2026 IL App (2d) 250241-U
No. 2-25-0241
Order filed November 6, 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NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).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.

ALEX W. VILLAMAR, Defendant-Appellant.

Appeal from the Circuit Court of Kane County.
Honorable Donald M. Tegeler, Jr., Judge, Presiding.
No. 24-CF-1299

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

ORDER

¶ 1 *Held*: The State proved beyond a reasonable doubt that defendant was not acting in self-defense when he pushed the victim into a table, causing a gash in her forehead. Any error by the trial court in refusing to admit text messages from the victim on cross-examination was harmless where defendant was allowed to present the substance of the text messages to the jury.

¶ 2 Defendant, Alex A. Villamar, appeals his conviction of domestic battery following a jury trial. 720 ILCS 5/12-3.2(a)(1) (West 2024). On appeal, defendant argues that the State failed to prove that he did not act in self-defense. He also argues that the trial court erred in refusing to admit text messages from the victim to defendant, which would have impeached the victim's testimony and also showed her violent character. For the following reasons, we affirm.

¶ 3 I. BACKGROUND

¶ 4 L.P., the victim in this case, lived in an apartment in Carpentersville, Illinois, with her eight-year-old daughter, A.E. Defendant, who L.P. knew from high school, lived a short distance away. On June 8, 2024, L.P. and defendant had been dating "on and off" for about two years. On June 8, 2024, defendant, L.P., and A.E. attended two of L.P.'s graduation parties hosted by each side of her family. L.P. testified that she drank "about four mixed drinks" that were made with tequila while at the parties. L.P. stated that defendant also drank at the parties, about the same amount as her or "maybe a little more." They left the second party around midnight. L.P. said that she was somewhere between "buzzed" and "drunk" after leaving the party. L.P. testified that defendant had worked from 6:00AM to 11:00AM that day, so alcohol affected him more.

¶ 5 After leaving the party, defendant drove L.P. and A.E. to his house in Carpentersville. They arrived somewhere between 1:30AM and 2:00AM. After arriving at defendant's house, they got into an argument. The dog that L.P. and defendant shared was missing. L.P. testified that defendant checked his security cameras and learned that his "baby mama" or "children's mother" turned off the cameras and took the dog. This upset L.P., because "she obviously had a key to the house." L.P. knew that defendant had children with the other woman. L.P. admitted that she was crying and yelled at defendant. Defendant was also upset and yelling. Defendant told L.P. he was "done" with her. L.P. asked defendant to take her and A.E. home. L.P. rode in the front passenger seat and A.E. sat in the back seat. During the four-minute drive, L.P. and defendant continued to argue. When they arrived, L.P. gave A.E. the keys to the house. Defendant walked around the front of the car to her passenger door. As defendant came towards her, L.P. pushed defendant away with her open right hand. L.P. described the contact as light. As defendant walked toward her front door, L.P. retrieved some of her cooking pans that had been at defendant's house. As she was approaching

the door, L.P. saw defendant through the window. She dropped the pans and went inside. Defendant said he came inside to "grab his shit," but the only thing he was holding was "a bottle of tequila." Defendant went into the kitchen to look for one of his cups. L.P. told defendant he could not take the bottle because it had been at her "house for a while." L.P. told defendant that she was going to share the bottle "with [her] guys." Defendant shoved L.P. up "against the wall with his hand." L.P. tried to push defendant off of her. He then grabbed her by her shirt and necklace and threw her towards the floor. L.P.'s head struck a wood table and cracked her forehead open. L.P. said she made the comment about sharing the tequila with her "guys" to make defendant jealous because of the "baby mama situation." After L.P. fell to the floor, defendant stood over her. L.P. recalled hitting defendant in the face while she was still on the floor. Defendant then punched L.P. twice in the face. L.P. then got up and headed for the door. She found her phone and told defendant she was calling the police. L.P. tried to prevent defendant from leaving. He had the tequila in his hand. There was a lot of blood splattered in the kitchen and on the floor near the front door. Photographs taken from outside the open front door show blood on the floor and the tequila bottle on a small table near the door.

¶ 6 L.P. testified that A.E. came out of her bedroom when the argument got physical. L.P. was heading for the front door when she dialed 911. Defendant was still in her home. She told him she was calling the police. L.P. closed the front door and told defendant he was not leaving. Defendant put the tequila bottle down. L.P. stated that defendant "squished" her against the wall and left the apartment. L.P. was still on the line with the 911 dispatcher when defendant left. L.P. had dropped her cell phone when she was pinned against the wall. A.E. picked up L.P.'s cell phone and spoke to the dispatcher.

¶ 7 L.P. stated that the whole episode lasted about three to five minutes. Defendant drove away, and the 911 call continued for approximately three to five minutes until the police arrived. L.P. was taken by ambulance to Sherman Hospital, where she was treated before being released later that day. L.P. identified a series of photographs of her apartment where the altercation took place, particularly a photo of the table where she suffered an approximately two inch vertical laceration to her forehead. L.P. identified photographs of her injuries. In addition to the vertical laceration on L.P.'s forehead, photos depicted a horizontal laceration to the bridge of her nose, as well as swollen lips and swelling around her right eye.

¶ 8 The 911 recording was admitted into evidence and played in open court. After providing her address to the dispatcher, L.P. screams, "You are not leaving, the police are on the way. Stop it, stop it." The dispatcher says, "Ma'am, you need to talk to me." L.P. is heard crying. A.E. then speaks to the dispatcher. He asks her, "What's going on?" A.E. tells him that her "mom and her boyfriend got into a fight over a dog." The dispatcher asks, "Does anyone need an ambulance?" A.E. answers, "Yes, my mom." A.E. tells the dispatcher that the boyfriend left in his vehicle. A.E. provided a description of defendant's vehicle and defendant's first and last name.

