

No. 1-14-1344

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 11 CR 5897
	)	
DARNELL THOMPSON,	)	Honorable
	)	Michael B. McHale,
Defendant-Appellant.	)	Judge Presiding.

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PRESIDING JUSTICE ROCHFORD delivered the judgment of the court.  
Justices Hoffman and Delort concurred in the judgment.

**ORDER**

¶ 1 *Held:* Defendant's conviction for being an armed habitual criminal is affirmed, where it was supported by evidence proving his guilt beyond a reasonable doubt and the statute under which he was convicted was not facially unconstitutional. However, defendant's remaining convictions must be vacated under the principles of the one-act, one-crime doctrine.

¶ 2 After a bench trial, defendant-appellant, Darnell Thompson, was convicted of one count of being an armed habitual criminal, two counts of unlawful possession of a weapon by a felon, and two counts of aggravated unlawful use of a weapon. Defendant was sentenced to concurrent terms of seven years' imprisonment for these convictions. On appeal, defendant contends, *inter alia*, that: (1) he was not proven guilty beyond a reasonable doubt of committing the offense of being an armed habitual criminal; (2) the armed habitual criminal statute is facially

unconstitutional; and (3) his convictions for unlawful possession of a weapon by a felon and aggravated unlawful use of a weapon must be vacated under the principles of the one-act, one-crime doctrine. For the following reasons, we affirm defendant's conviction for being an armed habitual criminal, but vacate his remaining convictions under the principles of the one-act, one-crime doctrine.

¶ 3

## I. BACKGROUND

¶ 4 Defendant was charged by information with one count of being an armed habitual criminal, two counts of unlawful possession of a weapon by a felon, and four counts of aggravated unlawful use of a weapon. Each count generally alleged—*inter alia*—that defendant was in possession of a firearm on or about March 14, 2011. A bench trial was held in December of 2013.

¶ 5 At trial, the State first introduced into evidence certified copies of defendant's prior conviction for aggravated battery, great bodily harm and his prior conviction for possession of a controlled substance with intent to deliver.

¶ 6 Officer Jones of the Chicago police department then testified that shortly after 11 p.m. on March 14, 2011, he and his partner responded to a domestic incident involving a firearm at a multiunit residential building located at 8910 South Brandon Avenue in Chicago. After talking with defendant's wife outside, the police knocked on the door of one of the apartments in the building. Ms. Keisha Brown answered the door, and after the police "explained to her the situation" Ms. Brown stated "he ran to the back rear room." Officer Jones and two other officers walked to a rear bedroom in the apartment where they observed defendant hiding under a mattress. A shotgun loaded with four live rounds was recovered from a closet in the bedroom,

less than two feet from the location where defendant was hiding. Defendant was the only person in the bedroom when he was discovered by the police.

¶ 7 Officer Botich testified that he also responded to the incident, and was present when defendant was provided *Miranda* rights following his arrest. Thereafter, defendant admitted that the shotgun belonged to him, stating: "I had the gun. I was holding it for my guy." Officer Botich also testified that while defendant was being transported to the police station, defendant again stated that he "had the gun."

¶ 8 Lakeshia Brown testified for the defense that she had previously lived at 8910 South Brandon Avenue, and that defendant (her cousin) had arrived at her apartment around 3 p.m. on March 14, 2011. When police and security guards from the apartment complex knocked on her door around 11 p.m. that evening, Ms. Brown told defendant to hide because he had been "barred" from the apartment for a prior family incident. The police then entered the apartment and located defendant and took him away. Ms. Brown testified that defendant did not have a gun with him when he arrived, that the shotgun recovered from the apartment belonged to defendant's friend, Chris, and that the shotgun was recovered in a hallway closet and not in the bedroom closet.

¶ 9 Defendant testified that on the day he was arrested, he had gone to Ms. Brown's apartment because he and his wife had been arguing. There were eight or nine other people in the apartment when the police arrived sometime in the evening. Defendant admitted that he ran to a bedroom to hide under a mattress, contending that he did so because he had previously been "barred" from the apartment due to a prior domestic incident. Defendant was located by the police and taken outside the apartment before the police brought a gun out. Defendant denied knowing anything about the gun or that it was his. He also denied ever admitting anything to the

contrary to the police, and stated that he never saw his wife at the apartment until after the police escorted him outside.

