

2026 IL App (2d) 250369-U
No. 2-25-0369
Order filed October 23, 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NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).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.

ALEJANDRO JOSE BARRADAS, Defendant-Appellant.

Appeal from the Circuit Court of McHenry County.
Honorable Tiffany E. Davis, Judge, Presiding.
No. 23-CF-642

JUSTICE SCHOSTOK delivered the judgment of the court.
Justices Birkett and Mullen concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court did not abuse its discretion in admitting evidence of defendant's prior offenses as probative primarily of his propensity to commit the charged offenses. Both the prior and charged offenses involved sexual attacks on young family members that defendant accomplished by confining them to their bedrooms and exploiting their trust. Although the prior offenses occurred about 20 years before the charged offenses, the time lapse did not preclude admission in light of those similarities and the overall reliability of the evidence admitted.

¶ 2 After a jury trial, defendant, Alejandro Jose Barradas, was convicted of three counts of criminal sexual assault (720 ILCS 5/11-1.20(a)(3) (West 2022)) and sentenced to consecutive 10-year prison terms. On appeal, he argues that the trial court abused its discretion in admitting testimony about prior incidents of sexual conduct under section 115-7.3 of the Code of Criminal Procedure of 1963 (725 ILCS 5/115-7.3 (West 2022)). We affirm.

¶ 3

I. BACKGROUND

¶ 4 As pertinent here, defendant was charged with three counts of criminal sexual assault of C.B., his minor daughter, in that, between March 1, 2023, and June 23, 2023, he (1) inserted his penis into her vagina, (2) digitally penetrated her vagina, and (3) put his mouth on her vagina.

¶ 5 On January 10, 2024, the State moved *in limine* per section 115-7.3 to admit evidence of prior uncharged sexual acts by defendant to show his propensity to commit sex offenses (or for any other proper evidentiary purpose). For purposes of the motion, the State described the allegations underlying the current charges. On July 1, 2023, C.B. informed her mother, Ashley, that defendant had been having sex with her since she was around 12 years old. The most recent incident occurred in June 2023. The sex always occurred when Ashley was not home. Defendant would initiate sex by coming into C.B.'s bedroom or by asking her to come into his bedroom to cuddle. Defendant became violent when C.B. refused sex. The sex consisted of defendant penetrating her vagina with his penis and mouth. C.B. recalled three specific instances of sexual penetration since moving to Woodstock, Illinois.

¶ 6 As for the alleged prior acts, the State alleged in paragraph 4 of the motion that, in 2021, when defendant, his then-wife, Ashley, and C.B. were living in West Virginia, and C.B. had just had her first period, he began having sex with C.B. "to help her understand the urges that she would start developing." These acts occurred in defendant's bedroom when he and C.B. were home alone. Defendant made C.B. feel she could not refuse him. Ashley would testify that C.B. disclosed the abuse to her in defendant's presence; Ashley stepped outside, leaving C.B. alone with defendant; and when Ashley returned, C.B. recanted. Further, after defendant was arrested on the present charges, he told a police officer, " '[T]his is not the first time this has happened.' " In 2023, he told a police detective that, in 2021 in West Virginia, C.B. accused him of sexually

assaulting her; when he told her not to say “stuff like that” because “it [could] get him in a lot of trouble,” she immediately recanted.

¶ 7 In paragraph 5 of its motion, the State alleged that defendant committed prior uncharged sexual acts with his stepsiblings K.P., a girl (born January 7, 1997), and B.S., a boy (date of birth not given). Specifically, the State alleged as follows. In the early 2000s, defendant and his mother, Maria, moved from Venezuela to Florida. Shortly afterward, Maria married Chad, who was the father of K.P. and B.S. In that decade, K.P. and B.S. routinely visited Chad and Maria in Florida. When defendant was approximately 16 years old and K.P. was between 6 and 8, he would trap her in her room and have sex with B.S. in front of her. He would also have sex with K.P. Maria would testify that both children feared defendant and frequently hid under their beds.

¶ 8 Additionally, the motion alleged that, while in jail on the present charges, defendant mailed a letter to Chad and Maria, dated November 29, 2023. In the letter, he stated,

“ ‘I took advantage of my step siblings [sic] in order to ‘fit’ in. The reason I did this was because at the time all the kids would talk about was sex, and I had never even touched a girl in a sexual way at that point yet so I used [K.P. and B.S.] to gain experience.’ ”

Defendant added that he was “ ‘extremely sorry’ ” and never intended to hurt his stepsiblings.

¶ 9 The State argued that, under the three-factor test of section 115-7.3(c) (see 725 ILCS 5/115-7.3(c) (West 2022)), the trial court should admit the evidence because (1) the prior offenses were not unduly distant in time from the charged offenses; (2) the prior offenses were substantially similar to the charged offenses; and (3) the other relevant circumstances, including Maria’s observations of the children at the time and defendant’s later admissions in his letter to Chad and Maria, corroborated the evidence of the earlier acts. The State concluded that the probative value of the other-crimes evidence far outweighed any undue prejudice to defendant.

¶ 10 After a hearing, the trial court granted the State’s motion. As to paragraph 4 of the motion, the court explained that the alleged events occurred in 2021, not long before the charged offenses. Moreover, they were substantially similar to the charged offenses, in that they involved the same family member and occurred in a bedroom of the house. Finally, the evidence that C.B. recanted her 2021 accusation might actually aid the defense. Therefore, the probative value of the evidence of the prior acts involving C.B. outweighed any undue prejudice.

