2011 IL App (5th) 080659-U

NO. 5-08-0659

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

In re P.C.D., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	St. Clair County.
	)	
Petitioner-Appellee,	)	
	)	
v.	)	No. 08-JD-139
	)	
P.C.D.,	)	Honorable
	)	Walter C. Brandon, Jr.,
Respondent-Appellant).	)	Judge, presiding.

PRESIDING JUSTICE CHAPMAN delivered the judgment of the court.
Justices Welch and Donovan concurred in the judgment.

O R D E R

¶ 1 *Held*: Where the State adequately proved penetration necessary to prove guilt of aggravated sexual assault beyond a reasonable doubt, the judgment is affirmed. A speedy-trial demand is not proper in a juvenile proceeding. The trial court's order striking the speedy-trial demand was correct in light of DNA testing and the court's grant of the State's request for a continuance. Given the totality of the circumstances, the minor's confession was voluntary. The court did not err in making a nonguardian relative of the minor leave the courtroom during the trial as juvenile proceedings are not open to the general public.

¶ 2 FACTS

¶ 3 The minor, P.C.D., was charged as a juvenile with two counts of aggravated sexual assault.

¶ 4 On May 12, 2008, the female victim was 12 years of age and at the local park in her hometown of Lenzburg. She was playing with her female friend, A.H., and with P.C.D., an acquaintance. At some point, the three children walked to a nearby area where another

female friend used to live. Her female friend rode away on the victim's bike, and P.C.D. then led her to a shed. P.C.D. attempted to force the victim into the shed. She claimed that she tried to hold onto the shed in order to keep from being pushed inside but was not able to keep her grip. She stated that P.C.D. pulled her pants down and that his pants were around his ankles. She testified that she began crying and screaming out, "No." She tried to push him off with her hands and began kicking. The victim testified that P.C.D. was on top of her–that she was on her back–and that she felt him "going into" her. She testified that she had never had sex before but that she understood what sex was. She stated that his penis touched her vagina. She indicated that she was not able to just get up and leave the shed because P.C.D. was holding her down. When he finally got off of her, she stood up, felt something wet on her body, and pulled up her pants. After she was standing up, she saw wet spots that were white on the floor of the shed. She believed that they were inside this shed for at little longer than 30 minutes. When she came out of the shed, she saw her female friend, A.H., who took her home. Upon arriving home, she told her family what happened, and the police were called. She was taken to a hospital by ambulance, and she testified that at the hospital, they did tests on her.

¶ 5 She acknowledged initially telling investigators and health care personnel that P.C.D. "did it" in both her vagina and in her anus, and she stated that she was now testifying that the sexual contact had only involved her vagina. She maintained at the trial that P.C.D.'s penis came in contact with her buttocks but that this could have occurred as she was wriggling and trying to get out from under his weight.

¶ 6 The victim's friend A.H. also testified at the trial. She indicated that she knew of P.C.D. prior to May 12, 2008. On that date, she was at the park and heard screaming. She recognized the person's voice as that of her friend. She searched for the location of the scream and ultimately found the shed that was located outside of the park. She turned away

from the shed, however, as the screams stopped, and then she turned back to see the victim running from the shed. A.H. chased after the victim and eventually caught up to her. The victim was crying and, according to A.H., seemed to be scared, because she was crying and her face was red in color. A.H. accompanied her to her home. On cross-examination, A.H. was presented with her different statements to the police, which included a statement that she did not see the victim come out of the shed and that she saw the victim and P.C.D. riding bikes in the park. At the trial, however, A.H. was adamant that the victim was not in the park that date. She also acknowledged that she was the person who led the Lenzburg police officer to the shed in question.

¶ 7 Dr. Suelin Hilbert was the physician who examined the victim the night of the attack, at St. Louis Children's Hospital in the emergency room. She testified that at the time of the examination, the victim was smiling and agreeable and was not experiencing any pain. Her hymen was intact, but the physician testified that this is not the determining factor of whether or not intercourse occurred. No bleeding, scratches, swelling, or redness in and around her vaginal or rectal areas was noted. No bruises were found anywhere on her body. Although Dr. Hilbert noted no physical signs of trauma during her examination of the victim, she testified that in her experience, rape victims do not necessarily show signs of physical trauma.