¶ 10 After the defense rested its case, the trial court announced its ruling. The trial court first noted testimony from the police officers that the gun was located only two feet away from where defendant was hiding. The trial court then noted that defendant himself admitted that he was hiding when he was found by the police. Finally, the trial court specifically noted the evidence that defendant had twice admitted to being in possession of the gun. In light of all the evidence, the trial court found defendant guilty of one count of being an armed habitual criminal (count 1), two counts of unlawful possession of a weapon by a felon (counts 2 and 3), and two counts of aggravated unlawful use of a weapon (counts 4 and 6). The trial court found defendant not guilty on the remaining two counts of aggravated unlawful use of a weapon (counts 5 and 7), which had alleged the commission of that offense while defendant was also engaged in the commission of misdemeanor aggravated assault.

¶ 11 Defendant's motion to reconsider and/or for a new trial was denied. At a sentencing hearing held on February 13, 2014, defendant was sentenced to concurrent terms of seven years' imprisonment on each of his five convictions. On June 16, 2014, this court granted defendant's request to file a late notice of appeal.

¶ 12 II. ANALYSIS

¶ 13 On appeal, defendant raises a host of challenges to his convictions. Because we conclude that the evidence supported defendant's conviction for being an armed habitual criminal, the armed habitual criminal statute is not facially unconstitutional, and defendant's remaining convictions must be vacated under the principles of the one-act, one-crime doctrine, we need only address those three issues.

¶ 14

A. Sufficiency of the Evidence

¶ 15 We first address defendant's contention that the evidence was insufficient to support his conviction for being an armed habitual criminal.

¶ 16 When presented with such a challenge, it is not the function of this court to retry defendant; rather, we review the evidence in the light most favorable to the State to determine whether any rational trier of fact could have found the elements of the crime proven beyond a reasonable doubt. *People v. Evans*, 209 Ill. 2d 194, 209 (2004); *People v. Collins*, 106 Ill. 2d 237, 261 (1985). The trier of fact's findings are entitled to great weight, given that it is in the best position to judge the credibility and demeanor of the witnesses. *People v. Wheeler*, 226 Ill. 2d 92, 114-15 (2007). As such, a reviewing court will not substitute its judgment for that of a trier of fact on issues involving the weight of evidence or the credibility of witnesses. *People v. Siguenza-Brito*, 235 Ill. 2d 213, 224-25 (2009). A reversal is warranted only if the evidence is so unreasonable, improbable, or unsatisfactory that it leaves a reasonable doubt regarding the defendant's guilt. *Wheeler*, 226 Ill. 2d at 115.

¶ 17 Defendant was charged in count 1 of violating the armed habitual criminal statute, in that he "knowingly and intentionally possessed a firearm" after having been previously convicted of "aggravated battery[,] great bodily harm" and "possession of controlled substance with intent to deliver." The armed habitual criminal statute provides as follows:

"(a) A person commits the offense of being an armed habitual criminal if he or she receives, sells, possesses, or transfers any firearm after having been convicted a total of 2 or more times of any combination of the following offenses:

(1) a forcible felony as defined in Section 2-8 of this Code;

(2) unlawful use of a weapon by a felon; aggravated unlawful use of a weapon; aggravated discharge of a firearm; vehicular hijacking; aggravated vehicular hijacking; aggravated battery of a child; intimidation; aggravated intimidation; gunrunning; home invasion; or aggravated battery with a firearm; or

(3) any violation of the Illinois Controlled Substances Act or the Cannabis Control Act that is punishable as a Class 3 felony or higher." 720 ILCS 5/24-1.7 (West 2010).

¶ 18 At trial, the State entered into evidence certified copies of defendant's prior conviction for aggravated battery, great bodily harm and his prior conviction for possession of a controlled substance with intent to deliver. On appeal, defendant does not challenge the State's evidence with respect to these prior, triggering offenses. Rather, defendant contends the State did not prove that he possessed a firearm beyond a reasonable doubt because: (1) the evidence with respect to where the firearm was actually located and whether defendant admitted to the police that he had been in possession of that firearm was inconsistent and conflicting; (2) the evidence of his constructive possession of a firearm was insufficient, and (3) the evidence did sufficiently establish the *corpus delicti* of the offense. We disagree.

¶ 19 We first reject defendant's argument that he was not proven guilty beyond a reasonable doubt because there was inconsistent and conflicting evidence with respect to whether the firearm was located in the bedroom closet or the hallway closet, and whether defendant admitted to the police that he had been in possession of the firearm the police recovered. "A reviewing court will not reverse a conviction simply because the evidence is contradictory." *Siguenza-Brito*, 235 Ill. 2d at 228. It was for the trial court to resolve any possible inconsistencies or

conflicts in the evidence, and we will not substitute our judgment for that of the trial court with respect to such a factual determination. *People v. Goodar*, 243 Ill. App. 3d 353, 357 (1993).

