2017 IL App (1st) 143663-U

FIRST DIVISION
September 11, 2017
(Modified upon denial of
rehearing on October 23, 2017)

No. 1-14-3663

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.	)	No. 12 CR 8828
	)	
SAVAAN WILSON,	)	Honorable
	)	Paula M. Daleo,
Defendant-Appellant.	)	Judge Presiding.

JUSTICE MIKVA delivered the judgment of the court.
Justices Connors and Harris concurred in the judgment.

O R D E R

¶ 1 *Held*: Defendant's conviction for mob action is affirmed, his conviction for aggravated battery is reversed, and this case is remanded for resentencing consistent with this order. The mittimus is corrected to accurately reflect defendant's other convictions.

¶ 2 Following a bench trial, defendant Savaan Wilson was convicted of one count of aggravated battery with a firearm, two counts of aggravated discharge of a firearm, two counts of felony possession/use of a firearm, and one count of mob action. The trial court sentenced Mr. Wilson to 12 years of imprisonment for aggravated battery with a firearm, 10 years for each

instance of aggravated discharge of a firearm and felony possession/use of a firearm, and four years for mob action, to be served concurrently. On appeal, Mr. Wilson does not challenge his convictions for aggravated discharge of a firearm or felony possession/use of a firearm. He contends that: (1) there is insufficient evidence to sustain his convictions for aggravated battery with a firearm or mob action; (2) his conviction for mob action violates the one-act, one-crime rule; (3) his extended-term sentence for mob action must be reduced to a non-extended-term sentence; and (4) his mittimus must be corrected to accurately reflect that he was convicted of the unlawful possession of ammunition by a felon. For the reasons that follow, we reverse Mr. Wilson's conviction for aggravated battery with a firearm, affirm the trial court's findings of guilt on the other counts, remand for resentencing and we correct the mittimus.

¶ 3 BACKGOUND

¶ 4 After a shooting that occurred on April 8, 2012, the State filed a 30-count indictment against Shurron Clark, Arthur Graise, Savaan Wilson, and Brandon Williams. Mr. Wilson was charged with one count of attempted first degree murder, one count of aggravated battery with a firearm, three counts of aggravated discharge of a firearm, two counts of unlawful use or possession of a weapon by a felon (UUWF), four counts of aggravated unlawful use of a weapon, and one count of mob action. Mr. Williams pled guilty to one count of UUWF and the State proceeded to a joint bench trial against Mr. Clark, Mr. Graise, and Mr. Wilson (collectively, the three defendants), each of whom waived his right to a jury trial. A four-day bench trial was conducted between September 5, 2013, and July 2, 2014. Although the three defendants were tried together, only Mr. Wilson's convictions are before us on this appeal. Mr. Clark and Mr. Graise filed separate appeals before this court. We already released our opinion in *People v. Clark*, 2017 IL App (1st) 143657-U. *People v. Graise*, 2017 IL App (1st) 143715-U is

being released with this opinion.

¶ 5 On the evening of April 8, 2012, an outdoor memorial was held near 12th Avenue and Fillmore Street in Maywood, Illinois, for Timothy Steele, who had recently been killed in that area. Approximately 15 to 30 people were gathered near the memorial. At around 5:30 p.m., Brandon Williams drove his silver SUV on 12th Avenue with Jasmine Jordan sitting in the front passenger seat. Mr. Williams backed the SUV into Ms. Jordan's driveway at 2030 South 12th Avenue, which was directly across from where the memorial was taking place, and both of them remained in the parked vehicle. A group of individuals then approached the SUV, including the three defendants and Terrence Steele, Timothy Steele's brother. Mr. Clark approached the driver side of the SUV, and Mr. Wilson and Mr. Graise went to the passenger side. The primary focus of the trial was the exchange that took place between the individuals who approached the SUV and its occupants, which resulted in several gunshots being fired. One of the bullets hit and injured Devonte Cole, who was several houses away and not involved in this exchange.

¶ 6 At trial, Jasmine Jordan testified that, as she was sitting in the SUV in the driveway, she saw two cars pull up and saw Mr. Wilson and Mr. Steele exit those vehicles. According to Ms. Jordan, Mr. Steele initially approached the SUV alone, and "[h]e was angry." He asked Ms. Jordan to get out of the vehicle "so he [could] ask [her] some questions." Ms. Jordan said that she did not comply with his request, and then "[a]bout ten" more men approached and surrounded the SUV, including the three defendants. Ms. Jordan testified that she knew Mr. Wilson and the other two defendants from growing up with them. Ms. Jordan's window was closed and she locked the doors of the vehicle. Ms. Jordan stated that there was "a lot of screaming going on," the men were banging on the driver-side and passenger-side windows of the SUV, and Mr. Williams was asked what he knew about "the killing."

