

NOTICE
This Order was filed under
Supreme Court Rule 23 and is
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limited circumstances allowed
under Rule 23(e)(1).

2026 IL App (4th) 251358-U

NO. 4-25-1358

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

October 16, 2026

Carla Bender

4th District Appellate

Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Sangamon County
CARLOS A. MASON,	)	No. 25DV103
Defendant-Appellant.	)	
	)	Honorable
	)	Jack D. Davis II,
	)	Judge Presiding.

JUSTICE LANNERD delivered the judgment of the court.
Justices Vancil and Harris concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed, concluding the evidence was sufficient to prove defendant guilty of domestic battery beyond a reasonable doubt.

¶ 2 In October 2025, defendant, Carlos A. Mason, was convicted of domestic battery (720 5/12-3.2(a)(2) (West 2024)). The trial court sentenced defendant to one year of conditional discharge. On appeal, defendant argues the evidence was insufficient to prove his guilt beyond a reasonable doubt because the evidence established “mutual combat.” We affirm.

¶ 3 I. BACKGROUND

¶ 4 In May 2025, the State charged defendant with two counts of domestic battery. Count I alleged defendant caused bodily harm to Cheyenne S. (*id.* § 12-3.2(a)(1)). Count II alleged defendant made physical contact of an insulting or provoking nature with Cheyenne (*id.* § 3.2(a)(2)). Both counts alleged defendant struck Cheyenne “on or about the head and body” on

May 8, 2025.

¶ 5 A. Bench Trial

¶ 6 Defendant waived his right to a jury trial on August 13, 2025. The trial court conducted defendant's bench trial on October 17, 2025.

¶ 7 1. A.O.

¶ 8 Cheyenne's 12-year-old son, A.O., testified that on May 8, 2025, he was at home with Cheyenne and defendant, who he called his "mom's boyfriend." From his room, A.O. heard "fighting" between them and came out of his room when defendant "started yelling." Cheyenne told defendant to leave. A.O. watched as defendant walked up to the eggs on the table and "smashed them across the room." A.O. began recording a video on his phone after defendant threw the eggs. The video was admitted into evidence as exhibit A.

¶ 9 A.O. testified defendant "pushed [his] mom against the door and hit her." Defendant also "went to [his] mom's room and smashed her TV." On cross-examination, A.O. stated defendant hit his mother in her right stomach area and pushed her into a door, giving her "a concussion from hitting her head." A.O. explained his mother pushed defendant "as self-defense" after defendant pushed her.

¶ 10 2. Cheyenne

¶ 11 Cheyenne testified, on May 8, 2025, she was at her apartment with defendant and A.O. when she and defendant started arguing. Cheyenne repeatedly asked defendant to leave, but he refused to go. As she kept asking him to leave, defendant got upset and "smashed about two-dozen eggs across the dining room." The State admitted exhibits B and C, photographs of Cheyenne's apartment on May 8, 2025, showing the broken television in her bedroom and the broken eggs on the floor. Cheyenne testified, after defendant threw the eggs, she "started yelling"

at him to leave and “was scared what else might get destroyed.” Cheyenne grabbed defendant’s bag of clothes “to initiate him leaving” and “threw the clothes outside or down the staircase.”

¶ 12 Cheyenne testified she “stood back to let [defendant] leave and that’s when he attacked” her. According to Cheyenne, defendant grabbed her, “trying to take the phone out of [her] hands” and leaving her “stuck there against the door frame.” Defendant pushed her and smashed her head into the door. Cheyenne stated she “had two huge welts on the back of [her] head and a concussion.” Cheyenne testified the battery occurred during the time frame when A.O. was standing close by and recording the video. The State played the video, exhibit A, for the trial court.

¶ 13 In the video, Cheyenne tells defendant to get out of her house while he stands in the living room and packs up a gray bag. Cheyenne approaches defendant and yells, “I told you to get the f*** out of my house, how many times?” A.O. is heard yelling at defendant, “No, you can’t touch my mom.” Cheyenne is seen walking away from defendant through a hallway while defendant follows her. Cheyenne turns around to face defendant in the doorway. Defendant appears to raise his hand. After a loud thud is heard, the shaky video captures Cheyenne’s physical contact with defendant. A.O. is heard screaming “hey,” “don’t touch,” “stop,” and telling defendant to “get out.” Cheyenne tells A.O. to “call the police, call 911.”

¶ 14 *3. Defendant*

¶ 15 Defendant testified, on May 8, 2025, Cheyenne was helping him complete his taxes at her apartment, and they began arguing. Cheyenne repeatedly told him to leave. According to defendant, Cheyenne tried to push him out before he was able to get his things, and he “knocked the eggs off the table out of anger.” Defendant testified he went to retrieve his “bookbag” of clothes, but Cheyenne took the bag from his hands and threw it down the stairs. On cross-

examination, defendant testified he made contact with Cheyenne after she threw his bag down the stairs, and he was going “right for her phone.” Defendant denied ever hitting Cheyenne or pushing her into a door. The State questioned defendant regarding the video, and the following exchange occurred:

“Q. Cheyenne is walking away from you at that point, correct?

