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IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

THE PEOPLE OF THE STATE)	Appeal from the Circuit Court
OF ILLINOIS,)	of Stephenson County.
)	
Plaintiff-Appellee,)	
)	
v.)	No. 11-CF-172
)	
LASEDRICK CLARK,)	Honorable
)	Michael P. Bald,
Defendant-Appellant.)	Judge, Presiding.

JUSTICE HUDSON delivered the judgment of the court.
Justices McLaren and Jorgensen concurred in the judgment.

ORDER

¶ 1 *Held:* (1) The State proved defendant guilty beyond a reasonable doubt of various offenses stemming from a shooting, specifically defendant's identity as the shooter: the jury was entitled to credit eyewitnesses' out-of-court identifications, which were corroborated by other evidence, over their in-court testimony; (2) the State's closing argument was proper: the State was entitled to explain witnesses' claimed memory loss at trial by inferring that they were following a "code"; the State did not go on to suggest that defendant had threatened the witnesses; (3) defendant's convictions of aggravated discharge and aggravated battery did not violate the one-act, one-crime rule: given the evidence that defendant fired multiple shots at the victim, only one of which hit the victim, the charges were clearly based on separate shots and not only on the shot that struck the victim.

¶ 2 Defendant, Lasedrick Clark, appeals from his convictions in the circuit court of Stephenson County of aggravated discharge of a firearm (720 ILCS 5/24-1.2(a)(2) (West 2010)), aggravated battery with a firearm (720 ILCS 5/12-3.05(e)(1) (West 2010)), and unlawful possession of a weapon by a felon (720 ILCS 5/24-1.1(a) (West 2010)), defendant alleges that he was not proven guilty beyond a reasonable doubt, that the prosecutor made improper comments during closing argument, and that his conviction of aggravated discharge of a firearm violated the one-act, one-crime rule. Because there was sufficient evidence to support defendant's convictions, the prosecutor did not engage in misconduct during closing argument, and the convictions of aggravated discharge of a firearm and aggravated battery with a firearm were not based on the same act, we affirm.

¶ 3 I. BACKGROUND

¶ 4 Defendant was charged by information with one count of attempted murder (720 ILCS 5/8-4(a), 9-1 (West 2010)), one count of aggravated discharge of a firearm, one count of aggravated battery with a firearm, and one count of unlawful possession of a weapon by a felon. Defendant opted for a jury trial on the charges of attempted murder, aggravated discharge of a firearm, and aggravated battery with a firearm. There was a bench trial on stipulated evidence with regard to the charge of unlawful possession of a weapon by a felon.

¶ 5 The following facts are taken from defendant's jury trial.¹ On July 9, 2011, at about 3 or 3:30 a.m., several Freeport police officers were dispatched to a disturbance in the 1100 block of South Carroll Street. Upon arriving, Officer Zachary Amborn saw an individual wearing a red shirt and a baseball-style hat approach a gray vehicle and try to start an altercation with one of

¹ For purposes of the bench trial, the parties stipulated that the evidence would be the same as the evidence presented at the jury trial.

the occupants. The person was yelling and sticking his hands into the vehicle. According to Officer Amborn, Gabrielle Brown was trying to pull the person away from the vehicle. The person then walked north on State Street, and the gray vehicle followed him. Officer Amborn followed and saw the vehicle stop in the middle of State Street. Darren Miller exited the vehicle and approached the person. Miller was yelling and screaming. Officer Amborn ordered them to leave. Miller then entered the vehicle, which continued north on State Street. The person continued walking north on State Street.

¶ 6 Officer Amborn returned to his squad car, at which time he heard gunshots north of him. He drove to Prospect Terrace where he saw someone lying in the street. He was advised by radio that the person who had fired the shots was wearing a red shirt and had fled north. Officer Amborn searched the area north of Prospect Terrace but did not find anyone meeting the description of the shooter. Officer Amborn testified that there was a streetlight at the corner of Prospect Terrace and Galena Street and another one further up the street. He described the lighting as very bright in that area.

¶ 7 Corporal Mark Otto and Officer Kurt Schnoor walked north in the 1100 block of South Carroll Street. As they did so, Corporal Otto heard a gunshot north of their location. After hearing the gunshot, he heard several more.

