2026 IL App (2d) 250496-U
No. 2-25-0496
Order filed November 17, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee,

v.

CHRISTOPHER M. BECERRA, Defendant-Appellant

Appeal from the Circuit Court of Kane County.
Honorable Donald Tegeler Jr., Judge, Presiding.
No. 25-CF-1207

JUSTICE HUTCHINSON delivered the judgment of the court.
Presiding Justice Kennedy and Justice Mullen concurred in the judgment.

ORDER

¶ 1 *Held*: Defendant's contention that the trial court erred in admitting other-crimes evidence to show defendant's propensity to commit domestic battery is forfeited for his failure to raise the issue in a post-trial motion. Defendant's contention that the trial court erred by compelling the complaining witness to testify without conducting an adequate Fifth Amendment inquiry into her risk of self-incrimination is forfeited for his failure to object during trial or raise the issue in a post-trial motion. The prosecutor's closing remarks concerning defendant's propensity to commit domestic battery was supported by the evidence adduced at trial. The evidence was sufficient to support the jury's finding of defendant's guilt beyond a reasonable doubt.

¶ 2 Following a jury trial, defendant was found guilty of two counts of aggravated domestic battery by strangulation and seven counts of domestic battery. The counts merged into the first count of aggravated domestic battery by strangulation and defendant was sentenced to four years'

imprisonment and four years of mandatory supervised release. On appeal, he contends that (1) the trial court erred in admitting certain other-crimes and propensity evidence; (2) the trial court abused its discretion by permitting the State to present video and testimonial evidence that undermined the fairness of the trial; (3) the trial court violated defendant's right to due process by compelling the complaining witness to testify without conducting an adequate Fifth Amendment inquiry into her risk of self-incrimination; (4) the State's closing argument contained improper allusions to defendant's character and perceived dangerousness rather than proof of the charged offenses; (5) the evidence adduced at trial was insufficient to prove defendant guilty beyond a reasonable doubt; and (6) the cumulative effect of the trial court's evidentiary rulings and errors deprived defendant of a fair trial. For the reasons that follow, we affirm defendant's conviction.

¶ 3 I. BACKGROUND

¶ 4 On July 2, 2025, defendant was indicted and charged with two counts of aggravated domestic battery by strangulation, one count of unlawful restraint, and eight counts of domestic battery. The charges stemmed from a May 26, 2025, incident wherein defendant got into an argument with his girlfriend, Y.T., at their apartment concerning his alcohol use. Defendant was alleged to have thrown Y.T.'s possessions out of the apartment before dragging her back inside by her arms when she tried to leave. Defendant allegedly pushed her repeatedly until they reached the bedroom where he grabbed her by the legs, pulled her to the floor, wrapped both hands around her neck and strangled her until she could not breathe for several seconds. After being begged by Y.T. to stop, defendant apologized and told her he would beat her until she died if she called police. Defendant then left the apartment.

¶ 5 Prior to trial, the State filed a motion *in limine* seeking to introduce several other instances of domestic violence committed by defendant pursuant to section 115-7.4 of the Code of Criminal

Procedure of 1963 (the Code) (725 ILCS 115-7.4 (West 2026)), in order to show defendant's propensity to commit domestic violence. The motion detailed as follows:

> "The first prior incident the State intends to introduce into evidence occurred on [December 12, 2024]. On that date [K.V.], defendant's ex-girlfriend, agreed to meet defendant outside of a bank in Carol Stream, Illinois. They began talking about their issues and got into an argument. Defendant then slapped her and she got out of the car in an attempt to get away from him. Defendant chased after her, punched her, and kicked her in the head. This incident was, in large part, captured on surveillance video. The victim reported this incident in December of 2024 and the officer who took the report noted her to have a small faded purple mark on her forearm from the attack. Defendant was eventually convicted of domestic battery in Du Page County case number 2025DV18 and placed on a period of probation.
>
> ***
>
> An additional incident the State intends to introduce into evidence occurred on December 16, 2020. On that date, [K.V.] was sitting on the couch at her home when her boyfriend, defendant, began arguing with her. During the argument, defendant took her phone from her hands. She grabbed for her keys in an attempt to leave, but he took her keys from her and threw them with the phone outside of the apartment. He came back into the apartment, grabbed her leg, and began dragging her through the kitchen and over the metal guide of the sliding door on to a balcony. As she was being dragged on her back she began screaming for help. [K.V.] stated the incident happened so fast she was not sure how she ended up on the ground before she was dragged. Responding officers found that the left side of her back had redness consistent with her story. Defendant was eventually convicted

of domestic battery in Du Page County case number 2020DV1495 and placed on a period of probation."