A. Yes, sir.

Q. She is not hitting you in that moment?

A. No, sir.

Q. You make contact with her after she throws the bag down the stairs?

A. Yes, sir. I proceed to go right for her phone.

* * *

Q. Did you push Cheyenne?

A. No, sir, I did not.

Q. Whose arm is this swinging in that video?

A. That’s Cheyenne’s arm.

Q. [A.O.] is yelling to stop hitting his mom, correct?

A. Yes, sir, he is.

Q. And you are saying that Cheyenne was swinging her arm?

A. Yes, she was swinging. Her arm is around my neck.”

¶ 16

B. Verdict

¶ 17

The trial court found defendant guilty of domestic battery as charged in count II for “making contact of an insulting or provoking nature” with Cheyenne. The court noted although the video was not “as clear as the State would portray,” it showed defendant “advancing on

[Cheyenne] at a time when [Cheyenne] was a distance away from [him],” and it showed defendant “making contact of an insulting or provoking nature to Cheyenne.” The court also addressed defendant’s argument regarding mutual combat:

“As to Count II, [there] may *** well have been a point of mutual combat that occurred prior to the incident that I have on video here today, but the video no matter how jumbled it is does show [defendant] advance on the victim, does show [defendant] make contact of an insulting or provoking nature to Cheyenne.”

Defendant was convicted of count II and sentenced to one year of conditional discharge. The court found the State did not prove “bodily injury” as charged in count I. Defendant filed a motion for a new trial, arguing the court erred by not finding mutual combat and the State failed to prove his guilt beyond a reasonable doubt. The court denied defendant’s posttrial motion.

¶ 18 This appeal followed.

¶ 19 II. ANALYSIS

¶ 20 On appeal, defendant argues the evidence was insufficient to prove he committed the offense of domestic battery beyond a reasonable doubt because the evidence at trial established that he was engaged in the defense of “mutual combat.”

¶ 21 When faced with a challenge as to whether the State has failed to prove a defendant’s guilt beyond a reasonable doubt, this court must determine “ ‘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 crime beyond a reasonable doubt.’ ” (Emphasis in original.) *People v. Cunningham*, 212 Ill. 2d 274, 278 (2004) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). “[I]n applying this standard, we will neither reweigh evidence nor judge witness credibility; rather, we defer to the fact finder’s credibility determinations.” *People v. Acklin*, 2020

IL App (4th) 180588, ¶ 15. Further, we will not reverse a defendant’s conviction for insufficient evidence “ ‘unless the evidence is so improbable or unsatisfactory that a reasonable doubt remains as to the defendant’s guilt.’ ” *People v. McKown*, 2021 IL App (4th) 190660, ¶ 49 (quoting *People v. Harris*, 2018 IL 121932, ¶ 26).

¶ 22 To sustain a conviction for domestic battery under subsection (a)(2), the State must prove the defendant “knowingly without legal justification by any means *** ma[de] physical contact of an insulting or provoking nature with any family or household member.” 720 ILCS 5/12-3.2(a)(2) (West 2024). On appeal, defendant does not argue that the State failed to prove any of the requisite elements of his domestic battery conviction. Instead, defendant argues mutual combat was “a complete defense to domestic battery” in this case. We find this issue was preserved for our review. See *People v. Cregan*, 2014 IL 113600, ¶ 15 (“To preserve an issue for review, a party ordinarily must raise it at trial and in a written posttrial motion.”).

¶ 23 Defendant contends mutual combat exists as “a complete defense to domestic battery” in Illinois. We disagree. Defendant has not cited any authority to support his novel argument. Even if we were to assume, *arguendo*, that defendant is correct, we find no evidence of mutual combat in this case. Mutual combat, as a category of serious provocation, occurs when two people willingly engage in a sudden physical fight on equal terms and in hot blood. *People v. McDonald*, 2016 IL 118882, ¶ 59. To demonstrate mutual combat, “[a] slight provocation is not enough, because the provocation must be proportionate to the manner in which the accused retaliated.” *People v. Austin*, 133 Ill. 2d 118, 126-27 (1989). We find mutual combat is inapplicable to the case *sub judice*.

¶ 24 Here, testimony from all three witnesses showed Cheyenne was urging defendant to leave her apartment, and he smashed some eggs across the table. Cheyenne testified she was

battered by defendant after she “stood back to let him leave.” According to the video and defendant’s testimony, Cheyenne was walking away from defendant as he advanced toward her and made contact. Cheyenne and A.O. both testified defendant pushed Cheyenne into a door and slammed her head. Viewed in the light most favorable to the State, there was sufficient evidence presented for a rational trier of fact to determine defendant made physical contact of an insulting or provoking nature with Cheyenne. As such, his conviction for domestic battery is affirmed.

¶ 25

III. CONCLUSION

¶ 26

For the reasons stated, we affirm the trial court’s judgment.

¶ 27

Affirmed.