NOTICE
Decision filed 10/08/26. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2026 IL App (5th) 260446-U

NOS. 5-26-0446, 5-26-0447 cons.

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).

In re LASHON T., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Vermilion County.
	)	
Petitioner-Appellee,	)	
	)	
v.	)	Nos. 23-JD-111, 24-JD-148
	)	
Lashon T.,	)	Honorable
	)	Thomas M. O'Shaughnessy,
Respondent-Appellant).	)	Judge, presiding.

JUSTICE SHOLAR delivered the judgment of the court.
Presiding Justice Cates and Justice Hackett concurred in the judgment.

ORDER

¶ 1 *Held*: Defendant's challenge to the sufficiency of the evidence fails. Accordingly, we affirm the judgments of the circuit court of Vermilion County.

¶ 2 In these two appeals, which this court has consolidated on defendant's motion, we are asked to consider whether defendant, Lashon T., was proven guilty beyond a reasonable doubt of the offenses of aggravated battery causing great bodily harm, and aggravated battery on a public way. For the reasons that follow, we find that he was, and therefore we affirm the judgments of the circuit court of Vermilion County in case Nos. 23-JD-111 and 24-JD-148.

¶ 3 I. BACKGROUND

¶ 4 On August 3, 2023, the State filed a petition for adjudication of wardship in Vermilion County case No. 23-JD-111, the juvenile trial court case that underlies appeal No. 5-26-0446 in this consolidated appeal. Therein, the State alleged that defendant, who was then 14 years old, was delinquent, in that he committed the offenses of aggravated unlawful use of a weapon, a Class 2 felony, and unlawful possession of a firearm without a Firearm Owner's Identification (FOID) card, a Class 3 felony. Also on August 3, 2023, the State filed a petition to designate its prosecution of defendant as an Extended Jurisdiction Juvenile (EJJ) prosecution, noting that if the charged offenses were committed by an adult, they would be felonies.

¶ 5 At a hearing held on November 13, 2023, counsel appointed to represent defendant announced that an agreement had been reached whereby defendant would admit guilt to the charge of aggravated unlawful use of a weapon, in exchange for a sentence of 24 months' probation as to the juvenile charge. Counsel stated that defendant would also be admitting to the EJJ petition, and that the adult sentence would be four years. Counsel stated that the State would dismiss the count of possession of a firearm without a FOID card, and a petition to revoke probation in an unrelated case—Vermilion County case No. 22-JD-102—would be dismissed as well. Thereafter, the trial court ensured the plea agreement was entered intelligently, voluntarily, and knowingly; thoroughly admonished defendant; solicited a factual basis from the State; and ensured a written waiver of jury trial had been executed by defendant. Sentencing was deferred so that an updated social history of defendant could be obtained. Also on November 13, 2023, the trial court entered a written EJJ prosecution order in which it designated the case an EJJ proceeding.

¶ 6 Following continuances, on March 26, 2024, the trial court sentenced defendant in accordance with the parties' agreement. The trial court informed defendant that his adult sentence

would be stayed, pending compliance with the terms and conditions of his juvenile sentence. The trial court thereafter informed defendant of his appeal rights. Also on March 26, 2024, the trial court entered a written sentencing order in which it stated that defendant's adult sentence was stayed, pending defendant's "successful completion of a 24-month term of juvenile probation."

¶ 7 On June 25, 2024, a probation violation report was filed, which alleged that defendant violated his juvenile probation when he was arrested for possession of cannabis. The report alleged other minor violations as well. On July 31, 2024, the State filed a petition for revocation of defendant's probation, based upon the arrest and other violations, as well as a subsequent arrest, on July 19, 2024, again for possession of cannabis. Also on July 31, 2024, the State filed a petition to invoke defendant's adult sentence, based upon charges filed by the State in Vermilion County case No. 24-JD-109, as a result of the July 19, 2024, arrest, as well as the other alleged probation violations.

¶ 8 On September 17, 2024, the State filed a petition for adjudication of wardship in Vermilion County case No. 24-JD-148, the juvenile trial court case that underlies appeal case No. 5-26-0447 in this consolidated appeal. Therein, the State alleged that defendant was delinquent in that on or about September 6, 2024, he committed the offenses of aggravated battery causing great bodily harm (a Class 3 felony), aggravated battery on a public way (a Class 3 felony), and mob action, a Class 4 felony. Following an admonishment and detention hearing held on September 17, 2024, in both case Nos. 23-JD-111 and 24-JD-148, the trial court ordered that defendant be detained.

