

NOTICE

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2016 IL App (4th) 140336-U

NO. 4-14-0336

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

April 12, 2016
Carla Bender
4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from
Plaintiff-Appellee,)	Circuit Court of
v.)	Macon County
JON E. WHITTLE,)	No. 13CF410
Defendant-Appellant.)	
)	Honorable
)	Thomas E. Griffith, Jr.,
)	Judge Presiding.

JUSTICE STEIGMANN delivered the judgment of the court.

Justices Harris and Appleton concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed defendant's convictions and sentence, rejecting his argument that the trial court abused its discretion by admitting other-crimes evidence.

¶ 2 Following a January 2014 trial, a jury convicted defendant, Jon E. Whittle, of (1) armed habitual criminal (720 ILCS 5/24-1.7(a) (West 2012)) and (2) aggravated fleeing or attempting to elude a police officer (625 ILCS 5/11-204.1(a)(1) (West 2012)). The trial court later sentenced defendant to concurrent prison terms of (1) 24 years for armed habitual criminal and (2) 4 years for fleeing or attempting to elude a police officer.

¶ 3 Defendant appeals, arguing that the trial court abused its discretion by not limiting the amount of other-crimes evidence considered by the jury. We disagree and affirm.

¶ 4 **I. BACKGROUND**

¶ 5 In January 2014, defendant faced the following charges: (1) armed habitual criminal-

nal for possessing a .40-caliber semiautomatic handgun, (2) aggravated fleeing or attempting to elude a police officer, and (3) armed habitual criminal for possession of a .357-caliber revolver. The charges arose as the result of an April 2013 attempted traffic stop in which defendant—who was the driver of a blue sport utility vehicle (SUV)—attempted unsuccessfully to elude police. After defendant stopped his SUV, police searched defendant and two occupants. A search of the female passenger's purse revealed two guns, a .40-caliber handgun and a .357-caliber revolver, which the female passenger later asserted belonged to defendant.

¶ 6 A. Pretrial Proceedings

¶ 7 1. *The State's Motion in Limine*

¶ 8 In August 2013, the State filed a motion to admit other-crimes evidence. At the December 2013 hearing on that motion, the State explained that the other-crimes evidence showed how "defendant came into possession of the gun" that police seized. Specifically, the State sought to introduce the testimony of (1) William Rivera, who was expected to testify that in exchange for heroin, he illegally acquired and delivered to defendant the .40-caliber handgun; (2) Elia Lobano, Rivera's girlfriend, who would testify that defendant was Rivera's drug dealer; and (3) Gerald Causer, a Clinton police detective, who would testify that defendant admitted during an interview that he was involved in the distribution of heroin.

¶ 9 Following argument and a brief recess, the trial court ruled that it would allow Rivera to testify during defendant's trial, subject to an offer of proof. In so doing, the court noted, as follows:

"[T]he court believes *** Rivera's testimony shows both how *** defendant came into possession of at least one of the guns and obviously knowledge of the gun in the codefendant's purse at the time

of the arrest.

[The court] agree[s] with [defense counsel] that *** the testimony is certainly prejudicial. But [the court] think[s] *** the prejudicial effect is outweighed by its probative value."

The court also allowed Causer's testimony, finding that Causer's testimony "will corroborate *** Rivera's testimony." The court denied the admission of Lobano's testimony.

¶ 10 *2. The Defendant's Motion in Limine*

¶ 11 In January 2014—immediately following *voir dire*—defense counsel argued orally that the expected testimony from the State's witnesses, Jazmyne Milan and Rickeya Brown, "in my opinion *** constitutes other[-]crimes evidence or prior bad acts." Milan and Brown were expected to testify that on April 1, 2013, they were stopped at an intersection when a blue SUV with the partial license plate of "TOOTSR" pulled alongside. The black male driver rolled down his window and, with a menacing look, brandished a gun and aimed it at Milan. Shortly thereafter, Milan reported the incident to the police. The State responded that the disputed testimony was part of the continuing narrative. Accepting the State's response, the trial court denied defendant's motion *in limine*.