¶ 9 On cross-examination, L.P. acknowledged that, while she knew defendant had a Ring doorbell camera, she did not know it was recording while she was at defendant's home on June 9th. She said she first saw the video footage during a Zoom court appearance. L.P. was not aware of the video footage when she was interviewed by the police on June 9. L.P. admitted that she did not tell the police about defendant breaking up with her. She told the police the argument was about defendant's "baby mama" taking the "puppy" from his home. L.P. admitted that defendant asked her to leave at 2:10AM that morning, telling her, "Let's go. I'm tired of your shit." A.E. was present during the exchange. L.P. acknowledged telling A.E., "Don't ask for [defendant] ever

again, he's breaking up with me right now." L.P. testified that, when they arrived at her home, A.E. got out of the car and went inside. L.P. testified that defendant approached her "in an aggressive manner," so she "muffed him" by pushing him in the forehead. Defendant did not react verbally or physically at that moment. L.P. said that one of the reasons she felt "in danger" was because she and defendant "had a physical altercation" about a month earlier. Defense counsel asked L.P. if the physical altercation was "at the bar after seeing someone named Mauricio." L.P. said she was not sure. Counsel then asked L.P. if she remembered texting on May 4 about seeing Mauricio. L.P. answered, "I don't." Counsel then asked if seeing her text messages from May 4 would refresh her recollection "as to texting Alex about Mauricio." L.P. replied, "Yes." Defense counsel then approached the State to show "Defense Exhibit No. 6 to refresh [L.P.'s] recollection."[1] The State objected, stating that the exhibit referred to a prior act which was irrelevant. The trial court stated, "It's relevant to their relationship who the initial aggressor may or may not have been that night." The trial court stated that the exhibit could be used, but only for "refreshing her recollection." Defense counsel said, "Yes." Defense counsel then showed L.P. Defendant's Exhibit No. 5 and asked her, "Do you recall this text message conversation between you and Alex on May 4th, 2024, about 9:00AM in that morning?" L.P. responded, "I'm sorry. What was the question?" Next, defense counsel asked L.P. if she remembered the "altercation that happened between [herself] and [defendant] at a bar after [she] saw Mauricio." L.P. answered, "I do not remember." Counsel then asked, "Okay. Is that [*sic*] your text messages?" At that point, the trial court interjected, "She's answered the question. Please remove the exhibit. She says she doesn't have a memory." Defense counsel then asked L.P. if she remembered the "altercation itself." L.P. said she did not. She also said she did not remember who started it. L.P. reaffirmed that she and defendant had been "going

[1] The correct exhibit number is 5.

out" for about two years. Counsel then asked, "At this time, did you suspect him of infidelity?" L.P. then stated "That's what the text messages say, but I—like I--." Counsel then said, "I'm not asking you about the text messages. Did you suspect Alex of infidelity?" L.P. answered, "Multiple times." L.P. acknowledged that she believed defendant was cheating on her. Counsel asked L.P. if she felt validated because she could "beat his ass." L.P. answered, "No." Defense counsel then asked, "Did you text him[, ']If I beat your ass, it was for a good reason because you're a cheater.' " L.P. answered, "Like I said. I do not recall those messages." Next, counsel asked L.P. if she texted defendant, "If I beat your ass, then I'm pretty sure I had good reason, please let me know?" Again, L.P. denied remembering the messages.

¶ 10 L.P. testified that she did not recall the altercation on May 3, 2024, because she was "blackout drunk that evening." L.P. acknowledged that "it would be a good idea not to drink because of the consequences that happen when [she gets] so intoxicated." She was unsure as to whether she said that to defendant. Defense counsel asked L.P. if she remembered texting defendant on May 4, 2024, "I shouldn't have drank last night, but I did. Now I will live with the consequences." L.P. answered, "Again, I don't remember any of those text messages and I haven't seen them before today." L.P. agreed that she "did drink after the altercation on May 3rd." L.P. agreed that she was intoxicated on June 9. She also acknowledged that she was "smoking pot" that day. L.P. admitted that, before May 4, she "possibly" threatened physical violence against defendant.

¶ 11 Defense counsel asked L.P. if she remembered having conversations with Maribel Dominguez and defendant in the kitchen. L.P. responded affirmatively. Next, counsel asked L.P. if she remembered telling defendant she "would beat his ass raw." L.P. said she remembered "joking

around" but did not recall "exactly how [she] worded [things]." Counsel followed up, "Or that you would give him serious injury?" L.P. said, "Yes," and that "it was something along those lines."

¶ 12 L.P. explained that defendant had taken his "stuff" from her home two weeks prior to June 9, when they "broke up." He had no other items there other than the tequila bottle. Defense counsel asked L.P. if defendant first "held [her] and then pushed [her] down and then threw [her] down on the floor." L.P. responded, "No." L.P. stated, "He did not push me down. He threw me against the table." L.P. testified that she is heard in the 911 recording "telling [defendant] he's not leaving." She agreed that she put her phone down and used her body to prevent defendant from leaving. Counsel asked, "[A]fter he assaulted you, you wouldn't let him leave the situation?" L.P. responded, "I wanted 911 to catch him for what he did."

¶ 13 On redirect examination, L.P. said she was not proud of some of the things she said that were captured on defendant's Ring camera. She said those things because she was hurt. The State asked L.P. about the text messages defense counsel had shown her during cross examination. L.P. said that the morning after May 3, she "woke up with a busted lip." The State then asked about the other date, April 26, that defense counsel mentioned. L.P. said she used "harsh words" but "in a joking manner." L.P. stated that she did not act on "those threats." L.P. said that she was not "black out drunk" on June 9 and she remembered "most of it." The State asked, "When you apparently saying these [*sic*] things to the defendant previously about beating him up, were you being serious or were you joking?" L.P. answered, "Joking."

¶ 14 Officer Jose Lazaro of the Carpentersville Police Department responded to the 911 call from L.P.'s apartment. When he arrived, L.P. was leaning over and bleeding. Lazaro noticed the gash in her forehead. Lazaro did not know if L.P. was not able to say whether she was intoxicated, but she later mentioned she had been drinking. L.P. was coherent and responsive. There was a

puddle of blood at her feet and there were droplets of blood leading to the kitchen. Officer Lazaro attempted to locate defendant. He did a law enforcement database search on defendant's name and "ended up finding defendant's address." Lazaro went to that address and was unable to find defendant. Lazaro did another database search and found another address for defendant. Defendant's black Buick sedan was parked in the driveway. Lazaro knocked on the door with negative results. At the first address Lazaro tried, he met defendant's mother, who gave him defendant's phone number. Lazaro tried calling defendant but nobody answered the phone.

¶ 15 On cross examination, Officer Lazaro testified that L.P. told him that the argument between defendant and her were "about a puppy that went home with [defendant's] baby mother." L.P. did not tell Lazaro that defendant was breaking up with her. Lazaro testified that attempting to "locate people involved in these altercations" was a normal practice of his. He was unable to make contact with defendant "at any point." Lazaro testified that, to the best of his knowledge, defendant was "never interviewed as part of this investigation."

