2012 IL App (2d) 120170-U
No. 2-12-0170
Order filed October 31, 2012

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Circuit Court of Kane County.
Plaintiff-Appellee,	)	
v.	)	No. 09-CF-2028
ANDRZEJ WOJTKELEWICZ,	)	Honorable David R. Akemann,
Defendant-Appellant.	)	Judge, Presiding.

PRESIDING JUSTICE JORGENSEN delivered the judgment of the court.
Justices Burke and Schostok concurred in the judgment.

ORDER

¶ 1 *Held*: Evidence was sufficient to uphold defendant's conviction, and the trial court did not err in admitting evidence of other crimes.

¶ 2 On September 20, 2011, a jury convicted defendant, Andrzej Wojtkelewicz, of aggravated battery of a police officer (720 ILCS 5/12-4(b)(18) (West 2008)). The court sentenced defendant to seven years' imprisonment. Defendant appeals, arguing that the evidence was insufficient to sustain his conviction. In addition, defendant argues that reversible error occurred at trial when the court admitted excessive other-crimes evidence. For the following reasons, we affirm.

¶ 3 I. BACKGROUND

¶ 4 Defendant was arrested after a vehicle chase that began in Chicago and ended in Elgin. Numerous officers participated in the chase of defendant's vehicle, which allegedly contained narcotics and possibly a handgun. In the course of the chase, officers witnessed bags of a white substance being thrown from defendant's car. Defendant was ultimately apprehended after he pulled over, was surrounded by police, and, refusing to exit the vehicle, was shot in the chest by an officer.

¶ 5 On September 14, 2009, a grand jury returned a three-count indictment charging defendant with two counts of attempted first degree murder of a police officer (720 ILCS 5/8-4(a) (West 2008)) (for driving his vehicle towards an officer with intent to kill) and one count of aggravated battery of a police officer (for striking an officer with his vehicle). Prior to trial, the court granted the State's motion *in limine* to introduce evidence of other crimes, including the alleged possession of a weapon and the possession and disposal of cocaine. The court determined that admission of the other-crimes evidence was proper for two reasons: (1) the evidence was inextricably intertwined with the charged crimes such that exclusion of the evidence could lead to juror confusion and an incomplete picture of the circumstances surrounding the crimes; and (2) the evidence was relevant to defendant's motive for committing the charged crimes. The jury ultimately found defendant not guilty of attempted murder,[1] but convicted him of aggravated battery. The following evidence is relevant to defendant's arguments on appeal regarding the court's introduction of other-crimes evidence and the sufficiency of evidence to support his conviction.

[1]At the end of trial, the State nol-prossed one count of attempted first degree murder.

¶ 6 A. Other-Crimes Evidence

¶ 7 The evidence at trial reflected that, on July 14, 2009, at around 8:45 p.m., undercover Officer Ronald Rodriguez received a tip from a confidential informant that an individual in a silver SUV with law enforcement license plates possessed two or three kilograms of cocaine and possibly a firearm. The informant told Rodriguez that the SUV was located in the area of Diversey and Central Avenues in Chicago. Rodriguez shared the information with his team, traveled to the described location, and began following a vehicle matching the informant's description. Eventually, with their squad car's sirens and lights activated, Officers Felix Batista and Wendy Weller drove up behind the SUV. The SUV pulled over but, when the officers approached on foot, defendant, who was driving the SUV, suddenly pulled the vehicle back into traffic and drove away. The officers returned to their car and gave chase. Rodriguez followed the SUV and Batista's squad car until he lost sight of the SUV. At that time, he monitored the pursuit via radio transmissions.

