm the appellate court's judgment and defendant's convictions.

September 7, 2022

Respectfully submitted,

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RULE 341(c) CERTIFICATE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages containing the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the Rule 341(c) certificate of compliance, and the certificate of service, is 38 pages.

/s/ Michael L. Cebula
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PROOF OF SERVICE

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 September 7, 2022, the foregoing **Brief of Plaintiff-Appellee People of the State of Illinois** was (1) filed with the Clerk of the Supreme Court of Illinois, using the court's electronic filing system, and (2) served by transmitting a copy from my email address to the email address below:

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Additionally, upon its acceptance by the court's electronic filing system, the undersigned will mail thirteen copies of the brief to the Clerk of the Supreme Court of Illinois, 200 East Capitol Avenue, Springfield, Illinois, 62701.

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