¶ 7 Ms. Jordan testified that she then heard the sound of breaking glass—the driver-side window shattering—and multiple gunshots "at the same time." Although Ms. Jordan testified that she saw certain individuals with guns at the scene, she provided conflicting testimony as to when she saw each of the guns. She first stated that she saw Mr. Williams with a gun prior to the glass breaking, but then stated that she saw his gun after hearing the glass break and did not see anyone with a gun prior to that time. Ms. Jordan stated that she then looked around to see if anyone else had a gun and saw a silver gun located in Mr. Wilson's waistband when he lifted his shirt up and he was about two feet from her door. Ms. Jordan also saw Mr. Clark, who was "on the car" and "[b]anging on the window," with a gun in his hand before the glass broke, but did not see him with a gun after that. Ms. Jordan stated at one point that she did not see anyone else with a gun while the SUV was in the driveway.

¶ 8 Ms. Jordan testified that, just after the window shattered, she exited the SUV and ran to the end of the driveway near her house. According to her, Mr. Wilson followed her and pointed a gun at her head, then Mr. Clark came up to Mr. Wilson, "grabbed him by his arm," and "directed him" towards the street. Ms. Jordan stated that she did not see where the two went after that. Ms. Jordan testified that after she exited the SUV, she saw Mr. Williams drive the SUV away from the scene, while Mr. Graise was standing in the street at the end of the driveway and shooting multiple times at the SUV. She heard multiple gunshots fired and saw no one else firing a gun in that direction. Ms. Jordan then went inside of her house, where her mother was calling the police.

¶ 9 Byron Palmer testified that he was at the memorial at the time of the incident and witnessed the events from where he was standing in the middle of the street. He stated that a group of "seven or eight" men approached the SUV after it was parked in the driveway across the street "to find out what happened [to Timothy Steele] the day before." Mr. Palmer then heard

glass breaking, followed by a number of gunshots, "[a]bout five to ten, about ten or twelve maybe." Mr. Palmer stated that he did not see anyone fire a weapon; he heard the sound of glass breaking and gunshots "simultaneously" and was not sure which occurred first.

¶ 10 Officer Luis Vargas testified that on April 8, 2012, he arrived at the scene in response to a call of a shooting. Officer Vargas noticed Mr. Graise "standing on the small patch of grass in front of the residence" and "all of a sudden he bent over and grabbed a handgun" which had been on the grass "and put it in his waistband." Officer Vargas arrested Mr. Graise, took the handgun from his waistband, and laid it on the grass for an evidence technician to inventory. He stated that he later learned that the gun recovered from Mr. Graise was a .22-caliber revolver.

¶ 11 Sergeant Wayne Welch assisted as an evidence technician in the investigation. When shown photographs of the scene, Sergeant Welch identified a .22-caliber revolver that "was laying on the front yard of 2032 South 12th Avenue." Sergeant Welch also identified three .40-caliber shell casings "in the parkway grass of 2030 South 12th Avenue" and two 9-millimeter shell casings "on the sidewalk in front of 2030 South 12th Avenue" and "in the parkway grass of 2032 South 12th Avenue." Sergeant Welch testified that the revolver, the only firearm that he documented and recovered, "had four spent 22 caliber shell casings still in the cylinder."

¶ 12 Sergeant Tracey Branch and Detective Charles Porter testified about conversations they had with Mr. Wilson soon after the incident. They testified that Mr. Wilson admitted that, when Mr. Williams started shooting, Mr. Wilson "ran to his spot on the block and he got his gun," a revolver. According to Sergeant Branch, Mr. Wilson stated that, as Mr. Williams pulled out of the driveway and drove away, "he *** was in the street running behind the car, shooting at the car." After the SUV "left the block," Mr. Wilson "just threw the gun and *** started calling for his friends."

¶ 13 Prior to the close of the State's case, the parties stipulated that, if called, Sergeant Patrick Grandberry would have testified to administering gunshot residue collection kits to Mr. Wilson and Mr. Clark on the evening of April 8, 2012. The test for Mr. Wilson was positive and the test for Mr. Clark was negative.

