2026 IL App (1st) 260250-U
No. 1-26-0250
Order filed November 19, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23 and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT, FOURTH DIVISION

In re A.H., A MINOR

(THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee,

v.

A.H., Defendant-Appellant)

Appeal from the Circuit Court of Cook County.
Honorable Steven James Bernstein, Judge, Presiding.
No. 23 JD 40072

Presiding Justice Lyle delivered the judgment of the court.
Justices Mitchell and Navarro concurred in the judgment.

ORDER

¶ 1 *Held*: We affirm the trial court's judgment finding A.H. guilty of two counts of aggravated battery and rejecting her affirmative defense of self-defense.

¶ 2 Following a bench trial, the trial court found A.H. guilty of two counts of aggravated battery and sentenced her to one year of probation. The charges stemmed from an altercation between A.H., N.A., and N.T. that took place at a park near where the parties attended high school.

During the altercation, A.H. used a knife to stab both N.A. and N.T. In finding A.H. guilty of aggravated battery, the trial court rejected A.H.'s affirmative defense of self-defense.

¶ 3 On appeal, A.H. contends that the trial court erred in rejecting her claim of self-defense where the evidence showed that N.A. was the initial aggressor and A.H. used the knife only to defend herself. She maintains that she was younger and smaller than both N.A. and N.T. and was able to fend off their attacks only by using a knife. She asserts that, under the circumstances, her use of force was necessary and reasonable, and the court erred in finding that she was the aggressor and that her use of the knife was not a reasonable use of force. For the reasons that follow, we affirm the judgment of the circuit court.

¶ 4 I. BACKGROUND

¶ 5 On June 13, 2023, the State filed a petition for adjudication of wardship contending that A.H. should be adjudged a ward of the court under the Juvenile Court Act based on two counts of aggravated battery (720 ILCS 5/12-3.05(f)(1) (West 2022)) that she allegedly committed against N.T. and N.A.

¶ 6 At trial, N.A. testified that she was 17 years old on June 12, 2023, and was a junior in high school. On that day, she got into an argument with A.H. at school. N.A. was walking down the stairwell when she saw A.H. standing on the stairs. N.A. said, "excuse me," but A.H. did not move or acknowledge N.A.'s presence. After passing by A.H., N.A. turned to her and asked if she heard her say "excuse me." A.H. did not respond and walked up the stairs. A.H. continued walking up the staircase while N.A. walked down them. As she reached the top of the stairwell, A.H. looked down over the railing and said to N.A., "you're just ugly, you know that?" N.A. did not respond, left the stairwell, and went to class.

¶ 7 About 45 minutes later, N.A. was in the bathroom with her friend, N.T., when A.H. entered the bathroom. N.A. made eye contact with A.H. through the bathroom mirror. A.H. asked N.A. if she wanted to fight. N.A. responded, "Yeah, we could fight." Before A.H. and N.A. could fight, however, security and the school principal arrived and separated them. The principal told N.A. to "just let the situation go" because A.H. was younger. The school day was over, so the principal walked A.H. to the bus. As they were walking away, N.A. said to A.H., "I'm not arguing with you no more. I'll be at Eisenhower Park. You know where that's at." N.A. and N.T. left school and went to N.T.'s house. They then picked up some food and went to Eisenhower Park to eat.

¶ 8 N.A. and N.T. sat at some picnic tables near the back of the park. N.A. and N.T. sat on the bench with one of their friends from school while other students from the school sat nearby. While they were eating their food, N.A. saw A.H. approaching her. As A.H. approached, N.A. stood up because she did not know if A.H. was going to hit her based on their interactions earlier that day.

¶ 9 A.H. had her hands in the front pocket of her hoodie. When A.H. was a few feet away from N.A., she started moving her hand in front pocket, telling N.A., "hold on. Hold on." N.A. could not see A.H.'s hand inside the pocket. A.H. and N.A. both walked toward a nearby "grass area." Once they reached the "grass area," N.A. struck A.H. with her fists. A.H. also struck N.A. with her fists. N.A. then felt "a poke, a stab" in her right leg. N.A. screamed that A.H. was stabbing her.