¶ 9 On September 18, 2024, the State filed an amended petition to invoke defendant's adult sentence, and a second amended petition to revoke defendant's probation, both in case No. 23-JD-111, and both based upon the new charges filed against defendant in case No. 24-JD-148, as well as the previous allegations of probation violations discussed above.

¶ 10 Following the adjudication of other charges against the defendant in cases that are not relevant to this appeal, as well as continuances attributed to both parties, on December 15, 2025, the case proceeded to an adjudicatory hearing in case No. 24-JD-148, and a status hearing in 23-JD-111. The first witness to testify for the State at the adjudicatory hearing in case No. 24-JD-148 was Officer James Rutledge of the Danville police department. Officer Rutledge testified that on September 6, 2024, he was on duty and responded to a call about a battery near an apartment building. He testified that when he arrived on scene, he observed the victim being loaded into an ambulance. Officer Rutledge testified that the victim "had been battered and he had a swollen eye."

¶ 11 Officer Rutledge authenticated a photograph of the victim, which he stated fairly and accurately represented how he saw the victim that day. The photograph was admitted into evidence as People's Exhibit 2. Officer Rutledge testified that on September 6, 2024, he was assigned to the "Community Housing Unit" within his police department, and that the unit included the area of the apartment complex in question. He testified that he had access to video surveillance equipment and footage from the apartment complex, that the equipment was working properly on September 6, 2024, and that he observed footage taken that day.

¶ 12 When the State asked Officer Rutledge if there was anything he was "able to glean" from reviewing the footage, defense counsel objected, contending that an adequate foundation had not been laid. Defense counsel was permitted to question Officer Rutledge, who thereafter testified that he did not know who the owner of the apartment complex was, but that it was not the city of Danville. He testified that the property manager allowed him to review footage from the surveillance system without the property manager being present, and that Officer Rutledge had a key he could use to access the building where the equipment was kept. Thereafter, Officer Rutledge authenticated a video disk that contained the footage, which he stated fairly and accurately

represented the area where the battery occurred, at the approximate time of the battery. The video disk was admitted into evidence as People's Exhibit 1, and played two times for the court.

¶ 13 The next witness, Jordan Shepard, testified that he could not remember if he participated in a battery in Danville on September 6, 2024. He testified that he was charged in "an adult criminal case involving an incident on September 6, 2024," and received probation in the case. He testified that as part of his agreement to receive probation, he was required to testify truthfully in defendant's case. He agreed that he participated in the battery of the victim. When asked if he was going to testify truthfully as to what he "saw and heard and did during that incident," Shepard testified, "I'll try my best." He testified that he knew defendant from the area around the apartment complex and its neighborhood. He testified that he had known defendant for "maybe like a few years," and identified defendant in the courtroom. Shepard testified that when he saw defendant on September 6, 2024, defendant was missing a tooth due to a fight defendant had with the victim prior to the battery.

¶ 14 The trial court subsequently allowed the State to "treat [Shepard] as a hostile witness." Shepard testified that defendant talked to him about defendant's tooth, but Shepard denied that defendant asked Shepard to help defendant find the person who knocked his tooth out. He admitted to being with defendant later, but denied that he saw the person who knocked defendant's tooth out.

¶ 15 The State then requested permission to play People's Exhibit 1, the video disk, for Shepard to watch. The trial court granted permission. Shepard testified that he was present in the video, and pointed himself out in the video. He agreed that he ran over to a group of people and began "battering" the victim. When asked to identify another person in the video, Shepard testified, "I don't know. I can't tell. I can't see that." He thereafter agreed that he had watched the video with

Officer Rutledge on July 18, 2025, and testified that at that time he told Officer Rutledge that he, defendant, defendant's father, and another person "jumped" the victim and battered him. When the State asked Shepard what it meant "to jump somebody," Shepard testified, "You can be playing. You can be—it don't matter. It's all type of jumps. I don't know. But fighting, fighting. You can be playing all type." Shepard agreed that People's Exhibit 2, the photograph, depicted the victim after the battery, and agreed the photograph did not "look like playing."

¶ 16 Officer Connor Lomax testified that he was on duty as an officer with the Danville police department on September 16, 2024, and that on that day he arrested defendant. He identified defendant in the courtroom. He testified that when he arrested defendant, defendant made an "unsolicited statement" to him. Officer Lomax testified that defendant "questioned why he was being placed under arrest," at which time Officer Lomax told defendant "it was for the charges of robbery, mob action, and aggravated battery." He testified that defendant "advised there was a play fight and it wasn't real."

