2026 IL App (2d) 250377-U
No. 2-25-0377
Order filed November 2, 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NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).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.

DONALD G., Defendant-Appellant

Appeal from the Circuit Court of Kendall County.
Honorable Stephen L. Krentz, Judge, Presiding.
No. 22-CF-305

JUSTICE BIRKETT delivered the judgment of the court.
Justices McLaren and Mullen concurred in the judgment.

ORDER

¶ 1 *Held*: Defendant's conviction of criminal sexual assault was affirmed where, (1) although the trial court abused its discretion in barring defense counsel from cross-examining the complaining witness about a prior inconsistent statement, the error was harmless beyond a reasonable doubt because the jury had already heard substantial evidence of her prior recantations and had an adequate basis to assess her credibility; and (2) defense counsel did not provide ineffective assistance of counsel.

¶ 2 Following a jury trial, defendant, Donald G., was found guilty of one count of criminal sexual assault (720 ILCS 5/11-1.20(a)(3) (West 2022)). The indictment alleged that defendant committed an act of sexual penetration with V.G., a family member under the age of 18. On appeal, defendant argues that (1) the trial court erred by barring defense counsel from cross-examining the complaining witness about a prior inconsistent statement; and (2) his counsel was ineffective for

failing to object when the State adduced testimony from an expert witness regarding recantation. We affirm.

¶ 3 I. BACKGROUND

¶ 4 On August 16, 2022, defendant was charged by information with two counts of criminal sexual assault (720 ILCS 5/11-1.20(a)(3), (a)(4) (West 2022)) and one count of aggravated criminal sexual abuse (*id.* § 11-1.60(b)). The charges alleged that, between December 24 and December 29, 2021, defendant committed an act of sexual penetration with V.G., a family member under 18 years of age, in that he placed his finger inside her sex organ. On October 24, 2022, a grand jury returned a superseding indictment that was substantively identical to the information. Defendant was released from custody on bond, subject to the condition that he have no contact with V.G.

¶ 5 On March 4, 2024, defense counsel filed a disclosure pursuant to Illinois Supreme Court Rule 413(d) (eff. July 1, 1982), notifying the State of two witnesses: (1) D.G., the victim's brother, and (2) Nick Bruce, defendant's friend. The disclosure included summaries of interviews that an employee of the Kendall County Public Defender's Office conducted with the witnesses on January 18, 2024. According to the summary of D.G.'s interview, V.G. told D.G. that she lied about the incident and that her father did not touch her as she originally reported. V.G. further stated that she lied because she did not want to move and "leave her friends back in Iowa." D.G. also reported that, "[a]round Thanksgiving 2023 [V.G.] was still saying that [defendant] never touched her and that it was all a lie." According to the summary of Bruce's interview, Bruce reported that, as he was exiting a bathroom, he overheard V.G. tell D.G. that she had lied about the incident and that her father had not touched her as she originally reported. Bruce further reported that he overheard V.G. state that she did not want to move and leave her friends in Iowa.

¶ 6 On May 1, 2024, the State filed petitions to sanction defendant and revoke his pretrial release, alleging that he had been charged in Kendall County case No. 24-CM-127 with violating the no-contact condition of his pretrial release by using fake profiles to contact V.G. through Snapchat, a social media platform. The Snapchat messages referenced defendant's GPS ankle monitor, the ongoing court proceedings, defendant's wish to see V.G. and her siblings, the relationship between V.G.'s mother and defendant, and the family dynamics.

¶ 7 On May 7, 2024, following a hearing, the circuit court modified defendant's pretrial release to prohibit him from using social media and ordered him to provide the Kendall County pretrial services department with the passwords to all his social media accounts. On September 11, 2024, defendant entered an open plea of guilty to the misdemeanor charge in case No. 24-CM-127, and the court granted a pretrial motion allowing the State to present evidence of the Snapchat messages, as well as a telephone conversation between defendant and V.G. that defendant had requested. The conversation occurred after defendant sent V.G. a message through a video game, Minecraft, requesting that she call him.

¶ 8 Prior to trial, the State dismissed the charge of aggravated criminal sexual abuse, and the case proceeded to trial on the two counts of criminal sexual assault.

¶ 9 V.G. testified at trial. She acknowledged that it was difficult to testify in court and that she did not want to be there. She testified that in the fall and winter of 2021, her family lived in two separate residences. V.G. lived with defendant at the home of defendant's friend, Nick Bruce, while V.G.'s mother, Jennifer, and five siblings lived at the home of Jennifer's stepmother. Although defendant was welcome to live with Jennifer and the children, he did not do so because he did not get along well with Jennifer's family. At the time, the family planned to move to South

Carolina together, and defendant and V.G. made plans to travel there to explore the area and search for suitable housing.

¶ 10 Around Christmastime in 2021, V.G. and defendant stayed at the Super 8 motel in Yorkville for two nights because Bruce asked defendant to stay elsewhere during the holidays. V.G. could not recall how many beds were in the motel room. On one of the nights, V.G. and defendant simultaneously got into the same bed while the lights were off. She wore pants and underwear. V.G. fell asleep but was awakened by defendant touching her vagina under her clothing. She was in the fetal position and faced away from defendant, and defendant was spooned behind her. Defendant's hand reached over the top of the back of her leggings and went between her legs from underneath. Defendant's hand went inside her underwear, and he "inserted a finger or two" inside her vagina. V.G. pretended to stay asleep while defendant touched her. After defendant ceased touching V.G., she neither discussed what had just occurred nor immediately told anyone. V.G. was afraid because she loved her father. At various points during V.G.'s testimony, including when she testified about the sexual abuse and her love for her father, counsel asked whether she needed a moment and directed her attention to nearby tissues. V.G. declined the offers to pause, at one point telling counsel to "[k]eep going, please."

¶ 11 V.G. further testified that, the next morning, she and defendant began their out-of-state travels. They first stopped in Indiana for a few weeks and visited V.G.'s uncle. They then proceeded to South Carolina, where they explored the area for several days. According to V.G., they possibly continued to Kansas to see one of defendant's friends. After V.G. and defendant returned to Illinois, they continued to live with Bruce for a couple weeks before she, but not defendant, moved in with Jennifer.

¶ 12 Around May of 2022, V.G. told a school counselor about the touching in the motel room, and V.G. later told her mother, Jennifer. V.G. was interviewed at the Children's Advocacy Center (Advocacy Center) in Kendall County.[1] After the disclosure, the Department of Children and Family Services (DCFS) became involved with V.G.'s family, and defendant was prohibited from having any contact with V.G.

¶ 13 Defendant thereafter contacted V.G. through Minecraft, an online world-building video game. Defendant and V.G. were friends within the game, which allowed defendant to enter V.G.'s Minecraft world, where he used the game's chat feature to ask her to call him. V.G. called defendant's cell phone, and defendant asked about her disclosures. V.G. told defendant the details of her disclosures and, according to V.G., defendant replied that he "didn't do it, or that if he did it in his sleep and [*sic*] he was sorry." Defendant also asked V.G. if perhaps she was sleeping and had dreamed the incident. The call made V.G. anxious about the events that would occur next and she had a lot on her mind.