¶ 16 Firefighter paramedic Adrian Delgado testified that he responded to the 911 call to L.P.'s home on June 9, 2024, at 2:30AM. L.P. was seated on a couch "in heavy distress." L.P. answered all his questions appropriately. She told him that she had been drinking. L.P. had a laceration on her forehead that was actively bleeding. L.P. told Delgado that she was "physically assaulted by her partner," in that she was "thrown onto a table." Delgado said her injuries were consistent with that description.

¶ 17 Marlena Milkowska, a registered nurse at Sherman Hospital, treated L.P. at about 3:00AM on June 9, 2024. Milkowska first noticed that L.P.'s face was bloody and her lip was swollen. She was upset and crying. L.P. was alert. Her daughter was with her. Milkowska did not think L.P. was drunk. L.P. told her that she had been "punched in her mouth" by a closed fist and "pushed down

to the ground." "[O]n her way down, she hit a table." Milkowska stated, "[S]o[,] she got two lacerations from that. One was on her forehead, and one was on her nose." On cross examination, Milkowska testified that L.P. told her "she suffered both the laceration on her forehead and the nose" as a result of hitting her face on the table.

¶ 18 Dr. Hamzeh Omar, a board-certified emergency room technician, testified that he had treated L.P. for her injuries on June 9, 2024, at Advocate Sherman Hospital. L.P. had an obvious laceration to her forehead and obvious lacerations to her nasal bridge. She also had some swelling of her upper lip and complained of elbow pain. She stated that she had "had a few drinks" and "someone had punched her, pushed her to the floor," and, on the way down, hit the "corner of the table on her forehead." L.P. was alert and responsive to questions. L.P. had basic blood work done as well as CT scans (computed tomography) "of her head, of her neck, and as well as of the facial bones." Based on the lab work and imaging, L.P. was "diagnosed with a forehead laceration. She had a nasal fracture that was open. She also had a nasal bridge laceration." Dr. Omar opined that the nasal bridge fracture "could have been from a blunt force injury. The laceration to her forehead could have also been. But based on the history, it's probably the edge of the table that she hit."

¶ 19 On cross examination, Dr. Omar stated that L.P. told him that, after they had been drinking, she and defendant "went back to her place because he wanted to get his things." Once they got back, L.P. said they got into an argument because "her boyfriend was trying to take something out of the apartment." L.P. told Dr. Omar she was punched in the face, then pushed to the floor, and while falling, she hit her head on the table. L.P. never said she was thrown at the table. Dr. Omar reviewed his notes and recalled that L.P. tried to stop defendant from leaving. L.P.'s blood tests showed alcohol in her system. One of Dr. Omar's diagnoses of L.P. was "intoxication without complication." On redirect examination, Dr. Omar again stated that L.P. was alert and responsive.

¶ 20 Defense counsel was allowed to reserve "any motions" and called defendant to the stand. Defendant testified that he was 36 years old and lives in a house in Carpentersville. His 17 year old son and 10 year old daughter live with him. L.P. is defendant's ex-girlfriend. He knew L.P. since high school and had been dating "off and on" for two years as of June 2024. Defendant said that, on June 8 and 9 of 2024, he and L.P. were together as boyfriend and girlfriend. Defendant described the graduation parties they attended. He said that both he and L.P. were drinking and that L.P. had "more than four drinks" but he did not "keep count." Defendant said he had only two drinks during the twelve to fourteen hour period because he was driving. They arrived back at defendant's house around 2:00AM. Defendant stated that his daughter and her mother had taken the dog they shared. This circumstance led to an argument. Defense counsel asked if because of this argument did defendant break up with L.P. "that evening." Defendant answered, "Yes. And a lot of other things." Defendant said the "other things" involved "past trauma." Specifically, defendant said, "[S]he assaulted me in the past, and I seen her [*sic*] getting aggressive again." Defendant said it was not the first time he broke up with L.P. He decided to take L.P. and A.E. home.

¶ 21 Defendant testified that he had security cameras at his house. One of the cameras is at the front door and it "follows whatever goes by it" while recording any audio. The camera was working on June 9 and, after the "disagreement" with L.P., he went back and saved "two separate videos capturing the argument" between him and L.P. outside of his house. Defendant stated that the videos captured them leaving his house and him telling L.P. that he's breaking up with her. Defendant identified the two videos and they were received and played for the jury.

¶ 22 Defendant's Exhibit No. 1 begins at 2:09:47AM and ends at 2:10:13AM on June 9, 2024. L.P. is heard saying, "I don't know, maybe you're still dating" (L.P. is seen opening the storm door

at 2:09:49). L.P. next says, “Maybe you guys are still f***.” Defendant says something that is not audible and L.P. responds, “Yeah, okay.” Defendant is not in view but again says something that is not audible. L.P. says, “I don’t know, we’re still together.” As she is saying that, she turns and heads back into the house. Again, defendant says something that is inaudible. L.P. is heard asking, “After today, what?” and “You’re gonna [*sic*] leave me?” Defendant’s responses are inaudible.

¶ 23 The second video begins at 2:11:48AM and ends at 2:12:24AM on June 9, 2024. Defendant says, “Come on, let’s go,” and is seen holding the storm door open. L.P.’s response is garbled but she can be heard saying, “Why, because we’re not together anymore.” Defendant says, “I’m tired of this shit. Let’s go. Let’s go.” L.P. is not in view but is heard responding. Defendant says, “Too much,” and tells L.P., “Close the door, please.” As L.P., with defendant following, are walking towards defendant’s car, L.P. tells A.E., “Don’t ask for [defendant] ever again. Don’t ask for him ever again because he’s breaking up with me right now. So don’t ask for him ever again.” The clip ends with defendant in the driver’s seat, L.P. in the front passenger seat, and the right rear passenger door open, presumably next to A.E.’s seat. The headlights on the car are on.

¶ 24 Defendant testified that, when they arrived back at L.P.’s apartment, L.P. got out of the car and got her “pots and pans” out of the trunk. Defendant said he “walked around the corner” to help A.E. get out of the car and L.P. “muff[ed]” him in the face. Defendant described the “muff” as a “forward punch towards [his] nose.” Defendant said the pots and pans were “from the earlier party.” Defendant said he still had belongings inside L.P.’s apartment, like “a couple Yeti cups, clothes, things like that.” Defendant testified that he did not want to see L.P. anymore. He “wanted to get it over with right there and take [his] stuff and leave.” Defendant went right to the kitchen to get his cups and the bottle of tequila he had purchased. He picked up the bottle of tequila in the kitchen and L.P. attacked him. Defendant stated, “[W]hen I grabbed the cup, the bottle, went to the

cabinet, grabbed the cup, and I proceeded to walk out, and she assaulted me." He said L.P. punched him in the face with a closed fist. He was trying to leave, but L.P. prevented him from leaving by attacking him. In response to her attack, he "pushed her" off him. He did not intend for L.P. to hit the table. He said he was just trying to get her out of the way so he could leave. Defendant said after L.P. fell down, he grabbed his cup, left the bottle, and tried to leave again. L.P. got up and "started attacking [defendant] again and blocking [him]." Defendant acknowledged that he knew L.P. was calling the police and still blocking him while making the call. He also acknowledged that he pushed her out of the way again and left. Defense counsel asked, "Was your goal at this time just to leave this toxic situation?" Defendant answered, "Yes. I was trying to leave and deescalate the situation."

