THIRD DIVISION
February 25, 2015

No. 1-14-3011

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

In re Jaywuan F.,[1] a Minor	)	Appeal from the
	)	Circuit Court of
(THE PEOPLE OF THE STATE OF ILLINOIS	)	Cook County
	)	
Petitioner-Appellee,	)	14 JD 1360
	)	
v.	)	Honorable
	)	Stuart P. Katz,
JAYWUAN F.,	)	Judge Presiding.
	)	
Respondent-Appellant).	)	

JUSTICE MASON delivered the judgment of the court.
Presiding Justice Pucinski and Justice Lavin concurred in the judgment.

ORDER

¶ 1 *Held*: Evidence at trial supported a delinquency finding for robbery where the juvenile's taking of a cell phone and his use of force during an altercation with the victim over the cell phone's possession were part of a series of events constituting a single incident. No duty exists requiring the trial court to *sua sponte* admonish a juvenile represented by counsel of the right to testify and ensure that waiver of

[1] The notice of appeal and the parties' briefs on appeal spell the respondent's first name as "Jaywaun," but respondent during trial spelled his first name as "Jaywuan." Accordingly, we adopt "Jaywuan" as the correct spelling.

that right was knowing and voluntary. Correction of trial order necessary to vacate delinquency findings violating the one-act, one-crime doctrine.

¶ 2 Following a bench trial, the trial court found respondent Jaywuan F., a juvenile, delinquent for committing the offenses of robbery, theft from the person, theft, battery and assault all resulting from his taking by the use of force a cell phone from another individual.[2] The trial court sentenced Jaywuan to five years' probation and ordered him to: (1) complete 40 hours of community service; (2) attend a community impact panel; (3) refrain from gang activity; and (4) abstain from alcohol, drugs and firearm use. On appeal, Jaywuan claims that: (1) he was not proved guilty of robbery beyond a reasonable doubt because the element of force was not established; (2) the trial court violated his constitutional right to due process by failing to *sua sponte* advise him of his right to testify on his own behalf; and (3) his delinquency findings for theft from the person and theft must be vacated because they were based on the same physical act–taking a cell phone–as the robbery delinquency finding. Because we disagree with Jaywuan's claims on appeal regarding the delinquency finding for robbery, we affirm the trial court's judgment as to that offense, but, as the State concedes, we vacate the less serious delinquency findings for theft from the person and theft as violating the one-act, one-crime doctrine and direct the clerk of the circuit court to correct the order evidencing those findings accordingly.

¶ 3 BACKGROUND

¶ 4 The State filed a petition for adjudication of wardship alleging Jaywuan, who was 14 years old, was delinquent because he committed the following offenses: (1) robbery; (2) theft

[2] Jaywuan's claims on appeal are limited to the delinquency findings for robbery, theft from the person and theft.

from the person; (3) theft; (4) battery; and (5) assault. Anthony W.–Jaywuan's co-respondent–was tried jointly with Jaywuan, but he is not a party to this appeal.

¶ 5 The victim Deangelo Tompkins testified that on April 12, 2014, at approximately 3:30 p.m., he was outside on the front porch of a friend's house located at 7206 South Union in Chicago with his two friends, Nyempka and Elmon. Deangelo sat on one of the porch steps holding his white 4s iPhone with a pink case in his hands, propped out in front of him. Both Nyempka and Elmon were standing on the porch.

¶ 6 Deangelo saw two individuals who he did not know and had never seen before, but were later identified as Jaywuan and Anthony, walk toward to the group on the porch. Jaywuan walked up the porch stairs past Deangelo and onto the porch where he talked to Elmon. Anthony remained at the bottom of the porch steps.

¶ 7 After Jaywuan talked to Elmon, Jaywuan ran down the porch steps and snatched the phone from Deangelo's hands. Jaywuan made no threats to Deangelo to get physical possession of the phone. Deangelo asked Elmon if he knew who Jaywuan was and if he would get his phone back from Jaywuan, but Elmon responded that Jaywuan would not return the phone. Deangelo then got up, walked off the porch toward Jaywuan and asked Jaywuan to meet him halfway from where he was standing. Jaywuan, who was holding the phone in his hands, stood by a curb approximately 8 to 10 feet away from Deangelo. Deangelo testified that it was 30 to 40 seconds before he started to walk toward Jaywuan after Jaywuan snatched his phone.