¶ 8 Batista confirmed that, after hearing Rodriquez's transmission, he drove to Central and Diversey. His police vehicle's lights and siren were activated, and the SUV stopped. As Batista approached the back window of the SUV, he "could see the driver lean back, remove a dark object from his waist, place it on the ground and just immediately take off." Batista clarified that the object appeared to be a weapon; specifically, a small semi-automatic handgun. Batista called to the other officers that there was possibly a gun in defendant's car. Officer Weller recalled that, after the stop, Batista said that defendant had a gun. The officers jumped back into their car and chased the SUV, which drove through the city and onto a ramp heading westbound on I-90. During the chase, Batista broadcast over his radio that there was a possible pistol in the SUV. The SUV cut in front of another

car, which slammed on its brakes; Batista's police car crashed into the braking car, ending his involvement in the pursuit.

¶ 9 Officers Anthony Jannotta and Jeffrey Salvetti heard the radio dispatch and joined the vehicle pursuit. With one squad car, driven by Officer Michael Orlando, in front of them, Jannotta and Salvetti followed the SUV on I-90. During the pursuit, Jannotta and Salvetti each testified that they saw plastic bags with white powder and "large white chunky objects" being thrown from the SUV along the tollway. Some of the white objects hit their car. Jannotta testified that, based upon its appearance and his experience with numerous drug arrests and cases, he suspected that the white substance being thrown out of the SUV was a narcotic. Salvetti described what he saw as "large Jewel bags of [a]white powder substance exploding all over [I-]90 West, large chunks of hard rock like substance, cocaine bouncing off our windshield." After the court sustained defendant's objection as to characterization, Salvetti testified that there were multiple bags of a hard, white substance that exploded in powdery dust clouds. Jannotta and Salvetti reported to dispatch the location where the suspected drugs had been thrown from the SUV. Jannotta's and Salvetti's pursuit of the SUV terminated when their car got a flat tire.

¶ 10 Officer Orlando testified that he responded to an emergency call that a person was fleeing from police with a large amount of narcotics and possibly a pistol in the vehicle. He monitored the pursuit via his radio and eventually caught up to and followed the SUV. While pursuing defendant's SUV on I-90, Orlando saw defendant throwing out from the driver's side window what appeared to be cocaine.

¶ 11 Officer Ronald Rodriguez, who had continued to monitor the pursuit on the radio, proceeded to the announced location to recover the white, powder-like substance. He parked on westbound I-

90's shoulder and recovered chunks of white powder. Because some of the chunks had broken, were run over by cars, or had blown around in the wind, Officer Carla Rodriguez, an evidence technician, later used her equipment to recover additional quantities of the substance. Carla testified to her collection processes and identified photographs that she took at the scene. All of the white substance recovered from the tollway was located in Cook County. David Ryan, a forensic investigator, took photographs at the scene in Kane County, where defendant ultimately stopped. In the process, white powder was found inside of defendant's vehicle. That powder was collected as evidence. A forensic scientist, Daniel Beerman, testified that the substances collected from the tollway and from within defendant's vehicle tested positive for cocaine. No weapon was found on defendant or in the vehicle.

¶ 12 B. Aggravated Battery Evidence

¶ 13 Additional officers also responded to the chase, including Eric Lawriw and Robert Jackson, Mark Blomstrand and Erik Miehle, and Christopher Anderson and Javier Zambrano. Eventually, the SUV pulled over at the Elgin Toll Plaza and came to a stop on the right shoulder of the road, next to a concrete barrier separating the I-Pass lanes. Four police cars surrounded the SUV: (1) Orlando parked his vehicle in front of the SUV; (2) Anderson and Zambrano parked their police car next to the SUV on the driver's side (to the left of the SUV if looking at the SUV from behind); (3) Lawriw's vehicle parked about one car length behind the SUV; and (4) Blomstrand parked approximately 100 feet behind the SUV.