¶ 14 The parties also stipulated that, if called, Tonia Brubaker, an expert in the forensic science field of firearms examination and identification, would have testified that the bullet that was recovered from Mr. Cole's body was determined to be a 9-millimeter or .38-caliber bullet that matched the 9-millimeter casings recovered from the sidewalk in front of 2030 South 12th Avenue and from the parkway grass of 2032 South 12th Avenue. The parties also stipulated that Commander Willis would have testified that on April 9, 2012, he recovered two 9-millimeter shell casings from the garbage can directly behind Mr. Williams's residence.

¶ 15 The defense called Brandon Williams to the stand, who testified that he pled guilty to possessing a gun as a felon and that shell casings were found in the garbage can behind his house. Mr. Williams stated that when he was in the SUV with Ms. Jordan on April 8, 2012, he had his semiautomatic handgun with him. Mr. Williams did not know and had never before seen the group of men who approached the SUV while he and Ms. Jordan were sitting in the driveway. He testified that "[s]ome words were exchanged," the men wanted Ms. Jordan to get out of the car but she did not want to, and then "things escalated." Mr. Williams stated that the men were yelling at him and that he was fearful at that point. Mr. Williams then pulled the gun out from under his seat and put it on his lap. He stated that "[o]ut [of] the corner of [his] eye, [he] saw a chrome object" but did not see who was holding it because "[i]t all happened so fast."

¶ 16 Mr. Williams further testified that when he saw that chrome object, he "heard [his] window bust and gunfire and [he] fired" his gun three times out of the window of the SUV. Mr.

Williams stated that the SUV window was already broken before he fired any shots. At that point, the group of people "scattered," he pulled the SUV out of the driveway and drove south on 12th Avenue while ducking down. Mr. Williams did not continue firing his gun, but heard other gunshots being fired as he drove away.

¶ 17 Mr. Williams testified that at the time of the incident, he saw a chrome handgun in someone's hand, but he did not see the person who was holding it. Mr. Williams stated that the gun was to his side, "[n]ot even a couple feet" away from him, but "right at the door at the window" and it was pointed down, not at anyone. Mr. Williams heard the first gunshot a "[c]ouple seconds" after he saw that gun, and the second gunshot a "[c]ouple seconds" after the first. After hearing those two gunshots, he took his gun in his hand and immediately fired about three times out the SUV window while looking the other direction and trying to pull out of the driveway. Mr. Williams stated that he fired his first shot only after hearing at least two gunshots. Before he fired his gun, he was not able to see the hands of every person that surrounded the SUV or what each of them was doing. Mr. Williams testified that once he started driving on 12th Avenue, he did not fire any additional gunshots. When he looked in his rear view mirror as he drove away, he saw "a figure standing in the middle of the street" and heard three or four gunshots which sounded like they all came from the same gun, but he was not sure if the person he saw in the street was the one who fired the shots.

¶ 18 Leon Mays and Haneef Perkins, who were both at the memorial on April 8, 2012, also testified for the defense. Mr. Mays testified that he did not see Mr. Graise with anything in his hands or pointing any object towards the SUV, or anything that looked like an explosion or fire coming from Mr. Graise. Mr. Perkins also testified that he never saw Mr. Graise holding or firing a gun. On cross-examination, Mr. Perkins stated that once he was away from the scene, he heard

a different kind of gun being fired than the kind he had initially heard. Although Mr. Perkins stated that he never saw a gun in anyone's hand and did not know how many people were shooting that afternoon, he heard two different types of guns being fired during the incident.

¶ 19 Each of the three defendants elected not to testify.

¶ 20 The trial court issued its ruling on August 11, 2014. After providing a detailed chronology of what occurred during the incident, the court found that Mr. Williams, Mr. Wilson, and Mr. Graise each fired a weapon during the incident of April 8, 2012:

> "The evidence is clear that there [were] at least three shooters out there. We know Brandon Williams shot out of his car. We know Savaan Wilson shot at Brandon Williams who was driving away in that vehicle. We know that. From Jasmine [Jordan] we know that Arthur Graise had a gun and was firing also at the vehicle."

¶ 21 The trial court found Mr. Wilson guilty of one count of aggravated battery with a firearm, two counts of aggravated discharge of a firearm, two counts of UUWF, and one count of mob action; and not guilty on the remaining counts. The court noted that, although the type of bullet that struck Mr. Cole possibly came from the same gun that was used by Mr. Williams, because Mr. Wilson and Mr. Graise also shot at Mr. Williams's vehicle, they were also accountable for injuries that resulted, whether from their own weapons or from Mr. Williams's weapon.