¶ 8 As Officer Schnoor walked north, he saw a group of people on Galena Street walking toward Prospect Terrace. He heard male voices arguing, and then a gunshot. He looked toward the group walking toward Prospect Terrace, heard a few more gunshots, and saw muzzle flashes. He thought he heard at least four gunshots. He saw a black male wearing a red shirt with his right arm extended slightly downward. The muzzle flashes came from the area of the person's extended arm. When Officer Schnoor moved toward him, the shooter ran north. Officer

Schnoor chased him for several blocks but could not find him. Officer Schnoor returned to the location of the shooting and found four shell casings and a gray Chicago Blackhawks hat with a red bill. He could not recall whether the shooter was wearing a hat.

¶ 9 Miller, the victim, was shot in the right thigh. Although he could remember being shown a photo lineup, he denied telling the officer that the person who shot him was in the lineup, and he could not recall telling the officer that he knew who shot him. On the night of the shooting, Miller was a passenger in a car driven by his girlfriend, Shaquanda Taylor. He exited the vehicle, was shot as he turned around, and blacked out. He heard two or three shots before blacking out. He could not recall why he exited the vehicle. He denied seeing defendant during the night of the shooting, or being at a party on South Carroll Street, and he could not remember knowing anyone who was in the area of the shooting.

¶ 10 According to Taylor, she was at a party on the night of the incident but could not remember anything that happened that night. She could not recall talking to any other officers or identifying defendant in a photo lineup. She also could not remember seeing defendant that night.

¶ 11 The State introduced as substantive evidence Taylor's recorded statement that she gave to Detective Chris Shenberger on July 9, 2011. In that statement, she identified defendant's photo in the photo lineup as being that of the shooter. She told Detective Shenberger that she had known defendant ever since she was little. Taylor stated that, while she was sitting in her car, defendant, who was accompanied by his girlfriend, Gabrielle Brown, walked up and began touching Taylor's breasts. Miller saw that and then sat in the passenger seat of Taylor's car. Defendant continued trying to touch Taylor's breasts. Miller told him to stop, and they exchanged words.

¶ 12 Taylor drove off with Miller in the car. She drove to Prospect Terrace, where she and Miller argued, and Miller exited the car. At that point, Taylor heard more than three gunshots. She could not tell if only one person was shooting, because she was driving and ducking at the same time. She identified defendant, who was wearing a red shirt, as standing over Miller with a gun.

¶ 13 Shyanne Driver, who lived at 1004 South Carroll Street, was a friend of defendant, Taylor, and Miller. She could not remember being at the hospital where Miller was taken after the shooting. She claimed that she could not remember giving a statement about the shooting to Detective Shenberger. She did not remember seeing defendant on the night of the incident, viewing a photo lineup, or calling 911.

¶ 14 The State introduced as substantive evidence Driver's recorded statement, in which she stated that she was at home that night when she heard a commotion and an argument. When she peeked out her window, she saw defendant and two others walking toward Prospect Terrace. She identified defendant in a photo lineup. She stated that she saw Taylor's car, that defendant pulled out a gun and shot once, and that a door of Taylor's car flew open. Miller then rolled out of the car, and defendant shot four to six times. Driver saw muzzle flashes. Defendant ran off, and Driver called 911.

¶ 15 Corporal Shenberger, who was a detective on July 9, 2011,² was assigned to investigate the shooting. After speaking to Taylor at the hospital, he constructed a photo lineup containing defendant's photo. He showed the lineup to Taylor, who identified defendant as the shooter.

² For clarity, we refer to Shenberger as a detective.

¶ 16 On the date of the incident, Detective Shenberger spoke to Driver at the hospital. According to Detective Shenberger, Driver agreed to make a statement regarding the incident. When he showed Driver the photo lineup, she identified defendant as the shooter.

¶ 17 Detective Shenberger spoke to Miller a few days later. Miller told him that he knew who shot him and that the shooter's photo was in the lineup. However, Miller would not permit his statement to be recorded and did not specifically identify defendant as the shooter.

¶ 18 Brown was with defendant on the night of the shooting. According to Brown, they had gone with two other men to a party on South Carroll Street. She estimated that there were 30 to 40 people there. After the police started dispersing the crowd, she, defendant, and their two companions walked toward Galena Street.