¶ 10 At that point, N.A. "started trying to defend" herself and her "first instinct" was to run. N.A. tried to get away from A.H., but A.H. was "still stabbing" her. N.A. was on the ground, lying on her stomach, while A.H. was on her knees on top of N.A. N.A. felt A.H. stab her in the back. N.A. screamed, stopped fighting, and tried to get away from A.H. N.A. saw N.T. approach them and grab A.H. and N.A. was able to get away from A.H. N.A. saw A.H. stab N.T. in the back of her shoulder. After being stabbed, N.T. ran away from A.H.

¶ 11 N.A. and N.T. collected their things from the picnic tables and left the park. N.T.'s mom arrived and took both girls to the hospital. N.A. was treated by doctors and spoke to a detective from the Hillside Police Department, who took photographs of her wounds. The photographs were admitted into evidence. The photographs depicted stab wounds on N.A.'s back. N.A. testified that she was not treated for a stab wound to her right leg at the hospital.

¶ 12 The State also published a video recording on the altercation. N.A. identified herself and A.H. in the video. N.A. testified that she can be heard on the video stating, "This b**** is stabbing me," which she said when A.H. initially stabbed her in the leg. The video ends before A.H. stabs N.A. in the back.

¶ 13 On cross-examination, N.A. testified that prior to June 12, 2023, she had never had any personal contact with A.H., but had seen her around the school. Defense counsel played a second video of the incident from a different angle. N.A. testified that A.H. can be seen in the video with her right hand "under her hoodie." N.A. testified that on the video, A.H. removed her right arm from underneath her hoodie and she is holding a phone in her right hand. N.A. testified that she did not see A.H. holding a knife in her hand on the video. On the video, N.A. can be seen punching A.H. and holding onto the hood of her hoodie. A.H. can also be seen punching N.A. and stabbing her with a knife. Another video depicted several people N.A. did not recognize standing around while N.A. and A.H. fought. N.A. testified these people were not involved in the fight. On the video, A.H. can be seen stabbing N.A. in the back before N.T. intervenes. In the video, N.T. grabs A.H. and throws her to the ground.

¶ 14 N.T. testified that she was 17 years old on June 12, 2023, and was a junior in high school. On that date, she was in the school bathroom with N.A. when A.H. entered. A.H. stood behind N.A. and N.T. and looked at them through the mirror. A.H. asked if they wanted to fight and N.A.

said yes. Security and the principal intervened, and A.H. said that she did not want to fight and did not "even know" N.A. N.A. told A.H., "We're gonna be at Eisenhower Park." N.A. and N.T. left the school, went to get food, and then went to Eisenhower Park. N.A., N.T., and two of their friends sat on benches in the park.

¶ 15 N.A. and N.T. were eating when they saw two people walking toward them, one of whom was A.H. As they approached, N.A. stood up. A.H. started backing up and told N.A. to "wait." A.H. then started moving her hands in her hoodie. N.A. grabbed A.H. and hit her. A.H. took her hoodie off and "started swinging." N.T. saw A.H. swinging a knife at N.A. and heard N.A. say, "She's stabbing me." N.A. and A.H. went to the ground and N.T. saw A.H. stab N.A. in the back. N.T. ran over to where the two were fighting and grabbed A.H. by the hair, threw her to the ground, and hit her. A.H. did not strike or threaten N.T. prior to N.T. grabbing A.H. by the hair.

¶ 16 N.T. turned to run away, but A.H. stabbed her in the left shoulder. A.H. grabbed N.T.'s phone and was still holding the knife. N.T. sprayed pepper spray at A.H. and grabbed her phone from A.H.. N.T. and N.A. then returned to the benches to collect their belongings and called N.T.'s mother to take them to the hospital. At the hospital, N.T. was treated for a stab wound in her shoulder. She identified pictures of the wound at trial.