¶ 8 Jaywuan remained standing by the curb as Deangelo continued walking toward him. When Deangelo was approximately five feet away, he asked Jaywuan for his phone back. Jaywuan replied "no, I'm about to go sell it for a hundred dollars." Deangelo again asked for his phone back, and Jaywuan again said "no." Deangelo then told Jaywuan to let him enter his security code into the phone to unlock it, but Jaywuan refused. Anthony then intervened and

stood between Deangelo and Jaywuan and told Deangelo that "we going to go sell your phone back for a hundred dollars. Move back." Anthony held a four to five foot long, very thick stick in his left hand and moved as if to swing at Deangelo. Deangelo moved out of the way, but Jaywuan then hit Deangelo on the side of his head with a closed fist.

¶ 9 Deangelo and Anthony began "squaring up" by circling each other with their fists clenched and up in the air, but neither made a swing at the other. Jaywuan and Anthony then ran off. Deangelo began following them, but a neighbor intervened and grabbed Deangelo. Deangelo told the neighbor that the boys still had his phone and the neighbor let Deangelo go.

¶ 10 Deangelo continued pursuing the boys and caught up to them near a viaduct at the intersection of 72nd Street and Lowe. Deangelo grabbed Anthony by his collar, pulled him to the ground and they started tussling. Jaywuan tried to kick Deangelo's head, but Deangelo reached up and pulled Jaywuan down onto the ground by his leg. Deangelo, Jaywuan and Anthony continued fighting on the ground.

¶ 11 Approximately 20 seconds later, a Chicago police vehicle arrived at the scene. Jaywuan broke free from Deangelo's grip and ran away, but was apprehended by an officer. Another officer pulled Deangelo off of Anthony and put Deangelo in the back of the police vehicle. Deangelo told the officer that Jaywuan took his phone and he described it to the officer. The officer left, approached Jaywuan and Anthony and returned with a phone, which Deangelo identified and unlocked.

¶ 12 Officer Geraldine McDonagh testified that she and her partner responded to a call of a robbery in progress at 7209 South Union. When they arrived at that address, the officers did not see anything so they toured the area. As the officers drove eastbound on 72nd street, they observed Jaywuan and Anthony with closed fists punching Deangelo, who was on the ground, and also punching back. The officers separated the boys and put Deangelo in the back of the

police vehicle. Officer McDonagh spoke with Deangelo, who told her that the other boys had taken his phone and provided a description of his phone. Officer McDonagh left Deangelo and approached her partner, who had detained and placed Jaywuan and Anthony under arrest. Officer McDonagh performed a custodial search of Jaywuan and Anthony and recovered a white iPhone with a pink case from Anthony's pocket. Officer McDonagh took the phone, returned to Deangelo and asked him to describe his phone. His description matched the recovered phone.

¶ 13 Following the State's case-in-chief, counsel for each minor moved for a directed finding. Anthony argued the State failed to show that he participated in the robbery and the only use of force was in response to Deangelo grabbing him and pulling him to the ground. Jaywuan argued there was no use of force or any threats of use of force supporting a robbery charge. The State, in turn, argued that Anthony was acting in concert with Jaywuan and both were involved in the robbery by: (1) taking Deangelo's phone; (2) stating they were planning to sell the phone for a hundred dollars; and (3) using force when Jaywuan hit Deangelo and Anthony moved as if to swing the stick at Deangelo.

¶ 14 After arguments on the motions, the trial court stated:

> "The State has shown at this point that a telephone was taken by force snatched from the hand of the victim by [Jaywuan] and that a fight ensued later. Clearly, a motion for directed finding is denied as to all counts on [Jaywuan].
>
> As to [Anthony], although I suppose it is theoretically possible to extrapolate from the fact that he *** said that they were going to sell the phone after the phone was taken, that you could *** say that there was some sort of prior plan to take the phone but there's no actual evidence of that.
>
> The taking of the phone, the robbery and theft from person was complete at the time that the phone was taken. What happens afterwards, in itself, is not part of the

> offense and to try and speculate that there was some common scheme designed ahead of time to take the phone would be pure speculation. There is no actual evidence *** that he aided, abetted, or even planned to take the phone.
>
> So as to [Anthony] on Counts I [robbery] and II [theft from the person], the motion for directed finding is granted. It is denied as to Counts III [theft], IV [battery] and V [assault]."

The defense rested without presenting any evidence.