¶ 19 While they were still on South Carroll Street, Brown saw Taylor in her vehicle. Defendant was outside the vehicle talking to Taylor. Miller walked up and appeared angry. As the foursome walked toward Galena Street, Brown saw Taylor and Miller again. At that time, Miller was trying to start a fight with defendant. Defendant was angry, and Brown grabbed him and pulled him away from Taylor's car. She and the other two men kept encouraging defendant to keep walking to their car. Defendant was still upset.

¶ 20 As she, defendant, and their two companions walked toward Galena Street, defendant removed his red shirt. He was wearing a white tank-top underneath. He was also wearing a red hat.

¶ 21 As they approached Galena Street, they encountered a group of about 30 people who seemed hostile toward them. At one point, defendant was walking ahead of Brown and the other two. Brown saw defendant and Miller arguing again. When Brown turned away from where she last saw defendant, she heard two gunshots. When she turned back around, defendant was gone.

¶ 22 According to Brown, she had hugged defendant that night and did not feel any weapon. Nor did she see defendant with a gun.

¶ 23 Cleophis Phillis was with Brown and defendant on the night of the incident. He saw defendant and Miller exchanging words at the party. After leaving the party, Phillis, Brown, and defendant walked toward Galena Street. According to Phillis, defendant was wearing a white shirt that he removed after it was torn. Defendant had a dark gray or black tank-top on underneath the white shirt.

¶ 24 Phillis saw Miller exit a vehicle, and it looked like defendant and Miller were about to fight, but the police told them to leave. At one point, a friend of Phillis's got into a fight. Phillis then turned away from the direction of defendant, heard gunshots, and ran away. Phillis denied seeing defendant with a gun.

¶ 25 Officer Kurt Mills interviewed Phillis on August 8, 2013. Phillis told him that defendant was wearing a dark gray or black tank-top on the night of the incident. Phillis never mentioned that defendant was also wearing a white shirt.

¶ 26 Beginning on July 9, 2011, the Freeport police department sought to arrest defendant for the shooting. To that end, Detective Shenberger stopped several times at defendant's parents' home and searched for defendant, but he was never there. He provided the arrest warrant to other officers.

¶ 27 Officer Timothy Weichel looked for defendant several times from July to mid-October 2011. In doing so, he focused on defendant's parents' home. He did not look for defendant at 725 Kenwood Street, because defendant did not live there.

¶ 28 Defendant's stepfather, Kenneth Hines, testified that defendant had, but no longer, lived with him and his wife at 219 West Elk Street in Freeport. According to Kenneth, defendant

resided at 725 Kenwood Street in Freeport. Before the incident, defendant would come by 219 West Elk Street occasionally. Kenneth denied knowing where defendant was between July 2011 and when defendant was arrested.

¶ 29 Yolanda Hines, defendant's mother and Kenneth's wife, testified that, after the incident, the police came to her home at 219 West Elk Street several times looking for defendant. According to Yolanda, he had resided at 725 Kenwood Street. The last time she saw him at that address was July 4, 2011. She did not know if he lived there after July 2011. She denied having seen him between the date of the incident and when he was arrested.

¶ 30 On November 10, 2012, Officer Brian Politsch stopped a vehicle with four occupants. When he instructed the rear driver's-side passenger to exit the vehicle, that person took off running. Officer Douglas Hill chased the person and caught him. He identified the person as defendant.

¶ 31 Officer Adam Wicham took defendant into custody. After being transported to the booking area of the police station, defendant provided a false name and date of birth. Officer Wicham eventually determined defendant's true identity.

¶ 32 During the State's rebuttal closing argument, the prosecutor commented that "[t]here's a real interesting thing with [Miller] and these witnesses *** [i]t's a street code." After the court overruled defendant's objection that there was no evidence of any such code, the prosecutor, referring specifically to Miller, argued that there was a "typical street credibility mentality" in that Miller was willing to talk to the police but provided only "little bits" of information and refused to be recorded. He further argued that Miller was lying when he denied being shown the photo lineup or telling Detective Shenberger that the shooter was in the lineup. He added that Miller did not testify against defendant because he "[could not] be a snitch."

¶ 33 When referring to the discrepancy between Taylor’s and Driver’s testimony and their respective statements to the police, the prosecutor argued that their reluctance to testify truthfully was a “part of their lifestyle.” He added that immediately after the incident they were willing to speak to the police but later, after “things [had] cooled down,” they “still live[d] in the same neighborhood” so they testified that they could not remember. He elaborated that “[t]he consequences may be much different if they come and they have to testify in court, under oath and people can see it, then they got to go back home. I’ll just leave it at that.”