¶ 12 *B. The Offer of Proof*

¶ 13 During defendant's January 2014 trial, and outside of the jury's presence, the trial court conducted a hearing to "determine whether *** Rivera's testimony was consistent with the State's prior proffer."

¶ 14 Rivera, who was 32 years old, testified that during 2012, he purchased heroin from defendant on a daily basis. During one encounter, defendant asked if Rivera knew how to acquire a gun. Rivera informed defendant that he knew of a person in Clinton who owned guns.

Defendant and Rivera then planned that Rivera would act as a lookout while men whom defendant recruited burglarized the identified home. After completing the November 2012 burglary, Rivera and the other men delivered the stolen items to defendant.

¶ 15 After defense counsel cross-examined defendant about certain details of the burglary, the trial court ruled that Rivera could testify, finding that Rivera's in-court testimony was consistent with the State's prior proffer.

¶ 16 C. The Evidence Presented at Defendant's Trial

¶ 17 1. *The State's Evidence*

¶ 18 On the afternoon of April 1, 2013, Brown was driving her cousin, Milan, to work. As they were stopped in a left-turn lane awaiting a green light, Milan testified that she observed a blue SUV in the lane immediately to her right. Milan then noticed that the driver, a black male who seemed angry, was pointing an "all black gun" directly at her. Once Milan saw the gun, she looked away. When the traffic light turned green, Brown turned left and the SUV continued forward. As it did so, Milan noted the SUV's license plate read, "TOOTSR," followed by a number. Milan acknowledged that she could not identify the driver because she did not get a "good look." Shortly thereafter, Milan called the police and met an officer at a local gas station to report the incident.

¶ 19 Brown's testimony about the gun incident was consistent with Milan's account. Brown added that she (1) did not get a good look at the black male driver who aimed the gun at her car and (2) would not be able to recognize the driver if she saw him again.

¶ 20 On April 1, 2013, Decatur police department officer Michael Claypool was on patrol in a marked squad car when he received a dispatch concerning the unlawful use of a weapon. Claypool was then given the description of a blue SUV with the partial license plate of

"TOOTSR." Shortly thereafter, Claypool located the SUV parked with a person in the front passenger seat, but he continued driving and radioed the SUV's location to fellow officers. Lieutenant Cody Moore, who was driving an unmarked squad car, had been observing the SUV from a distance when he saw two males join the passenger seated in the SUV. As the SUV drove away, Moore testified that the driver failed to signal when he turned onto another street.

¶ 21 Based on information provided by Moore, Claypool located the SUV stopped at an intersection. When the traffic light turned green, Claypool initiated a traffic stop by activating his emergency lights. After turning left at an intersection, the SUV sped away from Claypool at speeds approaching 60 miles per hour. Eventually, the SUV stopped, and Claypool and his fellow officers performed a "high risk stop," which involved ordering each occupant to exit the SUV separately by performing a series of specific tasks. Police identified the three vehicle occupants as (1) defendant, who drove the SUV; (2) Isaiah Kendricks; and (3) Gabrielle Simoneaux. As Simoneaux exited the SUV, Moore ordered her to drop her purse. (A mounted camera recorded the attempted traffic stop, subsequent chase, and high-risk-stop procedure employed, which was shown to the jury.)

¶ 22 Simoneaux testified that she had known defendant for about five years and they had an "on and off relationship." On April 1, 2013, Simoneaux was visiting with friends in Decatur when defendant drove up in his "truck." Simoneaux entered the vehicle, and defendant drove to pick up a friend Simoneaux knew only as "Freak." (Because the record identifies "Freak" as Kendricks, we use the name Kendricks.) When they arrived at Kendricks' home, defendant went in, and Simoneaux remained in the truck. Shortly thereafter, defendant and Kendricks returned, and defendant drove away.