The State noted in the motion that it intended to admit testimony from K.V. and certified copies of defendant's convictions.

¶ 6 The State also filed a *Montgomery* motion *in limine* to admit a 911 recording. The *Montgomery* motion detailed five prior convictions the State sought to admit if defendant testified in his own defense. Finally, the State sought to introduce defendant's alleged statement to Y.T. while hitting her "who hits you more, me or Jacob?" Jacob was alleged to be Y.T.'s ex-boyfriend.

¶ 7 Before ruling on the State's motions *in limine*, the trial court was informed by the State that the complaining witness, Y.T., had said she was refusing to testify despite having been issued a court ordered subpoena. Y.T. appeared before the trial court and was admonished that "if you don't comply with the court order, you're subject to contempt proceedings, which, without a jury trial, I could lock you up for [six] months if you refuse to comply with the court order." Y.T. acknowledged her understanding and agreed to appear at the trial date.

¶ 8 Regarding the State's section 115-7.4 motion *in limine*, the trial court ruled that K.V.'s testimony to the prior incidents was admissible as they involved "the same person, same type of event, [and] it's within the close time frame." However, as to the December 12, 2024, incident, the trial court ruled that the State could either elicit testimony from K.V. or show the video, but not both. If the State elected to show the video, it could only elicit testimony from K.V. for purposes of laying a foundation for the video. She would not be allowed to testify to any facts surrounding the incident. As to defendant's prior convictions, the court ultimately ruled as follows:

"I'm going to let [the State] do one of three things. If you want to admit the conviction, I'll let you admit the conviction, and, by doing so, informing the jury of what

he either was found guilty of or pled guilty to, but I'm not going to let you put in the conviction and testimony and/or the video. You're only going to do one."

¶ 9 As to the State's remaining motions, the trial court ruled to allow the admittance of two of defendant's prior convictions if he were to testify. Defendant's statement "who hits you more, me or Jacob" was allowed as a statement against interest. Y.T.'s 911 call was allowed as an excited utterance. All the trial court's rulings were made over defendant's continuing objection.

¶ 10 The matter proceeded to trial on August 18, 2025. The State *nolle prossed* one count of domestic violence and the count for unlawful restraint. The State then reiterated that its "plan was for the 2024 instance to lay the foundation for the video and admit the video, not the conviction" and "for the 2020 case, we were just going to admit the certified copy of the conviction and publish the complaint." The trial court responded "[t]hat's fine. The defense is on notice."

¶ 11 The State then informed the trial court that Y.T. planned to invoke her Fifth Amendment right not to testify and that she would be requesting the appointment of a public defender to represent her on that right. Y.T. was then called before the trial court and the following inquiry took place:

"THE COURT: Do you have any charges pending against you?

[Y.T.]: No.

THE COURT: Are there any investigations that you are aware of that are pending against you?

[Y.T.]: No, the only thing I have going on is the family court case. That's it.

THE COURT: *** I know that's one of the witnesses in this case but that's not coming up. I guess I'm confused. If you have no criminal charges, why do you believe you'll incriminate yourself if you testify?

[Y.T.]: I just don't want to say the wrong thing and I just don't want to testify.

THE COURT: Well, I understand that you don't want to testify. That was very clear to me last week. But *** I don't see any right to give you under the Fifth Amendment not to testify. If something were to come up and I think that *** you'd be in legal peril, I would obviously admonish you and possibly appoint counsel. However, if it's just that you don't want to testify, which I completely understand, you have no Fifth Amendment rights and I would order you to testify. If you refuse to testify, I can hold you in direct civil contempt of court. And by doing that, I can incarcerate you and *** what would relieve the contempt *** is your testimony. Do you understand me?