¶ 15 On August 21, 2014, the trial court entered a "Trial Order" finding Jaywuan "guilty of count(s) 1-5 of the petition," and found Anthony guilty of theft, battery and assault. Following the dispositional hearing, the trial court entered a "Sentencing Order" finding it was in Jaywuan's best interest and welfare to adjudge him a ward of the court and placed him on probation for a five-year term. The trial court also entered a "Probation Order" reflecting Jaywuan's five-year probation term and ordered him to: (1) complete 40 hours of community service; (2) attend a community impact panel; (3) refrain from gang activity; and (4) abstain from alcohol, drug and firearm use. Jaywuan timely appealed.

¶ 16 ANALYSIS

¶ 17 A. Sufficiency of the Evidence

¶ 18 Jaywuan first claims that the State failed to prove him guilty of robbery beyond a reasonable doubt because there was no evidence that he used force either before or immediately following the taking of the phone. Jaywuan also claims the trial court specifically found that the taking and the use of force were two separate incidents. Jaywuan concedes he took Deangelo's phone without permission, but claims because there was no evidence that he used force or threatened the immediate use of force, he should have only been convicted of theft and not robbery.

¶ 19 In delinquency proceedings, as in criminal cases, where a conviction is challenged based on the sufficiency of the evidence, a reviewing court, considering all of the evidence in the light most favorable to the prosecution, must determine whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *People v. Austin M.*, 2012 IL 111194, ¶ 107. We will reverse a conviction only "where the evidence is so unreasonable, improbable, or unsatisfactory" as to create a reasonable doubt regarding the defendant's guilt. *People v. Wheeler*, 226 Ill. 2d 92, 115 (2007); *People v. Oritz*, 196 Ill. 2d 236, 259 (2001). A reviewing court's function is not to retry the defendant when considering the sufficiency of the evidence. *People v. Beauchamp*, 241 Ill. 2d 1, 8 (2011).

¶ 20 To sustain a conviction for robbery, the State must prove that the defendant knowingly took property "from the person or presence of another by the use of force or by threatening the imminent use of force." 720 ILCS 5/18-1(a) (West 2012). To sustain a conviction for theft, the State must prove that the defendant obtained or exerted control over the property belonging to another person, and the control was unauthorized. 720 ILCS 5/16-1(a)(1) (West 2012). The use of force in effectuating the taking distinguishes robbery from theft. *People v. Gilliam*, 172 Ill. 2d 484, 507 (1996); *People v. Taylor*, 129 Ill. 2d 80, 83 (1989); *People v. Washington*, 375 Ill. App. 3d 243, 249 (2007). The "force" required to constitute robbery must be such that it overcomes the owner's power to retain his property–either by actual violence physically applied or by threats as to overpower his will. *People v. Bowell*, 111 Ill. 2d 58, 63 (1986).

¶ 21 We reject Jaywuan's claim that the State failed in its burden of proof on this element because the use of force or threats of the imminent use of force need not occur before or during the taking of property to sustain a conviction of robbery; instead, the force may be used as part of a series of events constituting a single incident. *People v. Cooksey*, 309 Ill. App. 3d 839, 849 (1999); *People v. Robinson*, 206 Ill. App. 3d 1046, 1053-54 (1991). Illinois law is well settled

that an offender commits robbery when he uses force at *any* point during the criminal act provided some concurrence exists between the use of force or threat of use of force and the taking of the victim's property. *Id.*, see also *People v. Lewis*, 165 Ill. 2d 305, 338 (1995) (finding the defendant's actions were essentially a single series of continuous acts where he first repeatedly stabbed the victim and then took a key out of her back pocket, used the key to unlock the apartment's door and ran out of the apartment with the key); *People v. Collins*, 366 Ill. App. 3d 885, 897 (2006) (sustaining the defendant's attempted robbery conviction where "there was no significant interval between the attempted taking and the use of force" even though the use of force–a punch in the neck ensuing into a struggle–occurred after the attempted taking of the victim's money); *People v. Hay*, 362 Ill. App. 3d 459, 467 (2005) (sustaining the defendant's robbery conviction where he took rings from the victim and used force and threats of use of force toward another individual in the victim's presence while effectuating his escape with the rings); *People v. Brooks*, 202 Ill. App. 3d 164, 168, 170 (1990), *abrogated other grounds*, *People v. Williams*, 149 Ill. 2d 467 (1992) (sustaining a robbery conviction where the victim demanded return of her wallet after seeing it in the defendant's hands and the defendant in response pushed the victim and ran off of the bus).