¶ 17 A.H. testified that on June 12, 2023, she was a freshman in high school. She testified that prior to June 12, she never had any interaction with N.A. or N.T. When she saw N.A. in the stairwell that day, "No words were passed," but when A.H. reached the top of the stairs, N.A. said that she wanted to fight A.H. and then walked away. A.H. asked, "What's the reason of *** us fighting?" but N.A. did not respond and exited the stairwell.

¶ 18 Regarding the interaction in the bathroom, A.H. testified that she was in the bathroom alone and N.A. was in the hallway outside the bathroom. N.A. did not enter the bathroom, but yelled at

A.H. that she wanted to fight her. Security then arrived and escorted A.H. out of the bathroom. A.H. testified that she never told N.A. that she wanted to fight, and N.A. never told her that she wanted to fight at Eisenhower Park. A.H. testified that she went to Eisenhower Park after school that day because her friend wanted to go to the park.

¶ 19 At the park, A.H. was walking toward the bathroom when she saw N.A. sitting with a group of friends on a bench. N.A. stood up and walked toward her and started trying to fight her. A.H. did not tell N.A. that she wanted to fight her and "no words were crossed." A.H. was holding her phone in her right hand. As N.A. approached her, she dropped the phone and began backing away from N.A. N.A. continued approaching A.H. and then punched her multiple times. A.H. reached into her "shirt," pulled out the knife, and stabbed N.A. A.H. testified that she feared for her safety and did not want to fight; however, she testified that she was "not injured" at that point. A.H. and N.A. went to the ground and then N.T. grabbed A.H. by the hair and "flipped [her] on the ground." A.H. stabbed N.T. and then N.T. sprayed pepper spray at A.H. A.H. testified that after N.T. pepper sprayed her, "her boyfriend"[1] punched her in the face two times. After that, everyone ran away and A.H. went to the "pool area" to clean the pepper spray out of her mouth. Police officers arrived and took pictures of A.H.

¶ 20 The photographs were admitted into evidence and depicted A.H.'s bloody hands and face. A.H. appears to have a chipped tooth, which she testified occurred when "the boy" punched her in the face.

¶ 21 On cross-examination, A.H. testified that neither N.A. nor N.T. caused the injuries to her face or hands that were depicted in the photographs, except that her eyes were red because of the pepper spray. She acknowledged that N.T. pepper sprayed her after she stabbed both N.A. and N.T.

[1]It is unclear from the testimony whether A.H. was referring to N.A.'s boyfriend or N.T.'s.

¶ 22 In rendering its verdict, the court stated this case was "all credibility." The court determined that N.A. and N.T. were "more credible" than A.H. The court reviewed the testimony, noting that there was an incident at school before the encounter in the park. The court acknowledged that A.H. was shorter and lighter than N.A., but found that her use of force was not reasonable. "You had no right to be in that park. You should not have been [there] with a knife. This second girl pulled you off of her friend who'd just been stabbed. What did you expect her to do, let you continue to stab her until you killed her." The court concluded that there was "[n]o question" in its mind that A.H. was guilty of both counts of aggravated battery.

¶ 23 Defense counsel filed a motion to reconsider or for a new trial. In the motion, counsel contended, *inter alia*, that A.H. properly raised a claim of self-defense that the State failed to rebut. Defense counsel contended that the State did not present sufficient evidence that A.H. and N.A. agreed to fight and, in fact, A.H. testified that she did not want to fight. Defense counsel maintained that even if the court accepted N.A. and N.T.'s testimony about the incident, N.A. was the physical aggressor and A.H. used only words which are insufficient to justify a use of force. Defense counsel pointed out that the video evidence and A.H.'s testimony showed that A.H. was backing away from N.A. when she attacked her. Defense counsel asserted that A.H. had a right to defend herself once N.A. initiated the physical contact and her use of force was necessary due to N.A. being older and physically larger. Defense counsel also contended that other people at the park were supporting N.A., further demonstrating that A.H.'s use of force was reasonable to defend herself.