[Y.T.]: Yes.

THE COURT: Do you believe that *** if you say something, that you could say something that would put you in jail in relation to this case?

[Y.T.]: No.

THE COURT: Then I'm ordering you to testify.

[Y.T.]: Is it possible that I can get appointed a public defender?

THE COURT: I don't see that I need to have a public defender appointed at this time. You're telling me there's no charges pending against you. The State has told me there's no investigations against you. You're not a suspect in anything. In order to invoke your Fifth Amendment rights, you have the right not to incriminate yourself on a criminal case. You are the State's witness. You're not charged with this case. I see no right or reason at this point to appoint the public defender."

A brief exchange with the State and defense counsel followed and revealed that Y.T. had a misdemeanor conviction in a child endangerment case but neither party, nor the trial court, believed

it would implicate any Fifth Amendment right as there were no intentions to bring it up during trial. The trial court then addressed Y.T. as follows:

> "THE COURT: Ma'am, everything I've heard I'm going to order you to testify. I will temporarily appoint the Public Defender's Office to discuss your options with you. They are very familiar with direct civil contempt of court. Mr. Coyle, I think you've been sitting here while we have been going through this today.
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> ATTORNEY COYLE: Yes, Judge.
>
> THE COURT: I will let you speak with her. If you believe that there is a legitimate right under the Fifth Amendment, please let the Court know sometime during jury selection. Ma'am you're not allowed to leave the courthouse. At this point I'm going to order you to testify. Do you understand?
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> [Y.T.]: Yes.
>
> THE COURT: But you can talk to Mr. Coyle. He's from the Public Defender's office. I'll appoint him on a temporary basis just to discuss her options."

¶ 12 Following jury selection, Mr. Coyle told the trial court that, based on the police synopsis, there may be Fifth Amendment concern due to Y.T. making physical contact with defendant during the alleged incident. The physical contact happened when she was trying to hit and push defendant away while he strangled her. The State assured the trial court that if testimony were elicited that Y.T. tried to push defendant off her while being strangled, "then absolutely there will be no charges against [Y.T.] for that." The trial court found that no Fifth Amendment rights were implicated and ordered Y.T. to testify.

¶ 13 The State called Laura Wilber, a 911 operator from TriCom Central Dispatch in St. Charles, to testify. She was working on May 26, 2025, when Y.T.'s call for police assistance came in. The 911 call was then played in open court.

¶ 14 Y.T. was next called to testify. She stated that defendant was her boyfriend. They started dating in March 2024. On the evening May 26, 2025, she was at defendant's apartment when she and defendant got into an argument. Before it escalated, she tried to get her belongings and leave the apartment. She had texted her mother to come pick her up as she had no vehicle. She described defendant as sad because she wanted to go home. She had several bags packed with her belongings when defendant grabbed her by the arm with both hands so she wouldn't leave. Y.T. testified that she could not recall what sort of physical contact defendant then made with her, nor could she recall how they ended up in the bedroom because "it all happened so fast."

¶ 15 Y.T. acknowledged that she spoke with officers at the South Elgin Police Department that night. She recalled giving a recorded interview to Officer McMullen about 30 minutes after making the 911 call. When asked if she had told McMullen that defendant had pushed her into the bedroom and threw her on the bed, Y.T. could not recall saying that but admitted that "I guess I said it." When asked if she told McMullen that defendant threw her around and put his hands on her chest and arms, Y.T. said "I mean, if I told her that, I told her that." When asked if she told McMullen that defendant grabbed her by the legs while she was lying on the bed and threw her off the mattress before getting on top of her and choking her with two hands, Y.T. answered "I really don't remember telling her that. I'm not even sure. It was a long time ago. I don't know." When asked if she told McMullen that defendant was choking her while putting two hands around her own neck to illustrate the act, Y.T. ultimately answered, "I guess I did if you're questioning me about it. I mean, I don't know. I really don't remember telling her that but I guess I did." The State asked

if she remembered telling McMullen that defendant hit her ear, slapped her around, and while on the floor said to her, "who hits you worse, me or Jacob?" Y.T. said that she could not remember because "[like] it's been months. I really don't remember that." She could not recall telling McMullen that defendant told her that he would kill her if she called the police.

