



able doubt and (2) the court erred in allowing the testimony of A.G. at trial. We affirm.

#### I. BACKGROUND

On November 21, 2008, the State charged defendant by information with six counts of criminal sexual assault (720 ILCS 5/12-13(a)(4) (West 2008)) for acts of sexual penetration with J.S., while she was at least 13 years old but under 18 years old. On March 9, 2009, the State filed a petition to have defendant declared a sexually dangerous person. On March 12, 2009, the court appointed Dr. Lawrence Jeckel and Dr. Robert Chapman to conduct sexually-dangerous-person evaluations.

At trial, the State requested the trial court take judicial notice of court records indicating defendant had been convicted of (1) two counts of aggravated criminal sexual abuse of A.G. in 1992 and (2) aggravated criminal sexual assault of A.H. in 1994. The court took judicial notice of these convictions with no objection by defendant.

In addition to the court records on defendant's prior convictions, the State presented the following testimony. Dr. Lawrence Jeckel, a physician and an expert in the area of forensic psychiatry, testified he evaluated defendant using the Diagnostic Manual of the American Psychiatric Association (Diagnostic Manual), which catalogues diagnostic criteria for mental diseases. In furtherance of his evaluation, Dr. Jeckel

interviewed defendant and reviewed the court records regarding defendant's two prior convictions. After conducting his evaluation, Dr. Jeckel opined defendant exhibited "paraphilic behavior," which is an impulse to engage in deviant behavior. Additionally, Dr. Jeckel diagnosed defendant with a personality disorder coupled with antisocial features which predisposes him "to engage in recurrent inappropriate, improper sexual activity with children." Dr. Jeckel further testified defendant's mental disorder existed at least one year prior to the filing of the March 9, 2009, petition. Dr. Jeckel opined defendant's mental disorder caused criminal propensities toward the commission of acts of sexual assault or sexual molestation of children, and defendant had already demonstrated those propensities based on his history of criminal-sexual offenses.

Dr. Robert Chapman, a physician and expert in forensic psychiatry, testified he also evaluated defendant using the Diagnostic Manual. After his March 25, 2009, interview with defendant, he diagnosed defendant with a personality disorder combined with antisocial and dependent personality features. According to Dr. Chapman, defendant's mental disorder predisposes him to engage in sex offenses and results in serious difficulty controlling his sexual behavior. Additionally, this mental disorder has existed for more than one year prior to the filing of the March 9, 2009, petition. After reviewing defendant's

history, Dr. Chapman opined defendant had demonstrated propensities toward acts of sexual assault or sexual molestation of children.

J.S., the victim in this case, testified she stayed with her mother on weekends during her seventh-grade year. Additionally, she testified she lived with her mother during the summers following her seventh- and eighth-grade years. During those visits, she spent time alone with defendant, and he would "mess with her" sexually. In particular, she testified defendant (1) penetrated her vagina with his penis over 30 times; (2) placed his penis in her mouth approximately 10 times; (3) placed his mouth on her vagina while he placed his penis in her mouth approximately five times, which she described as "69"; (4) placed a vibrator in her vagina approximately five times; (5) placed a ring on his penis during these sexual acts; and (6) touched her breasts during these encounters. She further testified defendant would ejaculate on her stomach or face during these acts, and she knew defendant had taken her virginity because she bled the first time he fully penetrated her. She also testified defendant had told her to "mess around with other guys" and not to tell her mother about their sexual encounters. Eventually, J.S. told her grandparents, and she moved in with her aunt.

On cross-examination, J.S. testified the sexual encounters began the summer of 2007 and lasted until the end of

her eighth-grade year. She admitted she had been upset with her mother and defendant because they had forbidden her from dating a particular boy.

Next, J.S.'s mother testified she kept a vibrator and a "cock ring" in the bedroom she shared with defendant, and J.S. was familiar with those items because they had an open relationship regarding sex. Additionally, she testified she did not have a sexual relationship with defendant because he was unable to obtain an erection due to medication he had been prescribed in June 2007.

Carin Reed, a retired juvenile detective with the Decatur police department, testified she interviewed J.S. on August 28, 2008. During the interview, J.S. described the various acts of sexual penetration and touching between her and defendant.