¶ 24 The court denied the motion for a new trial finding that A.H. was the aggressor.

> "I note that it started when [A.H.] was situated in the middle of the hallway stairwell and not moving away. When people were not coming down to the hallway [*sic*], she

> continued to be the aggressor in the bathroom. She presented herself. She knew [where] the first victim was going to be with respect to the issue of self-defense. I think she was continuing to be the aggressor."

¶ 25 Following a hearing, the court sentenced A.H. to one year of probation. The court denied defense counsel's motion to reduce sentence. This appeal follows.

¶ 26 II. ANALYSIS

¶ 27 On appeal, A.H. contends that the trial court erred in finding her guilty of aggravated battery and rejecting her claim of self-defense where the evidence showed that N.A. initiated the physical altercation and A.H. used the knife to protect herself. She points out that there was a significant break in time between the incidents at school and the physical altercation at the park and the evidence showed that A.H. attempted to retreat from N.A. before N.A. attacked her. She maintains that her use of force was reasonable where N.A. and N.T. were older and physically larger than her and she was outnumbered two to one.

¶ 28 Self-defense is an affirmative defense. *People v. Lee*, 213 Ill. 2d 218, 224 (2004). Once the defendant raises the defense, 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. *Id.* Self-defense is codified in section 7-1 of the Criminal Code of 2012 (Code) (720 ILCS 5/7-1 (West 2022)), which provides that a person is justified in the use of force against another when the person believes that such force is necessary to defend themselves from another's unlawful use of force. In discussing section 7-1, our supreme court has identified six elements of self-defense:

> "(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." *Lee*, 213 Ill. 2d at 225.

"If the State negates any one of these elements, the defendant's claim of self-defense must fail." *Id.*

¶ 29 In this case, A.H. maintains that the evidence established each of these six elements and the State failed to disprove any of them beyond a reasonable doubt. She maintains that N.A. threatened unlawful force against her, that A.H. was not the aggressor, that the danger of harm was imminent, that her use of the knife was necessary to defend herself, that she subjectively believed that she was in danger, and that this belief was objectively reasonable.

¶ 30 Initially, we observe that the trial court found that the case was based on credibility and that N.A. and N.T. were "more credible" than A.H. It is well-settled that credibility determinations are within the province of the trial court, as the trier of fact. *People v. Daheya*, 2013 IL App (1st) 122233, ¶ 62. It is the function of the trier of fact to assess the credibility of the witnesses, the weight to be given their testimony, and the inferences to be drawn from the evidence. *People v. Tenney*, 205 Ill. 2d 411, 428 (2002). "The relevant standard of review is whether, after considering the evidence in the light most favorable to the State, any rational trier of fact could have found, beyond a reasonable doubt, that defendant did not act in self-defense." *Lee*, 213 Ill. 2d at 225.

¶ 31 The trial court here found, and the State maintains on appeal, that A.H. was the aggressor and that A.H.'s use of the knife was not objectively reasonable where N.A. used only her fists during the altercation. The court found that A.H. was the aggressor based on her conduct during the two incidents that took place at school earlier that day and the fact that A.H. went to Eisenhower Park with a knife, knowing that N.A. was going to be there.

¶ 32 A.H. maintains that the court erred in finding that she was the aggressor where the evidence showed that N.A. initiated the physical contact and A.H. was backing away from N.A. A.H. asserts that the incidents at school should be viewed separately from the subsequent physical altercation at the park because of the significant break in time between the two interactions. She contends that even if those events are considered together, her use of "mere words" was insufficient to establish that she was the initial aggressor to defeat her claim of self-defense. She further maintains that the fact that she went to the park does not establish that she was the initial aggressor despite knowing that N.A. would be there because A.H. did not initiate the physical altercation.