¶ 16 On cross-examination, Y.T. testified that she was upset with defendant on the night of the incident because he went out drinking and playing slot machines with his half-brother. She recalled texting her mother to pick her up from the apartment, but told her later not to come as she was going to stay with defendant. She never mentioned in the text messages that defendant had struck her. She never went to the hospital or was examined by medics. Defense counsel then asked Y.T. if what she told police on May 26, 2025, was true. The trial court then dismissed the jury from the courtroom and informed the parties that it must admonish Y.T. as to her Fifth Amendment right "because if she tells us it wasn't true, it's a possibility the State can charge her with obstructing justice for what she did tell the police." Y.T. was admonished and invoked her Fifth Amendment rights as to defense counsel's question.

¶ 17 On redirect examination, Y.T. testified that she still had feelings for defendant and did not want anything bad to happen to him. At the end of the State's examination, defendant asked for a mistrial. The trial court denied the request. Defendant then asked that Y.T.'s testimony be stricken in its entirety. The trial court again denied the request as Y.T. invoked her Fifth Amendment rights based on a question brought up by defense counsel. The trial court stated "I thought it was my duty to let her exercise her Fifth Amendment rights to that question. It will be up for the jury to determine whether or not she was telling the truth on the witness stand."

¶ 18 The matter continued to August 19, 2025. The State called Officer Alexis McMullen of the South Elgin Police Department to testify. McMullen testified that she was dispatched to

defendant's apartment on May 26, 2025, at approximately 10:32 p.m. in response to a physical domestic in progress. When she arrived, Y.T. was standing in the front entry doorway waiting for the police. McMullen recalled that Y.T. was crying and highly emotional. Y.T. wanted to gather her belongings and leave the apartment. She felt she would be more comfortable at the police station so McMullen transported her there to interview her.

¶ 19 At the police station, McMullen observed two marks on Y.T.'s neck that appeared to be popped blood vessels. She noted a large mark under her left ear, scratch marks and red marks on her neck and upper back, and red marks on her chest. McMullen also saw an old bruise on her right bicep and scratches and red marks around it. McMullen took pictures of the injuries. The State admitted People's exhibit Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 into evidence. People's exhibit No. 2 depicted a red mark on the left side of Y.T.'s neck. People's exhibit No. 3 depicted red scratch marks on Y.T.'s face and under her left ear. People's exhibit No. 4 depicted a red mark on the right side of Y.T.'s neck. People's exhibit No. 5 depicted a red mark under Y.T.'s left ear. People's exhibit No. 6 depicted red marks on the left side of her chest with popped blood vessels. People's exhibit No. 7 depicted red marks on the right side of her chest with popped vessels shown on her neck area. People's exhibit No. 8 depicted more red marks on the right side of Y.T.'s chest and upper neck area, as well as popped vessels on her neck. People's exhibit No. 9 depicted red marks to the left side of Y.T.'s chest. People's exhibit No. 10 depicted a red mark with popped blood vessels on the right side of her neck. People's exhibit No. 11 depicted popped blood vessels under Y.T's chin. People's exhibit No. 12 depicted a closer view of the marks under Y.T.'s chin. People's exhibit No. 13 depicted an old bruise on Y.T.'s right arm surrounded by new scratch mark and other red marks. People's exhibit No. 14 depicted a full body view of Y.T.'s injuries.

¶ 20 At approximately 10:50 p.m., McMullen began an interview with Y.T.; less than 20 minutes after receiving her 911 call. The State admitted a video of the interview as People's exhibit No. 15A-G without objection. The video interview was edited into different clips for trial. Relevant here, in People's exhibit No. 15A, Y.T. states as follows:

> "And then, when I'm laying on the bed, he grabs me by my legs, throws me off the mattress, gets on top of me and starts choking me and *** I'm trying to gasp for air. I'm trying to gasp for air, and I'm like, I'm sorry, please let me go."