¶ 14 In August 2022, when she was 15 years old and had moved with her family to Iowa, V.G. told Jennifer that she had made up the allegations because defendant was her father, and she "felt really guilty and sorry" for putting him in that legal situation. She explained that, if she "wouldn't have said anything, none of this would have happened, and that's what was going through [her] mind at the time." V.G. had attempted to contact the Yorkville police several times but did not receive any response.

¶ 15 On March 2, 2023, V.G. went to the Yorkville Police Department and spoke with Detective Jeffrey Johnson. She told him that she had made up the allegations, that she and her father had not

[1]No recording of the victim-sensitive interview was offered into evidence at trial and therefore is not part of the record on appeal.

entered the same bed, and that there was no sexual contact between them in the motel room. V.G. also told Detective Johnson that defendant wore cargo pants and a shirt to bed, which were details that she was unable to recall "the first time around."

¶ 16 On October 30, 2023, V.G. returned to the Yorkville Police Department and renewed her allegations against defendant, stating that her original disclosure about defendant inserting his fingers into her vagina was true. V.G. explained that she decided to come forward again after seeing other survivors of sexual assault share their experiences on social media. It "kind of motivated [her] to come forward and speak [her] truth," and she did not want to betray herself or any other sexual assault survivors. V.G. acknowledged that there was "so much back and forth" regarding her allegations because she had mixed emotions about what had happened to her. She explained that she felt "like something had to be said, but at the same time," she "felt really bad" for her father and did not want to see him in legal jeopardy because she still loved him. V.G. maintained that she testified truthfully about what occurred in the motel room and had no reason to fabricate the allegation at trial.

¶ 17 V.G. further testified that, in January 2024, she received messages on her phone through Snapchat from two accounts with which she was unfamiliar, Nikki D. and Jessica G. She received the messages while defendant was under court order to have no contact with her. V.G. suspected defendant wrote the messages based on the word choices, the way the users typed, "a lot of self-inflation" and egocentricity, and the users' discussion of V.G.'s family and defendant's pending court case. She agreed that it was possible someone else could have sent the messages, but also that they could have been sent by a third party at defendant's request.

¶ 18 On cross-examination, V.G. acknowledged that, after renewing her allegations on October 30, 2023, she "maybe" went to Bruce's house while defendant was there. Defendant asked V.G.

whether, "at that time," she told her brother, D.G., that she had fabricated her story to the police. The State objected based on a lack of foundation, and the parties discussed the objection with the court outside the jury's hearing. Defense counsel explained that Bruce had been within ten feet of V.G. and D.G. during the conversation and that, if necessary, Bruce could perfect the impeachment by testifying that he overheard V.G. make the statement.

¶ 19 The State responded that if V.G. denied making the statement, defendant would need to "prove it up" and perfect the impeachment, but would be unable to do so because D.G., "the person that's the party to the conversation," was not included on defendant's witness list. The State conceded, however, that if V.G. admitted making the statement, then "it really doesn't matter" because the impeachment would be complete. The State also noted that defendant's Rule 413 discovery disclosure, which summarized the interviews with D.G. and Bruce, failed to identify when V.G. purportedly told D.G. that she had lied about the allegations.

¶ 20 In response, defense counsel emphasized that D.G. was a minor who lived out of state and maintained that Bruce could perfect the impeachment because he was present and overheard the conversation, as well as asserted that V.G.'s conversation with her brother occurred "after they left the officers in Yorkville on October 30th." The State retorted, "[t]hat's not what this statement says," noting that it did not "know what [V.G.'s] going to say because this [Rule 413] disclosure doesn't have on this date, on this time, I went to this location, *** [s]o I can't use this to impeach" Bruce. The State also disagreed that Bruce could perfect the impeachment and asserted that allowing defendant to ask the question without an ability to perfect the impeachment would place the statement before the jury while leaving the State unable to "un-ring the bell." The State reiterated that, even if Bruce were called to testify, defendant's disclosure concerning his

anticipated testimony failed to identify the date or time of the alleged conversation, which it maintained impaired the State's ability to prepare for cross-examination.

¶ 21 The circuit court sustained the State's objection and ruled that defense counsel could not ask V.G. whether she told her brother that she had fabricated the allegations against their father. The court agreed with the State that the question constituted improper impeachment because defense counsel would be "ringing a bell that can't be un-rung unless" the defense called D.G. to perfect that impeachment, which counsel could not.

¶ 22 Jennifer testified that defendant was the father of her six children, including V.G. Their family of eight lived together in Loves Park, Illinois, until October 2021, when they "were no longer able to live where [they] were renting." Jennifer and most of the children moved into her stepmother's home, but defendant opted to live elsewhere because of "some friction or tension" between him and Jennifer's stepmother. V.G. chose to live with defendant, and the two moved into the home of defendant's friend, Bruce, while Jennifer and the other children lived with Jennifer's stepmother. Jennifer and defendant discussed moving their family to South Carolina to be closer to her siblings, who were moving to North Carolina.

¶ 23 Around the holidays in December 2021, Jennifer rented a hotel room for defendant and V.G. to stay in because of "some issues with [defendant's] housing arrangement." Defendant suggested that V.G. stay with her mother and siblings in Sugar Grove because it was the holidays, but V.G. chose to remain with defendant. Although Jennifer paid for the reservation, only defendant and V.G. stayed in the motel room, which had two beds in it. After the hotel stay, defendant and V.G. traveled to South Carolina and made various stops along the way. Upon their return to Illinois, V.G. continued to reside with defendant for a while. In 2022, V.G. moved back in with her siblings and Jennifer, while defendant continued to reside with Bruce.

¶ 24 In May of 2022, V.G. told Jennifer that defendant had touched her inappropriately the prior December in the motel room. Upon learning this information, Jennifer was shocked and confused. She described V.G. as "sad" and "very small" during the outcry. Because V.G. had also disclosed the matter to a school counselor, the police had already been notified. At the direction of law enforcement, Jennifer took V.G. to the Advocacy Center, where she participated in a victim-sensitive interview. DCFS instituted a safety plan, which prohibited any contact between defendant and V.G. Jennifer acknowledged that she continued to take V.G. to see defendant even after V.G. reported that defendant had sexually abused her, explaining that it was a "confusing time," she was unable to assert herself in her relationship with defendant, and she was "nervous about having to deal with [defendant's] backlash." Although Jennifer was concerned that the contact could adversely affect V.G.'s emotional and mental well-being, V.G. indicated that "it would be ok" if she saw defendant if her siblings were also present. Jennifer regretted having allowed the contact, which occurred both over the phone and in person.

