



of battery in violation of section 12-3(a)(1) of the Criminal Code of 1961 (720 ILCS 5/12-3(a)(1) (West 2008)) when he knowingly and without legal justification caused bodily harm to Max S. by running over Max S. with a bicycle.

¶ 4 On December 15, 2009, an adjudicatory hearing was held. During the hearing, Max S., nine years of age, testified that on April 24, 2009, Max S. and a group of friends were playing with a skateboard at the top of a hill in the middle of the road. They saw Lucas T. riding his bicycle down the road. Max S.'s friend, Jordan S., told Max S. to "watch out." Max S. testified that he looked behind and saw Lucas T. approaching him. Max S. testified that he tried to dodge him, but Lucas T. struck him with his bicycle. According to Max S., Lucas T. was holding up a "bamboo stick" in the air when Lucas T. struck him. As a result of the incident, Max S.'s elbow was cut and he had a scraped knee with gravel on it. Max S. also testified that after the incident, he and Lucas T. had an argument and Lucas T. called him a "mother F-er". Max S. went to Kevin D.'s house to have his injuries treated and Kevin D.'s mother called the police. On cross-examination, Max S. testified that when Lucas T. struck him with the bicycle, Lucas T. was knocked off his bicycle.

¶ 5 Kevin D., 10 years old, testified that when Lucas T. approached the group of children on his bicycle, Lucas T. had a bamboo spear in his hand. Lucas T. told them to "watch out." Max S. moved, but was still struck. Kevin D. testified that he moved out of the way and did not see everything that happened. Kevin D. also testified that Lucas T. did not fall off his bike and that Lucas T. just kept riding his bicycle after running over Max S. Kevin D. denied that there was an argument between Max S. and Lucas T. after the incident.

¶ 6 Jordan S., 11 years of age, testified that she also witnessed the incident. She testified that she did not hear Lucas T. say anything at any time. She also testified

that both Lucas T. and Max S. fell down. Jordan S. testified that she did not think anyone had chased after Lucas T. According to Jordan S., the incident was "not a big deal."

¶ 7 Jacob D., 9 years of age, testified that he witnessed Lucas T. riding his bicycle down the road. Jacob D. testified that the group of children told Max S. to "watch out" when Lucas T. was headed in Max S.'s direction. The children moved to the side of the road, but Max S. did not listen and did not get out of Lucas T.'s way. Jacob D. testified that he thought Lucas T. was holding up a stick when he struck Max S. Jacob D. also testified that Lucas T. fell off his bike and John O. and Kevin D. chased him. Lucas T. got back on his bike and rode home.

¶ 8 John O., 11 years of age, testified that he also witnessed the incident and that Max S. tried to get out of Lucas T.'s way. After Lucas T. ran into Max S., Lucas T. jumped off his bike and threw his "spear," retrieved it, and rode away on his bike. John O. admitted that he had chased after Lucas T. On cross-examination, John O. also admitted that he had thrown a stick at Lucas T.

¶ 9 Deputy Rob Ahne, a deputy with the Williamson County sheriff's department, was called to the incident on April 24, 2009. Lucas T. told Deputy Ahne that Max S. and the other children in the street would not get out of his way and were acting like "stupid deer" and would not move. Deputy Ahne noted that Lucas T. was very excited when he interviewed him. As Deputy Ahne was speaking with Lucas T. and his father, Lucas T. ran off across the yard into the road twice and his father had to call him to come back. On cross-examination, Deputy Ahne testified that Lucas T. had told him that he told the children to move, but they would not get out of his way.

¶ 10 Lucas T. testified that he did not intentionally run over Max S. with his bicycle. Lucas T. testified that Max S. tripped in front of him twice and he tried to

avoid Max S. Lucas T. further testified that he had a stick in his hand, which he used to protect himself from dogs. Lucas T. testified that the stick was not in his hand when he hit Max S., but it was in the back of his seat. Lucas T. further testified that he had told Max S. to "look out" but Max S. would not listen and started to block him. After running into Max S., Lucas T. fell off his bike and was hurt "very badly." Lucas T. testified that he did not throw the stick and that he lost it after he fell off his bicycle. After the incident, Lucas T. told Max S. that he was sorry and then walked his bike home because he was hurt. As Lucas T. walked away, he was hit in the back of the neck with something that felt like a "wet piece of branch." On cross-examination, Lucas T. admitted that when he saw Max S. in the road, he thought Max S. looked like a "retarded deer." Lucas T. also admitted that he rode his bike in the children's direction and they would not get out of his way.