¶ 22 Each of the three defendants filed a motion asking the trial court to reconsider its rulings or, in the alternative, for a new trial. In denying these motions, the court said the following about Mr. Wilson's convictions:

> "A group of people from across the street armed with weapons ***, including the three defendants, crossed the street. *** When they got to the window, [Ms. Jordan's] testimony is clear about what she saw, who she saw have guns. *** I believe that her

testimony was supported by other witness testimony as to the people who had guns and who didn't have guns.

* * *

There is accountability here by the defendants as to what occurred. They were in a group. They were the mob. They were the group that surrounded the car. They began the loud discussion, the request, or demand that [Ms. Jordan] get out of the car, who did not want to get out of the car."

¶ 23 The trial court sentenced Mr. Wilson to 12 years of imprisonment for the aggravated battery conviction; 10 years each for the aggravated discharge of a firearm and UUWF convictions, to be served at 85%; and a four-year extended-term sentence for the mob action conviction, served at 50%, noting that all of the sentences would run concurrently. The court denied Mr. Wilson's motion to reconsider his sentence.

¶ 24 JURISDICTION

¶ 25 Mr. Wilson timely filed his notice of appeal in this matter on November 24, 2014, the same day that he was sentenced. Accordingly, this court has jurisdiction pursuant to article VI, section 6, of the Illinois Constitution and Illinois Supreme Court Rules 603 and 606, governing appeals from final judgments of conviction in criminal cases. Ill. Const. 1970, art. VI, § 6; Ill. S. Ct. Rs. 603, 606 (eff. Feb. 6, 2013).

¶ 26 ANALYSIS

¶ 27 I. Sufficiency of the Evidence

¶ 28 We first consider Mr. Wilson's challenge to the sufficiency of the State's evidence to support his convictions for aggravated battery with a firearm and mob action. To sustain a conviction of a criminal offense, due process requires the State to prove every element of the

alleged offense beyond a reasonable doubt. *People v. Lucas*, 231 Ill. 2d 169, 178 (2008). When a criminal defendant challenges the sufficiency of the evidence, the function of the reviewing court is not to retry the defendant. *People v. Collins*, 106 Ill. 2d 237, 261 (1985). Rather, the reviewing court must "carefully examine the evidence while giving due consideration to the fact that the [trier of fact] saw and heard the witnesses." *People v. Smith*, 185 Ill. 2d 532, 541 (1999). The relevant question 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." (Internal quotation marks omitted.) (Emphasis in original.) *People v. Beauchamp*, 241 Ill. 2d 1, 8 (2011). It is within the province of the trier of fact to weigh the credibility of the witnesses and to resolve any conflicts and inconsistencies in the evidence. *People v. Schott*, 145 Ill. 2d 188, 206 (1991). A conviction will not be reversed by a reviewing court "unless the evidence is so unreasonable, improbable or unsatisfactory that it raises a reasonable doubt of defendant's guilt." *People v. Evans*, 209 Ill. 2d 194, 209 (2006).

¶ 29 A. Aggravated Battery with a Firearm

¶ 30 Mr. Wilson argues that the State's evidence was insufficient to prove that he was legally accountable for aggravated battery with a firearm for the shooting of Devonte Cole because there was no evidence that he or Mr. Graise shot Mr. Cole and he could not be accountable for a shooting by Mr. Williams. The State concedes this point and asks us to reverse Mr. Wilson's conviction for aggravated battery with a firearm. We agree and commend the State for recognizing that this conviction was not proper.

¶ 31 A person is legally accountable for the conduct of another when "either before or during the commission of an offense, and with the intent to promote or facilitate that commission, he or she solicits, aids, abets, agrees, or attempts to aid that other person in the planning or commission

of the offense." 720 ILCS 5/5-2(c) (West 2012). The State acknowledges that "the evidence established that Brandon [Williams] discharged the 9 millimeter firearm that struck Devonte Cole." The State failed to show that Mr. Wilson had either a shared intent or a common criminal design with Mr. Williams. Accordingly, we reverse Mr. Wilson's conviction for aggravated battery with a firearm.

¶ 32 B. Mob Action

¶ 33 Mr. Wilson argues that if we reverse his conviction for aggravated battery with a firearm, we must also reverse his conviction for mob action. We do not agree.