¶ 20 Furthermore, it is well recognized that a fact finder faced with conflicting versions of events is entitled to choose among those versions, and it need not accept the defendant's version from those competing versions. *People v. Villarreal*, 198 Ill. 2d 209, 231 (2001). We find nothing unreasonable about the trial court's decision to find defendant's version of events to be incredible, and conclude both that the firearm was found in the bedroom closet and that defendant did twice admit to the police that he had been in possession of the firearm and once told police that he was "holding" the firearm for a friend.

¶ 21 Next, as defendant and the State both recognize, because defendant was not found in actual possession of the firearm the State was required to establish his constructive possession thereof. *People v. Spencer*, 2012 IL App (1st) 102094, ¶ 17. As this court has summarized:

"To establish constructive possession, the prosecution must prove that the defendant (1) had knowledge of the presence of the [firearm] and (2) exercised immediate and exclusive control over the area where the [firearm was] found. [Citations.] Knowledge may be shown by evidence of a defendant's acts, declarations, or conduct from which it can be inferred that he knew the contraband existed in the place where it was found. [Citation.] Control is established when a person has the 'intent and capability to maintain control and dominion' over an item, even if he lacks personal present dominion over it. [Citation.]" *Id.*

¶ 22 We again note that the State presented evidence that defendant admitted to the police that he had knowledge of the firearm and that he intended to hold on to the firearm for a friend. "[C]onfessions frequently constitute the most persuasive evidence against a defendant \*\*\*."

*People v. Clay*, 349 Ill. App. 3d 24, 31 (2004). Moreover, in deciding whether constructive possession has been shown, the trial court was entitled to rely on the reasonable inferences of knowledge and possession established by defendant's confession and the other evidence presented by the State. *Spencer*, 2012 IL App (1st) 102094, ¶ 17. Here, along with defendant's admission to the police, the State introduced evidence that defendant ran when police arrived at the house and was found hiding under a mattress two feet away from where the firearm was found in a closet. In the light most favorable to the State, this evidence was sufficient to allow the trial court to reasonably infer that defendant was in constructive possession of the firearm.

¶ 23 Lastly, we conclude that the State sufficiently established the *corpus delicti* of the armed habitual criminal offense. As our supreme court has explained:

"Under the law of Illinois, proof of an offense requires proof of two distinct propositions or facts beyond a reasonable doubt: (1) that a crime occurred, *i.e.*, the *corpus delicti*; and (2) that the crime was committed by the person charged. [Citations.] In many cases, and this is one, a defendant's confession may be integral to proving the *corpus delicti*. It is well established, however, that proof of the *corpus delicti* may not rest exclusively on a defendant's extrajudicial confession, admission, or other statement. [Citation.] Where a defendant's confession is part of the proof of the *corpus delicti*, the prosecution must also adduce corroborating evidence independent of the defendant's own statement. [Citation.] If a confession is not corroborated in this way, a conviction based on the confession cannot be sustained. [Citation.]

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Although the corroboration requirement demands that there be some evidence, independent of the confession, tending to show the crime did occur, that evidence need



not, by itself, prove the existence of the crime beyond a reasonable doubt. If the defendant's confession is corroborated, the corroborating evidence may be considered together with the confession to determine whether the crime, and the fact the defendant committed it, have been proven beyond a reasonable doubt. [Citation.]" *People v. Sargent*, 239 Ill. 2d 166, 183 (2010).

¶ 24 On appeal, defendant contends that the only evidence that he possessed a firearm was his "uncorroborated, oral statement," and asserts that this statement "was not strengthened or confirmed by any independent evidence." This is simply not the case.