¶ 17 Officer Lomax testified that he was wearing a body camera at the time, and that it was working properly. He authenticated a video disk that contained the body camera footage of his arrest of defendant, which he stated fairly and accurately represented the events captured on it. The video disk was admitted into evidence as People's Exhibit 3, and played for the court. On cross-examination, Officer Lomax testified that during the arrest of defendant, he showed defendant some of the video evidence of the battery, so that defendant would understand "the full extent of why" he was being arrested, and that there was "video evidence" of the battery.

¶ 18 Following the testimony of Officer Lomax, the State rested. Defendant moved "for a directed finding," which defense counsel offered to submit as part of her closing argument. She

stated that defendant did not wish to testify. The trial court admonished defendant regarding his right to testify, and accepted his decision not to testify.

¶ 19 In closing argument, the State asserted that the battery was not "play fighting," and that the victim sustained bleeding, severe bruising, and had to be taken away in an ambulance. The State argued that the video evidence showed that defendant and the other three assailants punched, kicked, and jumped on the victim, and that the photograph showed that the attack caused great bodily harm. The State further argued that the evidence showed that the battery occurred "in the courtyard area of the" apartment complex, which was a public place. The State argued as well that the evidence showed defendant was guilty of mob action, because he and multiple other individuals acted together to batter the victim.

¶ 20 Defense counsel argued that there was not adequate proof of great bodily harm, or that the battery occurred on a public way. She also argued that the evidence did not show that defendant was involved in the battery, even if he admitted that he was present at the scene, because it was too difficult to see who was involved in the battery. She asked that the petition for adjudication of wardship be denied.

¶ 21 The trial court stated that the battery "was not play acting, it was not playing around or any other term." The court stated that the video evidence showed "an unprovoked attack by four persons." The court continued that the evidence in the case showed "great bodily harm, as that term is defined by law," and added that the battery "would result in nothing shy of great bodily harm given the number of kicks, punches upon [the victim's] body." The court stated that the battery occurred in a common area of the apartment complex, starting "either immediately adjacent to or on the edge of a parking area," and "spill[ing] into a grassy area, which clearly is a common public area of the complex, and constitutes a public way for purposes of the statute." The trial court

further stated that although Shepard "was unwilling to identify" defendant in the video, ultimately Shepard identified defendant "as one of the four persons involved in this battery." The court added that defendant "implicated himself in his conversation with Officer Lomax." The court found "that the State did establish beyond a reasonable doubt that" defendant committed the offenses alleged against him. The trial court entered judgment upon all three counts of the petition, and set the cases for further proceedings.

¶ 22 On January 13, 2026, defense counsel filed a motion for a new trial, in which she argued that, among other things, the State failed to prove the allegations against defendant beyond a reasonable doubt. She argued that Shepard's testimony "was so contradictory that no reasonable finder of fact could find him credible." She further argued that the State failed to present sufficient evidence of (1) great bodily harm, because neither the victim nor any medical professional testified about the extent of the victim's injuries; (2) the battery occurring on a public way; and (3) any of the elements of the mob action charge.

¶ 23 The next hearing in the case was held on February 9, 2026. The trial court stated that the hearing was for status on case No. 24-JD-148, adjudication on case No. 23-JD-111, and arraignment on new charges against defendant in a case not related to this appeal, Vermilion County case No. 26-JD-21. With regard to adjudication of the petitions, in case No. 23-JD-111, to revoke defendant's probation, and to invoke defendant's adult sentence, the State declined to present evidence regarding the additional allegations in those petitions, choosing to instead rely solely on the trial court's adjudication in case No. 24-JD-148 as support for the relief it requested in case No. 23-JD-111. The trial court stated that it was not yet ready to rule on defendant's motion for a new trial, and set the matter for a hearing on the motion at a later date.

¶ 24 On April 13, 2026, the trial court held a hearing on defendant's motion for a new trial. The parties were offered the opportunity to present arguments, after which the trial court made a finding that Shepard's testimony, along with the video evidence and the photograph of the victim, was evidence that defendant was one of four people acting together in battering the victim. The court further found that the evidence directly contradicted any claim that the battery was "play fighting," and stated that the battery "was best characterized as a beating." The court also found that although "Shepard was a reluctant witness," and although the court had actually deemed him to be a hostile witness, Shepard's "identification of the victim and [defendant] was credible."