Diane Beggs, a detective with the City of Decatur police department, testified she interviewed defendant regarding allegations of criminal sexual assault involving defendant and his nieces, A.H. and H.H., on November 2, 1993. At the time of the investigation, H.H. was eight years old and A.H. was six years old. The interview occurred at Graham Correctional Center because defendant was in custody for a prior sexual-abuse conviction involving his stepchildren. During the interview, defendant admitted he had sexual contact with his nieces while he lived in

their home.

Next, defendant's counsel objected to the State calling A.G. to testify regarding her experiences with defendant, which led to his conviction for two counts of aggravated criminal sexual abuse in 1992. Defendant's counsel argued the prejudicial effect of her testimony outweighed the probative value because the convictions were already entered into evidence through a stipulation, and the testimony could potentially influence the jury's verdict. Before the trial court ruled on the issue, it heard A.G.'s testimony through an offer of proof. After hearing the offer of proof, the court allowed A.G. to testify because her testimony related to the State's burden of showing defendant had demonstrated propensities toward acts of sexual assault or sexual molestation of children.

A.G. testified her mother married defendant when she was approximately seven years old. In her testimony, she described the repeated acts of sexual contact between her and defendant.

On September 17, 2009, a jury adjudicated defendant a sexually dangerous person under the Act (725 ILCS 205/0.01 through 12 (West 2008)). Also, on September 17, 2009, the trial court ordered defendant committed to the custody of the Director of the Department of Corrections pursuant to section 8 of the Act (725 ILCS 205/8 (West 2008)). On October 15, 2009, defendant

filed a motion for a new trial, arguing the evidence was insufficient to adjudicate him a sexually dangerous person beyond a reasonable doubt. On November 3, 2009, the court denied defendant's motion for a new trial.

This appeal followed.

## II. ANALYSIS

### A. Sufficiency of the Evidence

First, defendant argues the evidence was insufficient for the jury to adjudicate him a sexually dangerous person beyond a reasonable doubt.

According to section 1.01 of the Act, "sexually dangerous person" is defined as:

"All persons suffering from a mental disorder, which mental disorder has existed for a period of not less than one year, immediately prior to the filing of the petition hereinafter provided for, coupled with criminal propensities to the commission of sex offenses, and who have demonstrated propensities toward acts of sexual assault or acts of sexual molestation of children[.]"

725 ILCS 205/1.01 (West 2008).

A finding of sexually dangerous person requires proof of "(1) the existence of a mental disorder for more than one year; (2)

the existence of criminal propensities to the commission of sex offenses; and (3) the existence of demonstrated propensities toward acts of sexual assault or acts of sexual molestation of children.'" *People v. Lawton*, 335 Ill. App. 3d 1085, 1088, 781 N.E.2d 1122, 1125 (2002) (quoting *People v. Pembrock*, 62 Ill. 2d 317, 321-22, 342 N.E.2d 28, 30 (1976)). The sexually-dangerous-person finding should not be disturbed unless the reviewing court finds the evidence "so improbable as to raise a reasonable doubt of guilt." *People v. Allen*, 107 Ill. 2d 91, 106, 481 N.E.2d 690, 697 (1985).

First, defendant argues the State failed to prove he suffered from a mental disorder for at least one year prior to the filing of the March 9, 2009, petition. Because his most recent sexual-offense conviction was based on a 1994 charge (more than 15 years prior to the filing of the petition), and the facts underlying the present charge were disputed, defendant argues the State failed to prove the existence of a mental disorder for at least one year prior to the filing of the petition.

The mental-disorder requirement may be satisfied by a mental-disorder diagnosis from a qualified psychiatrist, which can be based on interviews, standardized testing, criminal conduct, physical tests, or a combination of these indicators. *People v. Cole*, 299 Ill. App. 3d 229, 234, 701 N.E.2d 821, 824 (1998). Additionally, evidence of prior improper sexual acts may

be admissible to prove defendant's mental disorder has lasted for more than one year. *People v. P.T.*, 233 Ill. App. 3d 386, 393, 599 N.E.2d 79, 83 (1992).

