

NOTICE

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2026 IL App (5th) 231294-U

NO. 5-23-1294

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

NOTICE

This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Champaign County.
	)	
v.	)	No. 22-CF-929
	)	
ROBERT A. GRADY,	)	Honorable
	)	Matthew D. Lee,
Defendant-Appellant.	)	Judge, presiding.

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

ORDER

¶ 1 *Held:* The judgment of the circuit court is affirmed where (1) trial counsel was not ineffective for failing to sever the aggravated-discharge and unlawful-possession charges or for his handling of the defendant's prior felony conviction; (2) the circuit court did not commit plain error in instructing the jury concerning the limited use of the defendant's prior conviction; (3) the evidence was sufficient to sustain the defendant's conviction for aggravated discharge of a firearm; (4) the circuit court did not abuse its discretion in admitting the Facebook communications because the State presented sufficient circumstantial evidence to authenticate the account and messages attributed to the defendant; and (5) recorded prior inconsistent statements were properly admitted as substantive evidence under section 115-10.1.

¶ 2 I. BACKGROUND

¶ 3 On July 22, 2022, the State charged the defendant, Robert A. Grady, with aggravated discharge of a firearm and unlawful possession of a weapon by a felon. The charges arose from a September 1, 2020, shooting near the intersection of Bradley Avenue and Duncan Road in

Champaign. At the defendant's jury trial, Brent Cork testified that, on September 1, 2020, he and a landscaping crew were traveling south on Duncan Road when he saw a U-Haul moving van approaching the intersection of Bradley Avenue and Duncan Road. After Cork passed through the intersection, he heard several gunshots behind him. He then saw the U-Haul traveling south on Duncan Road. The van passed Cork's vehicle, and Cork smelled gunpowder. He briefly saw two dark-skinned men inside the U-Haul, one with short hair and one with longer hair. Cork followed the U-Haul until it stopped near 809 Maplespark Street, and he then contacted police.

¶ 4 Senior Investigator David Griffet and Detective Lance Carpenter responded to 809 Maplespark and observed the U-Haul parked outside a two-story building. Griffet saw a Black man watching him from the front doorway but could not identify that person as the defendant. As Griffet walked along the side of the building, he saw a shirtless Black man run from the rear of the building, jump a fence, and flee west. Officers were unable to apprehend or positively identify the fleeing man. Although Detective Carpenter could not positively identify the fleeing man, he described the man as tall, thin, Black, and probably in his twenties. He also testified that the U-Haul's hood was "burning hot" when he touched it shortly after arriving.

¶ 5 Officer Caleb Billingsley searched the fleeing man's path. Approximately 15 minutes later, Billingsley located a loaded black handgun in a bush near a residence. He collected DNA samples from the firearm. Officer Daniel Ward separately processed the scene at Bradley Avenue and Duncan Road and recovered three 9-millimeter Luger cartridge cases from the northeast corner of the intersection. Kathryn Doolin, a forensic scientist specializing in firearms identification, later testified that the cartridge cases recovered at the intersection were fired from the recovered handgun.

¶ 6 The investigation also concerned an earlier shooting outside a barbershop in August 2020. Officer Nicholas Krippel testified that video from that incident showed the defendant being shot at outside the barbershop. During the investigation, Krippel encountered Javon Jones driving a Suburban that had been involved in the earlier shooting and observed bullet holes in the vehicle. Jones acknowledged at trial that someone named “Meechie,” whom he described as a friend, had shot at the defendant outside the barbershop.

¶ 7 Jones testified at trial pursuant to an immunity agreement. He acknowledged that his Facebook name was “Roscoe,” but claimed he had not accessed the account since 2019. Jones initially denied speaking with Officer Krippel about the August and September shootings and later stated that he did not remember what he had told police during interviews in September and November 2020.

¶ 8 The State introduced portions of Jones’s recorded interviews with Officer Krippel. In one recording, Krippel told Jones that someone associated with the defendant had shot at Jones’s Suburban because Meechie had previously shot at the defendant, and Jones nodded affirmatively. In another recording, Jones agreed that “they shot at you first” and that the bullet holes in his vehicle resulted from shots fired from the U-Haul. When Officer Krippel remarked that Jones’s children could have been inside the vehicle and seriously injured, Jones again indicated agreement. In another excerpt, Jones identified the defendant while discussing the ongoing shooting dispute. The circuit court admitted the recorded statements as prior inconsistent statements and later reiterated that they were admitted substantively under section 115-10.1 of the Code of Criminal Procedure of 1963 (725 ILCS 5/115-10.1 (West 2022)).

