

NOTICE
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2026 IL App (5th) 250666-U
NO. 5-25-0666
IN THE
APPELLATE COURT OF ILLINOIS
FIFTH DISTRICT

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).

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Jackson County.
	)	
v.	)	No. 23-CF-221
	)	
DEWAYNE JONES,	)	Honorable
	)	Ralph R. Bloodworth III,
Defendant-Appellant.	)	Judge, presiding.

JUSTICE McHANEY delivered the judgment of the court.
Justices Vaughan and Clarke concurred in the judgment.

ORDER

¶ 1 *Held:* Although the prosecutor misstated the law governing defense of another during closing argument, the error was harmless where the jury received the correct instructions, defense counsel expressly corrected the State’s formulation, and the prosecutor later read the complete initial-aggressor instruction. The trial court did not commit reversible error in admitting surveillance-video testimony or the defendant’s note to a witness, the defendant’s convictions for first degree murder and aggravated discharge of a firearm did not violate one-act, one-crime principles because the offenses involved separate victims, and the evidence was sufficient for the jury to reject the defendant’s claim of defense of another. The judgment of the circuit court is affirmed.

¶ 2 I. BACKGROUND

¶ 3 The defendant, Dewayne Jones, was charged in the circuit court of Jackson County with two counts of first degree murder, aggravated discharge of a firearm, and unlawful use of a weapon by a felon arising from the April 28, 2023, shooting death of Rayshawn Simon at The Fields

apartment complex in Carbondale. The firearm-possession charge was severed before trial. The defendant did not dispute that he shot Simon. Rather, his theory at trial was that he acted in defense of his longtime friend, Jeffery Harris.

¶ 4 Shortly before 11 p.m. on April 28, 2023, Carbondale police officers responded to a report of a shooting at The Fields. Officer Andrew Carter described a chaotic scene with numerous people present. Simon was lying on the ground while officers performed CPR. Officer Amy Wyant observed blood coming from Simon's back and hip and saw what appeared to be a bullet wound in his back. Harris was also initially on the ground near Simon but got up and walked away without assistance.

¶ 5 The evidence established that, before the shooting, several altercations occurred among people gathered at the apartment complex. Iesha Carter testified that Harris, whom she knew as "Frizzle," asked where her boyfriend, Simon, was because Harris wanted to fight him. Harris approached Simon's vehicle and told him to get out. Carter testified that Harris later struck her across the head and in the back of the head with a gun. According to Carter, Simon and Harris began fighting immediately after Harris struck her. Carter acknowledged that she had been drinking and did not see either Marcus Lilly punch Harris or Simon stomp Harris in the face.

¶ 6 Other witnesses similarly described Harris as an aggressor during the events preceding the shooting. Tanesa Taylor testified that Harris attempted to open the door of the vehicle in which Simon was sitting and that Harris had a gun in his hand. Taylor believed Simon did not want to fight. She saw Harris strike Carter in the head with the gun approximately three times, after which Simon began punching Harris. Erica Dixon likewise testified that Harris was attempting to start a fight with Simon, struck Carter several times with a gun, and pointed the gun at Dixon.

¶ 7 Marcus Lilly, Simon’s cousin, testified that he saw Harris strike Carter in the head with a gun. Lilly initially returned to his apartment but later came back outside and saw the defendant with a firearm. Lilly testified that Harris bumped into him while Lilly was standing on the sidewalk. Lilly then struck Harris and “knocked him out.” According to Lilly, Harris fell to the ground with a gun above his head. Lilly testified that, after he struck Harris, he was “getting shot at.” Lilly further testified that a bullet passed near his face.

¶ 8 Harris testified that he had known the defendant for many years and was with him at The Fields that evening. Harris recalled fighting with Carter and Simon but did not recall possessing a firearm or striking Carter with one. Harris testified that Simon knocked him unconscious. He sustained a concussion and swelling to his face and did not recall hearing the gunshots. Harris later stated that he believed the defendant had saved his life.

¶ 9 The State introduced surveillance footage obtained from several cameras in and around The Fields and other locations. Aaron Baril, a digital forensic examiner with the Carbondale Police Department, compiled portions of the recordings into a video splice admitted as People’s Exhibit 5.