¶ 11 As to paragraph 5, the trial court explained that, because the prior incidents occurred in the early 2000s, defendant would have been about 14 to 16 years old and K.P. would have been 6 to 8 years old. There were considerable factual similarities between these acts and the charged offenses: both involved family members and, in both, defendant allegedly used a bedroom where he could essentially confine the victim. Moreover, Maria could corroborate the allegations by testifying that, when K.P. and B.S. visited, both hid under their beds to avoid defendant. Further, defendant’s recent letter to Chad and Maria corroborated the allegations. Although approximately 20 years separated the prior offenses from the charged ones, case law held that the time lapse between the prior offenses and the charged ones is only one factor to consider and that even a 20-year or greater lapse is not dispositive. See *People v. Donoho*, 204 Ill. 2d 159, 184 (2003). Thus, the evidence in paragraph 5 was admissible as probative of “propensity, intent, and motive.”

¶ 12 We turn to the trial evidence. K.P. testified as follows. She was born in 1997. Her brother B.S. was two years older. In the early 2000s, her father, Chad, married Maria. At that time, K.P. was living in Illinois with her mother (name not given in the record), her sister J. (last name not given), and B.S. When K.P. was younger, she and B.S. visited Maria, Chad, and defendant in Florida at least once a year, primarily during summer break. K.P. and B.S. stayed in the guest room upstairs. Defendant had an upstairs room, and S.S., K.P.’s half-sister, had a room across

from his. Defendant was probably six or seven years older than K.P. Chad and Maria had a bedroom downstairs.

¶ 13 K.P. testified that, on her visits to Florida, defendant would have sex with her and B.S., mostly in his room but sometimes in the room that she and B.S. shared. Defendant used his penis “to have sex with [K.P.]” While he was doing so, he told K.P. “[t]hat it’s okay, you do it with people that you love.” K.P. did not recall whether either she or defendant performed oral sex on the other. When defendant brought K.P. into his room, she would try to run away, but he would pull her back; she stated that she probably never succeeded in getting away. Chad and Maria told K.P. many times that she used to hide under the bed.

¶ 14 K.P. testified that she was sometimes in the room when defendant performed anal sex on B.S. Maria, K.P.’s stepmother, was home when this happened; K.P. could not recall whether Chad was ever home when this happened, as he traveled a great deal. K.P. did not report defendant’s conduct to Chad or Maria because she “just felt like [Chad] was away and the only person to tell was [Maria], and [K.P.] never had a good relationship with her.”

¶ 15 K.P. testified that defendant started his sexual conduct with her and B.S. when she was between six and eight years old. It happened “at least five times.” K.P. did not recall when it stopped.

¶ 16 K.P. testified that, on July 1, 2023, when she was living with Chad, Maria, S.S., and E.S. in Lakewood, Illinois, Ashley told her something that defendant had done to C.B. K.P. then told Ashley what defendant had done to her in the early 2000s. K.P. wanted to “find[] justice for [C.B.] and [herself].”

¶ 17 The trial court admitted and published a copy of a letter dated November 29, 2023, that defendant wrote from jail to Chad and Maria. Defendant admitted that he “took advantage of [his] step siblings [sic] in order to ‘fit’ in” and “used” them to gain sexual experience.

¶ 18 Ashley testified as follows. She currently lived in West Virginia with her boyfriend and her children C.B. and N.B. When C.B. was born, Ashley and defendant were residing together in Florida. In 2015, Ashley married defendant, whom she had known for nine years beforehand. In 2017, the family moved to West Virginia, and, in 2021, they spent nine months in Maryland before moving to Woodstock. From their move to West Virginia until shortly before the incidents at issue here, Ashley supported the family financially.

¶ 19 Ashley testified that, in West Virginia, C.B. told her that she had started her menstrual cycle. C.B. also “mentioned something about [defendant] touching her.” Ashley confronted defendant, who told her that C.B. was “in her lying stage” and that “he wouldn’t do that to her.” Believing defendant, Ashley did not call the police or pursue the matter further.

¶ 20 Ashley testified that, in Woodstock, the family lived in a two-bedroom apartment. Ashley and defendant slept in one bedroom, and C.B. shared a bunk bed in the other bedroom with N.B. Ashley worked outside the home most of the day, so the children were sometimes left alone with defendant. At this time, C.B. was in eighth grade, was doing “pretty good,” and had a good relationship with defendant. Ashley’s relationship with defendant was “okay for the most part.” Chad and Maria resided in nearby Lakewood, and Ashley’s family tried to visit them once or twice a week. Ashley would also regularly see K.P., S.S., and E.S., K.P.’s half-brother.

¶ 21 Ashley further testified that, after the family moved to Woodstock, she worked for Instacart and defendant drove her and N.B. for her deliveries. Ashley agreed that she did this work “pretty

much every day all day.” Ashley also worked at Pizza Hut at some point. In June 2023, she cleaned houses. Defendant was not with her when she cleaned houses.

¶ 22 Ashley recalled that, on June 23, 2023, she was at work essentially all day, leaving the children alone with defendant. On Saturday, July 1, 2023, Chad and Maria held a cookout at their home. “[T]he whole family” attended, including defendant, his children, stepsiblings, and grandmother. Defendant and Ashley argued, and defendant left. Ashley calmed down and started to drive off with C.B. and N.B. During the ride, C.B. told Ashley that defendant had recently done something to her similar to what he had done in West Virginia. Ashley called Maria. They decided to take C.B. to the hospital the next day. They did not call the police.