¶ 33 Here, viewing the evidence in a light most favorable to the State, the trial court's conclusion that A.H. was the initial aggressor and thus did not act in self-defense is supported by N.A. and N.T.'s testimony, which the court found credible. According to N.A.'s testimony, A.H. first suggested that they fight when the two encountered each other in the school bathroom. N.A. then informed A.H. that she would be at Eisenhower Park later if A.H. wanted to fight. Thirty to forty-five minutes later, A.H., armed with a knife, saw N.A. at Eisenhower Park and approached her. It is unclear from N.A. and N.T.'s testimony whether A.H. was holding the knife in the pocket of her hoodie and was attempting to extract it before encountering N.A. The video evidence reveals that A.H. was holding a phone in the pocket of her hoodie and it is unclear where A.H. was carrying the knife. Nonetheless, based on their interactions earlier that day, and the fact that A.H. appeared at the park and approached N.A., it was reasonable for N.A. to believe that a physical altercation was about to begin. Although it is clear that N.A. initiated the physical contact, N.A. was not required to wait until A.H. attacked her in order to defend herself. Under similar circumstances, this court has found that it was reasonable for the victim to take immediate action to prevent the defendant from attacking them rather than waiting for the defendant to initiate the contact. See

People v. Cruz, 2021 IL App (1st) 190132, ¶¶ 48-50 ("Thus, while [the victim] may have been the first to use physical force, he did so in self-defense, since defendant's conduct made him reasonably fear an imminent knife attack. Which means that defendant was the initial aggressor.").

¶ 34 We also reject A.H.'s contention that the two interactions at school should not be considered in conjunction with the later altercation at the park because of the gap in time between the two incidents. A.H. acknowledges that she may have been the aggressor during the interactions at school, but asserts that N.A. was the initial aggressor at the park.

¶ 35 In support of this contention, A.H. primarily relies on this court's decision in *People v. Slaughter*, 84 Ill. App. 3d 1103 (1980). In *Slaughter*, the parties were attending a birthday party at the home of Ella Comer and James Sanderson when the defendant brandished a knife. *Slaughter*, 84 Ill. App. 3d at 1105. Mr. Sanderson told the defendant to leave and led him out of the apartment. *Id.* The defendant left but returned 15 or 20 minutes later and asked Ms. Comer to come outside to talk. *Id.* Ms. Comer refused, but Mr. Sanderson went outside where defendant stabbed him with a knife. *Id.* Mr. Sanderson was transported to the hospital where he was pronounced dead on arrival. *Id.* at 1105-06. The defendant testified that when Mr. Sanderson came outside, he attacked him, and the defendant used the knife to protect himself. *Id.* at 1107-08.

¶ 36 On appeal, one of the issues raised was whether the defendant initially provoked the use of force and whether the defendant was the aggressor. *Id.* at 1111. The appellate court initially noted that the defendant's brandishing of the knife at the party "might constitute assault." *Id.* at 1112. However, the court determined that because of the lapse of time between the brandishing of the knife and when the defendant returned to the Ms. Comer and Mr. Sanderson's home 20 minutes later, the court was required to view the defendant's conduct during the later encounter with Mr. Sanderson "independently." *Id.* The court found that there was insufficient evidence based on the

second encounter alone to support an inference that the defendant provoked Mr. Sanderson or was the aggressor. *Id.*

¶ 37 Relying on *Slaughter*, A.H. contends that the fight in the park should be viewed "independently" from the two incidents at school based on the lapse in time of 30-45 minutes between the encounters. She acknowledges that although she may have been the "aggressor" at school, N.A. was clearly the aggressor at the park because she initiated the physical altercation. A.H. also relies on this court's decision in *People v. Salcedo*, 2011 IL App (1st) 083148, ¶ 38 in contending that the role of the "aggressor" can change where there is a break in time between encounters.