In People's exhibit No. 15B, Y.T., while crying, states as follows:

> "I really thought I was going to die, I really thought I was going to die, and I have a daughter, she's two, that I'm fighting for custody for, and I really thought I was going to die."

In People's exhibit No. 15C, Y.T., still crying, states as follows:

> "And then, he gets off me and he's slapping me around, he even hit my ear, *** he started slapping me around, hit my nose and *** while I'm on the floor *** he said something like *** oh, who hits you worse, me or Jacob?"

In People's exhibit No. 15D, Y.T. states as follows while acting out being grabbed by her collar:

> "He's like grabbing me from here and he's picking me up multiple times, and I'm telling him to stop, and *** I told him the Jacob hit me worse, because if I would've said he hit me worse, he would have killed me, right there. So, he does that, and then *** eventually I start to like – I couldn't breathe actually, because I read how, when they strangle you, you could kinda [*sic*] die because you could break *** something. Yeah, I got so scared and I was gasping for air, and he was like, 'swallow it,' he was like, 'swallow it, nigga.'"

In People's exhibit No. 15E, Y.T. continues as follows:

> "And he gets me up, and at this point, now we're in the corner where the lamp was, and then, he's like constantly pushing me in my chest, to where I get cornered."

In People's exhibit No. 15F, Officer McMullen asks Y.T., "you said you weren't able to breathe for 5 seconds?" Y.T. answers, "Yes." Finally, in People's exhibit No. 15G, Y.T. states "[h]e told me earlier that if I called the cops that he'd kill me. I know he was being serious."

¶ 21 On cross-examination, McMullen acknowledged that she was not trained in recognizing evidence of strangulation. Additionally, she recalled that the bedroom in defendant's apartment did not look as if a struggle had occurred within, as no blankets or pillows had fallen off the bed and the lamp was not damaged or knocked over. Defendant's exhibit No. 1, a screen shot from McMullen's body camera, was admitted. It depicted the bedroom and the Y.T. in the shirt she was wearing, which was not torn or ripped.

¶ 22 Before the State was to call K.V. to testify, defense counsel indicated that it was seeking to introduce some videos and K.V.'s 2023 domestic battery conviction against defendant's mother. The State indicated that the document was not a conviction, but a complaint with an attached affidavit. The case had been ultimately dismissed. The trial court asked the State if K.V. was the victim in defendant's prior convictions, to which the State responded as follows:

> "Yes, so for [K.V.], we are calling [K.V.]. She's going to testify [that] in 2024 she was in a bank parking lot. She was with the defendant. We are going to play the video of that interaction. We are not getting into that conviction. Then there's the 2020 case where [K.V.] was the victim. We are not going to ask her about that. We're going to let her leave the stand. We are going to admit the certified conviction that I have for the 2020 case. And I have a copy of that if the Court would like to look at it. It has the defendant's name

> captioned at the top. It says plea of guilty domestic battery cause bodily harm, conviction is entered. I *** redacted all sentencing details. And then the Court did say I could publish the complaint and I was going to publish the one count that he pled guilty to for the 2020 case."

The trial court then told defense counsel that he would be allowed to cross-examine K.V. with the fact that she was charged with domestic violence in a case involving defendant's family that was later dismissed after K.V. agreed to an order of protection against them. Defense counsel would also be allowed to question K.V. as to the details of that incident, but would not be allowed to play any related videos.

¶ 23 K.V. testified that she and defendant had been in a six-year relationship and had a four-year-old daughter together. She then recalled that on December 8, 2024, at approximately 1:09 a.m., she went to meet defendant in the parking lot of a bank in Carol Stream. The State admitted People's exhibit No. 16, surveillance video from the parking lot depicting K.V. and defendant over defendant's objection. The video was played in open court. The video shows K.V. and defendant in a car, talking. Defendant is seen slapping K.V. She gets out of the car to get away from defendant. Defendant chased her down, punched her, and kicked her in the head.