¶ 25 In August 2022, after criminal proceedings were initiated against defendant, V.G. approached Jennifer and expressed feelings of guilt. Jennifer contacted Detective Johnson and reported that V.G. stated she made up the allegations. Johnson "kind of brush[ed] [Jennifer] off." He seemed "a little bit" receptive but also hesitant to Jennifer bringing V.G. back to the police station to speak with him. In March 2023, Jennifer brought V.G. back to the Yorkville Police Department, and V.G. reported that she had made up the allegations and indicated that she "just wanted this to be done, this never happened." V.G. also told Jennifer that she still loved her father.

¶ 26 Later in 2023, V.G. again approached Jennifer and stated that her initial disclosure concerning the events in the motel room was true. At that point, V.G. and defendant were having no contact due to the no-contact order. V.G. also told Jennifer that she loved her father and missed

him. On October 30, 2023, Jennifer transported V.G. back to the Yorkville Police Department, where V.G. reported that defendant had, in fact, inappropriately touched her in the motel room. Jennifer could not recall whether they stopped and saw defendant immediately after leaving the police station, but she agreed that it was possible.

¶ 27 In January 2024, V.G. told Jennifer that individuals she did not know had contacted her through Snapchat, and Jennifer described the messages as portraying defendant as a "hero." Jennifer feared that the messages might disappear, so she photographed the messages as they appeared on V.G.'s phone using Jennifer's own phone. The photographs were admitted into evidence without objection.

¶ 28 Michelle Hawley, the mental health assistant director at the Kendall County Health Department, testified as an expert in child sexual abuse accommodation syndrome. She had worked for the department for 20 years, providing substance abuse counseling and serving as a forensic interviewer for the Advocacy Center. Hawley explained that the Advocacy Center provides a safe place for children to talk about sexual or physical abuse. Following completion of her training, Hawley conducted approximately 900 forensic interviews. She acknowledged that children may or may not disclose abuse during a forensic interview.

¶ 29 Hawley explained that her testimony was neither to discuss any specific interview nor offer an opinion as to whether any particular child who was interviewed at the Advocacy Center was truthful. Rather, her testimony concerned the behaviors that children who have experienced sexual abuse may exhibit in response to that trauma. Specifically, she testified that child sexual abuse accommodation syndrome was identified in 1983 by psychiatrist Roland Summit as a means to understand how children react to sexual abuse, which may include delayed reporting, inconsistencies in reporting, and recantation. A child's age, experience, communication skills,

understanding of what appropriate conduct is, and trauma response may contribute to a child delaying the reporting of sexual abuse and inconsistencies in the child's reporting. Hawley further explained that no two children who have experienced sexual abuse will react the same way.

¶ 30 Hawley further testified that it is "very common" for children to delay reporting sexual abuse, including in situations where the offender is a family member. She explained that a child who has a close relationship with the offender may experience conflicting emotions and may be reluctant to disclose the abuse out of concern for the repercussions the offender could face, particularly if the child lives with the offender or if the offender otherwise remains involved in the child's life. The child may even be protective of the offender.

¶ 31 Hawley described recantation as occurring when the individual "actively den[ies] what they already said had occurred." Hawley explained that the "number one reason a child will recant *** is when there's family involvement in the situation" or "family influence," particularly if "the primary, non-offender caregiver does not believe what was going on or [is] not supportive of the victim." She further explained that continued interaction with the offender may contribute to a child recanting an allegation of abuse. Hawley agreed that children who have been sexually abused often recant because they "just want to get back to the way things were before the abuse or assault occurred." She further testified that disclosing abuse "takes a lot out of" a child and that speaking with multiple entities involved in an abuse investigation can be overwhelming. As a result, it is "very common" for a child to recant and "say nothing happened so they can stop all of that."

¶ 32 On cross-examination, Hawley agreed that children undergo forensic interviews after allegations of abuse have been made and that the interviewer is aware of the allegations prior to the interview. She further agreed that inconsistencies in a child's account or recantation could

result from the child "just not being truthful" or having come "to a realization that they made a mistake, [or] they lied and they want to own up to it."

¶ 33 Following Hawley's testimony, the parties stipulated that the Snapchat messages that V.G. received in January 2024 from Nikki D. and Jessica G. were either sent by defendant or by a third party at defendant's direction. The State then rested its case-in-chief, and defendant's oral motion for a directed verdict was denied. After a jury instruction conference, the State dismissed one count of criminal sexual assault, explaining that the remaining count of criminal sexual assault alleged that defendant was a family member of the victim and that the proposed jury instruction already included that element.

¶ 34 Donald G. testified in his own defense that he lived in Elburn with Bruce, as well as two other individuals. V.G. was one of defendant's six children that he had with Jennifer. In September 2021, defendant and his family vacated their home in Loves Park and moved into separate residences, with defendant and V.G. moving in with defendant's friend. Around that time, defendant and his family contemplated moving to South Carolina, and he planned a trip to travel there to explore housing options. Defendant invited the children, but only V.G. chose to accompany him.

¶ 35 Defendant further testified that, late in November 2021, he and V.G. departed Bruce's residence and traveled to South Carolina. They made several stops along the way, including in Indiana, where they stayed with defendant's brother for approximately two weeks, as well as Tennessee, where they stayed in a hotel. They spent "maybe three, four days" in South Carolina before traveling to several states, including Mississippi, Arkansas, and Kansas, where they visited one of defendant's childhood friends. Defendant and V.G. primarily slept in the car because they "didn't have a lot and so [they] didn't really stay at hotels much."

¶ 36 Defendant and V.G. returned to Illinois and stayed at a motel in Yorkville. Defendant explained that they "were trying to make it *** out here so that we can have family come see each other at the hotel for Christmas Eve." That night, the entire family gathered in the motel room and opened presents. Defendant suggested that V.G. leave with her mother so that she could wake up with her siblings on Christmas morning, but V.G. insisted on remaining with defendant. According to defendant, he "asked her like three times to go with her mom," but "[s]he was persistent on staying." The room had two beds, and defendant denied ever getting into bed with V.G. or having any sexual contact with her.

¶ 37 After the hotel stay, defendant and V.G. returned to his brother's home in Indiana. They stayed in Indiana until "maybe mid-January or so," when V.G. asked to move in with her siblings. They then returned to Illinois and stayed with Bruce. After "probably a couple of days," V.G. left Bruce's home and moved in with her mother and the rest of the family. From mid-January until May 2022, defendant had regular contact with V.G. and his other children, with no indication of any problems.

¶ 38 In May 2022, defendant learned that V.G. had accused him of sexual abuse. Shortly after the disclosure, while defendant was playing Minecraft, he saw that V.G. was also online. He joined her Minecraft world and asked her to call him. At that time, defendant did not know the substance of V.G.'s accusations, but he understood that it was "a sexual thing." V.G. called defendant, and they talked "a little bit" about the allegations. Defendant told her that they did not have any sexual contact. At one point during the conversation, V.G. "said something about she could have been dreaming, or [defendant] could have been sleeping," and defendant replied, "if you think that's what I did, then I'm sorry." Defendant denied saying, "if I did that, I'm sorry."