¶ 25 Defendant testified that a month before, on May 3, 2024, he was with L.P. at another one of his family parties. After the party, L.P. punched him with a closed fist. This happened inside L.P.'s apartment. Defendant said he communicated with L.P. the next day via text messaging. Defendant provided defense counsel with the messages. The content was about the "interaction between" him and L.P. on May 3, 2024. Defendant identified Defendant's Exhibit No. 5, the "text messages" from L.P. about the assault from the night before. Defense counsel moved to admit the exhibit and the State objected, arguing it was "hearsay *** not to impeach the credibility of any witness, and it is not an opposing party statement. [Defendant offered] it for the truth of the matter asserted." The trial court examined the exhibit and sustained the objection, saying, "The events have been testified to. This is simply a consistent—a prior consistent statement." Defense counsel responded that L.P. stated that she did not remember. The trial court said it was not sustaining it for that reason, but because it was a "prior consistent statement." Defendant said he felt threatened

by L.P.'s text message. Next, he said he felt threatened "because she admitted causing harm." The trial court sustained the State's hearsay objection.

¶ 26 Defendant acknowledged that, despite the physical altercation on May 3, he and L.P. only broke up for a couple of weeks and then continued to date. Defendant testified that L.P. had threatened him before. The conversation took place at Maribel Dominguez's house in early May 2024. Defendant obtained two video clips from Dominguez while he was preparing for trial. Dominguez had recorded L.P.'s comments while they were in the kitchen. Defendant is not seen or heard in the video clips because he was seated on the opposite side of the table. Defendant's Exhibits No. 3 and 4 were introduced into evidence, without objection, and played for the jury. In exhibit No. 3, L.P.'s words are slurred. Only two statements are decipherable: "Serious bodily injury," and "You would never. You would never." The clip is about eight seconds long. In exhibit No. 4, L.P. says, "I'm beating your ass raw. I'm beating your ass raw." L.P. is not in view during the clip, which lasts less than four seconds. Dominguez was apparently taking a selfie of herself when L.P. made the remarks.

¶ 27 Defendant testified that, after L.P. made those comments at Dominguez's house, he broke up with L.P., but they soon thereafter got back together. Defendant repeated that the only contact he made with L.P. on June 9 was "an effort to remove" himself from the situation. Defendant said that L.P. drinks about four nights a week. Defendant said that L.P. showed signs of impairment on June 9. She had slurred speech and erratic behavior.

¶ 28 On cross examination, defendant acknowledged that the argument on June 9 was "about th[e] dog and about [the] past relationship" he had. Defendant acknowledged that he was the only person in control of the security "camera footage" and he prepared the 60 seconds of footage that was introduced. Defendant acknowledged that the couple was at this house for approximately 10-

15 minutes. Defendant said he had security cameras inside his house but they were not recording on June 9. Defendant acknowledged that he did provide the inside camera to his attorneys. The State asked, "But we haven't seen that in court here today?" Defendant responded, "[Defense counsel] told me it wasn't needed. So that's why I dismissed it."

¶ 29 Defendant acknowledged that he had a cellphone that he used to send text messages to L.P. Defendant admitted that, on the night of June 9, 2024, he texted L.P., "Can't we talk? Can you call me when you get a sec?" Defendant said that L.P. punched him in the face with a closed fist, hard, and he rated the blow an eight out of ten. He said the blows hurt and that he sustained injuries. The State asked him to describe his injuries. He said he had a "swollen face, bloody nose, [and a] bloody mouth." Defendant acknowledged that his cell phone had a camera. Then the State asked, "All right. There's no pictures of you having any injury is there? Yes or no?" Defendant answered, "I have photos, yes." The State then asked, "Okay. But you haven't shown any of these photos to anyone here today, have you?" Defendant answered, "No." The State then asked about the May 3 altercation. Defendant said he had photos of his injuries from that date, but he did not produce them.

¶ 30 Defendant acknowledged that he was upset at L.P.'s apartment on June 9, after she muffed him. He said he was "calm" and he "wasn't as irate as she was." Defendant said he pushed L.P. off him in self-defense. He said he shoved L.P. with "the cup" or "bottom" of both his hands. He said his back was against the sink and L.P. was in front of him when he pushed her. The State then asked, "Okay. So you must have thrown her—you threw her to the left[?]" Defendant insisted that he did not throw her. He said L.P. hit her head one time and she was on the floor. Next, the State asked, "And, yes or no, at that point, you could have just walked over her and just left, right?" Defendant answered, "I did." The State then challenged defendant with his earlier testimony that

L.P. was able to get up and block him from getting to the door. Defendant said, "She popped up really quick and chased me." The State asked, "You felt as though there was no other option to escape the situation?" Defendant responded, "I didn't want to be harmed. So[,] yes."

¶ 31 The State asked defendant if he was "at all regretful" or "sorry about" "what he did." Defendant said he was "regretful of the whole situation." He went on, "I should have never went to that house." The State asked defendant about a text he sent to L.P. with photos of L.P.'s injuries. Defendant admitted that he texted back, "That picture is so much more dramatic than what it really is." Defendant acknowledged that he texted L.P., "I'm so sorry this all happened," and he also texted her, "I'm so sorry. I just want to hold you and kiss your face and make this all go away."

¶ 32 On re-direct examination, defendant said his apology text was "for the whole situation." The photo of the injuries L.P. sent him was "probably" one of the photos in evidence. Defendant said that, on June 9, he didn't realize that she had those injuries as a result of falling down." Over the State's objection, defendant was allowed to testify that, in his text conversation with L.P. on June 9, he stated that he did not punch her. Defendant rested.