¶ 14 After parking, Orlando exited and stood near the rear passenger side of his squad car, facing defendant with his weapon drawn. He explained that his weapon was drawn because he knew that defendant was possibly armed. Orlando watched Anderson exit his squad car and approach the

driver's side of defendant's vehicle. Orlando heard Anderson and other officers issuing verbal commands to defendant to exit the vehicle. Defendant did not comply. Anderson tried unsuccessfully to break the SUV's driver's side window. Defendant then lowered the window, and Anderson reached in and grabbed defendant; it appeared that Anderson grabbed defendant's upper body and was attempting to extricate him through the window. Based on the movement of defendant's arm and shoulder (appearing to manipulate a gear shift), Anderson testified that defendant put the vehicle in reverse. Orlando lost sight of Anderson, and he heard yelling and screaming. Defendant then put the vehicle into drive, the engine revved and the tries squealed, and the SUV moved toward Orlando. Orlando thought he was going to be crushed because he was located between the concrete barrier to his left, his squad car to his right, and defendant's vehicle in front of him. Orlando moved as close as he could to the barrier on his left, shot defendant, and the vehicle came to an abrupt stop. Orlando shouted "I shot, I shot, I shot," to alert the other officers that the shooting was not coming from inside of defendant's vehicle. Defendant grabbed his chest, exited the vehicle, collapsed, and Orlando called for an ambulance.

¶ 15 Zambrano testified that, during the chase, he was driving the police vehicle with its lights and sirens activated, and he and Anderson were dressed in full uniform. Zambrano stopped his car immediately next to the SUV and left the lights on. Zambrano exited the vehicle and took position by the driver's side trunk area, where he watched Anderson pounding on the window of the SUV. Zambrano did not know what, if anything, was in Anderson's hands when he was pounding on the window. The window came down, and Zambrano could see only Anderson's back. Zambrano saw the rear brake lights on the SUV turn on, and the SUV started moving backwards. Anderson was hit by the SUV's driver side mirror, was pushed in the same direction as the reversing SUV, and

stumbled backwards a few steps. According to Zambrano, Anderson regained his composure, returned to the SUV, and again reached in the window. Zambrano saw defendant's hands move downward from the steering wheel, and then he heard the tires screech and the SUV lurched forward. Zambrano could not see defendant shifting the gears, but assumed that is what happened.

¶ 16 Anderson testified that he and Zambrano responded to a radio dispatch about a man with a large quantity of narcotics and a possible handgun in the vehicle and joined the chase. After the SUV stopped and Zambrano parked the squad car next to the SUV, Anderson exited the squad car with his gun in his hand and a baton in his vest; he ordered defendant out of the vehicle. Defendant did not respond and just stared at Anderson. Anderson tried opening the driver's side door, but the door was locked. He then attempted, by striking the window with his baton in a downward motion to his right, to break the window with his baton, but was unsuccessful. Defendant then rolled down the window; Anderson repeated his order to defendant to exit the vehicle, and, when he did not obey, Anderson attempted to physically remove defendant from the car. Anderson reached in and grabbed defendant with both hands around defendant's shirt-collar area, but could not extricate defendant because defendant was wearing a seatbelt. At that point, Anderson saw defendant's right hand move on the gear shift and put the SUV in reverse. Anderson was struck by the SUV and "believed" he was struck by the SUV's driver's side mirror. "It had to have been the side mirror." When asked where the mirror struck him, Anderson testified "probably on my side, I'm not certain where it struck me. It caused me to lose my balance." Anderson could not state an exact location on the side of his body where the car struck him, and testified that he was not examined on the side of his body at the hospital. Anderson fell in the same direction that the SUV was moving, *i.e.*, he stumbled toward the back, not the hood, of the SUV. As the vehicle reversed, Anderson's back turned and the mirror

struck him. Anderson could not recall if he fell down to the ground, stating, "it happened very quickly." After regaining his composure, Anderson returned to the SUV and reached in with both hands to get defendant out of the car. Defendant then put the vehicle in drive, the tires screeched, and the car moved forward. Orlando shot defendant.

¶ 17 Anderson later noticed that his left hand was swollen and strained and that his right elbow was bruised. These injuries did not exist prior to reaching into defendant's vehicle. He could not recall whether he told paramedics that he was struck by the side mirror, but he recalled telling them about injuries on his left hand and fingers and on his elbow. Anderson was taken to the hospital, but did not have any broken bones.