¶ 23 As defendant later pulled away from an intersection, Simoneaux noticed that a

police officer signaled them to stop by turning on his emergency lights. In response, defendant increased his speed instead of stopping. Simoneaux then asked defendant whether he was "dirty"—meaning, did defendant possess anything that was illegal. Defendant responded, "Yes," and retrieved two guns—one from under his seat and another from the SUV's center console. Defendant handed one of the guns to Simoneaux and asked her to throw it out the window. Simoneaux returned the gun to defendant, refusing to discard it because the pursuing officer would have seen her do so. Defendant then handed Simoneaux both guns and asked whether she "would take this case for him," which meant that Simoneaux would admit to police that she owned the guns. Simoneaux was shocked at defendant's request but placed both handguns in her purse. Simoneaux stated she did so because she (1) was scared and (2) knew that if she did not, there was going to be "a whole bunch of confusion."

¶ 24 After her arrest, Simoneaux acknowledged that police searched her purse and found two handguns. At a "fairly lengthy" police interview conducted later that day, Simoneaux stated that she initially lied to the interviewing officer by stating that she bought the guns from a former boyfriend. After further questioning, Simoneaux confirmed the investigating officer's suspicion that the guns seized belonged to defendant.

¶ 25 Simoneaux admitted that in May 2013, she approached defendant's attorney while he was in the courthouse parking lot. Simoneaux told defendant's attorney that (1) the seized guns belonged to her and (2) the police had pressured her into naming defendant as the owner of the guns. Simoneaux explained that she had received threatening calls from defendant's friend, whom she only knew as "Nay Nay," urging her to speak with defendant's attorney and change her statement to the police. After defendant's attorney advised Simoneaux to speak with her own attorney, Simoneaux did so and had no further contact with defendant's attorney. Simoneaux

admitted that in December 2013, she (1) pleaded guilty to (a) possession of a controlled substance with the intent to deliver and (b) aggravated use of a weapon and (2) received a sentence of probation for four years. As a condition of her probation, Simoneaux agreed to testify truthfully at defendant's trial, which she stated she did.

¶ 26 Decatur police department officer Cory Barrows testified that on April 1, 2013, he participated in the subsequent search of defendant's SUV. Barrows searched the purse Simoneaux dropped to the ground and seized (1) a .40-caliber handgun loaded with a magazine clip containing eight rounds and (2) a .357-caliber revolver containing four rounds in its cylinder. A check of the serial number on the .40-caliber handgun revealed that "it *** came back as a stolen handgun out of Clinton."

¶ 27 Testing performed at the Illinois State Police Forensic Science Command by a forensic scientist specializing in latent fingerprints revealed one suitable latent fingerprint on the .357-caliber revolver that belonged to Simoneaux.

¶ 28 Toby Pister, who lived in Clinton, Illinois, testified that in early November 2012, Rivera and his girlfriend came to a house party he hosted. Pister explained that Rivera was welcomed at the party because Rivera's girlfriend knew Pister's former girlfriend. Prior to Rivera's arrival, Pister was at his home computer researching handgun accessories for his .40-caliber handgun. In so doing, Pister had that gun lying next to his computer. After Rivera's arrival, Pister put the .40-caliber handgun in his gun cabinet, which was located in a closet and contained the following four additional firearms: (1) a shotgun, (2) a 9-millimeter carbine, (3) a .22-caliber rifle, and (4) a high-powered air rifle.

¶ 29 On November 25, 2012, Pister went to a friend's home to watch a boxing match on television. Just prior to his departure, Pister received a text message from Rivera asking him

if he wanted to go out drinking. Pister declined because he was on call that night for his employer. Pister returned home later that night and found that his home had been burglarized. Pister reported to police that in addition to other electronic devices, all his firearms were missing. Pister confirmed that the serial number of the .40-caliber handgun police recovered matched the serial number of the .40-caliber handgun he owned.