¶ 34 The jury found defendant not guilty of attempted murder but guilty of aggravated battery with a firearm and aggravated discharge of a firearm. Following the bench trial, the trial court found him guilty of unlawful possession of a weapon by a felon. The court sentenced defendant to concurrent prison terms of 12 years, 10 years, and 8 years, respectively. Following the denial of defendant’s posttrial and postsentencing motions, he filed a timely notice of appeal.

¶ 35 **II. ANALYSIS**

¶ 36 On appeal, defendant contends as follows: (1) he was not proven guilty beyond a reasonable doubt;³ (2) the prosecutor engaged in misconduct during the closing argument; and (3) his conviction of aggravated discharge of a firearm must be vacated because it was based on the same act as his conviction for aggravated battery with a firearm.

¶ 37 We turn first to the issue of whether defendant was proved guilty beyond a reasonable doubt. Where a conviction is challenged based on the sufficiency of the evidence, a reviewing court must decide whether, considering all of the evidence in the light most favorable to the

³ He contends that, if we reverse his convictions of aggravated discharge of a firearm and aggravated battery with a firearm based on insufficient evidence, then we must reverse his conviction of unlawful possession of a weapon by a felon.

prosecution, any rational trier of fact could have found beyond a reasonable doubt the essential elements of the offense. *People v. Brown*, 2013 IL 114196, ¶ 48. That standard recognizes the responsibility of the trier of fact to resolve conflicts in the testimony, to weigh the evidence, and to draw reasonable inferences therefrom. *Brown*, 2013 IL 114196, ¶ 48. Indeed, a reviewing court does not substitute its judgment for that of the trier of fact on issues involving the weight of the evidence or the credibility of the witnesses. *Brown*, 2013 IL 114196, ¶ 48. A conviction will be reversed only where the evidence is so unreasonable, improbable, or unsatisfactory as to justify a reasonable doubt as to the defendant's guilt. *Brown*, 2013 IL 114196, ¶ 48.

¶ 38 In this case, defendant's contention that he was not proven guilty beyond a reasonable doubt is limited to whether the evidence was sufficient to identify him as the shooter. Specifically, defendant argues that no trial witness testified to his guilt, no physical evidence connected him to the crime, he made no inculpatory statements, and the out-of-court witnesses' statements were weak. As there was ample evidence to support the jury's verdict, we reject defendant's contention.

¶ 39 We begin with the most convincing evidence, the statements of Taylor and Driver. Taylor, who had known defendant most of her life, picked him out of a photo lineup. She also described in detail the events that led to the shooting, including the argument between defendant and Miller. She further identified defendant as the person standing over Miller with a gun. Although she testified that she could not remember anything about what happened that night, it was up to the jury to assess her credibility in that regard and assign weight to her statement and her trial testimony.

¶ 40 In her statement, Driver identified defendant in the photo lineup. She also described seeing defendant pull out a gun and shoot once. She then saw Miller roll out of the car and

defendant shoot four to six more times. She even described seeing the muzzle flashes from the gun. According to her, defendant ran away, and she called 911. Although she denied remembering giving the statement or seeing defendant, reviewing the photo lineup, or calling 911, it was the jury's prerogative to assess her credibility.

¶ 41 Admittedly, there were some discrepancies between Driver's statement and that of Taylor, such as whether defendant shot at Miller while Miller was still in the car. However, the statements overall were consistent in their descriptions of defendant as the shooter. Moreover, the jury was entitled to determine the weight to give to each statement in light of any such differences. The statements of Taylor and Driver were strong evidence of defendant's guilt.

¶ 42 Additionally, several witnesses corroborated the statements of Taylor and Driver. They did so by describing the ongoing dispute between defendant and Miller on the night of the incident, including the shooting.

¶ 43 In that regard, Officer Zamborn saw a person wearing a red shirt and a baseball-style hat approach a gray vehicle. That person was yelling and sticking his hands into the vehicle. Brown was trying to pull the person away from the car. When the person walked north, the car followed. When the car stopped, Miller exited and yelled at the person wearing the red shirt. Officer Zamborn ordered them both to leave, and Miller went north on State Street in the car, while the person walked north on State Street. No sooner did Officer Zamborn return to his squad car than he heard gunshots to his north and was advised via radio that the shooter was wearing a red shirt.