¶ 25 As noted above, the trier of fact is entitled to consider both a defendant's confession along with other corroborating evidence to determine if the defendant actually committed the offense charged. That corroborating evidence "may consist of circumstantial evidence, need not establish the crime beyond a reasonable doubt, and need not correspond to the confession in every detail as long as it tends to confirm and strengthen the confession." *People v. Williams*, 317 Ill. App. 3d 945, 954 (2000); see also, *People v. Lara*, 2012 IL 112370, ¶ 45 (recognizing that our supreme court's case law "has consistently required far less independent evidence to corroborate a defendant's confession under the *corpus delicti* rule than to show guilt beyond a reasonable doubt"). Here, along with defendant's admission to the police, the State introduced evidence that defendant was found hiding under a mattress in a bedroom two feet away from where the firearm was recovered in a closet, and that defendant was the only one in the bedroom at the time. As the "*corpus delicti* rule requires only that the corroborating evidence correspond with the circumstances recited in the confession and tend to connect the defendant with the crime" (*Lara*, 2012 IL 112370, ¶ 51), we find this corroborating evidence sufficient.

¶ 26 For all the foregoing reasons, we find that the evidence was sufficient to support defendant's conviction for being an armed habitual criminal.

¶ 27 B. Constitutionality of the Armed Habitual Criminal Statute

¶ 28 Defendant's next argument on appeal is that the armed habitual criminal statute violates due process and is facially unconstitutional because it makes possession of a firearm a crime regardless of whether or not the person has a Firearm Owners Identification (FOID) card, which "potentially criminalizes innocent conduct."

¶ 29 All statutes are presumed constitutional, and the party challenging the constitutionality of a statute bears the burden of clearly establishing that it violates the constitution. *People v. Madrigal*, 241 Ill. 2d 463, 466 (2011). "When the challenged statute does not affect a fundamental constitutional right, the appropriate test for determining its constitutionality is the highly deferential rational basis test." *Id.* at 466. Under that test, a statute is to be sustained if it "bears a reasonable relationship to a public interest to be served, and the means adopted are a reasonable method of accomplishing the desired objective." *People v. Wright*, 194 Ill. 2d 1, 24 (2000) (quoting *People v. Adams*, 144 Ill. 2d 381, 390 (1991)). Whether a statute is unconstitutional is a question of law reviewed *de novo*. *Madrigal*, 241 Ill. 2d at 466.

¶ 30 "Under the banner of its police power, the legislature has wide discretion to fashion penalties for criminal offenses, but this discretion is limited by the constitutional guarantee of substantive due process, which provides that a person may not be deprived of liberty without due process of law." *Id.* A statute violates the due process clause if it potentially subjects "wholly innocent conduct to criminal penalty without requiring a culpable mental state beyond mere knowledge." *Id.* at 467. In such cases, "a statute fails the rational basis test because it does not represent a reasonable method of preventing the targeted conduct." *Id.* at 468.

¶ 31 Here, defendant's challenge is a facial challenge to the armed habitual criminal statute on due process grounds, not an "as applied" challenge. "Successfully making a facial challenge to a statute's constitutionality is extremely difficult, requiring a showing that the statute would be invalid under *any* imaginable set of circumstances. The invalidity of the statute in one particular set of circumstances is insufficient to prove its facial invalidity." (Emphasis in original.) *In re M.T.*, 221 Ill. 2d 517, 536-37 (2006). " '[S]o long as there exists a situation in which a statute could be validly applied, a facial challenge must fail.' " *People v. Huddleston*, 212 Ill. 2d 107, 145 (2004) (quoting *Hill v. Cowan*, 202 Ill. 2d 151, 157 (2002)).

¶ 32 As discussed above, the armed habitual criminal statute provides that a person commits the offense of being an armed habitual criminal if he possesses any firearm after having been convicted two or more times of certain specified offenses, including the underlying offenses here (aggravated battery, great bodily harm and possession of a controlled substance with intent to deliver). See 720 ILCS 5/24-1.7(a) (West 2010).

¶ 33 Defendant argues that certain persons who have twice been convicted of the crimes set forth in the armed habitual criminal statute may lawfully be awarded a FOID card and possess a firearm. Defendant cites section 10(c) of the Firearm Owners Identification Card Act (FOID Card Act) (430 ILCS 65/10(c) (West 2010)), in effect at the time of his conviction, which provided that persons with prior felony convictions may, upon application, be awarded a FOID card where: (1) the applicant has not been convicted of a forcible felony within 20 years of his application for a FOID card, or at least 20 years have passed since the end of any period of imprisonment imposed in relation to that conviction; (2) the circumstances regarding a criminal conviction, the applicant's criminal history, and his reputation are such that he will not likely act in a manner dangerous to public safety; and (3) granting relief would not be contrary to the

public interest. Defendant contends the armed habitual criminal statute fails the rational basis test and facially violates the due process clause because it potentially criminalizes innocent conduct without requiring a culpable mental state, specifically, it criminalizes the possession of firearms by felons who were issued a FOID card by the circuit court after the court determined they met the criteria of the FOID Card Act.