¶ 30 During defendant's trial, but outside the jury's presence, defense counsel challenged the admissibility of two separate recorded conversations defendant had with unidentified persons while he was incarcerated in the Macon County jail awaiting trial. Specifically, defense counsel argued that the recorded phone calls and associated transcripts detailing the calls defendant made on April 2, 2013, and April 3, 2013, were inadmissible because (1) they "could be interpreted as an attempt at witness intimidation, which would constitute other[-]crimes evidence" and (2) "they're so prejudicial that they outweigh any probative value." The court overruled defense counsel's objections, finding that the recordings contained statements defendant made that were against his interest and, thus, were admissible. Thereafter, the following recorded phone calls were played for the jury

¶ 31 On April 2, 2013, defendant had a phone conversation with an unidentified female regarding "Gabby" (Simoneaux). After the unidentified female informed defendant that Simoneaux's bond was \$300 and defendant's bond was \$30,000, defendant responded, "Yea, that's what I'm sayin', I think, I think she told (unintelligible)."

¶ 32 On April 3, 2013, defendant had a phone conversation in which he told an unidentified male, "Mother fucker from *** out of town talkin' bout somethin' was stolen. *** You know, got to askin' questions and shit." After the unidentified male acknowledged defendant's statement, defendant continued, as follows:

"They was askin' me about dude. Talkin bout um, where you get the girl from, or you know anything about what's happenin'[,] I said I don't know, you know what I'm sayin[?] You gotta go holler at him. But the whole thing is, I don't even want em', I don't even want em' hollerin' at dude, you know what I'm sayin[?]"

Defendant's last statement to the unidentified male was, "These people done pulled me out least twice askin' about this dumbass nigga, dog."

¶ 33 Prior to the State's calling Rivera and Causer to the stand, the trial court instructed the jury consistent with Illinois Pattern Jury Instruction, Criminal, No. 3.14 (4th ed. 2000) (hereinafter, IPI Criminal 4th No. 3.14), as follows:

"Evidence will be received that ***defendant has been involved in offenses other than those charged in the information. This evidence will be received on the issue of ***defendant's knowledge and may be considered by you only for that limited purpose. It is for you to determine whether *** defendant was involved in these offenses and, if so, what weight should be given to this evidence on the issue of *** defendant's knowledge."

¶ 34 Rivera testified that in 2004 and 2005, he had been convicted of burglary and inflicting corporal injury to a spouse or cohabitant, respectively, in San Bernardino County, California. Rivera also admitted that in 2010, he was convicted of "obstructing identification" in DeWitt County, Illinois.

¶ 35 In 2012, Rivera resided in Clinton and was using approximately one-half gram of

heroin per day, which cost between \$70 and \$100. Rivera stated that eventually, defendant, who lived in Decatur, was his sole supplier of heroin. (We note that during his testimony, Rivera referred to defendant as "Gotti.") Rivera estimated that he purchased heroin from defendant about 100 times. During one of his purchases, defendant asked Rivera if he knew where defendant could acquire a handgun. Rivera responded that he knew of a person in Clinton named Pister, who owned guns. Rivera explained that he knew of Pister's .40-caliber handgun because Pister showed the gun to Rivera during the November 2012 party Pister hosted at his home. Rivera and defendant then devised a plan to burglarize Pister's home.

¶ 36 In late November 2012, Rivera drove from Clinton to a home in Decatur, where defendant was waiting with defendant's three friends, whom Rivera did not know. Thereafter, Rivera drove with the three others to Pister's home. After making sure no one was home, the three men broke into Pister's home, while Rivera remained as a lookout. A short time later, the three emerged with (1) a .40-caliber handgun and rifles and (2) a flat-screen television. The foursome then returned to Decatur and met with defendant. Defendant (1) took the .40-caliber handgun, (2) divided the remaining items amongst his three friends, and (3) delivered approximately 1 1/2 grams of heroin to Rivera.

¶ 37 About a week after the Pister burglary, Causer questioned Rivera. Rivera admitted that he heard about the burglary but denied any involvement. On April 28, 2013, Barry Hitchens, a detective with the Decatur police department, interviewed Rivera about the Pister burglary. Rivera again denied any involvement but told Hitchens that he witnessed a person named Rusty Waters deliver a gun to defendant in exchange for heroin. Eventually, in exchange for immunity from prosecution for his involvement in the Pister burglary, Rivera recanted his earlier statement about Waters and admitted his participation in the Pister burglary. In May

2013, Rivera provided a statement to Hitchens consistent with his aforementioned testimony regarding the November 2012 burglary of Pister's home.