¶ 23 C.B. testified as follows. She was born on May 19, 2008. Her brother, N.B., was born on August 13, 2019. C.B. and her family lived in West Virginia from fourth grade to eighth grade, moved to Maryland, and then soon moved again to Illinois. When C.B. was 15, the family lived in Woodstock for about six months.

¶ 24 C.B. testified that, when she was about 13, she had her first period. Defendant told her that she would “start getting [sexual] urges.” Soon afterward, he started to touch C.B. sexually, mostly in his bedroom and always while Ashley was away at work. Defendant would touch C.B. with his hand on her thighs and vagina. He would also touch her vagina with his penis or his mouth. He used his finger to “[g]o in and out or a circular motion” and used a “[c]ircular motion” to touch her vagina with his mouth or tongue. He used his penis to “go in and out.”

¶ 25 C.B. testified that the sexual encounters usually began with defendant calling her into his room. He would tell her that he just wanted to hug her and care for her as a normal father would, but then he would start touching her legs and would “finish[]” whenever he had “pleased himself” by “pull[ing] out” and ejaculating on her leg. C.B. did not want him to do these things and

sometimes told him not to, but he persisted. When she told Ashley what had happened, defendant told Ashley that C.B. was lying. At no time in West Virginia did Ashley ever respond to C.B.'s accusations by either taking her to the hospital or calling the police.

¶ 26 C.B. testified that, after the family moved to Woodstock, defendant had a photography business but not an "actual job." Ashley supported the family financially. The family lived in a two-bedroom apartment. C.B. shared a room with N.B. No sexual encounters with defendant occurred in their room; all occurred in the parents' bedroom. Defendant would call her into the room and act as though he wanted to hug her, but then he would put his hand on her thigh, vagina, and chest. He would insert his fingers into her vagina and rub it in a circular motion. He would move his penis in and out of her vagina and make her suck his penis. Defendant also touched C.B.'s vagina with his mouth and tongue.

¶ 27 C.B. testified that, when defendant committed the foregoing sexual acts on her, Ashley was not at home. When Ashley came home, C.B. did not tell her what had happened, because defendant told her that, if she did, it would "ruin his life." Also, defendant told her that his conduct was normal, that he had "done it to" other people in his family, and that "that's how you show someone that you love them."

¶ 28 C.B. testified that defendant last sexually attacked her on June 23, 2023. She did not tell anyone until July 2, 2023, when she told Ashley following a party at Maria's house. Later, she told personnel at the hospital and the Child Advocacy Center (CAC) what defendant had done to her.

¶ 29 On cross-examination, C.B. testified that she told the doctor at the hospital and the interviewer at the CAC that the last time defendant sexually touched her was either June 22 or 23, 2023. C.B. was not sure whether, during the lengthy interview at the CAC, she stated that

defendant touched her vagina with his hand, moved his hand in a circular motion, or mentioned anything about what defendant had done to her with his hand.

¶ 30 C.B. testified that, in 2023, N.B. was home “[a]ll the time.” During encounters with defendant, N.B. was in his room, although on a few occasions he entered the bedroom where defendant and C.B. were. Defendant seldom accompanied Ashley on her Instacart work. Ashley worked for Instacart almost every day until perhaps 8 p.m. Ashley did not accompany C.B. to the school bus or pick her up from school.

¶ 31 C.B. testified that, at the July 1, 2023, cookout, defendant and Ashley argued, as they regularly did. At the time, C.B. was in the basement. After defendant left, C.B. went upstairs; Ashley was very upset, and Maria consoled her. After Ashley began to calm down, she left with C.B. and N.B. As they drove away, Ashley told C.B. twice, “ ‘[H]e better not touch you.’ ” C.B. responded, “ ‘[H]e does.’ ” Ashley drove back and got out of the car. Maria greeted her. Ashley told C.B. to tell Maria what she just told her, and C.B. did so.

¶ 32 C.B. testified that, when she moved to Woodstock, she started attending a private school but left after one semester.

¶ 33 On redirect examination, C.B. testified that, on most days when Ashley was working for Instacart, she was in school, so she did not know Ashley’s exact hours. When C.B. accompanied Ashley on the Instacart deliveries, they would get home about 8 p.m. Also, in 2023, though N.B. was home when defendant performed his sexual acts on her, she did not always know where N.B. was. She explained that N.B., was three years old at the time and “was probably just doing whatever three-year[-]olds do.”

¶ 34 The State next called Kelly Klein, an emergency-room and sexual-assault nurse, whom the trial court qualified as an expert witness in sexual assault trauma. Klein testified as follows. On

July 2, 2023, she assisted another nurse, Kelly Smith, in examining C.B. C.B. told them, “ ‘[M]y dad has sex with me when my mom is gone.’ ” C.B. said that sometimes defendant tried to put his penis into her anus, but she told him no. Further, when he ejaculated, it went onto her right leg. C.B. also said that defendant “ ‘ lick[ed] and suck[ed] down there,’ ” *i.e.*, her vagina. C.B. said that this conduct started when she was 12 or 13 years old. After Ashley left the house, defendant would start by calling for her and saying he wanted to cuddle. C.B. reported that defendant penetrated her vagina with his penis and finger; penetrated her anus with his finger; and made oral contact with her vagina.