¶ 18 Officer Lawriw testified that his squad car responded to the call of a chase involving an SUV containing a large amount of narcotics and possibly a gun. Once the SUV stopped, Lawriw and his partner parked behind the SUV. Lawriw saw Anderson by the SUV's driver's side window. Lawriw exited the vehicle and was standing about two feet away from the SUV's right, rear taillight when the SUV reversed; Lawriw jumped out of the way to avoid being hit. The SUV then drove forward, and Lawriw heard the tires screech and "a lot of gunshots." Lawriw did not see Anderson get injured, but he saw the injuries after they occurred and described them in a July 15, 2009, injury-on-duty report. In that report, Lawriw described the injuries and claimed that he had observed Anderson sustain injuries in the performance of his duties. At trial, Lawriw explained that, while he did not know the exact moment of injury, he knew Anderson was initially located on the driver's side of the SUV by the window, and that other officers and Anderson told Lawriw that Anderson was struck by the vehicle.

¶ 19 Officer Blomstrand testified that, after parking about 100 feet behind the SUV, he observed from a distance Anderson grab the handle of the SUV driver's door and try to open it, and then he saw Anderson beat on the window with his baton. From 30 to 40 feet away, Blomstrand saw the SUV's reverse lights go on and saw Anderson get "shoved off the vehicle due to the momentum of the driving in reverse." Blomstrand testified that, from his vantage point, he could not tell if, when the SUV reversed, the driver's window was open or if Anderson was reaching inside.

¶ 20 Victoria Zierk, a paramedic, testified that she responded to the scene and treated Anderson. Anderson directed Zierk's attention to his right elbow and his left hand. Zierk noticed an abrasion on Anderson's elbow. Anderson told Zierk that he was trying to get defendant out of the car when defendant reversed the car, causing him to fall backward and to hit his elbow on the window. Anderson did not know exactly how he incurred the pain in his left hand.

¶ 21 Defendant's motion for a directed finding was denied. In his case, defendant presented testimony from Tanya Mesmer, a registered nurse at Sherman Hospital, who testified that Anderson complained of injuries to his right elbow and the third digit of his left hand. Anderson told Mesmer that he was in an altercation, but that he did not know how the injuries happened because it all happened so fast. In her assessment, Mesmer documented that there was an abrasion on Anderson's right elbow and that he was complaining of pain in his left hand.

¶ 22 After closing arguments, the trial court instructed the jury that, as to evidence received regarding defendant's involvement in conduct other than that charged in the indictment: "This evidence has been received on the issues of the defendant's motive and knowledge and may be considered by you only for that limited purpose. It is for you to determine whether the defendant was

involved in that conduct and, if so, what weight should be given to this evidence on the issues of the defendant's motive and knowledge."

¶ 23 The jury found defendant not guilty of attempted first degree murder, but convicted him of aggravated battery of a police officer. Defendant's post trial motion was denied, and the court sentenced defendant to seven years' imprisonment. Defendant appeals.

¶ 24 II. ANALYSIS

¶ 25 A. Sufficiency of the Evidence

¶ 26 Defendant argues first that the evidence was insufficient to prove him guilty beyond a reasonable doubt of aggravated battery of a police officer. Specifically, to prove defendant guilty of aggravated battery, pursuant to section 12-4(b)(18) of the Criminal Code of 1961 (720 ILCS 5/12-4(b)(18) (West 2008)), the State needed to establish beyond a reasonable doubt that defendant knew Anderson was a police officer engaged in the performance of his duties and committed battery against him, *i.e.*, that he knowingly and "by any means," caused Anderson bodily harm or made physical contact with him of an insulting or provoking nature[2] (see 720 ILCS 5/12-3 (West 2008) (defining battery)). Here, defendant does not dispute that he knew that Anderson was a police officer engaged in the performance of his duties. However, defendant argues that the State's evidence that he knowingly caused bodily harm to Anderson was deficient and his conviction must be reversed. We disagree.