¶ 9 Detective Carpenter also testified concerning Facebook communications recovered during the investigation. Carpenter reviewed communications between Jones and an account named

“Gwallaboy Grady.” Carpenter testified that the profile contained several photographs of the defendant, including its profile photograph, as well as photographs and tributes concerning the defendant’s children and other family members. The account also contained posts in which others referred to the account holder as a son or brother and birthday messages corresponding to the defendant’s birthday.

¶ 10 One message from the “Gwallaboy Grady” account to Jones, sent on August 21, 2020, stated, “Okay Roscoe, you know what I do? It just ain’t been your turn yet.” Jones replied, “Yup.” On September 1, 2020, less than two minutes after the shooting at Bradley and Duncan, Jones sent the account a message stating, “I told you, keep kids out this shit, bro, that’s your ass.” A video-chat attempt occurred a few minutes later. Carpenter acknowledged on cross-examination that additional messages between the accounts were more friendly in nature.

¶ 11 The State also introduced DNA evidence connecting the defendant to the recovered handgun. Illinois State Police forensic scientist Svetlana Gershburg testified that DNA recovered from the gun’s grip consisted of a mixture of four individuals. The profile was 1.4 sextillion times more likely if the mixture included the defendant and three unknown unrelated individuals than if it included four unknown unrelated individuals. The trigger also contained a four-person mixture and was 280 septillion times more likely if the mixture included the defendant and three unknown unrelated individuals. Gershburg testified that the defendant’s DNA profile corresponded with the major contributor to both mixtures, comprising approximately 57% of one mixture and 70% of the other. She opined that this made incidental transfer less likely. Gershburg also explained the limitations of the DNA evidence. DNA may remain on an object indefinitely under favorable conditions, but sunlight, bacteria, water, and exposure to the ground may degrade a profile. She further testified that one person’s handling or repeated use of an object may remove or add DNA.

¶ 12 Because the defendant was also charged with unlawful possession of a weapon by a felon, the parties stipulated that he previously had been convicted of a felony. After reading the stipulation to the jury, the circuit court stated, “you can consider this stipulation as evidence in the same manner that you would consider any other evidence in this case.” The jury was later instructed regarding the permissible consideration of the defendant’s prior conviction. The content of those instructions is addressed more fully below because the defendant now challenges both counsel’s handling of the stipulation and the circuit court’s instructions.

¶ 13 Following deliberations, the jury found the defendant guilty of aggravated discharge of a firearm and unlawful possession of a weapon by a felon. The defendant filed a posttrial motion challenging, among other things, the admission of Jones’s recorded statements and Facebook communications. The circuit court denied the motion and reiterated that Jones’s prior statements were properly admitted substantively because they described matters within his personal knowledge and had been accurately recorded.

¶ 14 On December 8, 2023, the circuit court sentenced the defendant to 10 years’ imprisonment for aggravated discharge of a firearm and 6 years’ imprisonment for unlawful possession of a weapon by a felon, with the sentences to run concurrently. The defendant timely appealed.

¶ 15 II. ANALYSIS

¶ 16 A. Ineffective Assistance of Counsel

¶ 17 The defendant first argues that trial counsel rendered ineffective assistance by failing to move to sever the unlawful possession of a weapon by a felon charge from the aggravated discharge of a firearm charge. He further contends that counsel compounded that error by failing to adequately limit the jury’s consideration of his prior felony conviction. We disagree.

¶ 18 Claims of ineffective assistance are governed by the two-part test set forth in *Strickland v. Washington*, 466 U.S. 668 (1984). A defendant must establish both that counsel’s performance fell below an objective standard of reasonableness and that counsel’s deficient performance resulted in prejudice. *People v. Brown*, 2025 IL App (5th) 200194-U, ¶ 48. Judicial review of counsel’s performance is highly deferential, and a defendant must overcome the strong presumption that counsel’s challenged conduct constituted sound trial strategy. *Id.* ¶ 49. Failure to establish either prong defeats the claim. *Id.* ¶ 48.

