

No. 1-09-0922

**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e) (1).

FIRST DIVISION  
May 23, 2011

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 08 MC1 199725
	)	
ANTOINE CHAPMAN,	)	The Honorable
	)	Thomas M. Donnelly,
Defendant-Appellant.	)	Judge Presiding.

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JUSTICE LAMPKIN delivered the judgment of the court.  
Presiding Justice Hall and Justice Rochford concurred in the judgment.

**O R D E R**

*Held:* Defendant was found guilty of willfully failing to pay child support for more than six months when he had the ability to pay it. This court affirmed his conviction.

Following a bench trial, defendant Antoine Chapman was found guilty of failing to pay child support and sentenced to one year of supervision. On appeal, defendant contends that the State failed to prove beyond a reasonable doubt that he did not pay

child support and, in the alternative, that he was able to pay child support and any nonpayment was willful. Defendant also contends that Public Act 91-613 (eff. Oct. 1, 1999), creating the Non-Support Punishment Act at issue, violates the Illinois constitution's single-subject rule. We affirm.

Defendant was arrested, then charged with nonpayment of his court-ordered child support between December 1, 2006, and June 13, 2007, when he had the ability to pay. At trial, defendant's former wife, Alicia Chapman testified that they had a child together, then divorced June 29, 2006. From that date until June 13, 2007, Chapman did not receive the \$600 monthly child support payment mandated by their divorce decree. This was in spite of her telephone calls for payment and defendant's evident ability to pay.

Chapman testified that shortly after the divorce, defendant became the owner of the barber shop where he had worked and had earned about \$1,000 each week and more on holidays. Defendant showed Chapman the lease bearing his name. The evidence further showed that defendant rented a car for a total of about \$3,000 during three months between February and May 2007. Each time he rented the car, he also paid a deposit of \$600-\$740. Chapman, who would drop off her child for visits at the barber shop, saw defendant's rental car. She also saw defendant cut clients' hair, take their money, and sell merchandise to clients.

During the relevant period, defendant presented his daughter with several gifts, including a \$400 miniature car for children, a bag of clothing, and other toys.

On May 14, 2007, defendant and Chapman appeared in court regarding related childcare costs. Defendant made no representations that he was unable to pay the \$600 or was unemployed.

Defendant rested without presenting evidence.

The trial court found defendant guilty of failing to pay court-ordered child support during the alleged period. The court sentenced defendant to one year of supervision and ordered \$10,637 in restitution. Defendant appealed.

Defendant first challenges the sufficiency of the evidence to support his conviction. Contrary to defendant's assertion that a *de novo* standard of review should apply in this case, we review defendant's challenge to the sufficiency of the evidence under the reasonable doubt standard. *People v. Sorrels*, 389 Ill. App. 3d 547, 550-51 (2009). Under that standard, a criminal conviction will not be set aside unless the evidence is so improbable or unsatisfactory that it creates a reasonable doubt of defendant's guilt. *People v. Collins*, 106 Ill. 2d 237, 261 (1985). The relevant question for the reviewing court is whether, after viewing the evidence in the light most favorable

to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *Collins*, 106 Ill. 2d at 261.

To sustain defendant's conviction in this case, the State was required to prove that defendant willfully failed to pay court-ordered child support for more than 6 months when he had the ability to pay it. See 750 ILCS 16/15(a)(2) (West 2008).

The evidence in this case showed that Chapman and defendant divorced in June 2006, at which time the divorce court mandated that defendant pay Chapman \$600 in child support monthly. Defendant was aware of this obligation, yet chose not to pay it for the relevant period between December 1, 2006, and June 13, 2007. Instead, defendant spent about \$3,000 on a rental car over the course of three months and also presented his daughter with a \$400 miniature car, as well as other gifts. Given these expenditures, the testimony showing that defendant owned and worked at a barber shop where he had earned \$1,000 per week, and the May 2007 court hearing, wherein he neither challenged his child support payment nor claimed unemployment, it is reasonable to infer that defendant had the ability to pay his child support. The evidence, viewed in a light most favorable to the State, supported the court's finding of guilt.

In reaching this conclusion, we reject defendant's contention that the testimony of Chapman was insufficient to show

nonpayment. Defendant suggests that he paid the Department of Child Support Enforcement, but the Department did not transmit these payments to Chapman. In support, defendant points to a Department record showing payments made to the Department and sent to Chapman *after* June 13, 2008, and a notation stating, "account has data inconsistencies \*\*\* account may require reconciliation." This record is irrelevant, as it does not reflect the relevant period of time. Defendant's argument therefore lacks record support. Regardless, a trier of fact is not required to accept any possible explanation compatible with defendant's innocence and elevate it to the status of reasonable doubt. See *People v. Siguenza-Brito*, 235 Ill. 2d 213, 229 (2009). The trial court found Chapman's testimony that defendant did not pay her during the period in question credible, and there is nothing in the record to contradict that testimony. A reasonable factfinder could infer that, had defendant made payments to the Department, they would have been transmitted to Chapman and records presented by the State. It is not our function to retry the defendant or to substitute our judgment for that of the trier of fact regarding witness credibility or the weight of the evidence. See *Siguenza-Brito*, 235 Ill. 2d at 228.

For the same reasons, we reject defendant's argument that the expenditures for both the car and toys were not his own. Such an argument flies in the face of the reasonable inferences

drawn from the uncontradicted evidence.

Defendant next contends that Public Act 91-613 (eff. Oct. 1, 1999 & July 1, 2000), creating the Non-Support Punishment Act (Act) at issue, violates the Illinois constitution's single-subject rule. He argues that the Act, which focuses on child support enforcement, improperly addresses corporate and limited-liability law.

The State responds that Public Act 91-613 merely amended the Business Corporation Act of 1983 and the Limited Liability Company Act to include references to the Act regarding the information exchange necessary for child support enforcement orders. The State argues that this is not a violation of the constitution's single-subject rule.

In his reply brief, defendant concedes the State's argument. We agree with the parties and therefore need not consider the issue further.

Based on the foregoing, we affirm the judgment of the circuit court of Cook County finding defendant guilty of failure to pay child support and responsible for restitution.

Affirmed.