¶ 25 The trial court found that the photograph was sufficient to establish that the victim suffered great bodily harm. The court clarified that although Shepard did not identify defendant in the video, he did testify that defendant "participated along with himself and other individuals in the battering of" the victim. The court stated that the evidence also was sufficient as to the battery occurring on a public way, because it occurred at "a housing complex, clearly common area of that complex." Accordingly, the court denied defendant's motion for a new trial. The court directed that an updated social history be prepared, and that the case be set for disposition on May 11, 2026.

¶ 26 On May 11, 2026, the disposition hearing was held as to both case Nos. 23-JD-111 and 24-JD-148. The trial court noted that it had received the updated social history, and asked the parties if they wished to present any additional evidence. The parties declined to present evidence. In argument, the State asked the court to take judicial notice of its disposition in case No. 24-JD-148, and to impose the adult sentence that was previously stayed in case No. 23-JD-111. Defense counsel stated that there was no legal argument she could make in contravention of the State's argument, but that she did request that the sentence imposed in case No. 24-JD-148 be a term of

probation that would run concurrently with the adult sentence to be imposed in case No. 23-JD-111. The State stated that it did not object to this recommendation.

¶ 27 The trial court made a finding that pursuant to the court's adjudication in case No. 24-JD-148, defendant violated his probation order in case No. 23-JD-111. The trial court entered judgment on the petition to invoke defendant's adult sentence, revoked defendant's probation, ended the juvenile court's jurisdiction over that case, and transferred jurisdiction to the adult court. The court sentenced defendant to four years in the Illinois Department of Corrections, to be followed by a one-year term of mandatory supervised release, with defendant to receive 129 days of credit for time already spent in custody.

¶ 28 In case No. 24-JD-148, the trial court noted that jurisdiction remained with the juvenile court. The trial court stated "that the adjudication of delinquency, specifically the several counts, are merged into the most serious of offense, aggravated battery, great bodily harm, a Class 3 felony." The court sentenced defendant to an indeterminate term of imprisonment in the Illinois Department of Juvenile Justice, to run concurrently with his adult sentence in case No. 23-JD-111. The court admonished defendant of his appeal rights in each case. The mittimus filed by the trial court in case No. 23-JD-111 noted that, by statute, defendant's sentence for aggravated unlawful use of a weapon was to be served at 50%. These timely appeals followed.

¶ 29 II. ANALYSIS

¶ 30 On appeal, defendant does not contest the trial court's judgment in case No. 23-JD-111. He also does not challenge the finding in case No. 24-JD-148 that he was proven guilty beyond a reasonable doubt of mob action. Moreover, he does not present any argument that would support the contention that there was not sufficient evidence to prove beyond a reasonable doubt that he participated in the battery. Accordingly, defendant has forfeited the foregoing challenges. Illinois

Supreme Court Rule 341(h)(7) (eff. Oct. 1, 2020) (points not raised and argued in opening brief on appeal "are forfeited and shall not be raised in the reply brief, in oral argument, or on petition for rehearing.").

¶ 31 Instead, defendant contends he was not proven guilty beyond a reasonable doubt of aggravated battery on a public way, and was not proven guilty beyond a reasonable doubt of aggravated battery causing great bodily harm. With regard to the first contention, the State is correct that because the trial court specifically stated that defendant's conviction for aggravated battery on a public way "merged into the most serious of offense, aggravated battery, great bodily harm," defendant's conviction for aggravated battery on a public way was vacated by operation of law, and this court need only address it if we find that the most serious offense was not supported by sufficient evidence and therefore must be reversed. See, *e.g.*, *People v. Jones*, 337 Ill. App. 3d 546, 555 (2003) (merger results in vacatur of merged convictions; therefore, challenge to sufficiency of evidence need only be considered for the offense into which the other convictions merged). The same is true for defendant's unchallenged conviction for mob action.

¶ 32 We turn therefore to defendant's contention that he was not proven guilty beyond a reasonable doubt of aggravated battery causing great bodily harm. In his opening brief on appeal, defendant argues that the photographic evidence of the victim's condition after the battery was not sufficient to prove beyond a reasonable doubt that the victim suffered great bodily harm. The State counters that the trial court considered more evidence than just the photograph of the victim, and that the evidence was sufficient to support defendant's conviction. The State is correct.