¶ 8 Physical evidence recovered at the scene was tested and confirmed to be motive sperm and semen. A very small amount of semen was found on the victim–in the area between her vagina and rectum. DNA testing on this material was consistent with P.C.D. as the source. Upon cross-examination, the forensic expert acknowledged that the manner in which the semen ended up on the victim's body could have been by transfer from her own hand.

¶ 9 That night, the police arrested P.C.D. for purposes of investigation of the occurrence.

The following day, P.C.D. was questioned by several officers–both local officers in Lenzburg and deputies from St. Clair County. P.C.D. was read his *Miranda* rights (*Miranda v. Arizona*, 384 U.S. 436 (1966)). In order to establish his understanding of the rights, the officer broke down the warnings. Throughout the four hours of interrogation, P.C.D.'s guardian–his aunt–was present with him or in an adjacent room, where she observed the questioning via a camera feed. During the questioning, P.C.D. told various versions of the events that had taken place in the shed. The officers told P.C.D. that they knew that his story was not the entire truth. Ultimately, he confessed to the assault, stating that once he started to engage in sexual activity with the victim, he did not stop, and he acknowledged that he ignored her pleas to stop.

¶ 10 PROCEDURAL HISTORY

¶ 11 On May 14, 2008, a wardship petition was filed against P.C.D., alleging two counts of aggravated criminal sexual assault. On July 3, 2008, attorneys for P.C.D. filed a speedy-trial demand with the court. On July 23, 2008, the State filed a continuance motion because it needed to obtain DNA test results. The court determined that the State was exercising due diligence in attempting to obtain the results, and it granted the motion. In late October 2008, attorneys for P.C.D. filed a motion to suppress his statements. The trial court heard the motion to suppress P.C.D.'s statements and denied it on November 17, 2008, stating as follows:

¶ 12 "The Court considered the following factors in determine [*sic*] whether or not the minor knowingly, intelligently and voluntarily waived his right to remain silent, when he gave his statement on the aforementioned date. Factors considered by the court[] included his age[,] intellectual[] ability, experience with law enforcement, conduct of the Minor and officer during the interrogation and access to a guardian or youth officer by the minor."

¶ 13 P.C.D.'s trial was held in November 2008. His two aunts showed up to the trial. Neither was a witness, but only one was P.C.D.'s legal guardian. The nonguardian aunt was therefore ejected from the proceedings. The request to allow her to remain in the courtroom was based upon the fact that the aunts were planning on seeking a change of guardianship for P.C.D.–from one aunt to the other aunt. P.C.D. did not testify on his own behalf.

¶ 14 At the conclusion of the trial, the court found that P.C.D. was not guilty of count II, which involved sexual assault–penetration of the victim's anus, but guilty of count I, which involved sexual assault–penetration of the victim's vagina. P.C.D. was sentenced on December 8, 2008, to five years of probation with an electronic leg monitor. He was ordered to submit a sample for a DNA marker and to have HIV testing completed. He was also ordered to complete a substance abuse evaluation and complete any recommended treatment, to participate in family functional therapy and in other outpatient programs (Chestnut Mental Health and PRAISE), to register as a sex offender, and to perform 100 hours of community service.

¶ 15 P.C.D. appeals.

¶ 16 ISSUES, LAW, AND ANALYSIS

¶ 17 P.C.D. raises several issues on appeal. He first alleges that the State failed to prove penetration beyond a reasonable doubt and that, thus, his conviction for aggravated criminal sexual assault should be reversed. He also alleges that his speedy-trial rights were denied. P.C.D. claims that his statements were involuntary and should have been suppressed. Finally, he argues that by barring one of his aunts from his trial, he was denied a trial supported by his "friends and family."

¶ 18 Proof of Penetration Sufficient for Sexual Assault Conviction

¶ 19 In order to obtain a conviction for aggravated criminal sexual assault under count I of the complaint, the State was required to prove that P.C.D. was under the age of 17, that

the victim was at least 9 years of age but less than 13 years of age, that P.C.D. committed an act of sexual penetration with the victim, and that P.C.D. used force or the threat of force when he committed the act. 720 ILCS 5/12-14(b)(ii) (West 2006).

