

off the living room talking on the phone to her boyfriend. Her sister was sitting on the couch in the living room. While she was talking on the phone she heard defendant come into the kitchen and say something about aluminum. Next, defendant came over to her in the sitting room and said, "give your cousin Kevin a hug." She did not hug defendant because she was on the phone and pushed him away. She claimed that defendant tried to hug her two more times and then she thought he left the room. Defendant, however, allegedly came up behind her and grabbed her breasts and rubbed her vagina on top of her clothes. The victim stated that defendant then told her not to tell anybody and left the house. The victim called her father to come and pick her up. She did not tell her grandparents about the incident even though both of them were home at the time. The younger sister who observed parts of the encounter from her seat in the living room corroborated the victim's testimony. The victim's father also testified that his daughter called him crying saying that her cousin tried to touch her. He picked up his daughter and drove her to her mother's house and left her with her sisters. He stated he did not go to the police because the incident was a family matter.

¶ 4 Everyone else in the house at the time of the alleged incident denied that defendant was there. Defendant and his wife also claimed that defendant could not have touched his cousin as she alleged because he was at work. Defendant's wife owns several businesses and defendant runs one of the stores for her. They have video surveillance between the businesses and defendant's wife testified that she observed him at the store several times during the time frame of the alleged incident. In addition, defendant was on parole and wore an ankle bracelet and a transmitter on his hip that monitored his location at all times. The monitoring device showed a signal loss for defendant during the time frame of the alleged incident but at all other times during the day reported that he was at his wife's store. Defendant's parole agent testified that sometimes the device can be blocked by buildings and it is not uncommon for the device to lose a signal inside a location, but as long as it is

exposed to the open sky, it will not lose a signal. By stipulation, the director of product development for the company responsible for the device that was used to track defendant's whereabouts would testify, "Wrapping the *** device in aluminum foil would prevent the unit from receiving satellite signals and thus prevent it from reporting the whereabouts of the offender." The parties also stipulated that the signal could be blocked by being inside a building.

¶ 5 Defendant and his wife believed the victim made the accusations against him as part of a plan to extort money from defendant's wife. An inmate with defendant at the time of his incarceration also testified that he had dated the victim during the time frame in question and that he heard the victim state that she was about to come into some money as a result of a lie that she had told on her cousin. The victim denied having any relationship with the inmate and further denied any involvement in an attempt to extort money from defendant and his wife.

¶ 6 After taking the matter under advisement, the trial court found defendant guilty of both counts of aggravated criminal sexual abuse and sentenced defendant to 10 years' imprisonment. At the hearing on defendant's motion for new trial and motion to modify sentence, defendant continued to maintain his innocence. The court subsequently reduced the sentence to eight years.

¶ 7 Defendant argues on appeal that his conviction should be reversed for a lack of evidence. According to defendant, the State's entire case rested upon the testimony of the victim and her younger sister. Defendant points out that adults who were present in the home testified that defendant was not at the house that day, and both defendant and his wife testified he was at work. In addition, the ankle bracelet defendant was required to wear at that time placed him at work, a location a mile away from the house where the alleged incident occurred, immediately before and after the alleged time frame of the incident. We

cannot accept defendant's contentions in this instance, however. We, as a reviewing court, are not to retry a defendant when considering a sufficiency-of-the-evidence challenge. *People v. Wheeler*, 226 Ill. 2d 92, 114, 871 N.E.2d 728, 740 (2007). We, as a reviewing court, must decide, after viewing the evidence in a light most favorable to the prosecution, whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *People v. Davison*, 233 Ill. 2d 30, 43, 906 N.E.2d 545, 553 (2009). We are not to substitute our 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, 903 N.E.2d 388, 406 (2009). It is also for the trier of fact to resolve conflicts or inconsistencies in the evidence. *People v. Tenney*, 205 Ill. 2d 411, 428, 793 N.E.2d 571, 582 (2002). Accordingly, we will not set aside a criminal conviction unless the evidence presented was so unsatisfactory or improbable that a reasonable doubt of defendant's guilt remains. *People v. Brown*, 185 Ill. 2d 229, 247, 705 N.E.2d 809, 817 (1998). We cannot say the evidence here was so improbable to justify overturning defendant's conviction in this instance.

¶ 8 Contrary to defendant's assertions, his entire case did not just rest solely on the testimony of the victim and her sister. The victim's mother and father fully corroborated her testimony as well. Moreover, minor discrepancies in a victim's testimony do not render necessarily that testimony unbelievable or incompetent. *People v. Miller*, 222 Ill. App. 3d 1081, 1086, 584 N.E.2d 551, 555 (1991). We also note that there was a signal loss from defendant's monitoring device at exactly the time defendant allegedly sexually abused his cousin. And, there was testimony about defendant needing or having aluminum foil when he entered the home with supporting testimony that aluminum foil could prevent the unit from receiving satellite signals and prevent it from reporting the whereabouts of the wearer of the device. Again, we are not to judge the credibility of the witnesses. In reviewing the

evidence in the light most favorable to the prosecution, we therefore must conclude the evidence presented was sufficient to support defendant's convictions.

¶ 9 For the foregoing reasons, we affirm the judgment of the circuit court of Madison County.

¶ 10 Affirmed.