¶ 11 At the conclusion of the hearing, the trial court found that the State had met its burden of proving beyond a reasonable doubt that Lucas T. intentionally and knowingly caused bodily harm to Max S. and committed battery. The trial court noted that there were two versions of the incident, but the trial court did not find Lucas T.'s version of events to be credible. The trial court noted, "[W]hat's not consistent is that they are retarded deer if they're simply trying to get out of the way and it was an accident." On February 23, 2010, a dispositional hearing was conducted. The trial court noted that Lucas T.'s presentence report indicated that he had serious disciplinary problems in school and problems at home and with other children. The court concluded that the State had met its burden and determined that Lucas T. should be adjudged a ward of the court, but it allowed him to remain in his parents' custody. The trial court then entered a dispositional order sentencing Lucas T. to a 12-month term of probation. The trial court ordered Lucas T. to attend the

Adams Project and to not have any contact with Max S., Kevin D., and Jacob D., and it ordered his family to cooperate with the Department of Children and Family Services. The respondent filed a timely appeal on March 18, 2010.

¶ 12 On appeal, the respondent first argues that section 5-101(3) of the Act (705 ILCS 405/5-101(3) (West 2008)) is unconstitutional because it denies juveniles the right to a jury trial. We review the constitutionality of a statute *de novo*. *People v. Moss*, 206 Ill. 2d 503, 520 (2003). All statutes are presumed constitutional, and the party challenging a statute's validity bears the burden of demonstrating a clear constitutional violation. *In re Lakisha M.*, 227 Ill. 2d 259, 263 (2008).

¶ 13 Although the respondent concedes that the United States Supreme Court and the Illinois Supreme Court have consistently held that juveniles have no constitutional right to a jury trial, except under certain statutory exceptions, the respondent contends that the Act has changed and that these changes have mandated the right to a jury trial. The respondent contends that a right to a jury trial has been mandated because "punishment and public safety are now the purpose and policy" of the Act.

¶ 14 Section 5-101(1) of the Act (705 ILCS 405/5-101(1) (West 2010)) states that the purposes of the Act are the following: (1) to protect citizens from juvenile crime, (2) to hold each juvenile offender accountable for his or her acts, (3) to provide an individualized assessment of each alleged and adjudicated delinquent juvenile, in order to rehabilitate and to prevent further delinquent behavior through the development of competency in the juvenile offender, and (4) to provide due process, as required by the constitutions of the United States and the State of Illinois, through which all juvenile offenders and other interested parties are assured fair hearings at which legal rights are recognized and enforced. The respondent attempts to characterize the Act's use of the word "accountability" as punishment. Although

accountability and public safety are two purposes of the Act, they are not the only purposes of the Act. Rather, another main purpose of the Act is to correct and rehabilitate juveniles, not to punish. *In re Rodney H.*, 223 Ill. 2d 510, 520 (2006); *People v. Taylor*, 221 Ill. 2d 157, 170 (2006). Although the 1999 amendments altered the policy and purpose behind the Act, "rehabilitation of juvenile offenders remains an important consideration, more important than in criminal proceedings." *In re Jonathan C.B.*, 386 Ill. App. 3d 735, 749 (2008), *aff'd*, No. 107750 (Ill. June 30, 2011). Protecting the public is one purpose of the Act, but it is not the sole purpose of the Act. *In re Jonathan C.B.*, 386 Ill. App. 3d 735.

¶ 15 The respondent also argues that certain terms used in criminal proceedings, such as "guilty plea, sentencing, and trial," have been replaced in the Act with the terms "admission, adjudicatory hearing, and dispositional hearing" to support his argument that juvenile proceedings are similar to criminal proceedings. Despite a difference in semantics, there still remain three distinct phases of juvenile delinquency proceedings as outlined in the Act: the findings phase, the adjudicatory phase, and the dispositional phase. *In re Veronica C.*, 239 Ill. 2d 134, 144-45 (2010). In *Taylor*, the supreme court noted that "proceedings under the Act are still not criminal in nature even in the aftermath of the 1999 amendments and are to be administered in a spirit of humane concern for the minor and to promote his general welfare." *Taylor*, 221 Ill. 2d at 166-67. Furthermore, the supreme court has stated that "our precedent is clear that imposition of the Act's requirements on juveniles does not constitute punishment" (*People ex rel. Birkett v. Konetski*, 233 Ill. 2d 185, 207 (2009)) and that "proceedings under the Act still are not criminal in nature." *In re Rodney H.*, 223 Ill. 2d at 520. Accordingly, our supreme court could not be more clear that juvenile court proceedings under the Act are not criminal in nature. The United States Supreme

Court has also been clear that the primary goal of the juvenile court system is rehabilitation, whereas in criminal court, the primary purpose is punishment. *McKeiver v. Pennsylvania*, 403 U.S. 528, 545 (1971).