¶ 38 Causer testified that on April 3, 2013, he interviewed defendant at the Macon County jail. In response to questions Causer posed, defendant (1) denied any knowledge about the types of guns stolen from Pister's home, (2) denied knowing Rivera, and (3) admitted that "he was a heroin dealer that smoked [cannabis]." Causer stated that he did not record his interview because defendant objected.

¶ 39 *2. Defendant's Evidence*

¶ 40 Shamari Graham, the mother of defendant's two children, testified that prior to and after May 30, 2013, she had no contact with Simoneaux.

¶ 41 Barry Hitchens, a detective with the Decatur police department, testified that on April 1, 2013, he interviewed defendant at the Decatur police department.

¶ 42 D. The Trial Court's Admonishments to the Jury

¶ 43 Following the close of evidence and the presentation of closing arguments, the trial court again provided the jury the following instruction regarding other-crimes evidence:

"Evidence has been received that ***defendant has been involved in offenses, other than those charged in the information. This evidence has been received on the issue of *** defendant's knowledge and may be considered by you only for that limited purpose.

It is for you to determine whether *** defendant was involved [in] those offenses and, if so, what weight should be given to this evidence on the issue of *** defendant's knowledge." IPI

Criminal 4th No. 3.14.

¶ 44 Immediately thereafter, the trial court admonished the jury, as follows:

"When a witness says he was involved in the commission of a crime with the defendant, the testimony of that witness is subject to suspicion and should be considered by you with caution. It should be carefully examined in light of the other evidence in this case." IPI Criminal 4th No. 3.17.

¶ 45 E. The Jury's Verdict and the Trial Court's Sentence

¶ 46 Following argument and deliberation, the jury convicted defendant of (1) armed habitual criminal for possessing a .40-caliber handgun and (2) aggravated fleeing or attempting to elude a police officer. The jury found defendant not guilty of armed habitual criminal for possession of a .357-caliber revolver. The trial court later sentenced defendant to concurrent prison terms of (1) 24 years for armed habitual criminal and (2) 4 years for fleeing or attempting to elude a police officer.

¶ 47 This appeal followed.

¶ 48 II. THE TRIAL COURT'S EVIDENTIARY RULINGS

¶ 49 Defendant argues that the trial court abused its discretion by not limiting the amount of other-crimes evidence considered by the jury. We disagree.

¶ 50 A. Other-Crimes Evidence Defined and the Standard of Review

¶ 51 We first note that other-crimes evidence shows that "a crime took place and that *the defendant* committed it or participated in its commission." (Emphasis added.) *People v. Pikes*, 2013 IL 115171, ¶ 16, 998 N.E.2d 1247. Other-crimes evidence is inadmissible to show a defendant's propensity to commit crime. *Id.* ¶ 16; Ill. R. Evid. 404(b) (eff. Jan. 1, 2011). The

concern is that other-crimes evidence is too relevant and might cause the jury to convict because it believes that the defendant is a bad person. *Pikes*, 2013 IL 115171, ¶ 16, 998 N.E.2d 1247.

¶ 52 However, " '[i]t is well settled under the common law that evidence of other crimes is admissible if relevant for any other purpose than to show a defendant's propensity to commit crimes.' " *People v. Patterson*, 2013 IL App (4th) 120287, ¶ 58, 2 N.E.3d 642 (quoting *People v. Chapman*, 2012 IL 111896, ¶ 19, 965 N.E.2d 1119). Other purposes include "proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident." Ill. R. Evid. 404(b) (eff. Jan. 1, 2011). The admissibility of evidence rests within the sound discretion of the trial court, and the court's decision will not be disturbed absent an abuse of that discretion. *Pike*, 2013 IL 115171, ¶ 12, 998 N.E.2d 1247.