¶ 10 Lieutenant Jarin Dunnigan testified concerning the video splice. Lieutenant Dunnigan identified Harris and the defendant in the footage and described their movements. Among other things, Lieutenant Dunnigan testified that the video showed Harris retrieving something from the bed of the defendant’s red pickup truck. At a separate point in the footage, Lieutenant Dunnigan observed the defendant obtain an object and estimated that approximately two minutes elapsed between that event and the shooting. Lieutenant Dunnigan further testified that the defendant had begun approaching the confrontation before Harris was knocked unconscious and that approximately three seconds elapsed between Harris being knocked down and the gunfire. On

redirect examination, Lieutenant Dunnigan testified that during his investigation he had been able to enlarge and review the footage frame by frame.

¶ 11 The video itself showed the defendant standing near his truck for several minutes before moving toward the ongoing confrontation. From one camera angle, an object could be seen in the defendant's hand before the shooting. The footage later showed Lilly strike Harris and knock him to the ground. Simon then appeared to stomp Harris twice. Before another stomp was completed, the defendant approached and fired. The defendant thereafter ran back toward his truck and drove away.

¶ 12 Dr. Christopher Kiefer performed Simon's autopsy and determined that Simon died from a gunshot wound to the chest. Simon also sustained a gunshot wound to the left buttock. Dr. Kiefer testified that a person's head striking pavement could potentially cause death and that stomping a person's face constitutes blunt-force trauma capable of causing facial fractures. He further testified that, under some circumstances, such injuries could contribute to death and that additional stomps could produce additional fractures.

¶ 13 The defendant testified in his own defense. He stated that Harris had been "closer than family" to him for approximately 17 years. The defendant testified that he attempted at various points that evening to persuade Harris to leave. He eventually returned to his truck, where he saw one of Harris's firearms on the floorboard. Before seeing Simon and Harris fighting, the defendant retrieved a gun. He testified that he became concerned when Lilly approached because Lilly and Simon were friends and he believed Harris would be facing "two versus one."

¶ 14 According to the defendant, Lilly punched Harris in the face and knocked him unconscious. The defendant did not intervene immediately because he believed the altercation was over. The defendant testified that Simon then stomped Harris in the face, stomped him a second time, and

appeared prepared to stomp him a third time. Because he believed another stomp would kill Harris, the defendant testified that he shot Simon to protect Harris from death or physical injury. On cross-examination, the defendant acknowledged that he had obtained the firearm before Lilly arrived.

¶ 15 The State also introduced a handwritten note the defendant had passed to Harris while the two were in custody. Harris read the note at trial. It stated, in part, “Take the pistol. They won’t charge you with it,” and later stated, “You was being jumped and you called my name because you was scared.” The bottom of the note instructed Harris to “[r]ip it up and flush it.” Harris testified that he had not called the defendant’s name during the incident because he was unconscious. The defendant acknowledged writing and passing the note but testified that he wanted Harris to take responsibility for a firearm Harris had placed in the defendant’s truck. The defendant also acknowledged that he never heard Harris call his name that evening.

¶ 16 During closing argument, the prosecutor initially read the jury instructions concerning defense of another. She thereafter argued that because Harris had initiated the confrontations, the defendant was not justified in using deadly force on Harris’s behalf. Defense counsel objected that the prosecutor was misstating the law. The circuit court overruled the objection, stating that the law concerning defense of another would be addressed as the arguments continued.

¶ 17 The prosecutor later argued that the defendant had possessed his firearm for “three minutes and 17 seconds” and had already decided what he intended to do. She further stated, “[y]ou can only defend somebody else when they didn’t start it.” Defense counsel again objected, and the circuit court overruled the objection. The prosecutor subsequently argued that Harris “was the initial aggressor,” that Harris “started it four times,” and that “[y]ou can’t defend somebody with lethal force when they started it in the first place.” Defense counsel again objected that the prosecutor had misstated the instructions, and the circuit court overruled the objection.

¶ 18 Before defense counsel began his closing argument, the circuit court instructed the jury that closing arguments were not evidence and that the law would be provided by the court through its jury instructions. The court further instructed the jurors that “any misstatement of the law during closing arguments by any counsel should be disregarded.” Defense counsel then argued that the prosecutor’s suggestion that the defendant could not defend Harris merely because Harris had been the initial aggressor “is not the law.” Counsel emphasized the defendant’s testimony that he fired only after Simon stomped Harris twice and appeared ready to do so again.