¶ 33 The trial court denied defendant's motion for a directed verdict, which counsel had reserved. During the jury instruction conference, the parties discussed whether there was any substantive impeachment. One of defendant's attorneys said, "I can't recall off the top of my head if there was any." The trial court then commented, "*She* admitted to an accurate transcription of a text message; although she said she didn't remember, she admitted to it. I mean, I'll be upfront, it's not like the jury ever understands either of these." Defense counsel stated, "I know." The trial court said, "I mean, it's a bar exam question of what's substantive and what's impeachment." The trial court gave the State's instruction 15B, which the State had earlier indicated they were

withdrawing. The trial court said it believed 15B was the appropriate instruction. Instruction 15B provides:

> "The believability of a witness may be challenged by evidence that on some former occasion he made a statement that was not consistent with his testimony in this case. Evidence of this kind ordinarily may be considered by you only for the limited purpose of deciding the weight to be given the testimony you heard from the witness in the courtroom.
>
> However, you may consider a witness's earlier inconsistent statement as evidence without this limitation when the statement narrates, describes, or explains an event or condition the witness had personal knowledge of and the statement was accurately recorded by a tape recorder, videotape recording, or a similar electronic means of sound recording.
>
> It is for you to determine whether the witness made the earlier statement, and, if so, what weight should be given to that statement. In determining the weight to be given to an earlier statement, you should consider all of the circumstances under which it was made." Illinois Pattern Jury Instructions, Criminal, No. 3.11X (approved July 18, 2014) (hereinafter IPI Criminal No. 3.11X) (See 725 ILCS 5/115-10.1(c)(2)(C) (West 2024)) (was limited to credibility).

The State's instruction 15A was withdrawn.

¶ 34 During closing argument, the State pointed out that, when defendant heard the police were coming, he fled. The State said defendant knew "what he did wasn't self-defense." The injuries, the State argued, were not consistent with self-defense. The State argued that defendant's text messages "sounded like he wanted to get back together the next day after this happened." The State argued that defendant's use of force was unreasonable. It argued that "what happened on May 3[]," or L.P. "muffing [defendant] in the car, that doesn't change anything." The State asked the jury to

look at all the evidence. It argued that the photographs of L.P.'s injuries show that defendant "smashed her head into the table" and that "he stood over her and punched her." The State contended that the circumstantial evidence, including "the messages [the jury] heard," showed that L.P. was telling the truth. Defendant's version of how L.P.'s injuries occurred "could not possibly account for that." The State pointed out that L.P. called 911 immediately. The State argued that this is not simply a "he said/she said. Circumstantial evidence tells you a lot more." The State argued that "throwing [L.P.] from one side of the kitchen to the other, standing over and punching her, that's not self-defense."

¶ 35 Defense counsel began by reminding the jury of L.P.'s own words, " 'I'm going to beat your ass raw,' [and] 'I'm going to cause you serious injuries.' " Counsel argued that L.P. "is abusive, toxic, [and] manipulative." Counsel argued that L.P.'s threats to harm defendant were carried out on May 3, when "she did in fact harm him." Counsel noted that L.P. did not tell the police that the argument on June 9 was not just about a puppy. Counsel reminded the jury of the footage in which she made clear that she believed defendant was cheating on her. Counsel argued that L.P. tried to manipulate the police and she involved "her [eight]-year-old child in this relationship dispute." Counsel reminded the jury of L.P.'s "dodgy" behavior on the witness stand when she claimed she did not remember certain of her communications to defendant. Counsel said L.P. did not want to be "called out on her behavior on May 3[] when she attacked [defendant]." Without objection, defense counsel told the jury that L.P. had "threatened" defendant and "previously caused him harm." Counsel argued, "[T]here is no question about who started the physical contact between herself and [defendant.] *** Everyone agrees [L.P.] started this by hitting [defendant] first." Counsel argued that L.P. "attacked him just like she did on May 3[]." Counsel argued that defendant pushed L.P. "in an effort to get her out of the way," not to harm her. Counsel

reminded the jury that L.P. had told medical personnel that defendant "pushed" her and now "wants to say she was thrown." Counsel argued that L.P.'s 911 call showed that she didn't want defendant to leave. "She wanted to escalate," counsel asserted. "She wanted to fight." Counsel argued that L.P. was "low-balling" the number of drinks she had and was "clearly intoxicated." Counsel reminded the jury of L.P.'s text where she said, "I shouldn't drink anymore, there are too many consequences." Counsel urged the jury "to not let [L.P.] manipulate [them] into a guilty verdict."

¶ 36 The State argued in rebuttal that, despite her drinking, every State witness said that L.P. was alert and responsive. The State asked the jury to view the photographs of L.P.'s injuries, because "there is no chance" that all the injuries came from "hitting the table once." The State argued that defendant's account was not "corroborated by the injuries." The State argued that L.P.'s version of events was consistent and corroborated. The State argued that the video clips defendant played were "selective." The State additionally argued that defendant said L.P. hit him five or six times, he had all these injuries, and he had photos of his injuries. The State reminded the jury that defendant did not "have to present evidence, but he said there's photos" which defendant did not produce. The State asked, "You haven't seen them. Where are the photos?"

¶ 37 With respect to the earlier events in May 2024, the State argued that it was not relevant because "it happened a month before" and urged the jury to give that incident "the weight it deserves, which is none." The State said defendant's version was "completely incredible." The State asked, "[W]hy is he sorry if he's defending himself?"

¶ 38 During deliberations, the jury sent two questions to the trial court. First, the jury asked, "What defines knowingly caused bodily harm or great bodily harm?" Second, the jury asked, "What constitutes great bodily harm? What is the legal definition?" After conferring with the parties, the trial court read Illinois Pattern Jury Instruction 5.01B (Knowledge-Willfulness) to the

jury. Next, the trial court told the jury that "courts do not give [you] a legal definition" of great bodily harm and it was up to them to determine "whether that bodily harm is great." The court reminded the jury to apply the facts to the law they were given and to render a verdict.

¶ 39 The jury found defendant guilty of domestic battery for making contact of an insulting or provoking nature by "throwing or pushing" L.P. and for domestic battery in causing bodily harm by "throwing or pushing" L.P. The jury found defendant not guilty of the other six counts.

¶ 40 Defendant filed a motion for a new trial, arguing that the trial court erred in barring the admission of text messages from L.P. to defendant, in which she "threatened physical retaliation for unfaithful conduct." Defendant argued that the text messages were admissible as prior inconsistent statements of L.P. and were also admissible to show L.P.'s violent and aggressive character. Defense counsel presented the motion without argument, and the trial court denied it. Defendant timely appeals.