¶ 35 Klein testified that, after completing the examination, she notified law enforcement and the Illinois Department of Children and Family Services, as required by law.

¶ 36 On cross-examination, Klein testified that, as part of the examination, she took C.B.’s mental health history. C.B. had been diagnosed with oppositional defiance disorder (ODD), depression, attention deficit hyperactivity disorder (ADHD), and attention deficit disorder (ADD).

¶ 37 The State next called Shelley Pier, a social worker and therapist whom the trial court qualified as an expert in post-traumatic stress disorder (PTSD), rape trauma syndrome (RTS), and child abuse accommodation syndrome (CAAS). Pier explained that, of the three conditions, only PTSD is diagnosable, but the other concepts are subsumed by it and help to explain clusters of symptoms in patients.

¶ 38 Pier testified that, to be diagnosed with PTSD, a person must have several categories of symptoms for at least a month. These include reacting to triggers that remind the person of the assault; intrusive symptoms, such as flashbacks; and some type of relationship disruption.

¶ 39 Pier described the stages of RTS. An assault may affect the victim’s brain chemistry and cause various reactions, such as fleeing, freezing, or fawning, which is doing what the perpetrator

wants to avoid further harm. About half of children who are sexually abused never disclose the abuse.

¶ 40 Pier testified that CAAS consists of “five areas that occur within child sexual abuse”: (1) keeping the secret; (2) helplessness; (3) accommodation or normalization; (4) disclosure, often to a trusted person; and (5) recantation, which can happen because, when a child discloses abuse, “chaos happens,” as the perpetrator might be taken out of the home and family members might disbelieve or blame the child.

¶ 41 Pier testified that the closer the child victim’s relationship to the perpetrator, the less likely the child will report the abuse. The response of the first person to whom the child discloses the abuse is of primary importance to whether the child heals psychologically. A preexisting mental health problem actually increases the risk of a child being abused, as the perpetrator might find it easier to claim that the child was lying. A delay in reporting has no bearing on whether the abuse actually occurred.

¶ 42 On cross-examination, Pier clarified that her testimony was wholly generalized. To assess C.B., Pier would need to know C.B. and her circumstances, including her mental health history.

¶ 43 The State rested.

¶ 44 Defendant testified that he was 36 years old and was born in Venezuela. When he was 11, Maria moved alone to Florida and married Chad there. A year later, defendant joined them.

¶ 45 Defendant testified that, when he was about 12 or 13, he fondled his stepsiblings K.P. and B.S. but did not sexually penetrate either one. On the day of his arrest, defendant told Chad of his improper conduct with K.P. and B.S. Before then, he told nobody. He later wrote Chad a letter expressing his regret over his conduct.

¶ 46 Defendant stated that he met Ashley when he was 16, while he was residing with Maria, Chad, and S.S. Ashley was residing nearby. C.B. was born when defendant was 19, by which time he and Ashley were living together. In 2017 or 2018, when C.B. was in fourth grade, the family moved to West Virginia to help defendant pursue his boat-delivery business nationwide. Ashley worked, and C.B. was in school.

¶ 47 According to defendant, C.B. began having outbursts in school when she was in second grade. While residing in Florida, C.B. was hospitalized three or four times and was diagnosed with ODD, ADD, and ADHD. In West Virginia, she was hospitalized about four times, as late as age 13. After leaving West Virginia, C.B. was not hospitalized.

¶ 48 Defendant testified that, on the day that C.B. accused him in West Virginia, he and Ashley had been arguing in the living room while C.B. was nearby and could hear them. Defendant left the room. Ten minutes later, Ashley called him back and told him to listen to what C.B. had to say. C.B. would not tell defendant, so Ashley said, “ ‘[C.B.] just accused you of touching her.’ ” Defendant “basically broke down” and wept and asked C.B. why she would say that. Defendant left to smoke, and Ashley joined him. She asked him why C.B. said what she did, and he said he did not know. Defendant and Ashley returned and talked with C.B. Ashley told C.B. that the accusation was “very serious.” Defendant told C.B., “ ‘[Y]ou can’t say things like this. You know, I could get in a lot of trouble for this.’ ”

¶ 49 Defendant then testified that, before he left with Ashley to smoke, C.B. said that her accusation was a lie. C.B. was known to lie; numerous doctors had addressed her lying.

¶ 50 Defendant testified that, after the family moved to Maryland, C.B. started public high school but was expelled after two weeks. She then went to a private school that provided

individualized education programs (IEPs). In February 2023, the family moved to Woodstock and C.B. was enrolled in a private school with IEPs.

¶ 51 Defendant testified that, starting in March 2023, he and Ashley worked for Instacart. They started work about 7:30 or 8 a.m., after C.B. took the bus to school, and filled most of their orders in downtown Chicago. Defendant did all the driving, and N.B. was with them. They went home around 1:30 or 2 p.m. to drop off N.B. so that C.B. could babysit him. In the afternoon, defendant and Ashley resumed work but limited deliveries to the suburbs. Ashley also did some side work cleaning houses, but infrequently, possibly with only two houses as clients. They drove for Instacart even on days she cleaned houses. They worked for Instacart until June 19, 2023, when defendant started a new job in Buffalo Grove.