¶ 27 When a defendant challenges the sufficiency of the evidence supporting his or her conviction, the inquiry is whether, after viewing the evidence in the light most favorable to the State, any rational

[2]The jury was *not* instructed on this second prong, *i.e.*, that one may commit battery through conduct of an insulting or provoking nature.

trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *People v. Collins*, 214 Ill. 2d 206, 217 (2005). It is the function of the trier of fact to weigh and resolve conflicts in the evidence and draw reasonable inferences therefrom. *People v. Williams*, 193 Ill. 2d 306, 338 (2000). Nevertheless, while the jury's findings regarding witness credibility are entitled to great weight, the jury's determination is not conclusive. *People v. Smith*, 185 Ill. 2d 532, 542 (1999). The appellate court will reverse a conviction where the evidence is so unreasonable, improbable, or unsatisfactory as to justify a reasonable doubt of defendant's guilt; however, we cannot substitute our view of the evidence for the jury's. *Id.*

¶ 28 Here, defendant argues that the evidence was insufficient to establish beyond a reasonable doubt that he knowingly caused Anderson bodily harm. Defendant asserts that Anderson's testimony reflects inconsistencies; for example, Anderson was not certain whether he was struck by the side mirror, the window, the SUV generally, or even at all, given that he testified it happened so quickly. Accordingly, defendant argues that it is possible that Anderson injured himself in the process of trying to break the SUV's window with the baton, or when he took cover while Orlando shot defendant. As such, defendant suggests, these possibilities constitute reasonable doubt as to whether defendant caused Anderson's injuries.

¶ 29 We disagree with defendant that the foregoing renders the evidence so unsatisfactory as to justify a reasonable doubt of defendant's guilt. Anderson testified that, while in full uniform and with his gun drawn, he approached defendant and ordered him to exit the SUV. Defendant did not respond and simply stared at Anderson. Anderson tried to open the door, but defendant left it locked. After Anderson tried to break the window, defendant rolled it down, but when Anderson again ordered defendant out of the SUV, defendant did not comply. Anderson reached into the vehicle to

extricate defendant and saw defendant move the gear shift into reverse. Anderson testified that, while it happened quickly, he believed he was struck by the side mirror as the SUV reversed. Further, he testified that the momentum of the SUV caused his back to turn and hit the mirror, and sent him stumbling toward the back of the car. Anderson approached defendant a second time, and, after he reached in through the window, saw defendant shift the SUV into drive. Anderson later noticed that his left hand was swollen and his right elbow was bruised, testifying that he did not have those injuries prior to his altercation with defendant. Anderson informed Zierk, the paramedic on the scene, that his injury occurred when he was trying to get defendant out of the car. Anderson informed Mesmer, the nurse at the hospital, that his injuries occurred in an altercation. Both Zierk and Mesmer confirmed the existence of the abrasion on Anderson's elbow and that he complained of pain in his left hand. As such, viewing the evidence in the State's favor, Anderson's testimony *alone* is sufficient for the jury to have found beyond a reasonable doubt that defendant, by shifting the car into reverse and then into drive each time Anderson reached through the window, knowingly caused Anderson bodily harm.

¶ 30 Anderson's testimony was not, however, the sole evidence from which the jury could have reasonably found defendant knowingly caused Anderson bodily harm, because other officers corroborated that Anderson was struck by the SUV when defendant reversed the vehicle. Specifically, Orlando testified that he saw defendant's shoulder and arm move the car into reverse while Anderson was attempting to extricate defendant through the window. As the car moved, Orlando lost sight of Anderson and heard screaming. Significantly, Zambrano testified that, when the SUV moved backwards, Anderson was hit by the SUV's driver's side mirror, was pushed in the same direction as the reversing SUV, and stumbled backwards. Anderson regained composure,

approached defendant and reached through the window again, at which time Zambrano saw defendant move his hands downward from the steering wheel and lurch the SUV forward. In addition, Lawriw saw Anderson next to the driver's window before the car reversed and saw Anderson's injuries after defendant was shot. Also significant is that Blomstrand testified that he saw Anderson trying to get defendant out of the SUV when it reversed and "shoved" Anderson off of it.