¶ 24 On cross-examination, K.V. admitted that defendant's family had an order of protection against her and that she had been charged in 2023 with domestic battery against his mother. She testified that she pleaded guilty to that charge.

¶ 25 After K.V.'s testimony, the State admitted People's exhibit No. 17, a certified copy of defendant's conviction from Du Page County case number 2020DV1495 into evidence. Over defendant's objection, the State read the complaint to the jury. The State then rested.

¶ 26 Defendant moved for a directed finding. The trial court denied the motion and the matter proceeded to closing arguments. Relevant here, the State argued, in part, as follows:

> "This was not an isolated event. This is a pattern, a pattern of violent behavior that this defendant continues to commit. You heard from his prior domestic violence victim. [K.V.], she testified that she was in a relationship with this defendant. And you saw the surveillance video. You saw what he did to her on December 8, 2024. You also heard that a certified copy of conviction was entered into evidence of his prior domestic violence against the same victim, [K.V.], and that that was a different incident than the December 8, 2024, incident. This defendant has a continued behavior of violent behavior against women he's in intimate relationships with. Now, if this is what he does to [K.V.] in public, what does he do to his girlfriends in private? You know that. You know what he does because you heard the 911 call and you heard the interview. You heard from the words of [Y.T.] what this defendant did to her in private without surveillance video. This defendant didn't lose control once. This is who he is. He chose. He made choices. And his choices involved violence."

¶ 27 The jury found defendant guilty of twocounts of aggravated domestic battery by strangulation and seven counts of domestic battery.

¶ 28 On August 27, 2025, defendant filed a motion for judgment notwithstanding the verdict or for a new trial. His motion argued that (1) the State failed to prove him guilty beyond a reasonable doubt of each element necessary to support convictions on the charges and failed to support enough evidence beyond a directed verdict; and (2) the trial court erred in its decision to deny defendant's assertion of a mistrial or his request to strike Y.T.'s testimony when she invoked her Fifth Amendment right.

¶ 29 On October 24, 2025, the trial court denied defendant's motion. The trial court merged the counts into the first account of aggravated domestic battery by strangulation and defendant was sentenced to four years' imprisonment and four years of mandatory supervised release.

¶ 30 This appeal followed.

¶ 31 II. ANALYSIS

¶ 32 Defendant contends that (1) the trial court erred in admitting certain other-crimes and propensity evidence; (2) the trial court abused its discretion by permitting the State to present video and testimonial evidence that undermined the fairness of the trial; (3) the trial court violated defendant's right to due process by compelling the complaining witness to testify without conducting an adequate Fifth Amendment inquiry into her risk of self-incrimination ; (4) the State's closing argument contained improper allusions to defendant's character and perceived dangerousness rather than proof of the charged offenses; (5) the evidence adduced at trial was insufficient to prove defendant guilty beyond a reasonable doubt; and (6) the cumulative effect of the trial court's evidentiary rulings and errors deprived defendant of a fair trial.

¶ 33 It is well established that in order to preserve an issue for review, a defendant must make a contemporaneous objection at trial and raise the issue in his posttrial motion. *People v. Enoch,* 122 Ill. 2d 176, 186 (1988). As this requirement relates to defendant's first contention above, he entered a continuing objection to the other-crimes and propensity evidence at trial, but failed to raise the issue in his posttrial motion. As to defendant's above-listed second and third contentions, he failed to either object at trial or raise the issues in his posttrial motion.

¶ 34 Ordinarily, we may review an otherwise forfeited issue for plain error under Supreme Court Rule 615(a), which permits review of unpreserved errors when "(1) a clear or obvious error occur[red] and the evidence is so closely balanced that the error alone threatened to tip the scales

of justice against the defendant, regardless of the seriousness of the error, or (2) a clear or obvious error occur[red] that is so serious that it affected the fairness of the defendant's trial and challenged the integrity of the judicial process, regardless of the closeness of the evidence." *People v. Piatkowski*, 225 Ill. 2d 551, 565 (2007); IL S. Ct. R. 615(a) (eff. Jan. 1, 1967). Under both prongs of the plain-error doctrine, the defendant bears the burden of persuasion. *People v. Hillier*, 237 Ill. 2d 539, 545 (2010). If the defendant fails to sustain his burden, we must honor the procedural default. *Id.* at 545.