¶ 52 Defendant testified that, on June 22, 2023, a Thursday, he left for work at 7:30 a.m. and got home about 6 or 6:30 p.m. He had the same hours on June 23, 2023. Each day, when he got home, Ashley and C.B. were there and remained the rest of the day.

¶ 53 Defendant testified that, on Saturday, July 1, 2023, he and Ashley were at Maria's house. They argued, and defendant left and went home. Ashley and C.B. returned home later. Defendant planned to spend Sunday socializing out of town, then doing Instacart work with Ashley. However, Ashley did not meet up with him. In the evening, when he drove to Chad's and Maria's house, Chad told him of C.B.'s accusations and that the police would be coming. Defendant sat outside, telling Chad that the accusation was false but admitting that he had abused K.P. and B.S. long ago.

¶ 54 Defendant testified that he was not at home when, according to C.B., he sexually assaulted her. He never sexually touched C.B.

¶ 55 On cross-examination, defendant testified that, when Chad asked him whether the rumor that he had abused K.P. and B.S. was true, he said yes. On July 12, 2023, during his hour-long

interview by Woodstock police officers, he admitted that the accusations by K.P. and B.S. were true. He denied that he never told the officers that the current accusation against him was untrue.

¶ 56 Asked, “So it is true that the accusations [K.P.] made about you on the stand are true?” defendant testified, “Yes.”

¶ 57 Defendant testified that he and Ashley argued frequently and that it worried C.B. because she did not want them to get divorced. He stated that, at the time of the West Virginia accusation, he had a good relationship with C.B. but that Ashley and C.B. did not get along.

¶ 58 Maria testified as follows. On July 1, 2023, there was a cookout at her house. At some point, defendant and Ashley argued. C.B. was present and asked her parents why they did not just get a divorce. Defendant left. Maria tried to console Ashley. About 20 or 30 minutes later, Ashley drove off with C.B. and N.B. Maria soon received a text from Ashley asking her to come outside. Maria went outside and saw Ashley standing by her car. Ashley asked Maria to approach and listen to what C.B. had to tell her. C.B. told Maria about defendant. Maria suggested taking C.B. to the hospital the next day to get checked. Maria acknowledged that C.B. had a reputation for not telling the truth.

¶ 59 Maria stated that, on July 2, 2023, she and Ashley took C.B. to the hospital, where they stayed two or three hours. Afterward, they took C.B. to the CAC. They returned to Maria’s house, where Ashley and C.B. stayed three or four days before returning home.

¶ 60 On cross-examination, Maria testified that it was her idea to take C.B. to the hospital. The police interviewed Maria at the CAC and, later, on July 6, 2023, at the Woodstock police station. On the latter date, Maria told Detective David Sharp that C.B. was afraid her parents would divorce. Maria testified that, between July 2 and July 6, 2023, she did not speak to defendant about

what had happened because she did not want to. However, she admitted telling Sharp that, on July 4, 2023, she answered defendant's phone call and heard his version of the story.

¶ 61 The parties stipulated that June 22, 2023, was a Thursday and June 23, 2023, was a Friday.

¶ 62 In rebuttal, Sharp testified that, during defendant's interview at the police station, he never denied C.B.'s accusations.

¶ 63 The jury convicted defendant of all three counts. Defendant filed a posttrial motion, in which he argued in part that the trial court erred in admitting evidence of his prior sexual offenses. The trial court denied the motion and, after a hearing, sentenced defendant to consecutive 10-year prison terms. He timely appealed.

¶ 64 II. ANALYSIS

¶ 65 On appeal, defendant argues that the trial court abused its discretion in admitting, under section 115-7.3, the evidence of his prior sexual acts against K.P. and B.S. in the early 2000s. (Defendant does not claim error as to the evidence of his prior sexual acts against C.B. in 2021). He contends that both the time lapse and dissimilarities between the earlier conduct and the charged conduct were so severe as to require exclusion of those acts as evidence.

¶ 66 Section 115-7.3(b) (725 ILCS 5/115-7.3(b) (West 2022)) provides that, when a defendant is accused of certain sex offenses, evidence of the defendant's prior commission of certain sex offenses "may be admissible (if that evidence is otherwise admissible under the rules of evidence) and may be considered for its bearing on any matter to which it is relevant." There is no dispute that the prior offenses and the charged offenses are within the classes of sex offenses covered by section 115-7.3. Section 115-7.3(c) (*id.* § 115-7.3(c)) requires the court to weigh the probative value of the prior offenses against the danger of undue prejudice, employing the following factors:

"(1) the proximity in time to the charged or predicate offense;

- (2) the degree of factual similarity to the charged or predicate offense; or
- (3) other relevant facts and circumstances.”

