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).

2026 IL App (4th) 260336-U

NO. 4-26-0336

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
November 25, 2026
Carla Bender
4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	McLean County
BRYAN LEONARD,	)	No. 25CM517
Defendant-Appellant.	)	
	)	Honorable
	)	Amy L. McFarland,
	)	Judge Presiding.

PRESIDING JUSTICE STEIGMANN delivered the judgment of the court.
Justices Vancil and Grischow concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court vacates defendant's less serious battery conviction based upon the one-act, one-crime rule.

¶ 2 In January 2026, a jury convicted defendant, Bryan Leonard, of two misdemeanor counts of battery (720 ILCS 5/12-3(a)(1), (2) (West 2024)). In March 2026, the trial court sentenced defendant on each count.

¶ 3 Defendant appeals, arguing only that under the one-act, one-crime rule, this court must vacate one of his two battery convictions because they were based on the same physical act. We agree and vacate defendant's conviction of the less serious battery.

¶ 4 I. BACKGROUND

¶ 5 In June 2025, the State charged defendant with two counts of misdemeanor battery (*id.*). Count I alleged that defendant committed battery "in that he knowingly and without

legal justification caused bodily harm, a facial bruise, to Katie Franco, by punching her in the face in violation of 720 ILCS 5/12-3(a)(1).” Count II alleged that he “made physical contact of an insulting or provoking nature with Katie Franco by punching her in the face in violation of 720 ILCS 5/12-3(a)(2).” Both counts alleged that the offenses occurred on June 8, 2025.

¶ 6 In a January 2026 jury trial, Katie Franco, the alleged victim in this case, testified that on June 8, 2025, she was at defendant’s residence when defendant got upset and accused her of taking his phone. Franco then testified as follows:

> “Q. *** So, there was a physical struggle?
>
> A. Yes.
>
> Q. And during that struggle, did the defendant strike you?
>
> A. Yes. He hit me in the face and punched me in the eye and proceeded to strip me down of my clothing.
>
> Q. And how many times did he strike you?
>
> A. Just the once.
>
> Q. Okay. And where did he strike you?
>
> A. My eye.”

¶ 7 Defendant testified that when Franco was in his apartment, she tried to steal his phone and then hit him on the side of his head with a hammer. He responded by punching Franco in the face to defend himself.

¶ 8 No evidence was presented that defendant struck Franco more than once, and in closing argument, the State argued that each count of battery was proved by Franco’s testimony that defendant struck her in the face.

¶ 9 The jury convicted defendant on both counts of battery.

¶ 10 In March 2026, the trial court conducted a sentencing hearing and noted that it had "been handed a joint proposal for sentencing here today of both charges of battery, to pay a $75 fine on each, credit for one day served in the McLean County jail, and assessments in this case along with a waiver." The court then concurred with the joint proposal for sentencing and imposed that sentence on each conviction.

¶ 11 This appeal followed.

¶ 12 II. ANALYSIS

¶ 13 Defendant appeals, arguing only that under the one-act, one-crime rule, this court must vacate one of his two battery convictions because they were based on the same physical act. We agree and vacate defendant's conviction of count II as the less serious battery conviction.

¶ 14 Defendant acknowledges that he has forfeited his one-act, one-crime argument by failing to raise it before the trial court, but he seeks review by this court under the plain-error doctrine. Defendant argues that the Illinois Supreme Court has determined that a one-act, one-crime violation satisfies the second prong of the plain-error test, and we agree. See *People v. Coats*, 2018 IL 121926, ¶ 10. The supreme court in *Coats* also wrote the following:

> "Whether a violation of the [one-act, one-crime] rule has occurred is a question of law, which we review *de novo*. *People v. Robinson*, 232 Ill. 2d 98, 105 (2008). In making that determination, this court has long followed a two-step analysis. *People v. Rodriguez*, 169 Ill. 2d 183, 186 (1996). First, the court ascertains whether the defendant's conduct consisted of a single physical act or separate acts." *Id.* ¶ 12.

¶ 15 In *People v. Millsap*, 2012 IL App (4th) 110668, ¶ 18, this court also addressed the same issue and wrote the following:

"The one-act, one-crime rule prohibits multiple convictions when the convictions are based on precisely the same physical act. [Citation.] If the same physical act forms the basis for two separate offenses charged, a defendant could be prosecuted for each offense, but only one conviction and sentence may be imposed. [Citation.] However, if guilty verdicts are obtained for multiple counts arising from the same act, then a sentence should be imposed on the most serious offense. [Citation.] In *In re Samantha V.*, [234 Ill. 2d 359, 379] (2009), the Illinois Supreme Court held that to determine the most serious offense, a reviewing court should 'consider the plain language of the statutes, as common sense dictates that the legislature would prescribe greater punishment for the offense it deems the more serious. [Citations.]' The supreme court further held that if the punishments are identical, then the reviewing court must determine which offense has the more culpable mental state. *Samantha V.*, 234 Ill. 2d at 379."

¶ 16 Despite the above authority, the State makes the following argument regarding why this court should reject defendant's claims:

"[T]he charges against defendant and the State's arguments at trial reflect the State's intent throughout the case to prosecute the acts as separate offenses. Contrary to defendant's assertion, his misdemeanor battery convictions were not based on precisely the same act. Defendant made physical contact of an insulting or provoking nature with Franco by punching her in the face and causing emotional turmoil. That was one act. With the punch, defendant also caused bodily harm to Franco giving her a facial bruise. That was a second act."

¶ 17 In response to the State's argument, defendant writes the following:

> "Contrary to the State's *** unsupported argument, a single punch is a single physical act. The State's conclusory assertions that the relevant precedent does not apply is based on its erroneous conclusion that a single punch is two separate acts. This argument is unsupported by the record, law, and common sense. As argued in [defendant's] opening brief, because the State charged and prosecuted the two battery counts under alternate theories of legal culpability for the same physical act, a single punch, it violated the one-act, one-crime doctrine. Thus, this Court should vacate Count II as the less serious battery conviction, based on insulting or provoking contact."

¶ 18 We agree with defendant's analysis, reject the State's argument, and vacate defendant's battery conviction under count II because it is the less serious battery conviction.

¶ 19 III. CONCLUSION

¶ 20 For the reasons stated, we vacate defendant's conviction of battery under count II and his sentence thereon and otherwise affirm the trial court's judgment.

¶ 21 Affirmed in part and vacated in part.