¶ 35 A defendant who fails to argue for plain error review "obviously cannot meet his burden of persuasion." *Hillier*, 237 Ill.2d at 545. Specifically, "when a defendant fails to present an argument on how either of the two prongs of the plain-error doctrine is satisfied, he forfeits plain-error review." *Id.* at 545–46.

¶ 36 The State points out in its brief presented to this court defendant's forfeiture of the above-mentioned issues. The State takes the extra step of arguing that even if this court were to entertain the forfeited issues on appeal under a plain error analysis, no error occurred and defendant's contentions would fail. In his reply brief, defendant responds to the State's forfeiture argument as follows:

> "[A]s to any claim this Court deems unpreserved, the State itself acknowledges that this Court may permit a defendant to present plain error in his reply brief, and states that it has answered the merits of both prongs on that assumption. [Citation]. Appellant accepts that invitation. For each issue raised in the opening brief, a clear or obvious error occurred for the reasons stated there and below; the evidence was closely balanced under the qualitative, commonsense assessment *Piatkowski* requires[.]"

Defendant's reply brief then goes on to respond to the State's arguments made in the event that this court entertains a plain error analysis as to the relevant issues.

¶ 37 Although we may review plain error arguments raised in a reply brief, conclusory assertions such as those contained in defendant's brief cannot deemed adequate legal arguments to sustain defendant's burden of persuasion. *People v. McCoy*, 405 Ill. App. 3d 269, 274 (2010). The plain error arguments presented to this court were made by the State. Defendant's attempt to adopt those arguments, without any plain error argument of his own after being called out for forfeiture would set a preposterous precedent. Thus, defendant has forfeited plain error review of issues (1), (2), and (3) above (see *supra* ¶ 32) and we must honor the procedural default. See *Hillier*, 237 Ill.2d at 545.

¶ 38 Moving on to the issues defendant has preserved for appeal, he contends that he was denied a fair trial when the prosecutor urged the jury to convict based on character and propensity. Specifically, defendant takes issue with the State's assertion that "this is who he is" as that statement urged the jury to view him as an abuser of women. Defendant acknowledges that this issue was not preserved for appeal, but asks this court to analyze the issue for plain error.

¶ 39 As discussed above, we may review an otherwise forfeited issue for plain error under Supreme Court Rule 615(a), which permits review of unpreserved errors when "(1) a clear or obvious error occur[red] and the evidence is so closely balanced that the error alone threatened to tip the scales of justice against the defendant, regardless of the seriousness of the error, or (2) a clear or obvious error occur[red] that is so serious that it affected the fairness of the defendant's trial and challenged the integrity of the judicial process, regardless of the closeness of the evidence." *Piatkowski*, 225 Ill. 2d at 565; IL S. Ct. R. 615(a) (eff. Jan. 1, 1967).

¶ 40 Prosecutors are afforded wide latitude in closing argument. *People v. Wheeler*, 226 Ill. 2d 92, 123 (2007). Closing arguments must be viewed in their entirety, and the challenged remarks must be viewed in context. *Id*. at 122. In reviewing comments made at closing arguments, a reviewing court asks whether or not the comments engender substantial prejudice against a defendant such that it is impossible to say whether or not a verdict of guilt resulted from them. *Id*. at 123. Misconduct in closing argument is substantial and warrants reversal and a new trial if the improper remarks constituted a material factor in a defendant's conviction. *Id*. Our review of closing remarks requires an analysis of whether the remarks created a substantial prejudice against defendant, such that it would be impossible to determine if a guilty verdict resulted from the remarks. *People v. Miller*, 2020 IL App (1st) 163304, ¶ 46.