¶ 67 Under section 115-7.3, evidence of other offenses may be admitted as probative of propensity, among other matters. *People v. Smith*, 2015 IL App (4th) 130205, ¶ 21. The admissibility of other-crimes evidence is not controlled solely by the number of years that have elapsed between the prior offenses and the crime charged. See *Donoho*, 204 Ill. 2d at 183-84 (“declin[ing] to adopt a bright-line rule about when prior convictions are *per se* too old to be admitted under section 115-7.3” and upholding the admission of offenses that occurred 12 to 15 years before the charged crimes). Thus, although relative closeness in time supports admitting other-crimes evidence, lapses of as long as 20 years have not always barred admission. See *id.* at 184 (“The appellate court has affirmed admission of other-crimes evidence over 20 years old under the exceptions because the court found it to be sufficiently credible and probative.”). To be admissible, the prior offenses must have “some threshold similarity to the crime charged.” *Id.* (quoting *People v. Bartall*, 98 Ill. 2d 294, 310 (1983)). The probative value of the evidence increases as the factual similarities increase. *Smith*, 2015 IL App (4th) 130205, ¶ 23; *People v. Smith*, 406 Ill. App. 3d 747, 754 (2010). “The decision whether to admit [other-crimes] evidence must be made on a case-by-case basis by the trial judge.” *People v. Davis*, 260 Ill. App. 3d 176, 192 (1994). The admission of evidence under section 115-7.3 will not be disturbed unless the court abused its discretion. *Donoho*, 204 Ill. 2d at 182. “An abuse of discretion occurs when the ruling is arbitrary, fanciful, or unreasonable or when no reasonable person would adopt the trial court’s view.” *People v. Heintz*, 2026 IL 131340, ¶ 37.

¶ 68 In admitting the evidence of defendant’s sexual conduct with K.P. and B.S. in the early 2000s, approximately 20 years before the charged conduct against C.B., the trial court reasoned

first that the substantial lapse of time between the prior offenses and the charged offenses was not dispositive; case authority had upheld the admission of other-crimes evidence despite equal or greater intervals. The court reasoned second that the offenses were reasonably similar because, in both situations, defendant abused family members and used a bedroom where he could confine the victim(s). Finally, the court reasoned that other circumstances supported allowing the evidence; defendant admitted in a letter that he had sexual contact with K.P. and B.S., and Maria's observation that both children hid from defendant when he visited was further corroboration.

¶ 69 Defendant contends that the trial court erred as to both the time factor and the similarity factor. On the time factor, he notes that approximately 20 years elapsed between the prior offenses and the charged offenses and that, in the former instances, he was a teenager and, in the latter instances, he was an adult. Defendant cites research (not introduced at trial) on the differences between the brain functioning of juveniles and adults.

¶ 70 On the similarity factor, defendant contends that he admitted only to fondling to K.P. and B.S., whereas K.P. alleged penetration; that the ages of the victims in the respective incidents were very different, as were his ages in the respective incidents; and that the prior incidents included much more heinous acts by him than did the charges here.

¶ 71 Defendant cites three principal cases in support. On the time factor, he cites *People v. Stanbridge*, 348 Ill. App. 3d 351, 353 (2004), where the trial court granted the State's motion to admit other-crimes evidence as proof of *modus operandi* and absence of mistake. The appellate court reversed. *Id.* at 359. Although acknowledging that the State did not argue propensity as a basis for admission below, the court considered section 115-7.3 and rejected it as a ground for affirmance:

“The prior conviction was from 10 years prior to [the] defendant’s trial, which is relevant to the statutory factor of proximity in time. [Citation.] This interval weighs against admissibility. The statute also requires a court to consider the similarity between the prior offense and that with which a defendant stands accused. [Citation.] In light of the supreme court’s admonition that courts should remain cautious about admitting other-crimes evidence to show propensity, we conclude that the evidence was inadmissible.” *Id.* at 357.

¶ 72 Defendant, notably, does not offer an in-depth factual comparison of *Stanbridge* with this case. Indeed, the only fact in *Stanbridge* he references is the 10-year interval between the prior offense and the charged offenses—a fact which, as noted in *Stanbridge*, “weigh[ed] against admissibility.” *Id.* However, we have already recognized that a substantial time lapse can “weigh[] against” admission of the evidence *without* mandating its exclusion absent other shortcomings. See *Donoho*, 204 Ill. 2d at 183-84. We note that the *Stanbridge* court also appeared to rely on the similarity factor, but its discussion was limited to the bare statement that “[section 115-7.3] also requires a court to consider the similarity between the prior offense and [the present charge].” *Stanbridge*, 348 Ill. App. 3d at 357. Finally, the court’s statements on the admissibility of the other-crimes evidence for propensity were apparently *dicta* because neither party appeared to have raised the propensity issue. Accordingly, we find *Stanbridge*’s propensity discussion of little value here.

¶ 73 Defendant also cites, on the time factor, *People v. Childress*, 338 Ill. App. 3d 540, 543 (2003), where the defendant was charged with committing various sexual and nonsexual offenses during a single incident in 1999. Before trial, the trial court granted the defendant’s motion to bar the State from introducing evidence that the defendant had been convicted of committing sexual offenses in 1986 and 1993. *Id.* at 543, 553. On the State’s interlocutory appeal, the court affirmed

the exclusion of the 1986 conviction, reasoning that the trial court did not abuse its discretion, given the time lapse and the fact that the 1986 case turned on an issue of consent not present in the case at hand. *Id.* at 553. However, the appellate court reversed the exclusion of the 1993 offense, reasoning that (1) only one year elapsed between the defendant's release from prison on the 1993 offense and his commission of the charged offenses and (2) the prior offense and the charged offense were factually similar. *Id.*

¶ 74 As with *Stanbridge*, defendant makes only superficial use of *Childress*. He simply mentions that the court in *Childress* affirmed the exclusion of an offense that occurred 13 years before the charged offenses—the 1986 conviction. Again, however, we acknowledge that the age of a prior offense is to be considered under section 115-7.3, but we reiterate that, under *Donoho*, no *per se* rule determines when an offense is too old to be admitted under section 115-7.3. See *Donoho*, 204 Ill. 2d at 183.