¶ 53 B. The Continuing-Narrative Exception to the Proscription
Against Other-Crimes Evidence

¶ 54 In *People v. Slater*, 393 Ill. App. 3d 977, 992-93, 924 N.E.2d 1039, 1052 (2009), this court explained the continuing-narrative exception to the proscription against other-crimes evidence, as follows:

"[E]vidence of another crime is admissible if it is part of a continuing narrative of the event giving rise to the offense or, in other words, intertwined with the offense charged. [Citation.] As this court has previously explained, when facts concerning other criminal conduct are part of a continuing narrative that relates to the circumstances attending the entire transaction, they do not concern separate, distinct, and unconnected crimes. [Citation.] Indeed, other-crimes evidence is admissible as part of a continuing narrative to explain aspects of the crime that would

otherwise be implausible or inexplicable. [Citation.]" (Internal quotation marks omitted.)

¶ 55 C. Defendant's Evidentiary Claims

¶ 56 As previously noted, defendant argues that the trial court abused its discretion by not limiting the amount of other-crimes evidence considered by the jury. Specifically, defendant challenges (1) testimony provided by Milan and Brown, (2) the admission of two phone calls defendant made while in jail, (3) Rivera's testimony, and (4) Causer's testimony. We address defendant's claims, in turn.

¶ 57 1. *The Testimony Provided by Milan and Brown*

¶ 58 Milan and Brown testified that on April 1, 2013, they encountered an angry black man, who, while operating an SUV, was aiming an "all black gun" in their direction as they waited at a traffic light. Although neither Milan nor Brown could positively identify the man who brandished the handgun, Milan was able to provide a description of the SUV he drove.

¶ 59 To the extent that defendant argues that the aforementioned testimony provided by Milan and Brown constituted other-crimes evidence for purposes of evaluating its admissibility under Illinois Supreme Court Rule 404(b) (eff. Jan. 1, 2011) and the other-crimes doctrine, we disagree.

¶ 60 In *Pikes*, 2013 IL 115171, ¶ 3, 998 N.E.2d 1247, the State alleged that the defendant was a Four Corner Hustler gang member who committed a murder resulting from a conflict with rival Gangster Disciple gang members. The State introduced evidence that, the day before the alleged murder, a Gangster Disciple member, Robinson, drove a scooter through Four Corner Hustler territory while being followed by a car containing other Gangster Disciples. *Id.* Defendant's codefendant then allegedly shot at Robinson before being struck by the car. *Id.* The State

alleged that defendant and his codefendant later murdered Lorne Mosley to get revenge on the Gangster Disciples. *Id.*

¶ 61 In reversing the appellate court's judgment, the supreme court held as follows:

"The appellate court erred [by] holding that evidence of the scooter[-]shooting incident was improperly admitted at [the] defendant's trial under the other-crimes doctrine. We hold that this doctrine was inapplicable here, where [the] defendant neither committed nor participated in the prior shooting incident. The evidence of that incident was relevant to show defendant's motive for the drive-by shooting that resulted in *** Mosley's death, and the trial court did not abuse its discretion in admitting the evidence for that purpose." *Id.* ¶ 28.

In other words, other-crime principles apply "only when the defendant is alleged to have committed the prior offense." *Id.* ¶ 20.

¶ 62 In this case, the State did not charge, much less proffer, evidence showing that defendant was the person who brandished a gun and pointed it at Milan as she waited at a traffic light. Thus, the admissibility of Milan's and Brown's testimony concerning the circumstances surrounding the intersection encounter should not be evaluated under an other-crimes analysis but, instead, under ordinary principles of relevance.

¶ 63 Evidence is generally admissible if it is relevant. Ill. R. Evid. 402 (eff. Jan. 1, 2011). Relevant evidence is "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Ill. R. Evid. 401 (eff. Jan. 1, 2011). However, relevant evi-

dence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice. Ill. R. Evid. 403 (eff. Jan. 1, 2011). In other words, the evidence "must be so prejudicial that the defendant is denied a fair trial." *People v. Pelo*, 404 Ill. App. 3d 839, 865, 942 N.E.2d 463, 486 (2010).