¶ 39 Defendant further testified that, from May 2022 until his arrest in August 2022, he continued to visit and interact with his children, including V.G., although he described his contact with V.G. as "occasional." According to defendant, he ceased all contact with V.G. in August 2022, after he was arrested and "court ordered not to" contact her. Defendant denied that DCFS ever contacted him regarding a no-contact order. He could think of no reason why V.G. would make up the allegations, but he noted that V.G. "was cutting herself and stuff the summer beforehand."

¶ 40 Defendant additionally testified that, on October 30, 2023, V.G.'s siblings visited him at Bruce's house and stayed "pretty much the whole day." Jennifer dropped V.G. off at Bruce's house toward the end of the day, but defendant had no contact with her. He remained in the backyard with his other children while V.G. remained inside the house with her brother. Defendant believed that it was the same day that V.G. gave another statement to the police, because he "came to court a couple days afterwards." He recalled the exact date because it was Jennifer's birthday and the day before Halloween.

¶ 41 Defendant conceded that the January 2024 Snapchat messages were sent from his cell phone, but he denied personally sending them. According to defendant, he allowed his 25-year-old cousin, Christina, to use his phone and do "whatever she wanted to do," because she did not have a phone of her own. He instructed her not to call V.G. Christina nevertheless contacted V.G. and one of defendant's other daughters through Snapchat. Defendant emphasized that it "wasn't [his] conversation," and it was "between [his] cousin and them." Defendant did not know why Christina contacted his children, although he believed she wanted to visit them. He later learned that Christina had created fake Snapchat profiles, which he characterized as "pretty dumb" and of "her own doing." Defendant denied authorizing her to create the profiles. He later deleted the

Snapchat profiles from his phone and, as a result, he did not have access to the conversations. Defendant further testified that Christina used drugs and had since died from an overdose.

¶ 42 After deliberation, the jury found defendant guilty of criminal sexual assault. The court entered judgment on the verdict, revoked defendant's bond, ordered defendant taken into custody, and ordered a presentence investigation report.

¶ 43 On March 7, 2025, defendant filed a motion for judgment notwithstanding the verdict or, in the alternative, a new trial, which he supplemented on May 30, 2025. Defendant argued that the circuit court erred in barring defense counsel from asking V.G. whether she recanted her allegation to her brother, D.G., in an October 30, 2023, conversation shortly after renewing her allegations to Detective Johnson. Defendant maintained that he should have been permitted to inquire whether V.G. had "recanted on more than one occasion to other individuals besides the police," and to impeach her through Bruce, who overheard the conversation, could identify its participants, and would be subject to cross-examination. Defendant further argued that the State failed to prove his guilt beyond a reasonable doubt, emphasizing that V.G.'s recantation demonstrated that she "lied at some point," that her outcry "occurred significantly after the alleged incident," and asserting that Hawley's expert testimony carried undue weight with the jury despite offering only theories without a practical means of applying those theories to defendant's case. The court denied the motion following a hearing.

¶ 44 On August 22, 2025, the circuit court held a sentencing hearing and entered an agreed sentencing order in Kendall County case No. 24-CM-127. As to the instant felony conviction, the State requested a seven-year sentence, while defendant requested the statutory minimum of four years. Following the parties' arguments, the court sentenced defendant to 48 months' imprisonment, followed by a mandatory supervised release period of three years to natural life.

¶ 45 Defendant timely filed a notice of appeal.

¶ 46 II. ANALYSIS

¶ 47 On appeal, defendant argues that (1) the trial court erred by limiting his cross-examination of V.G. regarding an alleged second recantation that occurred on October 30, 2023; and (2) his trial counsel was ineffective for failing to object to Hawley's testimony concerning recantation and its causes among child victims of sexual abuse. We address each issue in turn.

¶ 48 A. Limitation of Impeachment by Prior Inconsistent Statement

¶ 49 Defendant argues on appeal that the trial court erred by improperly limiting his cross-examination of V.G. when it sustained the State's objection to defendant's question concerning an alleged second recantation, in which V.G. purportedly told her brother, D.G., that she fabricated the allegation against defendant. As noted, the State argued at trial that, if V.G. denied making the statement, defendant would be unable to perfect the impeachment because D.G. was not on his witness list and thus unable to testify. Defendant acknowledges that he did not subpoena D.G. to testify but maintains that Bruce, although not a participant in the conversation, overheard the statement and could have testified to it for purposes of impeachment. According to defendant, the court's ruling denied him his constitutional right to confront the witnesses against him through meaningful cross-examination, because his counsel had a good-faith basis to question V.G. about the second recantation as a prior inconsistent statement. In the alternative, defendant contends that his counsel was ineffective for failing to subpoena D.G. to testify at trial.

¶ 50 In response, the State appears to concede that Bruce's status as a nonparty to the conversation "may not have *per se* prohibited [Bruce] from perfecting impeachment," but disputes defendant's characterization of the trial court's ruling as resting entirely on that ground. The State maintains that the court's ruling is "more nuance[d] than defendant's contention suggests" and

asserts that the ruling was guided by several additional considerations that provide alternative grounds for affirmance. See *People v. Dunmore*, 389 Ill. App. 3d 1095, 1109 (2009) (appellate court may affirm the trial court's exclusion of evidence on any basis supported by the record). Specifically, the State argues that (1) defendant's Rule 413(d) disclosure concerning Bruce's anticipated trial testimony lacked an adequate foundation because it did not indicate that V.G.'s statement to her brother constituted a second, distinct recantation, as opposed to a statement made near her August 2022 recantation; (2) defendant's Rule 413(d) disclosures contained a "factual anomaly" that did not conform to the evidence, thereby necessitating testimony from D.G.; and (3) the disclosure did not establish that Bruce overheard the entire conversation and did not identify who else was present, whereas D.G. could have supplied the full context of the conversation. In the alternative, the State contends that even if the trial court erred by sustaining the State's objection, the error was harmless beyond a reasonable doubt.