¶ 31 In sum, defendant's theory— that Anderson's injuries could have been caused when he tried to break the window or took cover—is purely speculative. In contrast, regardless of whether there were minor uncertainties as to whether Anderson's injuries resulted from his contact with the SUV's window, the door, the side mirror, or somewhere else, the evidence was clearly sufficient to sustain the jury's finding that the injuries occurred as a result of defendant's actions of moving the vehicle while Anderson was holding on to him. In light of Anderson's, Zambrano's, and Blomstrand's testimony that Andrson was struck by the SUV, a reasonable jury could have found beyond a reasonable doubt that defendant knowingly caused Anderson harm. We reject defendant's sufficiency argument.

¶ 32 B. Admission of Other-Crimes Evidence

¶ 33 Defendant next argues that, where he was not charged with any narcotics offenses and where there is no similarity between the charged and uncharged conduct, the trial court erred in admitting evidence of other crimes.

¶ 34 Other-crimes evidence is not admissible if it is relevant only to establish the defendant's propensity to commit crimes. *People v. Kliner*, 185 Ill. 2d 81, 146 (1998). Indeed, other-crimes evidence is objectionable because it might establish "too much," such that a jury might be inclined

to convict the defendant because he or she is a bad person deserving punishment. *People v. Donoho*, 204 Ill. 2d 159, 182 (2003).

¶ 35 However, other-crimes evidence is admissible if it is relevant for any other purpose. *People v. Walker*, 2012 IL App (1st) 083655, ¶ 47. For example, other-crimes evidence may be admissible to establish *modus operandi*, motive, knowledge, intent, presence of criminal intent, or consciousness of guilt. *Id.*; see also Ill. R. Evid. 404(b) (eff. Jan. 1, 2011) (evidence of other crimes, wrongs, or acts is admissible for purposes other than establishing character, such as proof of motive, etc.) Further, "such evidence has also been permitted where necessary to explain the circumstances of the crime which would otherwise be unclear or improbable." *People v. Cross*, 96 Ill. App. 3d 268, 272 (1981) (citing *People v. Cole*, 29 Ill. 2d 501 (1963)). Or, stated the opposite way, evidence of other crimes may be "*inadmissible when independent of or disconnected from* the crime with which defendant is charged." (Emphasis added.) *Cross*, 96 Ill. App. 3d at 272 (citing *People v. Cage*, 34 Ill. 2d 530 (1966)).

¶ 36 When other-crimes evidence is offered, the trial court must weigh its probative value against its prejudicial effect. *Walker*, 2012 IL App (1st) at ¶ 47. When weighing the prejudicial effect of admission, a court should consider whether the other-crimes evidence will become the focus of the trial, or whether it might otherwise be misleading or confusing to the jury. See *People v. Boyd*, 366 Ill. App. 3d 84, 95 (2006) (other-crimes evidence must not become a focal point of the trial, and the detail and repetition admitted must be narrow so as to avoid the danger of a trial within a trial). A trial court's decision to admit other-crimes evidence will not be reversed unless the court abused its discretion. *Walker*, 2012 IL App (1st) at ¶ 47. A trial court abuses its discretion if the court's

determination is arbitrary, fanciful, or if no reasonable person would adopt the trial court's view. *Id.* at 182; see also *Donoho*, 204 Ill. 2d at182.