¶ 19 After defense counsel’s argument, the court again instructed the jury to disregard any attorney’s misstatement of the law. During rebuttal, the prosecutor read the instruction providing that a person who initially provokes the use of force may nevertheless be justified in using force where the force used against him is so great that he reasonably believes he faces imminent death or great bodily harm and has exhausted every reasonable means of escape. The circuit court thereafter formally instructed the jury on defense of another and the limitations applicable to an initial aggressor.

¶ 20 During deliberations, the jury submitted the following written question to the circuit court: “If the decedent is justified in his force against Jeffery does that discount the justification of force used by the defendant?” The court directed the jury to review the instructions it had already been given.

¶ 21 The jury found the defendant guilty of first degree murder and further found that he personally discharged a firearm that proximately caused Simon’s death. The jury also found the defendant guilty of aggravated discharge of a firearm.

¶ 22 The circuit court denied the defendant’s posttrial motion. On July 17, 2025, the court sentenced the defendant to 25 years’ imprisonment for first degree murder, plus a consecutive 25-

year firearm enhancement. The court imposed a 15-year sentence for aggravated discharge of a firearm to run concurrently, resulting in an aggregate sentence of 50 years' imprisonment. The defendant timely appealed.

¶ 23

II. ANALYSIS

¶ 24

A. Prosecutor's Closing Argument

¶ 25 The defendant first contends that he was denied a fair trial when the prosecutor repeatedly misstated the law governing defense of another. Specifically, he challenges the prosecutor's statements that a person may defend another only when the person being defended "didn't start it" and that "[y]ou can't defend somebody with lethal force when they started it in the first place." The defendant argues that these statements incorrectly informed the jury that Harris's status as an initial aggressor categorically precluded the defendant from using force in Harris's defense. The State acknowledges that the prosecutor, at times, incompletely stated the law but maintains that any error was harmless.

¶ 26 A prosecutor is afforded wide latitude in closing argument and may comment upon the evidence and reasonable inferences arising from it. However, a prosecutor may not misstate the law applicable to the case. See *People v. Wilson*, 199 Ill. App. 3d 792, 797-98 (1990). In *Wilson*, the court explained that the prohibition against misstatements of law includes statements that "distort the burden of proof by suggesting incorrectly what the jury must find to reach a certain verdict." *Id.* at 797. Improper comments do not require reversal, however, unless they constituted a material factor in the defendant's conviction such that the jury might have reached a different result absent the remarks. See *People v. Lyles*, 106 Ill. 2d 373, 391 (1985).

¶ 27 We agree that the prosecutor's categorical statements did not completely or accurately state the law governing an initial aggressor. The jury was instructed that a person who initially provokes

the use of force against himself may nevertheless be justified in using force where the force used against him is so great that he reasonably believes he faces imminent death or great bodily harm and has exhausted every reasonable means of escape. Thus, Harris's conduct preceding the shooting was relevant to the defendant's justification defense, but Harris's status as an initial aggressor did not, standing alone, absolutely foreclose that defense. We nevertheless conclude that the prosecutor's misstatements do not warrant reversal when considered in the context of the arguments and instructions as a whole.

¶ 28 In *People v. Purdle*, 212 Ill. App. 3d 594, 598-99 (1991), the defendant similarly argued that the prosecutor misstated the law governing the justifiable use of force during closing argument. The court acknowledged that the prosecutor may have overstated the State's position but emphasized that the jury had been correctly instructed. The court explained that "[t]he court's instructions carry great weight with a jury and may cure a prosecutor's misstatements of law." *Id.* at 598. The *Purdle* court therefore concluded that the challenged argument, considered in its entirety and together with the correct instructions, did not deprive the defendant of a fair trial. *Id.*

¶ 29 We recognize that *Purdle* is not identical to the present case. The *Purdle* court observed that the challenged comments there were not emphasized or repeated. *Id.* Here, the prosecutor returned to the initial-aggressor theory several times, and the circuit court overruled defense counsel's objections. Those circumstances weigh in the defendant's favor. They do not, however, end our inquiry. However, immediately before defense counsel's closing argument, the circuit court specifically instructed the jury that the attorneys' arguments were not evidence, that the court would provide the governing law, and that "any misstatement of the law during closing arguments by any counsel should be disregarded." Defense counsel then directly confronted the prosecutor's formulation. Counsel read the defense-of-another instruction, told the jury that the prosecutor's

statement that Harris’s initial aggression automatically prevented the defendant from defending him “is not the law,” and argued that even an initial aggressor need not be left defenseless while another person stomps on his face.