¶ 75 The procedural posture of *Childress* also limits its weight here. Defendant relies on *Childress*'s holding that affirmed the *exclusion* of other-crimes evidence. But the question here is whether the trial court properly *admitted* other-crimes evidence. From *Childress*, we can infer only that the appellate court believed reasonable minds could differ on whether the evidence should be admitted (for all we know, the *Childress* court would have affirmed even if the evidence were admitted). Defendant, however, instead of asking us to affirm on the ground that reasonable minds could differ on the admissibility of the evidence against him, asks us to reverse on the ground that reasonable minds *cannot* differ on that question.

¶ 76 Finally, on both the time and similarity factors, defendant cites *Smith*, 406 Ill. App. 3d 747. There, the defendant was charged with committing the aggravated sexual abuse of his eight-year-old granddaughter, in that, in June 2005, he knowingly rubbed his hand on the “vaginal area outside

of the victim's clothing.” *Id.* at 748, 750. Before trial, as pertinent here, the State moved to allow other-crimes evidence that (1) the defendant had forced sexual intercourse with his sisters in the 1960s and (2) he fondled and digitally penetrated his daughters in the 1970s and 1980s when they were preteens and teenagers. *Id.* at 748-50. The trial court barred this evidence, and the State filed an interlocutory appeal. *Id.* at 748.

¶ 77 The appellate court affirmed, holding that the trial court did not abuse its discretion. *Id.* at 753. The court emphasized that its review was necessarily deferential; it should not disturb the trial court's decision merely because reasonable minds could differ on the admissibility of the evidence. *Id.* at 751, 756. The court then addressed the other-crimes evidence at issue. It noted that the alleged prior offenses were committed between 25 and 42 years before the charged offense. *Id.* at 754. The court had found no case in which “such stale other-crimes evidence was admitted to show propensity under section 115-7.3.” *Id.*

¶ 78 In addition to failing the time prong of section 115-7.3(c), which the court saw as practically dispositive in itself, the prior offenses also failed the similarity prong. *Id.* at 753-54. The charged offense was based on the defendant's alleged rubbing of the victim's clothing over her vaginal area, but the prior offenses consisted of sexual penetration as well as the rubbing of vaginal areas under clothing. *Id.* at 753. The differences were especially conducive to undue prejudice because “the prior offenses involve[d] uncharged and unproven allegations of sexual abuse that [was] even more heinous than the charged offense.” *Id.* at 754. Therefore, the trial court reasonably concluded that the evidence would be more unduly prejudicial than probative. *Id.*

¶ 79 *Smith* is distinguishable on several grounds. First, as with *Childress*, defendant relies on a decision affirming the exclusion of other-crimes evidence to support reversing the admission of

other-crimes evidence. Defendant must overcome our deferential standard of review to obtain a ruling that favors the *defense*.

¶ 80 Second, the time lapse between the charged offense and the uncharged prior offenses, although substantial, is considerably less than in *Smith* and within the range of cases in which the admission of other-crimes evidence has been upheld. We shall address this separately later in our discussion of authority that supports the trial court's judgment.

¶ 81 Third, the similarities between the prior and charged offenses in this case are greater than the similarities between the prior and charged offenses in *Smith*, and the prior offenses here are not more heinous than the charged ones. Here, the charged offenses of which defendant was convicted consisted of (1) sexual intercourse with the victim; (2) digital penetration of the victim's vagina; and (3) oral contact with the victim's vagina. The prior offenses consisted of sexual intercourse (vaginal or anal) with the victims. (K.P. could not remember whether oral sex had been involved at all.) Thus, if anything, the charged offenses are *more* heinous than the prior offenses.

¶ 82 Finally, unlike the alleged prior offenses in *Smith*, the prior offenses here cannot be called "unproven." K.P. testified at trial that defendant committed the offenses, and defendant testified that her testimony was truthful. Also, in his letter to Maria and Chad, and again in talking to the police, and yet again in his testimony, defendant admitted that he committed some form of sexual offenses against K.P. and B.S.

¶ 83 Given all of these differences, *Smith* does not aid defendant. If anything, its emphasis on the deference that we must afford the trial court's decision militates against reversal.

¶ 84 Defendant seeks to bolster his argument on the time factor by noting that he was a juvenile when he committed the prior offenses. He cites secondary literature on the differences between juvenile and adult minds. However, as the State notes, in contesting the admission of the other-

crimes evidence, defendant did not present any of this literature to the trial court. Whether the court abused its discretion in allowing the other-crimes evidence cannot turn on the import of evidence that it never heard. This literature was not before the jury either. We may not take judicial notice of new evidentiary material that neither the trial court nor the jury considered. See *People v. Dillard*, 2025 IL App (4th) 230739, ¶ 166; *People v. Cline*, 2022 IL 126383, ¶¶ 32-33.