¶ 44 Officer Schnoor's testimony was consistent with Officer Zamborn's. As Officer Schnoor walked north on South Carroll Street, he saw a group of people walking toward Prospect Terrace. He heard males arguing and then a gunshot. When he looked at the group walking

toward Prospect Terrace, he heard more gunshots and saw muzzle flashes coming from the extended arm of the shooter, who was wearing a red shirt. He found a Chicago Blackhawks hat with a red bill lying on the ground near where the shooting occurred.

¶ 45 Although she testified for the defense, Brown's testimony was consistent with the testimony of the other witnesses as to the dispute between defendant and Miller and the shooting. According to Brown, she saw defendant outside of Taylor's car talking to her. Miller walked up and appeared angry. A short time later, Miller, who was in Taylor's car, tried to start a fight with defendant. Because defendant was angry, she pulled him away from the car.

¶ 46 As Brown, defendant, and their companions continued walking toward Galena Street, defendant, who was still upset, walked a short distance ahead. Brown then saw defendant and Miller arguing again. When she turned away from where she saw defendant, she heard two gunshots. When she turned back, defendant was gone.

¶ 47 Phillis, a friend of defendant and Brown, also saw Miller and defendant arguing. Like Brown, when Phillis turned away from the direction of defendant, he heard gunshots.

¶ 48 When the foregoing evidence is viewed in the light most favorable to the prosecution, it paints a picture of an ongoing dispute between defendant and Miller that eventually led to defendant shooting at and hitting Miller. Although none of those witnesses testified to having seen defendant shoot Miller, that evidence clearly corroborates the statements of Taylor and Driver, who did.

¶ 49 As for Brown's and Phillis's testimony, that defendant was not wearing a red shirt at the time of the shooting, that evidence was particularly suspect, as each described a diametrically-opposite-colored tank-top (dark gray or black versus white). Further, Phillis testified that before

the shooting defendant had removed a white shirt, whereas Taylor said that he had removed a red shirt. Again, the jury was in the best position to assess the credibility of Taylor and Phillis.

¶ 50 The same can be said for Brown's testimony, that she had not felt a gun when she hugged defendant or seen him with a gun that night. She admitted that she loved defendant, and the jury was free to infer that she was testifying to help defendant.

¶ 51 Finally, there was evidence that defendant attempted to avoid detection by the police. It took the police over a year to locate defendant. Although before the shooting defendant had visited occasionally at his parents' home, his mother denied having seen him between July 9, 2011, and his arrest. His stepfather denied knowing where defendant was between the date of the incident and when defendant was arrested. Not only that, but when the vehicle in which defendant was riding was stopped, he ran away. He also provided the police with a false name and birth date. Evidence of flight and the use of an assumed name is circumstantial evidence of consciousness of guilt. *People v. Hommerson*, 399 Ill. App. 3d 405, 410 (2010). It was reasonable for the jury to have inferred from such evidence that defendant was eluding detection by the police because he was the shooter.

¶ 52 When we view the evidence collectively, and in the light most favorable to the prosecution, it amply supports the jury's verdict.⁴ That is so irrespective of the absence of any physical evidence connecting defendant to the crime or the lack of any inculpatory statements by defendant.

¶ 53 We next address whether the prosecutor engaged in any misconduct during closing argument. In support of his contention in that regard, defendant points to several comments

⁴ Because we conclude that the evidence was sufficient to support the jury verdict, we have no basis to overturn the conviction of unlawful possession of a weapon by a felon.

about the lifestyle of the witnesses, a street code, and the suggestion that the witnesses were afraid to testify against defendant. He maintains that such comments were improper because there was no evidence to support them.

¶ 54 It is well settled that a prosecutor is afforded wide latitude in closing argument, and even improper remarks do not warrant reversal unless they substantially prejudiced the defendant. *People v. Burman*, 2013 IL App (2d) 110807, ¶ 25. During closing argument, the prosecutor may properly comment on the evidence presented or reasonable inferences drawn therefrom, respond to comments made by defense counsel that invite a response, and comment on the credibility of the witnesses. *Burman*, 2013 IL App (2d) 110807, ¶ 25. In reviewing whether comments made during closing argument were proper, the reviewing court must view them in the context of the entire argument. *Burman*, 2013 IL App (2d) 110807, ¶ 25.