¶ 37 Here, we disagree with defendant that the trial court erred in admitting the other-crimes evidence. The trial court listed two bases for admitting the evidence. First, it noted that the evidence regarding narcotics and a possible handgun in the SUV was inextricably linked to the circumstances surrounding the charged conduct, *i.e.*, the aggravated battery. We agree. Without presentation of evidence regarding the narcotics and possible weapon, the jury would not have understood why defendant took flight (to dispose of narcotics), why numerous police vehicles chased defendant from Cook County to Kane County, and why numerous officers surrounded defendant's vehicle, with weapons drawn, when he came to a stop. Defendant is generally correct that narcotics offenses and aggravated battery are dissimilar crimes. Here, however, the narcotics offenses were not offered to prove defendant committed the aggravated battery. See, *e.g.*, *People v. McKibbins*, 96 Ill. 2d 176, 185-86 (1985) (noting that the general requirement for close similarity between the charged conduct and other-crimes evidence is relaxed when the other-crimes evidence is not offered to prove commission of the charges). Rather, the other-crimes evidence was admitted to explain the circumstances surrounding defendant's commission of the charged conduct and his arrest. *Id.* at 183 (other-crimes evidence properly admitted where the other crime was occurring when the defendant was arrested; accordingly, without admission of the other-crimes evidence, it would have been difficult to describe or explain the circumstances surrounding the arrest). As the evidence regarding narcotics and a possible weapon was not "independent of or disconnected from" the crime with which defendant was charged (*Cross*, 96 Ill. App. 3d at 272), but was, rather, relevant to explain the

course of conduct and circumstances leading up to defendant's arrest, we do not find arbitrary or unreasonable the court's decision to admit the evidence on this basis.

¶ 38 The court's second stated basis for admission was that the other-crimes evidence was relevant to establishing defendant's motive for committing the charged crimes. Again, we do not find the court's determination unreasonable. By hearing evidence that defendant did, in fact, possess narcotics, the jury was informed as to defendant's possible motives for evading apprehension via a long-distance chase, for refusing to obey Anderson's commands to exit the vehicle, and for attempting escape by both reversing and then driving forward to extricate himself from Anderson's grip.

¶ 39 While defendant is correct that multiple witnesses testified regarding the narcotics, we disagree that the evidence, overall, became a mini-trial or that the prejudice of the evidence substantially outweighed the probative effect. The witnesses who testified to the radio dispatch announcing that there were suspected narcotics in the SUV did so to explain what they heard and why they joined the chase. The witnesses who testified to seeing defendant throw narcotics out of the SUV during the pursuit not only did so in a relatively succinct fashion, but the testimony bore on defendant's motive for evading arrest and his efforts to dispose of any narcotics in his possession before any arrest. The testimony concerning the subsequent collection of and testing of the substances thrown out of and found inside the vehicle was brief and, moreover, relevant to defendant's motive for evading police based on his possession of cocaine.

¶ 40 Accordingly, we conclude that there was no error in admitting the other-crimes evidence. We further note that we agree with the State's argument on appeal that, even if the other-crimes evidence was improperly admitted, the error was harmless. See, *e.g.*, *People v. Nieves*, 193 Ill. 2d

513, 530 (2000) (it is well-established that, where a defendant is neither prejudiced nor denied a fair trial based upon its admission, improper introduction of the evidence constitutes harmless error). Defendant argues that, because the jury acquitted him of attempted murder, it must have convicted him of aggravated battery only as a result of the other-crimes evidence, which overwhelmed, misled, and confused it. We disagree. As noted in our previous discussion regarding the sufficiency of the evidence, the evidence supporting defendant's conviction for aggravated battery was overwhelming. See *Walker*, 2012 IL App (1st) at ¶¶ 54, 61 (even if it was "debatable" that the admitted other-crimes evidence was excessive, any error was harmless in light of the overwhelming evidence on the charged conduct). Multiple witnesses testified that, when Anderson attempted to extricate defendant from the vehicle, defendant moved the car and injured Anderson. In light of that evidence, we do not agree that evidence regarding defendant's possession and disposal of narcotics confused or influenced the jury in its deliberations regarding the evidence of aggravated battery. Thus, we conclude that the court did not abuse its discretion in admitting the other-crimes evidence and, even if it did, the error was harmless.

¶ 41 III. CONCLUSION

¶ 42 For the foregoing reasons, the judgment of the circuit court of Kane County is affirmed.

¶ 43 Affirmed.