¶ 64 Under this general standard, we conclude that the vehicle description provided was relevant to explain why the police were searching for a blue SUV with a partial license plate of "TOOTSR" in connection with the report of an unlawful use of a weapon. In other words, the evidence provided by Milan and Brown was admissible because it provided the jury a greater understanding of police actions that predicated the State's charges against defendant.

¶ 65 *2. Defendant's Recorded Phone Calls From Jail*

¶ 66 Defendant argues that the trial court abused its discretion by admitting audio recordings revealing the content of two phone calls defendant made while in jail. Defendant contends that the recordings were ambiguous, irrelevant, and had minimal probative value. We disagree.

¶ 67 Despite defendant's contentions, the phone recordings at issue were highly relevant because when placed in their proper context, they provide invaluable insight into defendant's state of mind—that is, his concerns, fears, and anxieties—within 48 hours of his arrest. Defendant's choice of words in those recorded conversations belie his claims that he did not (1) know Rivera or (2) have knowledge of the .40-caliber handgun.

¶ 68 Causer testified that on April 3, 2013—the same day as defendant's call to an unknown male—he conducted an interview with defendant at which defendant denied knowing Rivera. However, the jury could have reasonably inferred that the "out of town" person "talkin' bout somethin' was stolen" was Rivera. Similarly, the jury could have reasonably inferred that

defendant's statement to the unknown female that "I think she told," when speaking about Simoneaux, corroborates Simoneaux's testimony that defendant asked her to falsely claim she owned the .40-caliber handgun.

¶ 69 We reject defendant's contentions and conclude that the two recorded phone conversations were relevant and admissible because they could have provided the jury valuable insight into defendant's guilty conscience.

¶ 70 *3. The Other-Crimes Evidence Provided by Rivera and Causer*

¶ 71 With regard to Rivera's testimony, defendant claims that the level of detail Rivera gave in discussing defendant's "alleged involvement in the burglary of *** Pister's home went far beyond what was relevant and necessary." We disagree.

¶ 72 "[O]ther-crimes evidence is admissible to explain an aspect of the crime charged that otherwise 'would be implausible or perhaps even inexplicable.' " *People v. Johnson*, 368 Ill. App. 3d 1146, 1156, 859 N.E.2d 290, 299 (2006) (quoting *People v. Carter*, 362 Ill. App. 3d 1180, 1190, 841 N.E.2d 1052, 1060 (2005)).

¶ 73 In this case, the main issue concerned determining whether defendant had possession of the .40-caliber handgun police seized from Simoneaux's purse. Given the lack of physical evidence establishing a link between defendant and that handgun, we conclude that Rivera's testimony was admissible under the continuing-narrative exception to the proscription against other-crimes evidence because it provided a relevant, historical context that showed how defendant (1) knew Rivera; (2) solicited Rivera's assistance in acquiring a handgun; (3) learned that Pister owned handguns; (4) acquired the .40-caliber handgun that police later seized, and (5) knew that Simoneaux had possession of the .40-caliber gun at the time of defendant's arrest.

¶ 74 We similarly reject defendant's claim that the trial court abused its discretion by

allowing Causer's testimony regarding defendant's admission that he was a heroin dealer. Here, we agree with the court's assessment that the testimony at issue served to corroborate the relationship between defendant and Rivera, which defendant denied existed.

¶ 75 In so concluding, We further reject defendant's alternative argument that the probative value of the other-crimes evidence provided by Rivera and Causer was substantially outweighed by its unfair prejudicial effect. In this regard, we commend the trial court for its (1) decision to conduct an offer of proof to ascertain the exact nature of Rivera's testimony, (2) conscientious consideration of the other-crimes evidence presented in this case, and (3) actions to ensure that the jury was properly instructed on how to consider other-crimes evidence and accomplice testimony. Given our overall consideration of the other-crimes evidence presented in this case, we decline to conclude that its admission denied defendant a fair trial.

¶ 76 III. CONCLUSION

¶ 77 For the foregoing reasons, we affirm the trial court's judgment. As part of our judgment, we award the State its \$75 statutory assessment against defendant as costs of this appeal. 55 ILCS 5/4-2002 (West 2014).

¶ 78 Affirmed.