¶ 41 The State introduced evidence of defendant's prior instances of domestic violence to show his propensity to commit the charged offenses. As we have discussed, the jury saw what he did to K.V. in the bank parking lot video. The jury was read the synopsis of his 2020 conviction for domestic battery conviction in which he dragged K.V. by her leg though an apartment and across the metal guide of a sliding glass door. The prosecutor's comment on defendant's propensity to commit domestic violence was wholly supported by the evidence that was introduced specifically for that purpose pursuant to section 115-7.4 of the Code. As our supreme court has held, the State may comment on the evidence and any reasonable inferences that arise from it, even if those inferences reflect negatively on the defendant. *People v. Williams*, 2022 IL 126918, ¶ 44. Therefore, we find that the State committed no error in commenting on defendant's propensity to commit domestic violence. As such, there exists no plain error either.

¶ 42 Defendant next contends that the evidence adduced at trial was insufficient to prove him guilty beyond a reasonable doubt because Y.T. could not remember the events leading to the

charged offenses. He argues that Y.T.'s inability to recall the events deprived the jury of evidence to establish that the charged conduct occurred at all and left it to speculate as to what occurred.

¶ 43 We review claims of insufficient evidence to determine " 'whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.' " (Emphasis in original.) *People v. Collins*, 106 Ill. 2d 237, 261 (1985) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). A conviction will not be set aside unless the evidence is so improbable or unsatisfactory that it creates a reasonable doubt of the defendant's guilt. *Id.* It is not the function of this court to retry the defendant. *Id.* Rather, the trier of fact must assess the credibility of the witnesses and the weight of their testimony, resolve conflicts in the evidence, and draw reasonable inferences from that evidence, and this court will not substitute its judgment for that of the trier of fact on these matters. *People v. Ortiz*, 196 Ill. 2d 236, 259 (2001).

¶ 44 To sustain a conviction for aggravated domestic battery by strangulation, the State must prove that defendant, knowingly and without legal justification: (1) caused bodily harm by strangling the victim; and (2) the victim was a family or household member." 720 ILCS 5/12-3.3(a-5) (West 2026); 720 ILCS 5/12-3.2 (West 2026). As the jury was instructed in the present case, "family or household member" meant a person who was in a dating relationship with defendant.

¶ 45 Defendant's assertion that Y.T.'s inability to recall the events deprived the jury of evidence to establish that the charged conduct occurred at all and left it to speculate as to what occurred is unsupported by any case law. The record shows that the State presented voluminous evidence to support the jury's finding beyond a reasonable doubt that defendant committed aggravated domestic battery by strangling Y.T. Y.T.'s 911 call where she is heard crying to the operator that

defendant had strangled her was played in open court. Officer McMullen testified to what she observed upon arriving at the apartment and her interview with Y.T. in which she gives a tearful, detailed account of defendant's conduct was played in open court. Pictures of Y.T.'s injuries taken minutes after the attack were entered into evidence. Y.T. testified that she was in a dating relationship with defendant at the time of the charged conduct. There is nothing in the record to suggest that the jury's finding of defendant's guilt was based on speculation just because Y.T. testified that she could not recall the specifics of the evening of May 26, 2025. The record is replete with evidence corroborating Y.T.'s prior inconsistent statements. Based on the foregoing, we will not disturb defendant's conviction.

¶ 46 Finally, defendant's reply brief contends that the cumulative effect of the trial court's errors denied him a fair trial. The brief assures this court that this contention and the arguments to support it can be found on pages 19-20 and 25-29 of his opening brief. Unfortunately, no such argument is contained on those or any other pages beyond bare statements that admission of defendant's prior domestic battery conviction and reading the complaint to the jury was "unnecessary, cumulative, and unduly prejudicial," and that introduction of the video was "cumulative unduly prejudicial evidence." A bare contention in a party's appellate brief, unsupported by argument and citation of pertinent authority, does not meet the requirements of rule governing briefs and is grounds for finding an argument forfeited. *People v. Smith*, 2023 IL App (3d) 230060, ¶ 67. However, based on the foregoing, none of the points defendant has relied upon in this appeal amount to error. Where there is no error, there can be no cumulative error. *People v. Quezada*, 2024 IL 128805, ¶ 46.

¶ 47 III. CONCLUSION

¶ 48 For the reasons stated, we affirm the judgment of the circuit court of Kane County.

¶ 49 Affirmed.