¶ 51 A criminal defendant has a constitutional right to confront the witnesses against him, which includes the right to cross-examine those witnesses. *People v. Johnson*, 2023 IL App (2d) 210110,¶ 29. This right permits the defendant to inquire into a witness's biases, interests, or motive to testify untruthfully. *People v. Davis*, 185 Ill. 2d 317, 337 (1998). "The jury is entitled to the details of the theory of defense so it can make an informed judgment, and thus the right to cross-examine is satisfied when counsel is permitted to 'expose to the jury the facts from which jurors, as the sole triers of fact and credibility, could appropriately draw inferences relating to the reliability of the witness.' " *People v. Averhart*, 311 Ill. App. 3d 492, 497 (1999) (quoting *Davis v. Alaska*, 415 U.S. 308, 318 (1974)). In general, cross-examination is limited to the subject matter of the direct examination and to matters bearing on the credibility of the witness. *People v. Jefferson*, 2021 IL App (2d) 190179, ¶ 43. "Cross-examination on any subject that 'tends to

explain, discredit, or destroy the witness' direct testimony' is generally permissible." *Id.* (quoting *People v. Terrell*, 185 Ill. 2d 467, 498 (1998)). Nevertheless, the right to cross-examine is not unlimited, as the right guarantees "an *opportunity* for effective cross-examination, not cross-examination that is effective in whatever way, and to whatever extent, the defense might wish." (Emphasis in original.) *People v. Butler*, 2025 IL 130988, ¶ 70 (quoting *Delaware v. Fensterer*, 474 U.S. 15, 20 (1985)). "A trial court has broad discretion to limit the scope of cross-examination, and we will not reverse the court's restriction of cross-examination absent an abuse of discretion resulting in manifest prejudice." *Johnson*, 2023 IL App (2d) 210110, ¶ 29. A trial court abuses its discretion when its ruling is arbitrary, fanciful, or unreasonable, or when no reasonable person would adopt the court's view. *People v. McCullough*, 2015 IL App (2d) 121364, ¶ 104. Moreover, an abuse of discretion may be found where the trial court is found to have applied the wrong legal standard. *People v. Diggs*, 2023 IL App (1st) 220955, ¶ 92.

¶ 52 Of particular significance to the instant appeal, when a witness testifies at trial in a manner that is inconsistent with a statement he or she made on a previous occasion, a party may introduce the witness's prior statement for the limited purpose of impeaching the witness's credibility. *People v. Guerrero*, 2021 IL App (2d) 190364, ¶ 44. To impeach a witness with a prior inconsistent statement, the party must lay a proper foundation by (1) directing the witness to the time, place, and circumstances of the statement, (2) confronting the witness with the prior statement through pointed questioning, and (3) providing the witness an opportunity to explain the inconsistency. *Id*. ¶ 45. If, after a proper foundation is laid, the witness denies making the prior inconsistent statement, the impeaching party must complete the impeachment by introducing admissible extrinsic evidence of the statement. *Id*. When extrinsic evidence is admitted for the purpose of impeaching the witness's credibility, such evidence is "admitted not as proof of the truth of the

facts stated out of court but as doubt cast on the testimony by showing the witness's inconsistency." *People v. Eggert*, 324 Ill. App. 3d 79, 81 (2001). Conversely, if the witness admits making the statement, the impeachment is complete, and no extrinsic evidence is necessary. *Guerrero*, 2021 IL App (2d) 190364, ¶ 44.

¶ 53 We agree with defendant that the trial court abused its discretion by precluding him from questioning V.G. concerning her purported statement to D.G. During cross-examination, defendant attempted to lay a proper foundation to impeach V.G. with a prior inconsistent statement by directing her attention to the time, location, and circumstances under which she allegedly made the statement. Specifically, the following colloquy occurred:

> "[KURT GUSTAFSON (ASSISTANT PUBLIC DEFENDER)]: October 30th of 2023, you came back to Yorkville Police Department, told them that now you are reinstating your original story, that it did in fact happen, correct?
>
> A. Yes.
>
> Q. Now, after you had that meeting with the police in Yorkville that day, where did you go?
>
> A. I don't remember.
>
> * * *
>
> Q. In fact, on that day after you met with the police, didn't you go back to Nick Bruce's house in Elburn where your father was staying?
>
> A. Umm, maybe.
>
> Q. And, in fact, at that time didn't you make a statement to your brother once again that you had fabricated the story about your father?"

¶ 54 The State objected before V.G. could answer. During the ensuing sidebar, defense counsel proffered that, on October 30, 2023, after V.G. "left the officers in Yorkville," Bruce was present in his own home, was "within ten feet" of the conversation, "clearly heard" V.G. tell D.G. that she had fabricated the allegations against defendant, could identify the participants, and was available to testify. Nevertheless, the trial court sustained the State's objection on the basis that defense counsel was attempting to "ring[] a bell that can't be un-rung" because D.G. was unavailable to testify. In other words, the court credited the State's argument that defendant was required to establish the statement through the person to whom it was directed rather than through a third party who overheard it.

¶ 55 Although the court properly recognized the need to ensure that defendant could substantiate the alleged prior inconsistent statement if V.G. denied making it, the court erroneously treated D.G.'s unavailability as dispositive of the issue. Nothing in the foundational requirements for impeachment by a prior inconsistent statement requires that extrinsic evidence of the statement be supplied by a participant in the conversation. See *People v. Burgess*, 2015 IL App (1st) 130657, ¶ 137 (a proper foundation for impeachment by a prior inconsistent statement requires confronting the witness with the place, circumstances, and substance of the inconsistent statement and providing the witness an opportunity to explain the discrepancy so as to avoid unfair surprise). Rather, courts in Illinois have expressly recognized that a witness may be impeached through testimony provided by a third party who overheard the witness make a prior inconsistent statement to another person. See *People v. Lechner*, 60 Ill. App. 2d 472, 476 (1966) (upholding impeachment testimony from a third party who overheard witness's prior inconsistent statement while listening in on a telephone conversation); *People v. Payton*, 72 Ill. App. 2d 240, 247 (1965) (discussing

Lechner and recognizing that testimony from a third party who overheard a prior inconsistent statement is admissible to impeach the witness's credibility).

¶ 56 Put simply, by sustaining the objection before V.G. could answer, the circuit court prematurely foreclosed the foundational inquiry necessary to impeach her with a prior inconsistent statement. Defense counsel had already directed V.G.'s attention to the circumstances of the alleged statement. Had V.G. admitted making the statement, the impeachment would have been complete, thus making Bruce's testimony unnecessary. *Guerrero*, 2021 IL App (2d) 190364, ¶ 44. Conversely, had V.G. denied making the statement, defendant could have perfected the impeachment through Bruce's testimony, as his firsthand knowledge of the statement would have provided a valid basis for introducing the extrinsic evidence. However, the court's ruling effectively short-circuited the foundational inquiry and prevented defendant from pursuing either avenue of impeachment.