¶ 41 II. ANALYSIS

¶ 42 On appeal, defendant argues that the State failed to prove beyond a reasonable doubt that defendant did not act in self-defense. Next, defendant argues that the trial court erred by prohibiting the defense from "presenting text messages" L.P. sent to defendant to perfect impeachment of L.P. and to show, under *People v. Lynch*, 104 Ill. 2d 194 (1984), that L.P. was the initial aggressor.

¶ 43 A. Guilt Beyond a Reasonable Doubt

¶ 44 Defendant's first contention on appeal is that his conviction must be reversed because the State's evidence failed to prove beyond a reasonable doubt that defendant did not act in self-defense. "Self-defense is an affirmative defense, and once a defendant raises it, the State has the burden of proving beyond a reasonable doubt that the defendant did not act in self-defense, in addition to proving the elements of the charged offense." *People v. Lee*, 213 Ill. 2d 218, 225 (2004)

(citing *People v. Jeffries*, 164 Ill. 2d 104, 127 (1995)). "The elements of self defense are: (1) that unlawful force was threatened against a person; (2) that the person threatened was not the aggressor; (3) that the danger of harm was imminent; (4) that the use of force was necessary; (5) that the person threatened actually and subjectively believed a danger existed that required the use of the force applied; and (6) the beliefs of the person threatened were objectively reasonable." *Id.*; 720 ILCS 5/7-1 (West 1998). Where a defendant presents "some evidence" of self-defense, the burden shifts to the State to prove beyond a reasonable doubt that the defendant did not act in self-defense. If the State negates at least one element of self-defense, defendant's claim must fail. *Jeffries*, 164 Ill. 2d at 127-28.

¶ 45 Defendant's argument that the evidence is insufficient to establish guilt beyond a reasonable doubt amounts to an attack on L.P.'s credibility. He argues that only his "account was corroborated by independent evidence." He argues that his only use of force was a "single defensive push so that he could escape the assault." He contends that the clips from his security camera show that L.P. was "erratic and aggressive" while he was "calm" but also "exasperated."

¶ 46 When presented with a challenge to the sufficiency of evidence, it is not the function of the reviewing court to retry the defendant, *People v. Collins*, 106 Ill. 2d 237, 261 (1985). Rather, "the relevant question is whether, after reviewing the evidence in the light most favorable to the prosecution, any rational trier of fact would have found the essential elements of the crime beyond a reasonable doubt." *Id.* at 261 (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). The trier of fact is responsible for weighing the evidence, assessing the credibility of witnesses, and drawing reasonable inferences and conclusions from the evidence. *People v. Sutherland*, 223 Ill. 2d 187, 242 (2006). A jury's findings concerning credibility are entitled to great weight. *People v. Wheeler*, 226 Ill. 2d 92, 115 (2007). "Accordingly, a conviction will be reversed where the evidence is so

unreasonable, improbable, or unsatisfactory that it justifies a reasonable doubt of a defendant's guilt." *Id.* (citing *People v. Smith*, 185 Ill. 2d 532, 542 (1999)). When reviewing the evidence, we should "allow all reasonable inferences from that evidence to be drawn in favor of the prosecution." *People v. Martin*, 2011 IL 109102, ¶ 15 (citing *People v. Cunningham*, 212 Ill.2d 274, 280 (2004)).

¶ 47 Defendant argues that his version is supported "by the jury's verdicts acquitting him of other domestic battery counts." Defendant insists that "[n]othing in the State's case negated [his] subjective fear." We disagree.

¶ 48 Citing *Cunningham*, 212 Ill. 2d at 280, defendant argues that we should reject L.P.'s version of the offense and "draw an inference in favor of the defendant if a reasonable interpretation of the record so requires." We have carefully examined the "record evidence while bearing in mind that it was the fact finder who saw and heard the witness." *Cunningham*, 212 Ill. 2d at 280 (citing *People v. Smith*, 185 Ill. 2d 532, 541 (1999)). The testimony of L.P. must be accepted unless "the record evidence compels the conclusion that no reasonable person could accept it beyond a reasonable doubt." *Id.* (citing *Smith*, 185 Ill. 2d at 545).

¶ 49 We reject defendant's argument that the not guilty verdicts on the other counts of domestic battery should be considered. As our supreme court recently reaffirmed, "it is well settled that a jury's acquittal on one count may not be considered when evaluating the sufficiency of the evidence on another count." *People v. Johnson*, 2026 IL 131337, ¶ 100 (citing *United States v. Powell*, 469 U.S. 57, 67 (1984)). Our review of the sufficiency of the evidence involves a determination of "whether the evidence adduced at trial could support any rational determination of guilt beyond a reasonable doubt, and this review should be independent of the jury's determination that evidence on another count was insufficient." *Id.* In other words, we consider

whether evidence adduced at trial supports a rational determination that one or more of the elements of self-defense was negated beyond a reasonable doubt.

¶ 50 Our supreme court has repeatedly recognized that the "testimony of a single witness is sufficient to convict if the testimony is positive and credible, even where it is contradicted by the defendant." *People v. Gray*, 2017 IL 120958 (2017). Defendant, citing *Smith*, 185 Ill. 2d at 541, argues that a careful examination of the evidence should lead us to conclude that the State did not "disprove [defendant's] self-defense claim." Defendant argues that L.P.'s admissions that: she had been drinking; that she was somewhere between "drunk and buzzed;" and she remembered "most" of the events "undermined the reliability of her version" and "seemed to be discredited by the jury" when they acquitted defendant of the other charges. Defendant's alleged reasons to disbelieve L.P.'s testimony come nowhere close to the problems identified by our supreme court in *Smith*. In *Smith*, the case against the defendant hinged on the testimony of a single identification witness; neither of two other witnesses who were within two feet of the gunman there ever identified the defendant as the shooter. *Smith*, 185 Ill. 2d at 542. As the State points out in its brief, while corroboration is unnecessary, L.P.'s testimony about the events was consistent with her statements to the police, the firefighters/paramedics, and the medical staff. These witnesses all testified that L.P. was alert and did not appear to be intoxicated. Dr. Omar testified that the injury to L.P.'s forehead was probably from "the edge of the table she hit." The open nasal bridge fracture could have been from blunt force injury. She also had a swelling in her upper lip and complained of elbow pain. Defendant testified that L.P. only hit her head once, accounting for the vertical laceration to her forehead, but his testimony does not explain the horizontal laceration on L.P.'s nose.

