

SIXTH DIVISION
December 28, 2012

No. 1-11-1719

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).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	09 CR 8330
)	
ULYSSES CONERLY,)	Honorable
)	Mary Colleen Roberts,
Defendant-Appellant.)	Judge Presiding.

JUSTICE HALL delivered the judgment of the court.
Presiding Justice Lampkin and Justice Reyes concurred in the judgment.

ORDER

HELD: The trial court did not err in admitting State witness's prior consistent statements.

¶ 1 Following a jury trial, defendant Ulysses Conerly, who was 51 years old at the time of the events at issue, was found guilty of aggravated criminal sexual abuse of 13-year-old A.D., his

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upstairs neighbor. Defendant, aka "Fish," was sentenced to four years imprisonment.

¶ 2 On appeal, defendant contends the trial court erred by permitting the prosecutor to bolster the trial-court testimony of State witness Nakeisha W, by the admission of prior statements she made to detectives, which defendant claims were prior consistent statements. We disagree, and for the reasons that follow, we affirm.

¶ 3 At trial, A.D. testified that on April 17, 2009, she was 13 years old and was in the seventh grade. She was five feet, six inches tall, and weighed about 130 pounds. A.D. lived with her mother and brothers in the second-floor apartment of a three-flat building. The first-floor apartment was occupied by A.D.'s grandmother, aunt, and cousin Nakeisha. The basement apartment was occupied by defendant and a woman named "Curl."

¶ 4 On April 17, 2009, at approximately 4:00 p.m., A.D. went to the basement apartment to ask Curl for some leggings. A.D. went down the back stairs of the building to the back door of the basement apartment. Defendant was working in the backyard and told A.D. that Curl was inside the basement apartment. A.D. entered the basement apartment through the back door. She did not see Curl in the living room. Defendant told A.D. that Curl was in the bedroom. When A.D. looked into the bedroom, she discovered that Curl was not in the bedroom.

¶ 5 A.D. testified that when she entered the bedroom, defendant came up behind her, reached underneath her clothing and touched her breasts. Defendant told A.D. he had wanted to talk to her for a long time. A.D. responded that she could not talk to defendant because he was too old for her and that she knew Curl. A.D. attempted to talk to defendant and pushed him to fend off his advances.

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¶ 6 Defendant pushed A.D. onto the bed, put his hand up her dress, and touched her vagina over her panties. A.D. pushed back, but defendant kept touching her and again tried to touch her breasts.

¶ 7 A.D. testified that she pushed defendant away and he stood up and unbuckled his pants. Defendant pulled his pants and boxers down, exposing his erect penis. Defendant continued to tell A.D. he wanted to talk to her. A.D. testified that she became a little scared and began to cry.

¶ 8 At this point, Nakeisha came into the bedroom and then immediately turned around and left. A.D. got up from the bed and ran. Defendant grabbed A.D.'s arm and asked her if she was going to tell on him. A.D. replied "yeah," and yanked her arm away from defendant and ran out the back door. A.D. ran to her apartment and told her mother what happened. A.D.'s mother called the police who arrived at the apartment building minutes later.

¶ 9 Chicago Police Officer Steve Jaglarski testified that on April 17, 2009, at approximately 4:05 p.m., he and his partner responded to the call of a criminal sexual assault. The officers arrived at A.D.'s apartment building where Officer Jaglarski spoke with A.D., her mother, and Nakeisha. Officer Jaglarski testified that A.D. appeared visibly shaken. The officer asked A.D. if she needed medical attention and she refused the offer. After speaking with everyone, Officer Jaglarski left and went looking for defendant.

¶ 10 Defendant was located and apprehended about a block-and-a-half away from the apartment building. Officer Jaglarski transported defendant back to the apartment building where he was identified by A.D., her mother, and Nakeisha. Defendant was arrested and taken to the police station where he was processed and interviewed.

¶ 11 Nakeisha testified that on April 17, 2009, she was 10 years old and lived with her family in

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the first-floor apartment of the building where the incident occurred. At around 4:00 p.m., her aunt (A.D.'s mother), asked her to go to the basement apartment to see what was taking A.D. so long to return. Nakeisha took the back stairs to the basement apartment and knocked on the back door several times. No one answered.

¶ 12 Nakeisha went back upstairs and told her aunt the door was locked. Nakeisha then went back downstairs to the basement apartment and tried the front door. The front door was unlocked and Nakeisha entered without knocking. Once inside, she opened a second door that was also unlocked, and inside that room she saw A.D. lying on the bed face up wearing a dress and panties, with the dress pulled up around her stomach. Defendant was standing with his back to Nakeisha, and his pants and boxers were pulled down, exposing his bare butt. Nakeisha ran out of the basement apartment and told her aunt what she had just seen.

¶ 13 The defendant's appeal concerns the trial court's decision to allow the State to introduce prior statements Nakeisha made to detectives wherein she stated that when she went to the basement apartment, she tried both the back and front doors of the apartment, and that when she saw defendant's underwear, they were at his ankles.

¶ 14 Defendant contends the trial court erred in admitting these prior consistent statements. We disagree, and find that the statements were properly admitted under the "completeness doctrine," which provides that " ' if one party introduces part of an utterance or writing the opposing party may introduce the remainder or so much thereof as is required to place that part originally offered in proper context so that a correct and true meaning is conveyed to the jury.' " *People v. Williams*, 109 Ill. 2d 327, 334 (1985) (quoting *Lawson v. G.D. Searle & Co.*, 64 Ill. 2d 543, 556 (1976)). "The law

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has long been in this State that one cannot introduce a portion of a conversation and then bar the opposing party from bringing out the rest of that conversation." *People v. Futia*, 116 Ill. App. 3d 68, 71 (1983).

¶ 15 In this case, during her cross-examination of Nakeisha, defense counsel elicited testimony that when Nakeisha spoke to detectives at the police station, she told them that she went to the front of the house, and not the back. Under the completeness doctrine, the State was entitled to permit Nakeisha to testify that when she spoke to detectives, she told them that she went to both doors.

¶ 16 During her cross-examination of Nakeisha, defense counsel elicited testimony that when Nakeisha spoke to detectives at the police station, she never told them that she saw defendant's butt, but only his underwear. Under the completeness doctrine, the State was entitled to permit Nakeisha to testify that when she saw defendant's underwear, they were at his ankles.

¶ 17 For the foregoing reasons, we affirm the judgment of the circuit court of Cook County.

¶ 18 Affirmed.