¶ 55 We have recognized that there is confusion as to whether the standard of review for the propriety of closing argument is *de novo* or abuse of discretion. *Burman*, 2013 IL App (2d) 110807, ¶ 26 (comparing *People v. Wheeler*, 226 Ill. 2d 92 (2007) (*de novo* standard), with *People v. Blue*, 189 Ill. 2d 99 (2000) (abuse-of-discretion standard). Nonetheless, because the result here would be the same, we need not decide which standard applies. See *Burman*, 2013 IL App (2d) 110807, ¶ 26.

¶ 56 In this case, the challenged remarks were not improper. As discussed, two of the witnesses provided detailed pretrial statements to the police that unequivocally identified defendant as the shooter. Yet at trial, both of those witnesses claimed a lack of memory as to the shooting. Similarly, Miller told Detective Shenberger that he knew who the shooter was and that the shooter was in the photo lineup. But at trial, he claimed that he could not remember telling Detective Shenberger that he knew the shooter, and he denied that the shooter was in the lineup.

It was certainly proper for the prosecutor to comment on, and attempt to explain, such discrepancies. His explanations in that regard essentially were that the witnesses were willing to be forthcoming and truthful shortly after the incident but that later, after things had settled down, they decided not to implicate someone they had known for a long time. Based on the evidence, that was a reasonable explanation, which the jury was free to accept or reject.

¶ 57 Defendant maintains that the prosecutor's comments suggested that the witnesses were afraid to testify when there was no evidence to support that. That argument lacks merit. At no point did the prosecutor suggest that the witnesses were afraid or that they had been threatened regarding their testimony. The references to a "street code" and not wanting to be a "snitch," when viewed in context, were related to the prosecutor's point that the witnesses would not want to implicate an acquaintance. Because the prosecutor did not suggest that the witnesses were afraid or had been threatened, there was no need for any evidence to that effect.

¶ 58 Even if the prosecutor's comments were improper, they were not substantially prejudicial. When considered in light of the argument as a whole, they constituted a small portion of the overall argument, and the prosecutor did not emphasize them.⁵ See *Wheeler*, 226 Ill. 2d at 123 (improper remarks must be a material factor in a defendant's conviction to warrant reversal).

¶ 59 That leaves the issue of whether defendant's conviction of aggravated discharge of a firearm must be vacated as violating the one-act, one-crime rule. Under the two-step analysis for deciding whether there is a violation of the one-act, one-crime rule, we must first determine

⁵ We note that, although the prosecutor made the challenged comments for the first time during rebuttal, the credibility of the witnesses was clearly at issue throughout the trial and defendant's closing argument.

whether the defendant's conduct involved multiple acts or a single act. *People v. Miller*, 238 Ill. 2d 161, 165 (2010). Multiple convictions are improper if they are based on precisely the same act or if one offense is a lesser included offense of the other. *Miller*, 238 Ill. 2d at 165.

¶ 60 Here, defendant does not contend that aggravated discharge of a firearm is a lesser included offense of aggravated battery with a firearm. Rather, he maintains solely that the convictions are based on precisely the same act, i.e., shooting a gun at Miller. In so arguing, he relies heavily on *People v. Crespo*, 203 Ill. 2d 335 (2001).

¶ 61 Defendant's reliance on *Crespo* is misplaced. Here, the State charged defendant with aggravated discharge of a firearm based on his having discharged a gun in the direction of Miller. On the other hand, it charged defendant with aggravated battery with a firearm based on his having shot Miller in the leg. Moreover, the evidence showed that defendant fired four shots, only one of which struck Miller. In light of that evidence, the charge of aggravated discharge could not have plausibly been an alternative charge for shooting Miller; it could only have been a charge for one or more of the other three shots. Therefore, unlike in *Crespo*, 203 Ill. 2d at 343-45, the charges and the evidence here reflected the State's clear intention at trial to treat defendant's conduct as involving separate acts for which separate convictions could be sustained. Thus, the convictions did not violate the one-act, one-crime rule.

¶ 62

III. CONCLUSION

¶ 63 For the reasons stated, we affirm the judgment of the circuit court of Stephenson County. As part of our judgment, we grant the State's request that defendant be assessed \$50 as costs for this appeal. 55 ILCS 5/4-2002(a) (West 2014); see also *People v. Nicholls*, 71 Ill. 2d 166, 179 (1978).

¶ 64 Affirmed.