¶ 22 Illinois courts have also sustained a conviction for robbery and attempted robbery where a struggle ensued between the defendant and the victim immediately following the taking, or where the defendant used force while departing the scene. *People v. Merchant*, 361 Ill. App. 3d 69, 75 (2005) (relying on *People v. Lewis*, 285 Ill. App. 3d 653, 656 (1996); *Brooks*, 202 Ill. App. 3d at 170; *People v. Houston*, 151 Ill. App. 3d 718, 721 (1986)).

¶ 23 The State does not assert that Jaywuan used or threatened to use force when he physically took possession of the phone from Deangelo's hands while he sat on the porch; thus, we must determine whether the physical taking and the altercation at the curb were part of a series of

events constituting a single incident. Here, there was ample evidence adduced at trial establishing that the physical taking of the phone and the altercation were part of a single incident sufficient to support a robbery conviction.

¶ 24 The record reveals that Jaywuan approached Elmon, who along with Deangelo was on the porch, and began talking to Elmon. After talking with Elmon, Jaywuan ran down the porch's steps and snatched the phone from Deangelo's hands. Less than a minute after Jaywuan snatched Deangelo's phone and after Elmon informed Deangelo that Jaywuan would not return his phone, Deangelo left the porch walking toward Jaywuan. Deangelo repeatedly demanded the return of his phone, but both Jaywuan and Anthony responded that they would sell the phone for a hundred dollars. Jaywuan then used force and hit Deangelo on the side of his head. Jaywuan and Anthony, while still in possession of the phone, fled. After Deangelo chased and caught up to the boys, another altercation ensued near a viaduct and all three boys were on the ground with Deangelo holding the other boys down. Jaywuan broke free from Deangelo's grip and again fled until the police apprehended him. Collectively, these facts indisputably establish a concurrence between Jaywuan's physical taking of the phone, Deangelo's demand for the phone's return, the struggle for possession and Jaywuan's use of force to overcome Deangelo's resistance to the robbery.

¶ 25 *People v. Brooks*, 202 Ill. App. 3d 164 (1990), does not warrant a different result. In *Brooks*, the force used during a robbery occurred "immediately upon the taking and before defendant's departure." *Id*. at 170. Jaywuan contends that here, because the force was not exerted immediately after the taking but during a separate incident, the force element of the offense of robbery has not been established beyond a reasonable doubt. Although Jaywuan correctly recites the reasoning of *Brooks*, we disagree that applying that reasoning to the facts of this case demonstrates the element of force was missing. In *Brooks*, "after [the victim] became

aware" that the perpetrator had taken her wallet, she immediately offered verbal resistance to the taking and the perpetrator responded by exerting force–pushing her shoulder–before his departure. *Id*. Jaywuan asserts the 30 to 40 second delay before Deangelo attempted to recover his phone precludes the conclusion that the force exerted was immediately upon the taking of the phone. But as soon as Deangelo learned from Elmon that his phone would not be returned, he pursued Jaywuan and offered verbal resistance to the taking. We conclude that the relationship between Jaywuan's conduct in taking the phone and the altercation in which Jaywuan used force against Deangelo is sufficient to support the trial court's finding on the robbery charge.

¶ 26 We also find this case analogous to *People v. Merchant*, 361 Ill. App. 3d 69 (2005). In *Merchant*, the defendant "snatched" a $20 bill from the victim's hands without the use of force. *Id*. at 74-75. Immediately after the taking, however, a mutual struggle ensued and the defendant pushed the victim against a window. *Id*. at 75. We concluded that the crime amounted to robbery because the evidence strongly suggested that the men struggled over possession of the money and that inference combined with the immediacy of the struggle after the taking elevated what would have been mere theft to robbery. *Id*. Similarly here, nothing in the record indicates that the altercation between Jaywuan and Deangelo was anything other than a struggle over possession of Deangelo's phone.

¶ 27 Importantly, *Merchant* also analyzed this court's holding in *People v. Romo*, 85 Ill. App. 3d 886, 892 (1980), which held that force must precede or be contemporaneous with the taking of property to support a conviction for robbery. *Merchant*, 361 Ill. App. 3d at 73. The *Merchant* court declined "to rely on the outdated, vague, and imprecise concept of *res gestae*" on which *Romo* was based; instead, *Merchant* relied upon more recent cases finding the use of force may be exerted either during departure or over a struggle to retain the victim's property. *Id*. (analyzing *Houston*, 151 Ill. App. 3d at 718; *Lewis*, 285 Ill. App. 3d at 656; *Brooks*, 202 Ill. App.