¶ 85 Two opinions support affirmance here. In *Davis*, 260 Ill. App. 3d at 178, the defendant, a pastor, was convicted of criminal sexual assault and aggravated criminal sexual abuse of two minor boys. At trial, the State introduced the testimony of Decker, whom the defendant befriended after the 14-year-old Decker attended his church in the late 1960s. *Id.* at 185. Once, when Decker was staying overnight at the defendant's home, the defendant removed Decker's underwear and grabbed his genitals, prompting Decker to move away in alarm. *Id.* Shortly afterward, the defendant "propositioned" Decker again. *Id.*

¶ 86 On appeal, the court held that the trial court did not err in admitting Decker's testimony. *Id.* at 192. The court rejected the defendant's argument that the 20-plus-year lapse between the offenses was excessive, noting that the admissibility of other-crimes evidence cannot be determined solely by the time lapse, and reasoning that "Decker's testimony was sufficiently credible and probative to be admissible and [its admission] was not an abuse of discretion." *Id.*

¶ 87 In *People v. Braddy*, 2015 IL App (5th) 130354, ¶ 3, the defendant was charged with one count of criminal sexual assault and two counts of aggravated criminal sexual abuse. The alleged victims were V.M., the daughter of the defendant's live-in girlfriend, and A.B., the defendant's daughter. *Id.* At the time of the alleged offenses, the defendant was 31 years old, and the alleged victims were in their early teens. *Id.*

¶ 88 During the first day of trial, V.M. testified to two incidents that took place a few days apart in the summer of 2011. *Id.* ¶¶ 5-6. The first incident took place in a camper they were using during a hunting trip. *Id.* ¶ 5. The defendant offered to rub her back, then removed her jeans and rubbed her thighs, placed his hand inside her underwear, rubbed her vagina for two minutes, and placed his mouth on her vagina for two more minutes. *Id.* In the second incident, which took place inside the defendant's truck, the defendant rubbed V.M.'s calves, then reached into her shorts, pulled away her underwear, and touched her vagina. *Id.* ¶ 6. A.B. testified that, in October 2011, while she and the defendant were home alone, the defendant, after rubbing her back and then her knee, put his hand under her underpants and rubbed her vagina. *Id.* ¶ 7.

¶ 89 Before the second day of trial started, the trial court granted the State's motion to allow the defendant's sister to testify about his sexual abuse of her approximately 20 years before the charged offenses. *Id.* ¶ 8. The sister testified that the defendant had her pose in sexually explicit ways and then touched her vagina and anus. *Id.* ¶ 9. At the time, the defendant was 11 years old, and his sister was 8. *Id.* Over a period of 9 to 12 months involving 20 to 30 sexual contacts, the defendant "progressed to intercourse" and penetrated her vaginally and anally in various ways. *Id.*

¶ 90 After the defendant was convicted on all three counts, he appealed, arguing in part that the trial court had abused its discretion in admitting the evidence of prior uncharged offenses. *Id.* ¶¶ 15, 31, 33. The appellate court disagreed. *Id.* ¶ 43. It noted first that, on the time factor, the supreme court in *Donoho* upheld the admission of evidence of other crimes that the defendant committed 12 to 15 years before the date of the charged offenses and that, in *Davis*, the appellate court upheld the admission of testimony about sexual offenses that the defendant committed 20 years before the dates of the charged offenses. *Id.* ¶¶ 34-35 (citing *Donoho*, 204 Ill. 2d at 186;

Davis, 260 Ill App. 3d at 192). Although the 20-year lapse in the case before it was significant, the sister’s testimony was “sufficiently credible and reliable to be probative.” *Id.* ¶ 37.

¶ 91 On the similarity factor, the appellate court noted that, although the difference in the ages of the defendant and the victim(s) was much greater in the charged offenses than in the prior offenses, the disparity was not “of particular relevance,” as, “[i]n both situations, the defendant was opportunistic with children who lived in his household and with whom he had some form of familial relationship.” *Id.* ¶ 40.

¶ 92 *Davis* and *Braddy* provide support for affirmance here, in several clear respects. First, on the time factor, the courts upheld the admission of other-crimes evidence based on acts that the defendant committed 20 years or more before the charged acts—a lapse approximately equal to the one here. See *id.* ¶ 37; *Davis*, 260 Ill. App. 3d at 192.

¶ 93 Second, on the similarity factor, the *Braddy* court noted that, in both sets of offenses, the defendant had exploited the trust of minors who lived in his household. See *Braddy*, 2015 IL App (5th) 130354, ¶ 40. *Davis* involved similar exploitation of a minor who had trusted the defendant as a religious authority. See *Davis*, 260 Ill. App. 3d at 185. The facts here were alike as well: in the earlier offenses against K.P. and B.S., defendant told K.P. that it was all right to have sex with him because “you do it with people that you love.” In the charged offense, defendant lured C.B. into his bedroom by promising her that he just wanted hugging, and he also tried to reassure her by telling her that he had done the same thing to other people in his family and that having sexual relations with her and the others was “how you show someone that you love them.”

¶ 94 Third, in upholding the admission of the evidence, the courts in *Braddy* and *Davis* emphasized that the other-crimes testimony was reliable and credible. See *Braddy*, 2015 IL App (5th) 130354, ¶ 37; *Davis*, 260 Ill. App. 3d at 192. Here, K.P.’s testimony was corroborated by

defendant's admissions that he committed at least some of the acts and by his concession on the witness stand that K.P. had testified truthfully.

¶ 95 In sum, we cannot say that the trial court abused its discretion in admitting the other-crimes evidence in issue in this appeal. Therefore, its judgment must be affirmed.

¶ 96 III. CONCLUSION

¶ 97 For the reasons stated, we affirm the judgment of the circuit court of McHenry County.

¶ 98 Affirmed.