¶ 34 To sustain a conviction for mob action, pursuant to section 25-1(a)(1) of the Criminal Code of 2012 (720 ILCS 5/25-1(a)(1) (West 2008)), the State must prove that the defendant "and at least one other person, acted together, without legal authority, with the use of force or violence to disturb the peace." *People v. Jimerson*, 404 Ill. App. 3d 621, 636 (2010). The indictment in this case stated that the three defendants "engaged in the knowing use of force, disturbing the public peace, by two or more persons acting together and without authority of law, *to wit: they shot Devonte Co[l]e about the body*." (Emphasis added.)

¶ 35 Mr. Wilson, like his codefendants Mr. Clark and Mr. Graise (see *People v. Clark*, 2017 IL App (1st) 143657-U; *People v. Graise*, 2017 IL App (1st) 143715-U), relies on this additional "to wit" language to tie his conviction for mob action to his conviction for aggravated battery and contends that since he cannot be found guilty of aggravated battery he cannot be found guilty of mob action. However, as we noted in our unpublished order in Mr. Clark's case (*Clark*, 2017 IL App (1st) 143657-U, ¶ 55), not every variance between the facts alleged in the indictment and the facts proved at trial requires reversal. We conclude, as we did in the appeals of Mr. Wilson's codefendants, that the "to wit" language is mere surplusage.

¶ 36 A defendant's due process right to notice of the charges brought against him prevents him from being "convicted of an offense he has not been charged with committing." *People v. Kolton*, 219 Ill. 2d 353, 359 (2006). "To vitiate a trial, a variance between the allegations in a criminal complaint and the proof at trial must be material and be of such character as may mislead the defendant in making his or her defense, or expose the defendant to double jeopardy." *People v. Maggette*, 195 Ill. 2d 336, 351 (2001). An indictment must state the name of the accused; set forth the name, date, and place of the offense; cite the statutory provision the defendant allegedly violated; and set forth in the statutory language the nature and elements of the charged offense. *Collins*, 214 Ill. 2d at 219. "Where an indictment charges all essential elements of an offense, other matters unnecessarily added may be regarded as surplusage." *Id.*

¶ 37 We agree with the State in this case that, although the charge as written was based upon Mr. Cole's gunshot wound, that language was surplusage. The trial court found that Mr. Wilson participated in a public disturbance by approaching the SUV with the group that initiated the altercation. They surrounded the SUV, shots were fired, and the vehicle drove off. Mr. Wilson gave a statement to police after the altercation that he fired a weapon at Mr. Williams's SUV as it drove away from Ms. Jordan's residence. In ruling on Mr. Wilson's counts, the trial court found him "guilty though of the mob action which is what started this whole crazy incident." The facts predicating Mr. Wilson's mob action conviction largely mirror those in Mr. Graise's conviction for mob action, and we follow the reasoning that led us to affirm Mr. Graise's finding of guilt on that count (*People v. Graise*, 2017 IL App (1st) 143715-U, ¶¶ 43-45). "When a crime can be committed by several acts, as in this case, a variance between the act named in the indictment and the act proved will not be fatal." *People v. Burdine*, 362 Ill. App. 3d 19, 24 (2005). Thus, even without proof that Mr. Wilson was responsible for the shooting of Devonte

Cole, the State proved him guilty of all of the necessary elements of mob action.

¶ 38 II. One-Act, One-Crime

¶ 39 Mr. Wilson also seeks reversal of his mob action conviction because it was predicated on the same physical act as his conviction for aggravated battery—the shooting of Mr. Cole. He argues this violates the one-act, one-crime rule and warrants reversal. Under the one-act, one-crime doctrine, a defendant may not be convicted of multiple offenses based on the same physical act (*People v. Johnson*, 237 Ill. 2d 81, 97 (2010)), but may receive multiple convictions for separate but interrelated acts (*People v. Miller*, 238 Ill.2d 161, 165). We have reversed Mr. Wilson's aggravated battery conviction, mooting this issue with respect to that conviction.