3d at 170). We find no reason to depart from the rule articulated in *Merchant*, nor has Jaywuan offered persuasive reasons to reject *Merchant*'s reasoning. See also *People v. Dennis*, 181 Ill. 2d 87, 103 (1998) (emphasizing that robbery is complete when force or the threat of use of force causes the victim to part with possession or custody of property against his will, and force occurring simultaneously with flight or escape may be viewed as continuing the commission of the offense).

¶ 28 Moreover, Jaywuan misconstrues the trial court's findings of fact by asserting the trial court held that the taking of the phone and the later use of force were separate incidents. The trial court stated in reference to Anthony's motion for a directed finding that "[t]he taking of the phone, the robbery and theft from person was completed at the time the phone was taken. What happens afterwards, in itself, is not part of the offense and to try and speculate that there was some common scheme designed ahead of time to take the phone would be pure speculation. There is no actual evidence *** that [Anthony] aided, abetted or even planed to take the phone." When read in context, it is clear that the trial court was explaining the ruling regarding the robbery charge against Anthony who did not physically take the phone from Deangelo, and the comments were in response to the State's argument that Anthony acted in concert with Jaywuan to commit the robbery. Additionally, in reference to Jaywuan and the denial of his motion for a directed finding, the trial court clearly articulated that "a telephone was taken by force snatched from the hand of the victim by [Jaywuan] and that a fight ensued later." Thus, the trial court did not view the taking of the phone and the use of force almost immediately thereafter as two separate incidents. If it had, Jaywuan's motion for a directed finding on the robbery count would have been granted.

¶ 29 In sum, Jaywuan committed a robbery because when Deangelo confronted Jaywuan and demanded the return of his phone, Jaywuan resisted and an altercation between Deangelo and

Jaywuan ensued where Jaywuan used force by hitting Deangelo on the head. Jaywuan fled while still in possession of the phone. Following another altercation near the viaduct, Jaywuan again fled with the phone. Thus, Jaywuan's physical taking of the phone, his forceful altercation with Deangelo over possession of the phone, and his departure with the phone were all part of a series of events constituting a single incident. Well-established case law and the record indisputably demonstrate Jaywuan's guilt of robbery.

¶ 30 B. *Sua Sponte* Duty to Admonish a Juvenile

¶ 31 Jaywuan next claims that the trial court violated his due process rights when it failed to (i) admonish him about his constitutional right to testify on his own behalf and (ii) ensure that his waiver of that right was knowing and voluntary. Jaywuan's position on appeal is that juvenile court judges must engage in this inquiry *sua sponte*.

¶ 32 We employ the *de novo* standard of review when determining whether a defendant's constitutional rights have been violated. *People v. Burns*, 209 Ill. 2d 551, 560 (2004). Under the *de novo* standard of review, we perform the same analysis that the trial court would perform. *Khan v. BDO Seidman, LLP*, 408 Ill. App. 3d 564, 578 (2011). Jaywuan acknowledges that he failed to raise this issue during his adjudication, but argues we should nonetheless review his contention under plain error. Before conducting a plain-error analysis, we must first determine whether an error occurred. *People v. Walker*, 232 Ill. 2d 113, 124 (2009). Based on this court's decision in *People v. Joshua B.*, 406 Ill. App. 3d 513 (2011), we conclude there was no error.

¶ 33 In *Joshua B.*, we disposed of the identical issue presented here–whether the trial court denied a juvenile defendant due process by failing to advise him of his right to testify and failing to verify that he knowingly and voluntarily waived that right. *Id*. at 516. The respondent in *Joshua B.* did not actually claim that counsel failed to advise him of his right to testify, and raised the same claim that Jaywuan makes here–that he, as a juvenile, was entitled to greater

protections than adult criminal defendants. *Id*. at 516-17. The respondent in *Joshua B.* also argued that juveniles, unlike adult criminal defendants, have no right to raise their constitutional claims in a post-conviction petition. *Id*. at 516. In *Joshua B.*, we held "that the trial court did not have a duty to inform respondent *sua sponte*, who was represented by counsel, of his right to testify or verify that respondent was knowingly and voluntarily waiving that right." *Id*. at 517. As *Joshua B.* recognized, the trial court has no duty to admonish an adult criminal defendant regarding his right to testify at trial, and the rationale for that rule is unrelated to the ability to file a postconviction petition. *Id*. at 516-17. Rather, courts have found no such duty exists because the decision to testify is often made as the trial unfolds, such admonishment from the trial judge could potentially intrude on the attorney-client relationship, and it would be difficult to identify the appropriate time to advise a defendant concerning his right to testify. *Id*., see also *People v. Smith*, 176 Ill. 2d 217, 235 (1997); *People v. Vaughn*, 354 Ill. App. 3d 917, 925 (2004); *People v. Shelton*, 252 Ill. App. 3d 193, 202 (1993) (stating no duty to advise a criminal defendant regarding the right to testify).