¶ 33 Where, as here, a defendant challenges the sufficiency of the evidence to sustain his conviction, the relevant question for the reviewing court is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential

elements of the offense beyond a reasonable doubt. *People v. Bush*, 2023 IL 128747, ¶ 33. A reviewing court will set aside a criminal conviction only where the evidence is so improbable or unsatisfactory that it creates a reasonable doubt as to the defendant's guilt. *People v. Swenson*, 2020 IL 124688, ¶ 35. In considering whether a defendant was proven guilty beyond a reasonable doubt, we review the evidence in the light most favorable to the State and draw all reasonable inferences from the evidence in the State's favor. *People v. Cunningham*, 212 Ill. 2d 274, 278-80 (2004). A reviewing court may affirm the judgment of a lower court on any basis supported by the record, regardless of whether the lower court relied upon that basis, and regardless of whether the lower court's reasoning was correct. See, *e.g.*, *People v. Johnson*, 208 Ill. 2d 118, 128-29 (2003).

¶ 34 In this case, to prove defendant guilty of aggravated battery causing great bodily harm, the State was required to prove beyond a reasonable doubt that, in committing the battery in question, defendant knowingly caused great bodily harm to the victim. 720 ILCS 5/12-3.05(a)(1) (West 2022). In the context of the offense of aggravated battery causing great bodily harm, the term "great bodily harm" is one that is not susceptible to a precise legal definition. *People v. Lopez-Bonilla*, 2011 IL App (2d) 100688, ¶ 13. However, it is well established that for a conviction for the offense to be sustained, there must be evidence from which a rational trier of fact could conclude that the victim's injuries were of a greater, or more serious, nature than those found in an ordinary battery. *Id.* In an ordinary battery, bodily harm requires some amount of pain or physical damage to the victim's body, such as lacerations, bruises, or abrasions, which can be temporary or permanent. *Id.* "Whether [a] victim's injuries rise to the level of great bodily harm is a question for the trier of fact." *People v. Cisneros*, 2013 IL App (3d) 110851, ¶ 12. In making its determination, the relevant question for the trier of fact is not what the victim did or did not do to

treat the injuries, but what injuries the victim did in fact receive. *People v. Garry*, 323 Ill. App. 3d 292, 297 (2001).

¶ 35 Here, at defendant's adjudicatory hearing, the trial court, as the trier of fact, found that the battery of the victim "was not play acting, it was not playing around or any other term." The court further found that the video evidence showed "an unprovoked attack by four persons." The court continued that the evidence in the case showed "great bodily harm, as that term is defined by law," and added that the battery "would result in nothing shy of great bodily harm given the number of kicks, punches upon [the victim's] body." The trial court's explicit reference to the video evidence of the battery—which showed multiple assailants kicking and punching the victim—clearly shows that the court based its findings on more than the photograph of the victim. It is true that at the hearing on defendant's motion for a new trial—held approximately four months after the adjudicatory hearing—the trial court at one point stated that it believed the photograph was sufficient to establish that the victim suffered great bodily harm. However, it is equally true that at another point in the hearing the trial court reiterated that the evidence directly contradicted any claim that the battery was "play fighting," and stated that the battery "was best characterized as a beating," which was clearly another reference to the video evidence of the battery and the question of great bodily harm.

¶ 36 This court has reviewed all of the evidence that was properly before the trial court at the adjudicatory hearing, including the video evidence, all of which is described in detail above. As the State points out, the video evidence shows defendant and three other assailants kicking, punching, jumping upon, and otherwise battering the victim for over a minute, after which the victim is seen lying motionless on the ground for over another minute until the video ends. Officer Rutledge testified that he witnessed the victim being removed from the scene in an ambulance.

The photographic evidence authenticated by Officer Rutledge shows the victim lying on the ground, with his eyes closed, with clearly visible swelling and bruising to his face, and a small amount of blood near his nostrils.

¶ 37 We conclude that when this evidence is viewed in the light most favorable to the State, drawing all reasonable inferences from the evidence in the State's favor, a rational trier of fact could find beyond a reasonable doubt that the victim in this case suffered injuries that were of a greater, or more serious, nature than those found in an ordinary battery, and that defendant knowingly caused those injuries—and therefore knowingly caused great bodily harm—during his battery of the victim. Accordingly, defendant's sufficiency of the evidence argument fails as to the offense of aggravated battery causing great bodily harm, and there is no reason for this court to consider defendant's argument as to the sufficiency of the evidence with regard to the offense of aggravated battery on a public way, because the latter offense merged with the former one and was vacated by operation of law. See, *e.g.*, *Jones*, 337 Ill. App. 3d at 555.

¶ 38 III. CONCLUSION

¶ 39 For the foregoing reasons, we affirm the judgments of the circuit court of Vermilion County in both case Nos. 23-JD-111 and 24-JD-148.

¶ 40 Affirmed.