¶ 19 The defendant relies upon *People v. Edwards*, 63 Ill. 2d 134 (1976), where our supreme court held that the circuit court abused its discretion by refusing to sever an armed robbery charge from a felonious unlawful-use-of-weapons charge. The court recognized the significant risk that evidence of the defendant’s prior conviction, necessary to prove the weapons offense, would improperly influence the jury’s consideration of the unrelated armed robbery charge. *Id.* at 140. *Edwards*, however, involved the denial of an actual motion for severance; it did not address whether counsel was constitutionally ineffective for electing not to seek severance. *People v. Lacey*, 2023 IL App (5th) 220050-U, ¶ 43.

¶ 20 That distinction is important. Generally, a decision not to seek severance, even if it proves unsuccessful in hindsight, is regarded as a matter of trial strategy. *People v. Poole*, 2012 IL App (4th) 101017, ¶ 10. Severance may disadvantage a defendant by affording the State “two bites at the apple,” because an evidentiary deficiency revealed during the first trial may potentially be cured before the second. *Id.* Illinois courts therefore recognize that counsel may reasonably pursue an “all or nothing” strategy in which the defendant seeks acquittal of all charges in one proceeding. *Lacey*, 2023 IL App (5th) 220050-U, ¶ 45.

¶ 21 This court recently applied that principle in *Brown*. There, the defendant argued that counsel was ineffective for failing to sever firearm-possession charges from an aggravated battery with a firearm charge. We reiterated that counsel is presumed to have acted pursuant to trial strategy and explained that an “all or nothing” strategy may reasonably offer a better prospect of acquittal than multiple trials. *Brown*, 2025 IL App (5th) 200194-U, ¶¶ 52-54. We further questioned whether *People v. Utley*, 2019 IL App (1st) 152112, had afforded the required presumption to counsel’s strategic choices, while distinguishing *Utley* because no particular strategy was apparent there and counsel had done nothing to minimize the prejudicial effect of the defendant’s predicate convictions. *Brown*, 2025 IL App (5th) 200194-U, ¶¶ 55-56.

¶ 22 The same reasoning applies here. The aggravated discharge and unlawful-possession charges arose from the same alleged shooting, involved the same firearm, and depended substantially upon the same evidence concerning the defendant’s connection to that firearm. The defense theory at trial was that the State could not prove that the defendant possessed or discharged the recovered handgun. Unlike the unrelated drug and weapons charges in *Utley*, the charges here were factually intertwined. Counsel could reasonably determine that the defendant stood a better chance of obtaining an acquittal on both charges in one proceeding rather than permitting the State to try substantially the same firearm evidence twice.

¶ 23 The defendant emphasizes that the record contains no express statement from counsel explaining why he declined to seek severance. That omission does not itself establish deficient performance. In *Poole*, which also involved aggravated discharge of a firearm and unlawful possession of a firearm by a felon, the court concluded that a potential strategic basis for declining severance was apparent from the record and rejected the ineffective-assistance claim. *Poole*, 2012 IL App (4th) 101017, ¶ 10. Likewise, *Brown* recognized that counsel’s actions are presumed

strategic unless the defendant rebuts that presumption. *Brown*, 2025 IL App (5th) 200194-U, ¶¶ 9, 52.

¶ 24 *People v. Johnson*, 2013 IL App (2d) 110535, ¶¶ 54-55, does not compel a different result. There, counsel agreed to join a domestic battery prosecution with a felon-in-possession prosecution largely for scheduling convenience. The joinder exposed the jury in each case to prejudicial evidence concerning the other, and counsel failed to request the precise limiting instructions necessary to confine the jury's consideration of that evidence. The reviewing court found no strategic reason for counsel's conduct under those circumstances. *Id.* Here, by contrast, the charges arose from the same shooting and the same firearm, and counsel affirmatively took steps to minimize disclosure of the defendant's criminal history.

¶ 25 Specifically, counsel stipulated only that the defendant previously had been convicted of a felony. The jury did not learn the nature of that conviction through the stipulation. Counsel thereby allowed the State to establish the status element of the unlawful-possession offense without presenting a certified conviction identifying the underlying offense. That course substantially reduced the risk that the jury would use the nature of the prior offense as propensity evidence.