Here, after personally examining defendant and reviewing court documents, two qualified experts agreed defendant suffers from a personality disorder resulting in a predisposition to engage in improper sexual activity, and this disorder has existed for at least one year prior to the State's filing of the petition in this matter. Indeed, the admission of the court records regarding defendant's prior convictions suggests defendant's mental disorder has existed for a significant amount of time prior to the filing of the petition, *i.e.*, since at least 1992.

Next, defendant argues the State failed to prove beyond a reasonable doubt he possessed and demonstrated criminal propensities to commit sexual offenses because the only allegations of criminal-sexual activity since his prior convictions are the disputed allegations underlying the March 9, 2009, petition.

The Act requires proof of propensity to commit criminal-sexual acts along with proof defendant has demonstrated this propensity by committing criminal-sexual acts. *Lawton*, 335 Ill. App. 3d at 1088, 781 N.E.2d at 1125. Evidence of repeated acts of sexual assault or sexual molestation of children is not required to prove defendant has demonstrated this propensity;

instead, the State may prove demonstrated propensity by presenting evidence of only one inappropriate sexual act. *Allen*, 107 Ill. 2d at 105, 481 N.E.2d at 697. Additionally, defendant's demonstrated propensity may be proved by the State introducing evidence of defendant's prior convictions for sexual offenses. *People v. Hancock*, 329 Ill. App. 3d 367, 380-81, 771 N.E.2d 459, 469 (2002).

Here, the trial court took judicial notice of court records indicating defendant had been convicted of (1) two counts of aggravated criminal sexual abuse in 1992 and (2) aggravated criminal sexual assault in 1994. Additionally, after conducting a sexually-dangerous-person evaluation, two qualified experts opined defendant had a propensity to engage in improper acts of criminal assault or sexual molestation of children. They also stated defendant had demonstrated this propensity based on his prior convictions. Accordingly, the State presented sufficient evidence for the jury to find both defendant has a criminal propensity to commit sexual offenses and he has demonstrated this propensity.

#### B. Testimony of A.G.

Next, defendant argues the trial court erred in allowing A.G. to testify at trial because defendant's 1992 conviction was already introduced into evidence and allowing testimony into the specifics of the charges served no purpose except to inflame

the jury. The State argues defendant has forfeited this issue for review under Illinois Supreme Court Rule 341(h)(7) because defendant failed to cite any authority in support of his position. Additionally, the State argues defendant has forfeited this issue for review because he failed to raise this issue before the trial court in a posttrial motion. We agree with the State.

According to Illinois Supreme Court Rule 341(h)(7) (eff. September 1, 2006), an appellant's brief shall contain "the contentions of the appellant and the reasons therefor, with citation of the authorities." This court has previously held "mere contentions, without argument or citation of authority, do not merit consideration" of the issue on appeal. *People v. Hood*, 210 Ill. App. 3d 743, 746, 569 N.E.2d 228, 230 (1991).

Defendant failed to cite any authority to support his argument on appeal. He provides no case-law references that would suggest the trial court acted improperly by allowing A.G. to testify. Instead, defendant merely argues his 1992 conviction was already entered into evidence; therefore, allowing A.G.'s testimony served no purpose except to inflame the jury. Defendant's failure to cite to legal authority forfeits the issue for review.

Additionally, although defendant objected to the introduction of this testimony at trial, he failed to preserve

his objections in a posttrial motion. "To preserve an issue for review, a defendant must make both a contemporaneous objection and a specific objection in his posttrial motion; failure to do so results in forfeiture of the issue." *People v. Young*, 341 Ill. App. 3d 379, 387-88, 792 N.E.2d 468, 476 (2003). Both an objection at trial and a subsequent objection in a written posttrial motion must be made to preserve the issue on appeal. *People v. Enoch*, 122 Ill. 2d 176, 186, 522 N.E.2d 1124, 1130 (1988).

Defendant failed to present his objection to A.G.'s testimony in a posttrial motion. On October 15, 2009, defendant filed a motion for new trial, arguing the evidence was insufficient to find defendant a sexually dangerous person beyond a reasonable doubt. However, defendant failed to present any arguments regarding the trial court allowing A.G.'s testimony in this written posttrial motion. Consequently, defendant has forfeited this argument on appeal.

### III. CONCLUSION

For the reasons stated, we affirm the trial court's judgment. As part of our judgment, we award the State its \$50 statutory assessment against defendant as costs of this appeal.

Affirmed.