¶ 57 The State's additional, alternative arguments offered in support of the trial court's evidentiary ruling do not alter our conclusion. Illinois Supreme Court Rule 413(d), which governs certain disclosures to the prosecution, required defendant to "inform the State of any defenses which he intends to make at a hearing or trial," including the "names and last known addresses of persons he intends to call as witnesses, together with their relevant written or recorded statements, including memoranda reporting or summarizing their oral statements." *Id*. The State's contention that defendant's Rule 413(d) disclosure failed to identify V.G.'s alleged statement to her brother as a second, fresh recantation, completely distinct from her August 2022 recantation, is at odds with defendant's disclosures when viewed as a whole. Although the disclosure concerning Bruce's proposed testimony did not specify the date that he purportedly overheard V.G.'s statement, D.G.'s disclosure stated that, "[a]round Thanksgiving 2023, [V.G.] was still saying that [defendant] never

touched her and that it was all a lie." Of course, Thanksgiving 2023 postdates V.G.'s October 30, 2023, reaffirmation of her original allegations to police. This should have alerted the State to defendant's position that V.G.'s claims of fabrication were not confined to her August 2022 recantation but persisted even after she reinstated her original allegations to police. Even assuming the disclosure failed to distinguish the alleged October 2023 statement from V.G.'s August 2022 recantation, that deficiency did not undermine the evidentiary foundation for the proposed impeachment, particularly in light of counsel's proffer that Bruce personally overheard the statement. In any event, at trial, defense counsel identified the date and circumstances of the alleged statement during V.G.'s cross-examination and, during the sidebar, provided an adequate proffer of Bruce's firsthand knowledge of the conversation.

¶ 58 The State also contends that V.G.'s alleged October 30, 2023, statement "contained a factual anomaly" that did not conform to the evidence adduced at trial. Specifically, it emphasizes that both Rule 413(d) disclosures indicated that V.G. told her brother that she fabricated the allegations because she "didn't want to move and leave her friends back in Iowa," which the State asserts conflicts with her testimony that she lived in Illinois at the time of her initial outcry. In the State's view, only testimony from D.G. could have provided the full context of the conversation and cleared up any confusion. Relatedly, the State suggests that Bruce would have been unable to provide the full context of the conversation, as his disclosure did not indicate whether he heard all or just part of the conversation.

¶ 59 We are unpersuaded. Whatever inconsistency that may have existed between V.G.'s alleged explanation for fabricating the allegations and the timeline of the pertinent events, that discrepancy would bear on the weight of the proposed impeachment evidence, not whether Bruce could testify to a statement that he personally overheard. See *People v. Fillyaw*, 2018 IL App (2d)

150709, ¶ 52 (incorrect date on affidavit goes to the weight to be afforded to the exhibit by the factfinder and not its admissibility). Moreover, the State could have asked V.G. to explain the "factual anomaly" during redirect examination. While D.G. perhaps would have been better positioned than Bruce to provide the complete context of the conversation, his ability to provide additional context would not have rendered Bruce's firsthand account inadmissible. Again, that circumstance would bear on the weight to be given to the evidence and not its admissibility. In short, because the court precluded defendant from completing the foundational inquiry based on an erroneous understanding of the evidence necessary to perfect the impeachment, the court's ruling constituted an abuse of discretion. See *Diggs*, 2023 IL App (1st) 220955, ¶ 92 (a trial court abuses its discretion when it uses the wrong legal standard). Because of our determination, we need not address defendant's alternative argument that his appointed counsel was ineffective for not subpoenaing D.G. to testify at trial.

¶ 60 B. Harmless Error Beyond a Reasonable Doubt

¶ 61 Having determined that the trial court abused its discretion in barring defendant from cross-examining V.G. about an alleged prior inconsistent statement, we next evaluate whether the error requires reversal. We need not decide whether the evidentiary error also violated defendant's constitutional right to confrontation because, even assuming that it did, the error was harmless beyond a reasonable doubt. See *Davis*, 185 Ill. 2d at 338-40 (assuming constitutional error and concluding that the error was harmless beyond a reasonable doubt). See also *People v. Blue*, 205 Ill. 2d 1, 14 (2001) (denial of right of effective cross-examination may be harmless); *People v. Brock*, 2022 IL App (3d) 200430, ¶ 75 (denial of right to present a complete defense may be harmless).

¶ 62 The harmless-error analysis is grounded in the idea that a defendant's interest in an error-free trial must be balanced against societal interest in finality and judicial economy. *People v. Mullins*, 242 Ill. 2d 1, 23 (2011). An evidentiary error is harmless where there is no reasonable probability that the jury would have acquitted the defendant absent the error. *People v. Pinkett*, 2023 IL 127223, ¶ 39. When evaluating whether an error is harmless, the reviewing court may "(1) focus on the error to determine whether it might have contributed to the conviction; (2) examine the other properly admitted evidence to determine whether it overwhelmingly supports the conviction; or (3) determine whether the improperly admitted evidence is merely cumulative or duplicates properly admitted evidence." *In re Rolandis G.*, 232 Ill. 2d 13, 43 (2008). The State bears the burden of proving that the error was harmless beyond a reasonable doubt, meaning the result would have been the same absent the error. *People v. Nitz*, 219 Ill. 2d 400, 410 (2006); *Mullins*, 242 Ill. 2d at 23.

¶ 63 V.G.'s testimony was the principal evidence against defendant, and the proffered impeachment evidence concerned her inconsistent accounts of the abuse. Nevertheless, we conclude beyond a reasonable doubt that the jury would have returned the same verdict had defendant been permitted to pursue the proposed impeachment. Put simply, the jury heard substantial evidence of those inconsistent accounts, which provided the jury with an adequate basis to assess her credibility. See *People v. Douglas*, 2011 IL App (1st) 093188, ¶ 47 (noting that "[i]mpeachment is not evidence" but merely challenges the credibility of the witness).

¶ 64 V.G. testified that, in May 2022, she told a school counselor, and then her mother, that defendant sexually abused her in a motel room the prior December, in that he inserted his fingers into her vagina while she pretended to remain asleep. V.G. further testified that, after disclosing the abuse, she participated in a victim-sensitive interview at the Advocacy Center, DCFS became

involved with her family, and DCFS informed defendant that he was to have no contact with her. Defendant nevertheless contacted V.G. through the chat feature in Minecraft and requested that she call him, which she obliged. During the phone call, defendant discussed the allegations, which caused V.G. anxiety about the events that would occur next. According to V.G., defendant stated that he "didn't do it," or that "if he did it in his sleep *** he was sorry."

¶ 65 V.G. further acknowledged that, in August 2022, when she was 15 years old, she informed her mother that she fabricated the allegations. Notably, defendant had remained involved in V.G.'s life from the time of her initial outcry in May 2022 until her recantation in August 2022, which was the same month that defendant was criminally charged. V.G. testified, however, that she "felt really guilty and sorry" for placing defendant in legal jeopardy and explained that, had she said nothing, "none of this would have happened." She further detailed traveling from her new home in Iowa to speak with Detective Johnson at the Yorkville Police Department, where she reported that she fabricated the allegations. Specifically, she told Detective Johnson that defendant had not had any sexual contact with her and that defendant did not get into bed with her, adding that defendant slept in a shirt and cargo pants. Jennifer corroborated the recantation, testifying that V.G. told her in August 2022 that she made up the allegations. Jennifer further testified that, in March 2023, she transported V.G. back to the Yorkville Police Department, where V.G. expressly recanted to Detective Johnson because, in Jennifer's words, V.G. "just wanted this to be done."