¶ 34 Jaywuan asserts that *Miller v. Alabama*, 567 U.S. __, 132 S. Ct. 2455, 2469 (2012) (prohibiting a sentencing scheme that mandates life in prison without possibility of parole for juvenile offenders), and *Roper v. Simmons*, 543 U.S. 551, 575 (2005) (abolishing the death penalty for juvenile offenders), require departure from the holding reached in *Joshua B.* because those cases recognized that juveniles are in a different class of offenders than adults. We agree with Jaywuan that *Miller* and *Roper* along with the frequently cited companion case of *Graham v. Florida*, 560 U.S. 48, 82 (2010) (prohibiting the imposition of a life without parole sentence for juveniles in non-homicide cases), differentiate between juvenile and adult offenders based on the "special status" of juveniles, but contrary to Jaywuan's position, those cases are distinguishable because they focused on *sentencing*. Our supreme court's recent decision in

People v. Patterson, 2014 IL 115102, ¶ 110, recognized that "both this court and the United States Supreme Court have closely limited the application of the rationale expressed in *Roper*, *Graham*, and *Miller*, invoking it only in the context of the most severe of all criminal penalties." Employing the reasoning of *Patterson*, we decline Jaywuan's request that we recognize a new, *sua sponte* duty on the part of trial judge to inform a juvenile who is represented by counsel of the right to testify and to ensure waiver of that right was voluntary and understood by the juvenile.

¶ 35 C. One-Act, One-Crime

¶ 36 Jaywuan lastly contends, and the State concedes, that the theft from the person and theft delinquency findings should be vacated for violating the one-act, one-crime doctrine because those findings were carved out of the same physical act of taking the phone as the robbery delinquency finding. We agree.

¶ 37 Where findings of delinquency for multiple offenses are based on the same physical act, we must vacate the findings for the less serious offenses. *In re Samantha V.*, 234 Ill. 2d 359, 375 (2009); *People v. Johnson*, 237 Ill. 2d 81, 97 (2010). A reviewing court must compare the sentences for each offense to determine which offense is more serious. *People v. Artis*, 232 Ill. 2d 156, 170 (2009). Theft from the person and theft are less serious offenses than robbery. 720 ILCS 5/18-1(c) (robbery is a class 2 felony); 5/16-1(b)(4) (theft from the person where the value of the property does not exceed $500 is a class 3 felony); 5/16-1(b)(1) (theft where the value of the property does not exceed $500 is a class A misdemeanor). Accordingly, we vacate Jaywuan's less serious delinquency findings for theft from the person and theft.

¶ 38 We note that both the "Sentencing Order" and the "Probation Order" did not list the offenses for which Jaywuan was found guilty; thus, those orders do not require modification. *In re Samantha V.*, 234 Ill. 2d at 380. Moreover, during the sentencing hearing, Jaywuan

acknowledged that there was a five-year mandatory term of probation for robbery, which reflects the sentence imposed by the trial court. Consequently, modification of the sentence based on the vacated delinquency findings for theft from the person and theft is also unnecessary. We note, however, the "Trial Order" finds Jaywuan guilty on all counts. Under Illinois Supreme Court Rule 615(b)(1) (eff. Jan. 1, 1967), this court has the authority to order the circuit court clerk to make necessary corrections without remand. *People v. McCray*, 273 Ill. App. 3d 396, 403 (1995). Accordingly, we instruct the circuit court clerk to modify the "Trial Order" by vacating Jaywuan's delinquency findings for theft from the person and theft. See *In re Samantha V.*, 234 Ill. 2d at 380 (ordering correction of "Trial Order" to reflect offense vacated).

¶ 39 CONCLUSION

¶ 40 We affirm Jaywuan's delinquency finding for robbery, vacate his delinquency findings for theft from the person and theft and direct the circuit court clerk to correct the "Trial Order" accordingly.

¶ 41 Affirmed in part; vacated in part; "Trial Order" corrected.