¶ 34 This same argument as to the facial unconstitutionality of the armed habitual criminal statute for violating due process has been previously made and rejected by this court in both *People v. Johnson*, 2015 IL App (1st) 133663 and *People v. Fulton*, 2016 IL App (1st) 141765. As we have held:

" 'While it may be true that an individual could be twice-convicted of the offenses set forth in the armed habitual criminal statute and still receive a FOID card under certain unlikely circumstances, the invalidity of a statute in one particular set of circumstances is insufficient to prove that a statute is facially unconstitutional. [Citation.] The armed habitual criminal statute was enacted to help protect the public from the threat of violence that arises when repeat offenders possess firearms. [Citation.] The Supreme Court explicitly noted in *District of Columbia v. Heller*, 554 U.S. 570 (2008), that "nothing in our opinion [explaining the reach of the right to bear arms] should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons." [Citations.] Accordingly, we find that the potential invalidity of the armed habitual criminal statute in one very unlikely set of circumstances does not render the statute unconstitutional on its face.' " *Fulton*, 2016 IL App (1st) 141765, ¶ 23 (quoting *Johnson*, 2015 IL App (1st) 133663, ¶ 27).

¶ 35 We continue to adhere to our reasoning in the *Johnson* and *Fulton* decisions, and reject defendant's contention that the armed habitual criminal statute is facially unconstitutional for violating the due process clause.

¶ 36 Defendant cites *Coram v. State of Illinois*, 2013 IL 113867, which discusses the FOID Card Act but does not address the constitutionality of the armed habitual criminal statute and, thus, is factually inapposite. In finding that the armed habitual criminal statute was not facially unconstitutional, both the *Johnson* and *Fulton* decisions briefly considered *Coram* but also found that it was factually inapposite and did not compel a different result. See *Johnson*, 2015 IL App (1st) 133663 ¶¶ 28–29; *Fulton*, 2016 IL App (1st) 141765, ¶ 24.<sup>1</sup>

¶ 37 Even though *Coram* is factually inapposite, defendant cites certain statements in *Coram* that the Illinois constitution guarantees every citizen the right to individualized consideration of whether they may legally own a firearm, and that section 10(c) of the FOID Card Act authorizing the issuance of FOID cards to persons meeting the statutory criteria was consistent with federal law. See *Coram*, 2013 IL 113867, ¶¶ 58, 74. Defendant posits from these statements that Illinois law only intends for the act of possession of a firearm by a person twice convicted of offenses set forth in the armed habitual criminal statute to be a crime if it is also shown that the person did not have a FOID card at the time of the possession. Defendant thus contends that since the armed habitual criminal statute potentially criminalizes the possession of firearms by a

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<sup>1</sup> We note that both the *Johnson* and *Fulton* decisions also distinguished *Coram* on the grounds that while our supreme court addressed the language of the FOID Card Act as it read prior to certain 2013 amendments, the amended version of the statute was applicable to the defendants in *Johnson* and *Fulton*. While here we also are presented with a situation requiring application of the pre-amendment version of the FOID Card Act, we do not find this distinction to be relevant to our analysis or to preclude us from following the reasoning we previously set out in *Johnson* and *Fulton*.

twice-convicted felon with a valid FOID card, that statute sweeps in innocent conduct and facially violates the due process clause.

¶ 38 However, and as discussed earlier in this order, the potential invalidity of the armed habitual criminal statute under the one "very unlikely" circumstance that a twice-convicted felon received a FOID card does not render the statute unconstitutional *on its face*. *Johnson*, 2015 IL App (1st) 133663, ¶ 27; *Fulton*, 2016 IL App (1st) 141765, ¶ 23.

¶ 39 In addition to finding defendant's one particular set of unlikely circumstances insufficient to render the armed habitual criminal statute facially unconstitutional, we also reject defendant's reliance on *Madrigal*, and *People v. Carpenter*, 228 Ill. 2d 250 (2008), in support of his argument that the armed habitual criminal statute fails the rational basis test because it criminalizes "wholly innocent conduct." The exact arguments defendant raises, based upon those two decisions, have been previously made and rejected by this court. *Fulton*, 2016 IL App (1st) 141765, ¶ 25-31. We need not restate our entire analysis here, as it is sufficient to state again that:

"Unlike the conduct discussed in *Madrigal* and *Carpenter*, a twice-convicted felon's possession of a firearm is not 'wholly innocent' and is, in fact, exactly what the legislature was seeking to prevent in passing the armed habitual criminal statute. The statute's criminalization of a twice-convicted felon's possession of a weapon is, therefore, rationally related to the purpose of 'protect[ing] the public from the threat of violence that arises when repeat offenders possess firearms.' [Citation.] Moreover, [t]he Supreme Court explicitly noted in *District of Columbia v. Heller* \*\*\* that "nothing in our opinion should be taken to cast doubt on longstanding prohibitions on

the possession of firearms by felons." ' [Citation.] The armed habitual criminal statute does not violate substantive due process and is, therefore, constitutional." *Id.*

¶ 31.

¶ 40

#### C. One Act, One Crime

¶ 41 Finally, we address defendant's contention that his convictions for unlawful possession of a weapon by a felon and aggravated unlawful use of a weapon must be vacated on the grounds that they violates the one-act, one-crime doctrine.

¶ 42 As an initial matter, we note that defendant never raised this argument in the trial court. However, we will review defendant's contentions on this issue, as "a violation of the one-act, one-crime doctrine affects the integrity of the judicial process, thus satisfying the second prong of the plain-error analysis." *People v. Span*, 2011 IL App (1st) 083037, ¶ 81.

¶ 43 In *People v. King*, 66 Ill. 2d 551 (1977), our supreme court set forth what has since come to be known as the one-act, one-crime doctrine. As originally formulated, that doctrine concerned the potential for prejudice in the imposition of multiple convictions, and specifically provided that "[p]rejudice results to the defendant only in those instances where more than one offense is carved from the same physical act. Prejudice, with regard to multiple acts, exists only when the defendant is convicted of more than one offense, some of which are, by definition, lesser included offenses." *Id.* at 566.

¶ 44 As our supreme court has more recently noted that "[d]ecisions following *King* have explained that the one-act, one-crime doctrine involves a two-step analysis. [Citation.] First, the court must determine whether the defendant's conduct involved multiple acts or a single act. Multiple convictions are improper if they are based on precisely the same physical act. Second, if the conduct involved multiple acts, the court must determine whether any of the offenses are

lesser-included offenses. If an offense is a lesser-included offense, multiple convictions are improper." *People v. Miller*, 238 Ill. 2d 161, 165 (2010). "[W]hen multiple convictions are obtained for offenses arising from a single act, a sentence should be imposed on the more serious offense, and the conviction on the less serious offense should be vacated." *People v. Lee*, 213 Ill. 2d 218, 227 (2004) (citing *People v. Garcia*, 179 Ill. 2d 55, 71 (1997)).

¶ 45 The State concedes this issue on appeal, and we agree that defendant's two convictions for unlawful possession of a weapon by a felon and two convictions for aggravated unlawful use of a weapon violate the one-act, one-crime doctrine. Those four convictions and defendant's conviction for being an armed habitual criminal all arise out of the same act: *i.e.*, defendant's possession of a firearm on March 14, 2011. Compare 720 ILCS 5/24-1.7(a) (West 2010), with 720 ILCS 5/24-1.1(a) (West 2010) and 720 ILCS 5/24-1.6(a) (West 2010)). Moreover, while aggravated discharge of a firearm is a Class X felony (720 ILCS 5/24-1.7(b) (West 2010)), punishable by a term of 6 to 30 years' imprisonment (730 ILCS 5/5-4.5-25(a) (West 2010)), both defendant's convictions for unlawful possession of a weapon by a felon and his convictions for aggravated unlawful use of a weapon are Class 2 felonies (see 720 ILCS 5/24-1.1(e) (West 2010) and 720 ILCS 5/24-1.6(d)(3) (West 2010)), punishable by, respectively, terms of only 3 to 14 years' imprisonment (720 ILCS 5/24-1.1(e) (West 2010) and 3 to 7 years' imprisonment (720 ILCS 5/24-1.6(d)(3) (West 2010)). Pursuant to the principles of the one-act, one-crime doctrine, we therefore vacate defendant's convictions for the less serious offenses of unlawful possession of a weapon by a felon and aggravated unlawful use of a weapon.



¶ 46

### III. CONCLUSION

¶ 47 For the foregoing reasons, we affirm defendant's conviction for being an armed habitual criminal, but vacate his convictions for unlawful possession of a weapon by a felon and aggravated unlawful use of a weapon.

¶ 48 Affirmed in part; vacated in part.