¶ 16 The respondent also argues that because juveniles are required to register as sex offenders and to submit DNA samples like defendants in criminal proceedings, juvenile court proceedings are criminal in nature. However, we note that neither sex offender registration nor DNA registration is punitive in nature. *People v. Adams*, 144 Ill. 2d 381, 387 (1991). The respondent also makes the claim that children "are routinely shackled at court proceedings as a matter of convenience." We note that shackling is permitted in a juvenile proceeding only when the requirements set forth in *People v. Boose*, 66 Ill. 2d 261 (1977), are met. See *In re Jonathan C.B.*, 386 Ill. App. 3d 735, 744 (2008), *aff'd*, No. 107750 (Ill. June 30, 2011). We reject the contention that these comparisons make juvenile proceedings criminal in nature and require a right to a jury trial in juvenile court proceedings. It is clear that juvenile proceedings remain different from criminal proceedings. We conclude that section 5-101(3) of the Act (705 ILCS 405/5-101(3) (West 2008)) is not unconstitutional.

¶ 17 Next, the respondent argues that the State failed to prove him guilty of battery beyond a reasonable doubt. According to the respondent, he did not intend to run over Max S. and tried to warn Max S. to "watch out," but Max S. did not get out of the street where he was playing. Pursuant to section 12-3 of the Criminal Code of 1961 (720 ILCS 5/12-3 (West 2008)), to sustain a conviction of battery, the State must prove that the defendant intentionally or knowingly, without legal justification, caused bodily harm to an individual. Intent is an essential element of battery. *People v. Phillips*, 392 Ill. App. 3d 243, 258 (2009). Thus, the State must prove, as an essential element, that the defendant's conduct was intentional or knowing, and not

accidental. *Phillips*, 392 Ill. App. 3d at 258. A person acts knowingly if he is "consciously aware" that his conduct is "practically certain" to cause the result. *People v. Herr*, 87 Ill. App. 3d 819, 821 (1980).

¶ 18 When reviewing the sufficiency of the evidence, the standard of review 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." (Emphasis in original.) *Jackson v. Virginia*, 443 U.S. 307, 319 (1979). A reviewing court should not substitute its judgment for that of the trier of fact on matters concerning the weight of the evidence or the credibility of the witnesses. *People v. Jackson*, 232 Ill. 2d 246, 280-81 (2009). Accordingly, a criminal conviction will not be set aside unless the evidence presented was so unsatisfactory or improbable that a reasonable doubt of the defendant's guilt remains. *People v. Brown*, 185 Ill. 2d 229, 247 (1998).

¶ 19 In the instant case, when the evidence is viewed in the light most favorable to the prosecution, we conclude that any rational trier of fact would find that the State met its burden of proving the respondent guilty of battery beyond a reasonable doubt. It is undisputed that the group of children was playing in the middle of the street with a skateboard as Lucas T. rode his bicycle in the direction of where they were playing. Lucas T. intentionally rode his bicycle into Max S., knocking him down and injuring him. The majority of the children testified that Lucas T. was holding some type of stick in the air as he was riding in Max S.'s direction and when he struck Max S. Max S., Jacob D., John O., and Jordan S. testified that Lucas T. did not say anything to Max S. as he approached him.

¶ 20 Contrary to the other children's testimony, Lucas T. testified that Max intentionally jumped in front of him and tried to block him. Lucas T. also testified in

contrast to the other children that he was not holding a stick in his hand. Furthermore, Lucas T. admitted that when he saw Max S. in the road, he looked like a "retarded deer." Moreover, the trial court noted that there were two versions of the incident but that "what's not consistent is that they are retarded deer if they're simply trying to get out of the way and it was an accident." In other words, Max S. was stationary and Lucas T. intentionally rode his bicycle into Max S. Accordingly, Lucas T. knowingly and intentionally committed battery against Max S.

¶ 21 For the foregoing reasons, we affirm the judgments entered by the circuit court of Williamson County.

¶ 22 Affirmed.