¶ 51 Defendant claimed that he only pushed L.P. once and that L.P. was the aggressor. Defendant's argument on this point is based on rejecting the jury's verdict and accepting his version of events as true. When defendant took the stand and presented his version of events, he subjected himself to cross examination that tested the accuracy of his account. *U.S. v. Havens*, 446 U.S. 620, 626-70 (1980); *People v. Stevens*, 2014 IL 116300, ¶ 16. On cross examination, defendant accounted for only a single injury sustained by L.P. during the altercation, the gash to L.P.'s forehead. Defendant provided no explanation for L.P.'s fractured nose or her swollen lip. The clips from defendant's security camera clearly show that those injuries occurred after they left defendant's home. The 911 recording clearly showed that L.P. had called the police and shouted for defendant to stay because the police were on their way. Defendant testified that he left to remove himself "from the situation." However, the jury was not required to credit that testimony and could have concluded, as the State argued, that defendant's flight from the scene showed consciousness of guilt. "The fact of flight, when considered in connection with all other evidence in a case, is a circumstance which may be considered by the jury as tending to prove guilt." *People v. Lewis*, 165 Ill. 2d 305, 349 (1995). In addition to fleeing the scene, defendant did not answer the door when Officer Lazaro went to his house to speak to defendant, and he did not answer his cellphone when Lazaro called the number defendant's mother provided.

¶ 52 Defendant acknowledged on cross examination that he possessed photos on his cell phone of the injuries he suffered on both May 3, 2024, and June 9, 2024, yet he failed to present them at trial and provided no explanation for his failure to do so. See *People v. Williams*, 40 Ill. 2d 522, 529 (1968) ("though failure to call a witness or produce evidence may not be relied on as substantial proof of the charge, nonetheless, if other evidence tends to prove the guilt of a defendant and he fails to bring in evidence within his control in explanation or refutation, his omission to do

so is a circumstance entitled to some weight in the minds of the jury"). Defendant's outreach to L.P. on the night of June 9, 2024, undermines his version of events. He apologized, saying, "I'm so sorry all this happened." He also expressed his continuing affection for L.P., saying, "I'm so sorry. I just want to hold you and kiss your face and make this all go away." This statement is completely at odds with defendant's earlier testimony that he was "totally done" with L.P.

¶ 53 It is clear from the record evidence that, even if L.P. was the initial aggressor by commencing the confrontation, defendant's response was with such excessive force that he was "no longer acting in self-defense but in retaliation," rendering him the aggressor. *People v. Guja*, 2016 IL App (1st) 140046, ¶ 52. The photographs of L.P., her consistent testimony, and the medical testimony established that the injuries L.P. suffered were serious and could not all have been the result of a single defensive push. The jury could have reasonably concluded that defendant's belief in the use of force was not objectively reasonable, negating his claim of self-defense.

¶ 54 B. Trial Court's Evidentiary Error

¶ 55 Defendant next argues that the trial court erred in prohibiting the defense from presenting a key piece of evidence, which denied his rights to present a complete defense. At issue is the trial court's refusal to admit Defendant's Exhibit No. 5, which is a copy of the text messages between L.P. and defendant on May 4, 2024. In the text, L.P. texted, "[B]ut if you say I'd beat your ass then I'm pretty sure I had good reason. Please let me know," and "[I]f I beat your ass, it was for good reason cause you're a cheater."

¶ 56 Procedurally, the parties appear to agree that the issue has been preserved for review. However, when defense counsel first made use of the exhibit, it was used only to refresh L.P.'s recollection about the altercation on May 3, 2024. The State objected on relevance grounds. The trial court overruled the objection and stated the texts were relevant as to who was the initial

aggressor but limited the use of the document to refresh L.P.'s recollection, to which defense counsel agreed. Defense counsel did not make an offer of proof regarding: admissibility under *Lynch*; as a prior inconsistent statement for impeachment; or as substantive evidence under 725 ILCS 5/115-10.1. When a line of questioning is objected to or denied by the trial court, an offer of proof regarding what the proposed evidence might prove is typically required. *People v. Tabb*, 374 Ill. App. 3d 680, 690 (2007). However, because the State did not argue forfeiture, we will address the *Lynch* issue as if it was preserved. *People v. Bush*, 2023 IL 128747, ¶ 56.

¶ 57 As the Supreme Court stated in *Delaware v. Fensterer,* "the Confrontation Clause guarantees an opportunity for effective cross-examination, not cross-examination that is effective in whatever way, and to what extent, the defense might wish." 474 U.S. 15, 20 (1986). The "constitutionally improper denial of a defendant's opportunity to impeach a witness" is subject to harmless-error analysis. *Delaware v. Van Arsdall*, 475 U.S. 673, 684 (1986). As the Supreme Court explained in *Van Arsdall*, whether an error is harmless in a particular case "depends upon a host of factors." *Id.*

> "These factors include the importance of the witnesses' testimony in the prosecution's case, whether the testimony was cumulative, the presence or absence of evidence corroborating or contradicting the testimony of the witness on material points, the extent of cross-examination permitted, and, of course the overall strength of the prosecution's case." *Id.*

¶ 58 "Evidentiary rulings are within the sound discretion of the trial court and will not be reversed unless the trial court has abused that discretion." *People v. Caffey*, 205 Ill. 2d 52, 89 (2001). We may find an abuse of discretion "only where the trial court's ruling is arbitrary,

unreasonable, or where no reasonable person would take the view adopted by the trial court." *Id*. (citing *People v. Illgen*, 145 Ill. 2d 353, 364 (1991) (prior inconsistent statement)).

¶ 59 Defendant argues that L.P.'s text message, "If I beat your ass, it was for good reason because you're a cheater," was a prior inconsistent statement to her testimony that she did "not believe it's acceptable to commit violence against [one's] partners if they have been unfaithful." We reject this argument because it was forfeited. First, defendant never made this argument contemporaneously to the trial court. Second, the testimony was made after the trial court had ruled and defense counsel did not re-offer the text as a prior inconsistent statement when L.P. testified she did not believe violence was an acceptable response to a cheating partner. Defendant's failure to make a contemporaneous offer of proof of L.P.'s text as a prior inconsistent statement "forfeited any challenge to the trial court's ruling." *People v. Gutierrez*, 2024 IL App (2d) 230260, ¶ 28; Ill. R. of Evid. 103(a)(2) (eff. Oct. 15, 2015) ("Offer of Proof. In case the ruling is one excluding evidence, the substance of the evidence was made known to the court by offer or was apparent from the context within which questions were asked").