¶ 66 Defense counsel thoroughly cross-examined V.G. about her changing account of the allegations, which placed her credibility squarely at issue. Through cross-examination, defense counsel emphasized that, following her August 2022 recantation to her mother and several unsuccessful attempts to contact the police, V.G. physically returned to Illinois in March 2023 and told Detective Johnson that "at no time" did defendant get into her bed and that there was no sexual

contact between them in the motel. Accordingly, the jury was well aware that V.G. had previously and expressly denied the essential facts underlying her testimony at trial, and it heard confirmation of those denials from another witness. Indeed, defense counsel emphasized these inconsistencies during closing argument, repeatedly asserting that the evidence was not compelling and that "the one thing that we know absolutely" was that V.G. lied. Counsel also highlighted V.G.'s delay in reporting the abuse, noting that she did not report it until near the end of the school year, when she believed she was about to move away from her friends and "maybe a boyfriend she didn't want to leave." Counsel also argued that it would make "no sense" for Jennifer to permit defendant to have contact with V.G. if he had sexually abused her. In short, defendant had a meaningful opportunity to present a complete defense, namely his theory that V.G. fabricated the allegations because she did not want to move away from her friends. *Averhart*, 311 Ill. App. 3d at 497.

¶ 67 We recognize that the alleged October 30, 2023, recantation to her brother, D.G., had additional impeachment value because it purportedly occurred soon after V.G. reaffirmed her original allegation to the police. Indeed, impeachment with the statement would have challenged the consistency of V.G.'s renewed allegation and, by extension, her credibility. Nevertheless, we are convinced beyond a reasonable doubt that this additional impeachment would not have affected the verdict. The proposed impeachment would have added but another instance of the same fundamental inconsistency that was already before the jury. V.G. acknowledged that, after accusing defendant of sexual abuse, she expressly told her mother and, more critically, the police, that the abuse never happened and that she fabricated the entire incident. Jennifer corroborated those recantations. Thus, the jury was already aware that V.G. had expressly repudiated the essential facts underlying her testimony, as well as observed V.G. testify that she initially recanted because she loved her father and did not want to see him in legal jeopardy. The alleged October

2023 recantation, while distinct in its timing, would have only incrementally reinforced the credibility dispute that the jury had already been asked to resolve. Under these circumstances, we conclude that the additional proposed impeachment would not have altered the jury's assessment of the competing accounts. See *Douglas*, 2011 IL App (1st) 093188, ¶ 47 ("[a] court of review will not upset a verdict by a jury on the possibility, not probability, that with a little bit more impeachment, the witness would have been found totally incredible").

¶ 68 The remaining evidence also informed the jury's assessment of the competing accounts. V.G. described the touching in detail, including that she was asleep in the bed that she shared with defendant but was awoken when he placed his fingers inside her vagina. She pretended to remain asleep and did not discuss the incident immediately thereafter or in the following several months. V.G. also testified about a telephone conversation with defendant that occurred post-disclosure. Defendant initiated the contact, in violation of the DCFS safety plan, by messaging V.G. through Minecraft and asking her to call him. During their call, defendant denied the abuse but suggested that he might have acted in his sleep and apologized. He also suggested that V.G. dreamed the incident. Defendant, in his testimony, acknowledged discussing the allegations but disputed V.G.'s characterization of the call and stated that his apology was conditioned on what V.G. believed had occurred. The jury therefore had both accounts of the phone conversation and could evaluate their significance in tandem with V.G.'s repudiation of the allegations. Additionally, any further impeachment with an alleged additional recantation would not have rehabilitated defendant's reduced credibility, which was independently undermined by his own testimony concerning the Snapchat messages. Specifically, his testimony that his cousin sent the messages to V.G. without his knowledge directly contradicted his stipulation that he either sent the messages himself or

directed a third party to do so. Accordingly, we find that the error was harmless beyond a reasonable doubt and did not result in manifest prejudice to defendant.

¶ 69 C. Ineffective Assistance of Counsel

¶ 70 Defendant next argues that his defense counsel provided ineffective assistance by failing to object to Hawley's testimony concerning recantation by children who experience sexual abuse and the reasons why some children recant allegations of sexual abuse. Defendant acknowledges that expert testimony concerning post-traumatic stress syndromes, including child sexual abuse accommodation syndrome, is generally admissible in criminal prosecutions for certain sexual offenses under section 115-7.2 of the Code of Criminal Procedure (Code) (725 ILCS 5/115-7.2 (West 2022)). See *People v. Atherton*, 406 Ill. App. 3d 598, 613-14 (2010) (recognizing the admissibility of evidence of child sexual abuse accommodation syndrome under section 115-7.2 of the Code). Defendant maintains, however, that Hawley's testimony concerning recantation invaded the province of the jury to determine V.G.'s credibility and that his counsel's failure to object to that testimony was both objectively unreasonable and caused him prejudice. Defendant relies on *People v. Simpkins*, 297 Ill. App. 3d 668 (1998), for the proposition that expert testimony concerning recantation is akin to the expert commenting on the complaining witness's credibility and thus invades the province of the jury. He further argues that, as in *Simpkins*, the reasons for recantation identified by Hawley did not correspond to V.G.'s stated reasons for recanting.

¶ 71 Claims of ineffective assistance of counsel are evaluated under the familiar two-prong test established in *Strickland v. Washington*, 466 U.S. 668 (1984). To prevail on an ineffective-assistance-of-counsel claim, a defendant must demonstrate that counsel's performance fell below an objective standard of reasonableness and that counsel's deficient performance resulted in prejudice. *People v. Johnson*, 2021 IL 126291, ¶ 52. Objective reasonableness is evaluated by

comparing counsel's performance to "prevailing professional norms." *People v. Sperry*, 2020 IL App (2d) 180296, ¶ 12. A counsel's deficient performance becomes prejudicial when it raises a reasonable probability that, but for counsel's error, the result of the proceeding would have been different or where it undermines the confidence in the outcome. *Id*. When a claim of ineffective assistance of counsel is raised for the first time on appeal, we review the claim *de novo*. *People v. Bustos*, 2020 IL App (2d) 170497, ¶ 87.

¶ 72 In general, a trial court should admit expert testimony when the proffered expert possesses knowledge and qualifications beyond those of an ordinary layperson and the testimony would assist the jury in understanding an aspect of the evidence that it might not otherwise understand. *Simpkins*, 297 Ill. App. 3d at 681. The behavioral and psychological characteristics of child sexual abuse victims are appropriate subjects for expert testimony, because few jurors have sufficient familiarity with such abuse to understand the dynamics of a sexually abusive relationship and sexually abused children often behave contrary to what most adults would expect. *People v. Nelson*, 203 Ill. App. 3d 1038, 1042 (1990).