¶ 26 Further defense counsel tendered Illinois Pattern Jury Instructions, Criminal, No. 3.13X (approved Oct. 17, 2014) (hereinafter IPI Criminal), and the circuit court ultimately instructed the jury: "Ordinarily evidence of a defendant's prior conviction of an offense may not be considered by you as evidence of his guilt of the offense with which he is charged. However in this case because the State must prove beyond a reasonable doubt the proposition that the defendant has previously been convicted of a felony offense, you may consider evidence of the defendant's prior conviction for the purpose of determining whether the State has proved that proposition." The defendant argues that counsel should instead have sought IPI Criminal No. 3.14 and that IPI

Criminal No. 3.13X was incomplete because the word “only” did not precede “for the purpose of determining whether the State has proved that proposition.” We are not persuaded that counsel’s use of the instruction specifically addressing proof of a predicate conviction fell below an objective standard of reasonableness. The instruction expressly told the jury that prior-conviction evidence ordinarily may not be considered as evidence of guilt and then identified the particular proposition for which the conviction could be considered. We find counsel’s decision to use that instruction, together with a sanitized stipulation that disclosed no details of the prior felony, was not objectively unreasonable.

¶ 27 Accordingly, the defendant has not overcome the strong presumption that counsel’s decision to try both charges together and his handling of the predicate conviction were matters of reasonable trial strategy. Because the defendant has failed to establish deficient performance, we need not reach the prejudice prong of *Strickland*. See *Brown*, 2025 IL App (5th) 200194-U, ¶ 57.

¶ 28 B. Jury Instructions Concerning the Prior Conviction

¶ 29 The defendant next argues that the circuit court gave conflicting instructions concerning his prior felony conviction. He acknowledges that the claim was not preserved and seeks review under both prongs of the plain-error doctrine.

¶ 30 The plain-error doctrine permits review of an otherwise forfeited error when a clear or obvious error occurred and either (1) the evidence was so closely balanced that the error threatened to tip the scales against the defendant or (2) the error was so serious that it affected the fairness of the trial and challenged the integrity of the judicial process. *People v. Hartfield*, 2022 IL 126729, ¶¶ 50-51. The first step under either prong is to determine whether a clear or obvious error occurred. *Id.*

¶ 31 The defendant focuses upon the court’s statement immediately after the parties’ stipulation was presented. The court told the jurors that they could “consider this stipulation as evidence in the same manner that you would consider any other evidence in this case.” The defendant maintains that the statement permitted the jury to consider his status as a felon as propensity evidence and directly conflicted with the court’s subsequent instruction under IPI Criminal No. 3.13X.

¶ 32 Jury instructions, however, must be considered as a whole. The question is whether the instructions, viewed together, fairly and accurately stated the applicable law. See *Johnson*, 2013 IL App (2d) 110535, ¶ 68. Here, the court’s earlier statement identified the stipulation as evidence; it did not tell the jury that the prior conviction demonstrated the defendant’s propensity to commit the charged offenses or that it could be considered as proof of aggravated discharge. More importantly, immediately before deliberations the circuit court specifically instructed the jury that evidence of a prior conviction ordinarily “may not be considered by you as evidence of his guilt” and identified the purpose for which that evidence could be considered—determining whether the State proved the defendant’s status as a convicted felon.

¶ 33 That circumstance distinguishes this case from *Johnson*. There, the instruction affirmatively permitted the jury to consider the defendant’s felon status for any relevant purpose, thereby failing to limit the conviction to the felon-in-possession charge. *Johnson*, 2013 IL App (2d) 110535. Here, IPI Criminal No. 3.13X expressly advised the jury of the general prohibition against treating a prior conviction as evidence of guilt and then identified the relevant proposition for which it could be considered.

¶ 34 We likewise find *Hartfield* distinguishable. There, the jury received two instructions that directly conflicted concerning the State’s burden of proving an essential element of aggravated

discharge of a firearm. Our supreme court explained that where one instruction correctly states the law and another directly contradicts it, “we can never know which instruction the jury was following.” *Hartfield*, 2022 IL 126729, ¶ 59. Because the conflicting instructions altered the burden of proof on an essential element, the error implicated the integrity of the judicial process and required retrial. *Id.* ¶¶ 59-61.