¶ 40 Mr. Wilson also argues for the first time in his reply brief that, if we reverse his aggravated battery conviction, there remains a one-act, one-crime issue because the conduct predicating his mob action conviction is the same as his convictions for UUWF or aggravated discharge of a firearm. We disagree. Under Mr. Wilson's theory, only three of his acts that day could support his conviction for mob action: firing a gun at Mr. Williams, firing a gun at a vehicle he knew or should have known was occupied by Mr. Williams, or knowingly possessing a weapon and ammunition while being a convicted felon. Mr. Wilson fails to acknowledge his participation in the group that initially surrounded the SUV and triggered the altercation. The trial court specifically found Mr. Wilson guilty "of the mob action which is what started this whole crazy incident." Although the act of surrounding the SUV is certainly related to the acts supporting Mr. Wilson's convictions for aggravated discharge of a firearm and UUWF, we cannot say that "precisely the same physical act" served as the basis for each conviction. See *Miller*, 238 Ill.2d at 165; *People v. Almond*, 2015 IL 113817, ¶¶ 47-48 (finding defendant's possession of a firearm and possession of firearm ammunition simultaneously were multiple acts,

and "their interrelationship does not preclude multiple convictions"). We affirm the trial court's finding of Mr. Wilson's guilt for mob action.

¶ 41 Mr. Wilson also contends that his extended-term sentence of four years for mob action must be reduced to the maximum non-extended-term sentence of three years. He maintains he was not eligible for that extended-term sentence on his Class 4 mob action conviction because it was not the most serious class of offense of which he was convicted. (730 ILCS 5/5-8-2 (West 2012)). The State concedes, agreeing that the trial court erred in sentencing Mr. Wilson to a term in excess of the statutory maximum for a Class 4 offense. We vacate the sentence and remand for imposition of a sentence falling within the appropriate statutory range.

¶ 42 III. Remand for Resentencing

¶ 43 Although Mr. Wilson did not argue this issue, we find that this case should be remanded for resentencing to guard against the possibility that the conviction that we vacated influenced the trial court's sentencing on the remaining convictions. *People v. Alejos*, 97 Ill. 2d 502, 511-12 (1983). When a reviewing court vacates one of several convictions and "cannot determine with any degree of certainty" whether the conviction vacated influenced the imposition of sentences for the remaining convictions, the court should remand for a new sentencing hearing. *People v. Figures*, 216 Ill. App. 3d 398, 404 (1991).

¶ 44 The trial court addressed all three defendants in sentencing, stating that the defendants "chose to act in concert with each other to surround this vehicle armed with weapons in a threatening manner *** that snowballed into *** a shooting of an innocent victim or victims." Given the trial court's reference to the shooting of the innocent bystander, Mr. Cole, and her determination, which we have reversed, that Mr. Wilson was criminally responsible for this shooting, we cannot determine from the record whether the vacated aggravated battery with a

firearm conviction influenced the sentence for Mr. Wilson's other five convictions. See *Figures*, 216 Ill. App. 3d at 404 (remanding for resentencing after vacating armed violence conviction, where it was uncertain whether 12-year sentence for attempted murder and five-year sentence for aggravated battery were influenced by concurrent 12-year sentence for armed violence). We therefore remand for resentencing on Mr. Wilson's remaining convictions.

¶ 45 III. Correction of Mittimus

¶ 46 Finally, Mr. Wilson asks us to correct the mittimus—which currently lists two convictions for "FELON POSS/USE FIREARM PR"—to accurately reflect that he was convicted on one count of UUWF for possession of a firearm and one count of UUWF for possession of firearm ammunition. We agree that this change is necessary to accurately reflect Mr. Wilson's convictions and correct the mittimus accordingly. See *People v. Pryor*, 372 Ill. App. 3d 422, 438 (2007) ("Pursuant to Supreme Court Rule 615(b), this court may correct the mittimus without remanding the case to the trial court.").

¶ 47 CONCLUSION

¶ 48 In sum, we reverse Mr. Wilson's conviction for aggravated battery with a firearm, affirm the trial court's finding of his guilt on the single count of mob action, vacate the sentences on all five remaining counts,[1] and remand for resentencing consistent with this order. The mittimus is corrected to reflect that Mr. Wilson was convicted of only one count of UUWF for possession of a firearm and, separately, of one count of UUWF for possession of firearm ammunition.

¶ 49 Affirmed in part; vacated in part; reversed in part; remanded for resentencing.

[1] In our original order dated September 11, 2017, in our conclusion paragraph, we vacated Mr. Wilson's sentence on mob action and remanded for resentencing consistent with that order. *People v. Wilson*, 2017 IL App (1st) 143663-U. Mr. Wilson petitioned for rehearing of that order on September 27, 2017, seeking clarification that all of his sentences were vacated—including those for both counts of aggravated discharge of a firearm and both counts of unlawful use of a weapon by a felon—and not only the mob action sentence. We asked the State to advise this court if they had any objection to this clarification and they did not. We denied rehearing and modified the original order to clarify that all of Mr. Wilson's sentences were vacated and the cause is remanded for resentencing.