¶ 30 The court repeated its admonition concerning misstatements of law after the defense argument. In rebuttal, the prosecutor then read the pertinent initial-aggressor instruction to the jury, including the provision permitting force where the initial aggressor reasonably believes he faces imminent death or great bodily harm. Finally, the circuit court formally instructed the jury on defense of another and on the circumstances under which an initial aggressor may lawfully use force. The defendant does not contend that the court’s instructions themselves misstated the law. Indeed, he acknowledges that the jury received the correct instructions.

¶ 31 The defendant relies on *Wilson*, but we find that case distinguishable. There, the prosecutor’s argument effectively shifted the burden of proof by telling the jury that accepting the defense required finding that the State’s witnesses were lying. *Wilson*, 199 Ill. App. 3d at 797-98. The court concluded that the argument conveyed the substantive message that the defendant “carried a burden of proof to establish his innocence.” *Id.* at 798. Moreover, the evidence in *Wilson* was not overwhelming, the verdict depended heavily upon a credibility contest, and the court could not determine whether the jury applied the proper burden of proof. *Id.* at 795-98.

¶ 32 Here, by contrast, the prosecutor did not shift the burden of proof. The error concerned an incomplete articulation of one limitation upon the affirmative defense, and the complete rule was subsequently placed before the jury repeatedly—by defense counsel, by the prosecutor in rebuttal, and by the circuit court.

¶ 33 Nor do we agree with the defendant that the jury’s question establishes prejudice. During deliberations, the jury asked: “If the decedent is justified in his force against Jeffery does that

discount the justification of force used by the defendant?” The defendant characterizes this question as proof that the prosecutor’s argument confused the jury concerning the very point at issue.

¶ 34 The question certainly demonstrates that the jury was carefully considering the relationship between Simon’s use of force, Harris’s conduct, and the defendant’s claim of justification. But it does not demonstrate that the jury accepted the prosecutor’s categorical formulation. To the contrary, had the jury understood Harris’s status as the initial aggressor to be an automatic bar to defense of another, there would have been little reason to inquire whether Simon’s justified use of force merely “discount[ed]” the defendant’s justification. The question reflects that the jury continued to evaluate whether the defendant himself could nevertheless be justified.

¶ 35 The jury had before it the correct instructions needed to resolve that inquiry. We presume that jurors follow the instructions given by the circuit court. See *Purdle*, 212 Ill. App. 3d at 598 (“The court’s instructions carry great weight with a jury and may cure a prosecutor’s misstatements of the law.”). Nothing in this record persuades us that they abandoned those instructions in favor of the prosecutor’s incomplete formulation. Accordingly, although we find that portions of the prosecutor’s closing argument misstated the law governing defense of another, we conclude that the error was harmless and did not deprive the defendant of a fair trial.

¶ 36 B. Lieutenant Dunnigan’s Testimony Concerning the Surveillance Video

¶ 37 The defendant next argues that the circuit court erred in permitting Lieutenant Dunnigan, who did not witness the events at The Fields, to narrate and interpret the surveillance video. He contends that Lieutenant Dunnigan became the State’s “interpreter of ambiguous imagery” by telling the jury what objects, movements, and events shown in the recording represented.

¶ 38 We review a circuit court’s evidentiary rulings for an abuse of discretion. *People v. Hall*, 195 Ill. 2d 1, 20 (2000). A circuit court abuses its discretion only when its ruling is arbitrary, fanciful, or unreasonable or where no reasonable person would adopt the court’s position. *Id.*

¶ 39 Illinois Rule of Evidence 701 (eff. Jan. 11, 2011) permits lay opinion testimony where the opinion is rationally based upon the witness’s perception and helpful to a clear understanding of the witness’s testimony or the determination of a fact in issue. In *People v. Thompson*, 2016 IL 118667, ¶ 50, our supreme court held that lay opinion identification testimony is admissible where it is “rationally based on the perception of the witness” and “helpful to a clear understanding of the witness’s testimony or a determination of a fact in issue.”