¶ 35 The instructions here did not place the jury in that position. The court did not give competing definitions of an element or competing burdens of proof. Its initial comment merely informed the jury that the stipulated fact constituted evidence. Its final instruction then explained precisely how evidence of the prior conviction related to the charges. The jury was also instructed that the State bore the burden of proving guilt beyond a reasonable doubt, that the defendant was not required to prove his innocence, and that the defendant’s failure to testify could not be considered against him.

¶ 36 Nor does the absence of the bracketed word “only” transform the instruction into a clear misstatement of law. The instruction expressly stated that the prior conviction ordinarily could not be used as evidence of guilt and then informed the jury that it could consider the conviction “for the purpose of determining whether the State has proved” the prior-felony proposition. Read naturally and in its entirety, the instruction conveyed the limited purpose of the evidence.

¶ 37 Because the defendant has not demonstrated a clear or obvious instructional error, his claim fails at the first step of plain-error review. We therefore need not determine whether the evidence was closely balanced under the first prong or whether the alleged error satisfied the second prong.

¶ 38 C. Sufficiency of the Evidence

¶ 39 The defendant next contends that the State failed to prove beyond a reasonable doubt that he discharged the firearm. He emphasizes that no eyewitness identified him as the shooter, four

individuals contributed DNA to the recovered handgun, and the State presented no gunshot-residue evidence, confession, or video recording of him firing the weapon.

¶ 40 When reviewing the sufficiency of the evidence, we do not retry the defendant. *People v. Jones*, 2023 IL 127810, ¶ 28. Rather, we determine whether, viewing the evidence in the light most favorable to the State, any rational trier of fact could have found the essential elements of the offense beyond a reasonable doubt. *Id.* We draw all reasonable inferences in favor of the State and will reverse only when the evidence is so unreasonable, improbable, or unsatisfactory that it creates a reasonable doubt of guilt. *Id.*

¶ 41 The evidence against the defendant was circumstantial, but guilt may be established by either direct or circumstantial evidence. *People v. Kent*, 2017 IL App (2d) 140917, ¶ 76. Cork heard multiple gunshots as the U-Haul passed through the Bradley and Duncan intersection, saw the van immediately thereafter, smelled gunpowder as it passed his vehicle, and observed two men inside. Cork followed the U-Haul to Maplepark. Shortly after police arrived there, a man fled from the rear of the building. The fleeing man was described as a tall, thin Black male in his twenties, and Griffet testified that the defendant was consistent with the fleeing man's build, although he could not make a positive identification.

¶ 42 Billingsley searched the path taken by the fleeing man and located a loaded 9-millimeter handgun concealed in a bush. Officers recovered three 9-millimeter cartridge cases from the intersection where Cork heard the gunshots, and the firearm evidence established that those cartridge cases had been fired from the recovered handgun. Thus, the jury was presented with evidence tying the handgun recovered along the flight path directly to the September 1 shooting.

¶ 43 The DNA evidence then connected the defendant to that handgun. Gershburg testified that the defendant was the major contributor to DNA mixtures recovered from both the grip and trigger.

The grip mixture was 1.4 sextillion times more likely to have originated from the defendant and three unknown unrelated individuals than from four unknown unrelated individuals, while the trigger mixture was 280 septillion times more likely under the corresponding hypothesis. Although the defendant correctly observes that DNA from three other persons was present and that transfer was possible, those matters affected the weight of the evidence and were presented to the jury. “In weighing the evidence, a trier of fact need not search out all possible explanations consistent with innocence and raise them to a level of reasonable doubt.” *Jones*, 2023 IL 127810, ¶ 32.

¶ 44 Jones’s statements supplied additional evidence concerning both the target of the shooting and the defendant’s involvement. During his recorded interview, Jones agreed when Officer Krippel asked whether “they shot at you first” and whether that was how his vehicle acquired its bullet holes. Jones then agreed that the shots were fired “out of the U-Haul.” When Officer Krippel observed that Jones’s children could have been inside and seriously injured, Jones again indicated agreement. The circuit court itself relied upon those statements when determining that the evidence supported instructing the jury on both the State’s principal theory that the defendant was the shooter and the alternative theory of accountability.