¶ 60 We agree with defendant that, while defense counsel did not mention admissibility under *Lynch*, L.P.'s texts were clearly admissible, and the trial court so recognized. After examining the texts, the trial court stated they were "relevant to [the parties'] relationship who was the initial aggressor or may not have been that night." The trial court then, for reasons unknown, limited the use of the texts only to refresh L.P.'s recollection. Our supreme court made clear in *Lynch* that, "when the theory of self-defense is raised, the victim's aggressive and violent character is relevant to show who was the aggressor, and the defendant may show it by appropriate evidence, regardless of when he learned of it." 104 Ill. 2d at 200. "[A] victim's threats against the defendant are admissible even if they were not communicated to the defendant." *Id.* at 201. The text messages

were clearly threats that, if L.P. felt as if defendant cheated on her, she would be justified in resorting to violence. As defendant argued, the security footage clearly showed that L.P. suspected defendant of cheating.

¶ 61 The State argues that any error by the trial court in excluding the physical copy of L.P.'s text message was harmless beyond a reasonable doubt because "the record establishes that defendant was able to present a complete defense." In his reply brief, defendant argues that the "State's claim that the jury heard the substance of the evidence anyway is misguided because an uncertain recollection and a defendant's summary are not the equivalent of admitting the texts as substantive proof." Defendant argues that "the evidence did not overwhelmingly support conviction where the jury resolved most of the credibility contest in defendant's favor by acquitting him of the other charges."

¶ 62 Applying the factors enumerated in *Van Arsdall*, we hold that the error made by the trial court in refusing to admit a copy of L.P.'s May 4 text was harmless beyond a reasonable doubt. L.P. was the victim, and the State's most important witness. Defense counsel was permitted to cross-examine L.P. by reading *verbatim* L.P.'s text. As the trial court found, L.P. acknowledged that she authored the text but did not remember it. Defendant focused on L.P.'s failure to disclose to the police the fact that defendant broke up with her that night as well as her drinking.

¶ 63 Our supreme court recently addressed the question as to whether the erroneous exclusion of a witness's prior inconsistent statements (contained within a rap video) was a harmless error. *People v. Bush*, 2023 IL 128747, ¶ 66. The court stated, " 'This court has recognized three approaches to determine whether an error such as this is harmless beyond a reasonable doubt: (1) whether the error contributed to the defendant's conviction; (2) whether the other evidence in the case overwhelmingly supported the defendant's conviction; and (3) whether the excluded evidence

would have been duplicative or cumulative.' " *Id.* (quoting *People v. Lerma,* 2016 IL 118496, ¶ 33). In *Bush*, the statements at issue "were relevant because they were directly related to the events at issue in th[e] case," and "the exclusion of the statements was an abuse of discretion." *Id.* ¶ 65. Our supreme court concluded that the exclusion of the statements "was harmless, as they were cumulative to other evidence introduced at trial." *Id.* ¶ 66. In this case, the substance of the text message was allowed into evidence during L.P.'s testimony, both on cross examination and on re-direct examination. On cross examination, defense counsel read verbatim from the text message. "Did you text him: If you say I beat your ass, then I'm pretty sure I had good reason, please let me know?" Thus, the copy of the text message was clearly cumulative. Also, L.P. acknowledged that the text message was hers, but she did not remember making it. L.P. acknowledged that there had been a physical altercation with defendant on May 3, but she could not remember it because she was drunk. She also acknowledged that she had threatened defendant in the past but said she had been joking. L.P. admitted that she believed defendant had cheated on her. "If [a] witness acknowledges in the presence of the jury having made the prior inconsistent statement, that acknowledgment constitutes the evidence of the prior inconsistent statement for purpose of section (c)(2)(B) and nothing more need be done for the prior inconsistent statement to be admitted as substantive evidence." *People v. Brothers*, 2015 IL App (4th) 130644, ¶ 77; see 725 ILCS 5/115-10.1 (West 2024) (Admissibility of Prior Inconsistent Statements).

¶ 64 The instructions given permitted the jury to consider L.P.'s text messages as substantive evidence. The damaging potential of L.P.'s text was fully realized. Defense counsel, during closing, argued without objection that L.P. "attacked" defendant on May 3 "when she caused him harm." Later, defense counsel argued "L.P. previously had physically abused [defendant], told him: ['']I shouldn't drink anymore, there's too many consequences. I get violent.['] "

¶ 65 We reject defendant's argument that the jury's not guilty verdicts on the other counts should factor into whether other evidence would have overwhelmingly supported defendant's conviction. When we consider the evidence presented at trial, we do not limit our review to the State's case. "[W]e must allow all reasonable inferences in favor of the prosecution." *People v. Bush*, 214 Ill. 2d 318, 326 (2005). There was no issue regarding who inflicted the injuries L.P. suffered. L.P.'s description of the altercation was consistent and was corroborated by the medical testimony. All of the other witnesses testified that L.P. was alert and responsive. The 911 recording and the photographs, both of her injuries and her apartment, also provided corroboration. Defendant's version of the altercation was not consistent with the injuries L.P. suffered. His credibility was impeached when he testified that he had photographs on his cell phone of injuries he sustained when L.P. attacked him on both May 3 and June 9, 2024, but did not present them at trial. Defendant fled from the scene, despite knowing the police were on their way. The jury was not required to accept defendant's explanation. "The fact of flight, when considered in connection with *all* other evidence in a case, is a circumstance which may be considered by the jury as tending to prove guilt." *People v. Lewis*, 165 Ill. 2d 305, 349-50 (1995). Defendant was also impeached with his text to L.P. on the evening of June 9 in which he apologized for the incident, told her he wanted to hold her and kiss her and "make this all go away." When defendant took the stand, he assumed the role of a witness, and as such, became subject to cross-examination in the same manner as any other witness. *People v. Stevens*, 2014 IL 116300, ¶ 16. Given the strength of the State's evidence and the impeachment of defendant's testimony, while allowing all reasonable inferences in favor of the State, we conclude that the alleged evidentiary error in refusing to admit a copy of L.P.'s text message did not contribute to defendant's conviction. The excluded evidence would have been

duplicative or cumulative and the other evidence overwhelmingly supported defendant's conviction. *Bush*, 2023 IL 128747, ¶ 66.

¶ 66 III. CONCLUSION

¶ 67 For the reasons stated, we find that the State proved beyond a reasonable doubt that defendant was not acting in self-defense and any error by the trial court in refusing to admit the victim's text message was harmless beyond a reasonable doubt.

¶ 68 Affirmed.