¶ 40 Of particular relevance here is *People v. Brown*, 2017 IL App (1st) 142197. There, a detective who had not witnessed the underlying events narrated portions of surveillance footage. The court rejected the proposition that all such narration required firsthand observation of the actual event. The court explained that the detective’s perceptions “did not need to be based on the live event” because he was describing scenes depicted in the recording; thus, for that purpose, he needed to perceive only the recording itself. *Id.* ¶ 62.

¶ 41 The *Brown* court further concluded that testimony concerning “the interactions and movements of particular subjects” shown in the surveillance recording was helpful because numerous individuals were moving through the area and the recording lacked clarity. *Id.* ¶ 63. The narration helped the jury “focus on the relevant action.” *Id.*

¶ 42 The circumstances here are comparable. The surveillance footage depicted a chaotic scene involving numerous individuals and several simultaneous or successive altercations. Lieutenant Dunnigan had repeatedly reviewed the recording during his investigation and had examined portions of it frame by frame. His testimony identifying locations, tracking movements, and

directing the jury to relevant portions of the footage assisted the jury in following that complicated sequence.

¶ 43 The defendant relies on *People v. Sykes*, 2012 IL App (4th) 111110. There, however, the State's witness testified that an original, higher-quality recording showed the defendant removing money from a cash register even though the jury received an inferior version of the recording. The witness lacked firsthand knowledge of the event and was in no better position, based upon the evidence actually before the jury, to determine what had occurred. The *Sykes* court concluded that the witness's interpretation constituted improper lay opinion testimony.

¶ 44 That concern is substantially diminished here. The jury viewed the surveillance evidence itself, and Lieutenant Dunnigan did not possess access to a materially different recording that was withheld from the jury. Moreover, unlike *Sykes*, Lieutenant Dunnigan's testimony was not the sole or central evidence establishing the defendant's conduct. Numerous witnesses testified regarding the events, and the defendant himself admitted that he possessed the firearm and shot Simon.

¶ 45 We recognize that certain portions of Lieutenant Dunnigan's testimony approached the boundary between permissible narration and opinion. In particular, Lieutenant Dunnigan testified that an object appeared to be shaped like a firearm and that the defendant appeared to be looking in the direction of the altercation. Those statements involved a greater degree of inference than merely identifying movements or directing the jury to a location on the recording.

¶ 46 Even assuming, without deciding, that those portions of the testimony should not have been admitted, any error was harmless. The defendant admitted that he obtained a firearm before the final confrontation and that he ultimately fired it at Simon. The jury viewed the same footage from which Lieutenant Dunnigan derived his observations. The timing and movements shown in the recording were independently available for the jury to assess, and the disputed issue was not the

defendant's identity or whether he fired the shots. The principal issue was whether his admitted use of deadly force was justified. Accordingly, the admission of Lieutenant Dunnigan's testimony does not warrant reversal.

¶ 47

C. The Defendant's Note to Harris

¶ 48 The defendant next contends that the circuit court abused its discretion by admitting the note he passed to Harris while the two were in custody. He argues that the note was unfairly prejudicial because it suggested additional misconduct and portrayed him as dishonest or manipulative, particularly where the firearm-possession charge had been severed.

¶ 49 Relevant evidence is generally admissible unless its probative value is substantially outweighed by the danger of unfair prejudice. *People v. Manning*, 182 Ill. 2d 193, 214 (1998). Evidence suggesting other crimes or misconduct may not be admitted merely to establish the defendant's propensity to commit crime. *Id.* However, such evidence is admissible when relevant to a material issue other than propensity. *Id.*

¶ 50 In *Manning*, our supreme court explained that evidence of other crimes is objectionable because it may "overpersuade[] a jury" into convicting a defendant because it views him as a bad person deserving punishment. *Id.* at 214. Nevertheless, *Manning* reiterated that other-misconduct evidence may be admitted when relevant to a material issue other than propensity, subject to the circuit court's obligation to weigh probative value against unfair prejudice. *Id.*

¶ 51 The evidence excluded in *Manning* was extreme. The jury heard recordings in which the defendant discussed having a witness killed in exchange for an alibi. The supreme court concluded that those conversations had little probative value and substantial propensity prejudice. *Id.* at 214-15.