¶ 38 We find that the circumstances in this case are distinguishable from those present in *Slaughter* based on the fact that A.H. and N.A. both expressed their agreement to fight at school, but were separated by security and the principal. N.A. told A.H. she would be at the park later, suggesting that if A.H. wanted to fight without the potential of school officials intervening, she should come to the park after school. A.H. did so and arrived at the park knowing N.A. would be there. In addition, A.H. brought a knife with her, anticipating, or at least prepared for, a fight. Even viewing the encounters independently as A.H. urges, the trier of fact was entitled to find that A.H. was the initial aggressor where the evidence indicated that the fistfight between A.H. and N.A. ended when A.H. stabbed N.A. in the leg with the knife and "the situation transformed into a different encounter." *People v. De Oca*, 238 Ill. App. 3d 362, 368 (1992). N.A. testified that when she first felt A.H. stab her in the leg, she tried to get away from A.H., but was unable to do so and A.H. subsequently stabbed N.A. in the back. The evidence also showed that N.T. attempted to get away from A.H. after she threw her away from N.A., but A.H. stabbed N.T. in the back of the shoulder. Thus, even if we accepted A.H.'s contention that she did not provoke or initiate the

fistfight, the right of self-defense does not justify using a deadly weapon against the original aggressor "after the aggressor abandons the quarrel or as an act of retaliation and revenge." *Id.* (citing *People v. Thornton*, 26 Ill. 2d 218, 222 (1962)).

¶ 39 We also find that the record supports the trial court's conclusion that A.H.'s use of the knife in a fist fight was not a reasonable use of force. A.H. maintains that her use of the knife was reasonable because she was outnumbered and was "significantly younger and smaller" than N.A. and N.T. A.H. asserts that N.A. was "physically dominating" her and A.H. was able to stop the attack only by using the knife.

¶ 40 First, we observe that A.H. stabbed N.A. with the knife before N.T. intervened. A.H.'s contentions that she was justified in using the knife against N.A. because she was outnumbered are therefore unavailing. There is no indication that N.T. was involved or threatened to become involved in the altercation before N.T. witnessed A.H. use the knife to stab N.A. She also points out that on the video evidence, other people can be heard cheering on N.A. while she strikes A.H. However, there is no indication that A.H. believed any of these people were threatening imminent harm against her.

¶ 41 The evidence also shows that N.T. intervened only to aid N.A. after A.H. stabbed her. N.T. grabbed A.H. by the hair and threw her away from N.A. N.T. then turned to run when A.H. stabbed her in the back of her shoulder. There was no testimony that N.T. posed any imminent threat to A.H. at the time A.H. stabbed her.

¶ 42 Secondly, we acknowledge that this court has considered physical size differences when determining whether a defendant was justified in the use of deadly force. See *People v. Estes*, 127 Ill. App. 3d 642 (1984). In this case, the testimony showed that N.A. was six inches taller and three years older than A.H. Even so, where the other party is not armed with a deadly weapon, a

defendant is justified in using a deadly weapon in self-defense only where it appears that "the aggressor is capable of inflicting serious bodily harm without the use of a deadly weapon, and is intending to do so." *People v. Brown*, 218 Ill. App. 3d 890, 899 (1991) (citing *Estes*, 127 Ill. App. 3d at 651). While the trial testimony and the videos show that N.A. was punching A.H. before she used the knife, there is no indication that N.A. was capable of inflicting "serious bodily harm." Indeed, by A.H.'s own testimony, neither N.A. nor N.T. caused her any injuries at all. It was not until after she stabbed both N.A. and N.T., and N.T. pepper sprayed her, that the "boy" punched A.H. and she suffered the injuries depicted in the photographs. Accordingly, we find that the trial court's determination that A.H. was not justified in using the knife in self-defense was not so unreasonable or improbable as to raise a reasonable doubt of guilt. *People v. Price*, 158 Ill. App. 3d 921. 926 (1987). We therefore hold that the trial court did not err in finding A.H. guilty of two counts of aggravated battery and in rejecting her claim of self-defense.

¶ 43 III. CONCLUSION

¶ 44 For the reasons stated, we affirm the judgment of the circuit court of Cook County.

¶ 45 Affirmed.