¶ 73 In *Simpkins*, a child victim recanted her allegations at trial that defendant had sexually abused her. *Simpkins*, 297 Ill. App. 3d at 673. The State presented testimony from a DCFS investigator that the victim had previously disclosed sexual abuse during an interview with him. *Id*. at 674. Over defendant's objection, the DCFS investigator testified that he had interviewed children who made allegations of sexual abuse but who subsequently recanted and that, in his experience, "recantation occurs in 50% of the cases." *Id*. The investigator also testified regarding reasons why a child might recant allegations of sexual abuse, including a lack of family support, disbelief of the child by family members, or being scapegoated. *Id*.

¶ 74 On review, the court in *Simpkins* concluded that the trial court erred in permitting the investigator to testify regarding recantation. *Id*. at 681. It reasoned that the investigator's testimony regarding the frequency and reasons for recantation by child victims of sexual abuse did not aid the jury because "*no* evidence was presented that [the victim] recanted her allegations against defendant because of an unsupportive family or because she felt like a scapegoat." (Emphasis in original.) *Id*. at 682-83. The court continued that, stripped to its basic level, the investigator's testimony on recantation was a commentary on the child victim's credibility, which impinged upon the province of the jury to determine witness credibility and assess the facts of the case. *Id*. at 683. The court characterized the line of questioning as akin to asking the investigator to opine "on the believability of *** the child witness" in that case. *Id*. at 683.

¶ 75 The court went on to explain the difference between the investigator's improper commentary and otherwise proper testimony regarding symptoms and behavioral characteristics:

> "We view testimony regarding symptoms and behavioral characteristics as being different because such testimony does not constitute direct commentary on the child witness' believability. Instead, that testimony constitutes circumstantial evidence—that is, it describes certain behaviors shown by sexually abused children; thus, if other evidence shows the victim in a particular case engaged in those behaviors, a jury could reasonably view that evidence as supporting the State's claim that the child had been sexually abused." *Id*.

¶ 76 Defendant's reliance on *Simpkins* is misplaced. Unlike the DCFS investigator's testimony in *Simpkins*, Hawley's testimony provided context for the behavioral characteristics and symptoms that V.G. described in her testimony. See *Atherton*, 406 Ill. App. 3d at 617 (distinguishing *Simpkins* on the basis that "the expert testimony found support in the testimony of the lay witness," the

victim in that case). Specifically, Hawley testified that it was "very common" for children who have experienced sexual abuse to be reluctant to disclose the abuse and to delay reporting it, particularly when the offender resides with the child or remains involved in the child's life. She further explained that children who have been sexually abused by someone with whom they share a close relationship often experience conflicting emotions, including concern about the consequences the offender might face. There may also be inconsistencies in the child's reporting of the abuse. With respect to recantation, which she defined as occurring when "an individual will actively deny what they already said had occurred," Hawley explained that the "number one reason a child will recant" is when there is "family involvement in the situation" or "family influence." Hawley's examples included a non-offending caregiver who does not believe the child or who fails to support the child, or an offender who continues to have contact with the child. Hawley also explained how speaking with multiple entities or investigators regarding the abuse can be emotionally draining for the child, who may recant in an effort to "stop all that" and "get back to the way things were before the abuse or assault occurred."

¶ 77 Notwithstanding defendant's assertion, V.G.'s testimony reflected several of the behaviors Hawley described, and her testimony therefore could have assisted the jury in understanding those behaviors. V.G. testified that she continued living with defendant for a period of time after the abuse and their return to Illinois from their out-of-state travels. She also testified that she delayed disclosing the abuse for more than five months and subsequently recanted the allegations to her mother and the police in August 2022 and March 2023, respectively. V.G. explained that she felt "guilty about coming forward" because defendant was her father and she believed that she "put him in a situation in the first place," noting that if she "wouldn't have said anything, none of this would have happened," and clarifying that "that's what was going through [her] mind at the time"

of her recantation. V.G. further testified that, in October 2023, she "decided to come forward again" after she was motivated by social media posts by other survivors of sexual assault. She described having "a lot of mixed emotions about it," explaining that although she believed "something had to be said," she also "felt really bad for [her] father" because she continued to love him.

¶ 78 Additionally, the evidence established continued family involvement following V.G.'s disclosure of sexual abuse. V.G., her mother, and defendant all testified that defendant continued to have contact with V.G. after her disclosure, both by phone and in person. Indeed, Jennifer testified that she continued to bring V.G. to visit defendant after V.G. disclosed the abuse, which suggested either a lack of familial support or Jennifer's disbelief of V.G.'s allegations. Defense counsel highlighted this evidence in closing argument, questioning why Jennifer would continue to facilitate contact between V.G. and defendant. This evidence, together with V.G.'s testimony concerning her feelings of guilt and concern for defendant, provided an adequate factual basis for Hawley's testimony regarding the role of family relationships in recantation.

¶ 79 Moreover, Hawley expressly stated that she was not testifying about any particular child interview or offering an opinion as to whether any particular child was truthful. Rather, her testimony concerned the behaviors and characteristics that children who have experienced sexual abuse may exhibit in response to that trauma. See *People v. Barajas*, 322 Ill. App. 3d 541, 555 (2001) (distinguishing *Simpkins* where the expert provided "testimony from which the trier of fact could make inferences" without expressing an opinion on any witness's credibility). On cross-examination, Hawley acknowledged that inconsistencies in a victim's account of sexual abuse or a recantation could result from the victim having lied about the abuse. Indeed, defense counsel highlighted these points in closing argument, noting that Hawley testified only "about a theory of

Child Sexual Abuse Accommodation Syndrome," but did not render any opinion as to whether V.G. "had suffered that," or "whether or not [V.G.] was actually abused." Thus, here, unlike in *Simpkins*, the jury heard evidence of the very circumstances and behaviors that Hawley described, allowing it to assess the significance of those behaviors without any opinion on V.G.'s credibility.

¶ 80 Under these circumstances, defense counsel's failure to object to Hawley's testimony concerning recantation by child victims of sexual abuse did not fall below an objective standard of reasonableness. Because Hawley's testimony was relevant to V.G.'s behaviors as reflected in her testimony but did not amount to a comment on V.G.'s credibility or an attempt to bolster her credibility, defendant has not demonstrated that his counsel performed deficiently by failing to object to its admission. Accordingly, defendant's ineffective-assistance-of-counsel claim necessarily fails, and we need not evaluate whether he suffered prejudice. See *People v. Webb*, 2023 IL 128957, ¶ 21 (failure to satisfy either *Strickland* prong precludes a finding of ineffective assistance of counsel).

¶ 81 III. CONCLUSION

¶ 82 For the reasons stated, we affirm the judgment of the circuit court of Kendall County.

¶ 83 Affirmed.