¶ 52 The note in this case was materially different. The defendant wrote to Harris: “You was being jumped and you called my name because you was scared,” and instructed Harris to “[r]ip it up and flush it.” Harris testified that he had not called the defendant’s name because he was unconscious. The defendant admitted passing the note to Harris.

¶ 53 Those statements were directly relevant to the charged offense and the defendant’s asserted justification. Whether Harris called for help while being attacked and whether he expressed fear bore directly upon the defendant’s claim that he reasonably believed deadly force was necessary to protect Harris. The jury therefore could consider the note as evidence tending to show an attempt to influence Harris’s account of the circumstances surrounding the shooting. Evidence that a defendant attempted to influence a witness may properly bear upon consciousness of guilt. *People v. Rios*, 2022 IL App (1st) 1711509, ¶ 64.

¶ 54 The remaining portions of the note did not create unfair prejudice sufficient to require exclusion. The statement asking Harris to “take the pistol” referred to firearm ownership, but the jury already knew beyond dispute that the defendant possessed and fired a gun during the shooting. Indeed, the defendant admitted that conduct. Thus, the note did not reveal to the jury the existence of some otherwise unknown firearm-related conduct.

¶ 55 Nor does *Manning* compel a different conclusion. Unlike the unrelated murder-for-alibi proposal in *Manning*, the note here concerned the very incident being tried and the testimony of a participant in that incident. Its probative value was therefore substantially greater and its propensity prejudice substantially less. We conclude that the circuit court did not abuse its discretion in admitting the note.

¶ 57 The defendant next argues that his convictions for first degree murder and aggravated discharge of a firearm violate the one-act, one-crime doctrine because both convictions arose from the same act of firing his weapon. Whether multiple convictions violate the one-act, one-crime doctrine presents a question of law that we review *de novo*. *People v. Smith*, 2019 IL 123901, ¶ 15. Under the doctrine, a defendant may not be convicted of multiple offenses based upon precisely the same physical act. *Id.* at 13. The first step is to determine whether the defendant’s conduct consisted of a single physical act or separate acts. *Id.* at 15. Where the State seeks multiple convictions from closely related conduct, the charging instrument and the State’s theory at trial are relevant in determining how the conduct was apportioned.

¶ 58 The defendant relies principally on *People v. Amaya*, 321 Ill. App. 3d 923 (2001). There, the defendant fired several shots into a crowd and was convicted of first degree murder, attempted murder, and aggravated discharge of a firearm. The court vacated the aggravated-discharge conviction because the State had treated the gunfire as an undifferentiated conglomerate. The indictment “did not differentiate between the three gunshots that actually struck the victims and other shots” and instead charged aggravated discharge using the same conduct underlying the other offenses. *Id.* at 930. The prosecutor likewise failed at trial to assign particular shots to the separate offenses. Because the State had not apportioned the conduct, it could not do so for the first time on appeal. *Id.*

¶ 59 The present case differs in an important respect: the convictions concern different victims. In *People v. Leach*, 2011 IL App (1st) 090339, ¶ 33, the defendant fired at least three shots. Two struck and killed one victim, while another traveled toward a different person and the group surrounding him. The court observed that “ ‘crimes committed against separate victims constitute

separate criminal acts.’ ” *Id.* ¶ 33. Significantly, the court explained that “even if we assume” the defendant’s firing of all three shots constituted only a single act, the defendant nevertheless committed criminal acts against at least two different victims. *Id.* The one-act, one-crime doctrine therefore did not bar convictions for both homicide and aggravated discharge. *Id.* ¶ 34.

¶ 60 The reasoning of *Leach* applies here. The murder charge concerned Simon. By contrast, the aggravated-discharge count alleged that the defendant discharged a firearm “in the direction of multiple individuals.” The evidence supported that allegation. Numerous people were gathered near Simon when the defendant fired, and Lilly specifically testified that a bullet passed near his face.

¶ 61 Accordingly, this case does not present the same problem as *Amaya*, where the State attempted to derive multiple convictions from undifferentiated gunfire directed at the same underlying victims without apportioning the conduct. Here, Simon was the victim of the first degree murder, while Lilly and the other persons in the line of fire supplied distinct victims for the aggravated-discharge offense. Therefore, even assuming that the defendant’s act of firing his weapon constituted a single physical act for purposes of the first step of the analysis, the involvement of separate victims permits the convictions to stand. We find no violation of the one-act, one-crime doctrine.