¶ 45 The Facebook communications provided further circumstantial evidence. Less than two minutes after the September 1 shooting, Jones messaged the “Gwallaboy Grady” account: “I told you, keep kids out this shit, bro, that’s your ass.” Earlier communications, together with the evidence concerning the August barbershop shooting, permitted the jury to infer a retaliatory motive.

¶ 46 The defendant relies upon *People v. Hartfield*, 266 Ill. App. 3d 607 (1994). There, a detective saw the defendant retrieve and possess a handgun and later heard shots while pursuing him, but the detective never saw the defendant fire and no other evidence established that he fired

in the detective's direction. *Id.* at 608-09. The appellate court reversed the aggravated-discharge conviction. *Id.* at 609.

¶ 47 The evidence here is materially different. The State did not merely establish that the defendant possessed a firearm somewhere near the location at which gunshots were heard. The cartridge cases from the shooting were linked to the handgun recovered along the fleeing man's route; the defendant was the major DNA contributor on both the grip and trigger of that handgun; Jones's recorded statements indicated that shots were fired from the U-Haul at the vehicle he was driving; an immediate Facebook message linked the shooting to the defendant; and the earlier shooting supplied evidence of motive. Taken together and viewed in the light most favorable to the State, the evidence permitted a rational jury to find that the defendant knowingly discharged the firearm in the direction of an occupied vehicle.

¶ 48 Moreover, the jury was not instructed that it could convict only if the defendant personally pulled the trigger. The jury was instructed that the State was required to prove that "the defendant or one for whose conduct he is legally responsible knowingly discharged a firearm" and that the defendant or one for whose conduct he was legally responsible discharged the firearm toward a vehicle he knew or reasonably should have known was occupied. The court also instructed the jury on the principles of accountability. Accordingly, we reject the defendant's sufficiency challenge.

¶ 49 D. Authentication of the Facebook Communications

¶ 50 The defendant next argues that the circuit court abused its discretion by admitting communications attributed to the "Gwallaboy Grady" Facebook account because the State failed to establish that he authored the messages. The State responds that the claim was not adequately preserved and, alternatively, that the communications were sufficiently authenticated. Because the authentication issue fails on the merits, we need not resolve the parties' preservation dispute.

¶ 51 A circuit court’s decision to admit evidence is reviewed for an abuse of discretion. *People v. Brand*, 2021 IL 125945, ¶ 36. Illinois Rule of Evidence 901(a) provides that authentication is satisfied by “evidence sufficient to support a finding that the matter in question is what its proponent claims.” Ill. R. Evid. 901(a) (eff. Jan. 1, 2011); see *Brand*, 2021 IL 125945, ¶ 36. Electronic communications are governed by the same basic authentication principles as other documentary evidence. *Brand*, 2021 IL 125945, ¶¶ 36-40. Their appearance, contents, substance, internal patterns, and other distinctive characteristics may be considered together with the surrounding circumstances. *Id.* ¶¶ 37-40.

¶ 52 The preliminary authentication threshold is not particularly high. *People v. Watts*, 2022 IL App (4th) 210590, ¶ 82. The proponent need not eliminate every possibility inconsistent with authenticity; it must present enough evidence that a reasonable juror could find the evidence authentic. *Id.* Once that threshold is crossed, disputes concerning ultimate reliability ordinarily go to weight rather than admissibility. *Id.* Likewise, the proponent need establish only a rational basis upon which the fact finder could conclude that the document belonged to or was authored by the alleged party. *People v. Ziemba*, 2018 IL App (2d) 170048, ¶ 51.

¶ 53 The defendant relies principally upon *People v. Kent*, 2017 IL App (2d) 140917. There, the State linked a Facebook profile to the defendant essentially through an alias, a photograph resembling him, and the incriminating content of a post. The State introduced no evidence that the defendant used Facebook, authored the post, controlled the account, or possessed information in the post known uniquely to him or a small group including him. *Id.* ¶¶ 111, 116-19. The court therefore concluded that the State failed to provide “some basis” from which a reasonable juror could find that the post was actually created by the defendant or at his direction. *Id.* ¶ 119.