¶ 62 E. Sufficiency of the Evidence—Defense of Another

¶ 63 Finally, the defendant contends that the State failed to prove beyond a reasonable doubt that his use of deadly force was not justified in defense of Harris. He maintains that Harris was unconscious and defenseless on the pavement while Simon repeatedly stomped his face and prepared to do so again.

¶ 64 Once a defendant presents some evidence supporting self-defense or defense of another, the State bears the burden of proving beyond a reasonable doubt that the defendant was not justified, in addition to proving the elements of the charged offense. *People v. Lee*, 213 Ill. 2d 218, 225 (2004). The relevant considerations include whether unlawful force was threatened, whether the person threatened was the aggressor, whether the danger was imminent, whether the force used was necessary, whether the defendant subjectively believed the danger required that force, and whether that belief was objectively reasonable. *Id.* If the State negates any one of those elements, the justification defense fails. *Id.*

¶ 65 Our role is not to retry the defendant. Questions of witness credibility, the weight to be given testimony, and the reasonable inferences to be drawn from the evidence are matters for the trier of fact. *Id.* As the supreme court stated, “[i]t is the function of the jury as the trier of fact to assess the credibility of the witnesses, the weight to be given their testimony, and the inferences to be drawn from the evidence.” *Id.* We therefore ask whether, viewing the evidence in the light most favorable to the State, any rational trier of fact could have found beyond a reasonable doubt that the defendant did not act in defense of another. *Id.*

¶ 66 The defendant testified that Lilly knocked Harris unconscious and that he initially declined to intervene because he believed the altercation had ended. According to the defendant, he acted only when Simon stomped Harris directly in the face twice and appeared ready to stomp him a third time. He testified that he believed another stomp would kill Harris. The jury was not required to accept that account in its entirety. See *People v. Perez*, 100 Ill. App. 3d 901, 905 (1981) (“A jury is not required to accept as true the defendant’s testimony concerning self-defense.”). No other witness testified that Simon’s foot actually struck Harris in the face. Douglas-McDonald

specifically testified that he did not see Simon stomp Harris in the face. The surveillance video depicted stomping motions but did not conclusively establish where Simon's foot landed.

¶ 67 The jury also heard evidence from which it could assess the severity of the danger to Harris. Harris suffered a concussion and facial swelling, but shortly after the incident he was able to leave the scene without assistance and later was observed walking and communicating with police. Dr. Kiefer testified that stomping a person's face can cause blunt-force trauma and, depending upon the circumstances, potentially serious or fatal injuries. That testimony supported the defendant's theory that the conduct could be dangerous, but it did not require the jury to find that the particular force used against Harris created an imminent threat of death or great bodily harm warranting the defendant's use of deadly force.

¶ 68 The jury could also consider the proportionality of the defendant's response. *People v. Harmon*, 2015 IL App (1st) 122345, identifies as an important component of the reasonableness inquiry "whether the amount of force used by defendant was commensurate with the force encountered." *Id.* ¶ 61. Here, the defendant responded to Simon's unarmed conduct by firing multiple gunshots. The defendant had obtained the firearm before Lilly knocked Harris unconscious, and the jury could consider that circumstance together with the defendant's movements and the timing shown on the surveillance footage in deciding whether he reasonably believed deadly force was necessary when he fired.

¶ 69 We emphasize that the evidence did not compel only one view of the confrontation. There was evidence supporting the defendant's contention that Harris faced a serious danger after he was rendered unconscious. The question on appeal, however, is not whether a different jury could have accepted the defendant's justification defense. It is whether the jury that heard this case could rationally reject it. Viewing the evidence in the light most favorable to the State and deferring to

the jury's resolution of the conflicting testimony, we conclude that a rational trier of fact could find beyond a reasonable doubt that the defendant's belief in the necessity of deadly force was not objectively reasonable and, therefore, that the defendant did not act with lawful justification. Accordingly, the evidence was sufficient to sustain the defendant's conviction for first degree murder.

¶ 70

III. CONCLUSION

¶ 71 For the foregoing reasons, we affirm the judgment of the circuit court of Jackson County.

¶ 72 Affirmed.