¶ 54 This record contains considerably more than the “simple name and photograph” found insufficient in *Kent*. Detective Carpenter testified that the “Gwallaboy Grady” account contained several photographs of the defendant, including its profile photograph. The account contained photographs and tributes concerning the defendant’s children and other relatives, posts identifying the account holder as a son or brother, additional photographs depicting the defendant with those individuals, and birthday wishes corresponding with the defendant’s birthday.

¶ 55 Those accumulated characteristics supplied a rational basis from which a juror could conclude that the account belonged to and was used by the defendant. Rule 901 did not require the State additionally to establish an IP address, produce Facebook business records identifying the defendant, or conclusively eliminate the possibility that some other person accessed the account. See *Brand*, 2021 IL 125945, ¶¶ 40, 53-55. Authentication determined whether the evidence could be presented to the jury; the ultimate question whether the defendant actually authored an individual communication remained a matter of weight. See *Ziemba*, 2018 IL App (2d) 170048, ¶ 51. Accordingly, the circuit court did not abuse its discretion by admitting the Facebook communications.

¶ 56 E. Jones’s Prior Inconsistent Statements

¶ 57 Finally, the defendant argues that the circuit court improperly admitted Jones’s recorded statements to police as substantive evidence under section 115-10.1 of the Code of Criminal Procedure of 1963 (725 ILCS 5/115-10.1 (West 2022)). He contends that the State failed to establish that Jones possessed personal knowledge of the September 1 shooting. We disagree.

¶ 58 Section 115-10.1 permits a witness’s prior inconsistent statement to be admitted substantively where, among other requirements, the witness is subject to cross-examination and the recorded statement narrates, describes, or explains an event or condition of which the witness

had personal knowledge. *Id.* § 115-10.1(a), (b), (c)(2). For purposes of subsection (c)(2), personal knowledge means that the witness personally observed the events that are the subject of the statement rather than merely repeating information received from another person. *People v. Simpson*, 2015 IL 116512, ¶¶ 31-34.

¶ 59 The critical question, however, is determined from the prior statement itself rather than from the witness's later trial testimony. *People v. Guerrero*, 2021 IL App (2d) 190364, ¶ 53. As *Guerrero* explains, examining the face of the statement prevents a "turncoat" witness from defeating admissibility simply by taking the stand and claiming that he did not see or cannot remember what happened. *Id.*

¶ 60 The recorded statements here demonstrate firsthand knowledge. Jones agreed with Officer Krippel's statement that "they shot at you first" and that this was how the bullet holes got into the vehicle he was driving. When Officer Krippel asked, "That was when they were shooting out of the U-Haul?" Jones responded affirmatively. Jones also agreed when Officer Krippel observed that his children could have been in the vehicle and seriously injured. These statements do not facially describe something Jones merely heard about from another person. They describe shots fired at Jones while he was associated with the vehicle that was struck.

¶ 61 The defendant's reliance upon *Simpson* is misplaced. *Simpson*, 2015 IL 116512, ¶¶ 31-34. There, the witness's prior statement repeated the defendant's alleged confession that he had beaten the victim with a baseball bat. *Id.* The witness had not observed the beating. *Id.* Accordingly, although the witness personally heard the alleged confession, he lacked personal knowledge of the criminal event described in the statement, and the statement could not be used substantively to establish the defendant's participation in the beating. *Id.*

¶ 62 Jones's statements are different. On their face, they portray Jones as a participant in or direct observer of the events about which he spoke. His subsequent trial testimony that he did not remember the conversations, did not remember particular details, or was not present cannot retroactively eliminate the personal knowledge apparent from the recorded statements themselves. That is precisely the circumstance addressed in *Guerrero*.

¶ 63 The circuit court therefore acted within its discretion in admitting the recorded statements as substantive evidence under section 115-10.1. At the posttrial hearing, the court reiterated that Jones's statements were inconsistent with his trial testimony, described matters within his personal knowledge, and had been accurately recorded. The record supports those findings.

¶ 64 III. CONCLUSION

¶ 65 For the foregoing reasons, we affirm the judgment of the circuit court of Champaign County.

¶ 66 Affirmed.