¶ 20 P.C.D. argues that the State failed in the necessary proof because the victim contradicted herself regarding penetration, the medical examination revealed an intact hymen and no external vaginal redness or irritation, and the amount of DNA-identified material on the victim's person could have resulted from the victim first touching the material on the floor of the shed and then transferring the material to her own body.

¶ 21 In reviewing claims challenging the sufficiency of the evidence for a conviction, we must determine, after viewing the evidence in the light most favorable to the prosecution, whether any rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v. Collins*, 106 Ill. 2d 237, 261, 478 N.E.2d 267, 277 (1985) (relying on *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). On appeal, it is not the function of the court to retry the defendant. *People v. Evans*, 209 Ill. 2d 194, 209, 808 N.E.2d 939, 947 (2004). The judge who presided over the trial is the person who "assess[es] the credibility of the witnesses, determine[s] the appropriate weight of the testimony, and resolve[s] conflicts or inconsistencies in the evidence." *People v. Graham*, 392 Ill. App. 3d 1001, 1009, 910 N.E.2d 1263, 1271 (2009). Because the trial judge was able to assess the credibility of the witnesses, in reviewing that decision, we must allow all reasonable inferences from the record to favor the prosecution. *People v. Davison*, 233 Ill. 2d 30, 43, 906 N.E.2d 545, 553 (2009).

¶ 22 P.C.D. argues that the evidence was insufficient to establish beyond a reasonable doubt that P.C.D.'s penis made contact with the victim's vagina. The argument centers on the perceived differences in the victim's testimony about the assault and on the fact that there was no physical evidence of an assault found upon the examination of the victim's body in

the emergency room.

¶ 23 The legal definition of sexual penetration is not the commonly understood meaning of the term "penetration." *People v. Hall*, 194 Ill. App. 3d 532, 538, 551 N.E.2d 763, 767 (1990). The statute states that any contact, however slight, between the sex organ or anus of one person and the sex organ, mouth, or anus of another person may constitute sexual penetration sufficient to support an aggravated criminal sexual assault charge. 720 ILCS 5/12-12(f) (West 2006). Contact or rubbing between the defendant's sex organs and the victim's sex organs alone is sufficient to satisfy the "penetration" element of the crime. See *People v. McIntosh*, 305 Ill. App. 3d 462, 468, 712 N.E.2d 893, 898 (1999); *People v. Bofman*, 283 Ill. App. 3d 546, 552, 670 N.E.2d 796, 800 (1996); *People v. Hall*, 194 Ill. App. 3d 532, 538, 551 N.E.2d 763, 767 (1990).

¶ 24 In this case, the defendant's own statements served to satisfy this element. Throughout his interrogation, the defendant admitted that he and the victim had sexual intercourse, and ultimately he acknowledged that the act occurred without her consent. Additionally, the victim testified at the trial that she felt the defendant's penis go inside her, and she also stated that his penis touched her vagina.

¶ 25 We are not swayed by the defendant's argument that the victim did not prove penetration because she bore no physical manifestations of an assault upon examination. Dr. Suelin Hilbert testified at the trial that it was common for rape victims to exhibit no physical signs of trauma. She also testified that an intact hymen is not the defining factor for whether or not sexual intercourse occurred. Contrary to the defendant's claims, then, the victim's story was not unsupported by the medical examination.

¶ 26 The victim initially told authorities that she had been assaulted in her vagina and in her anus. The defendant claims that at the trial she dropped her claim of sexual assault relative to the anus. Her testimony at the trial does not support this contention, however.

She testified that at some point while she was struggling, the defendant's penis came in contact with her buttocks. The trial judge who heard the case obviously concluded that this contact alone was insufficient to establish penetration with respect to the victim's anus, and so the judge found the defendant not guilty of count II. We do not find that the victim completely abandoned her original story, as the defendant portrays her trial testimony. She was clearly nervous and became visibly upset during her testimony at the trial, and in fact, the court stopped the proceedings in order to allow her to recover. She maintained that there was physical contact in that respect; however, the trial judge concluded that what she testified to was not consistent with that charge, and so the judge acquitted the defendant.

¶ 27 The defendant asks us to review the case of *People v. Schott*, 145 Ill. 2d 188, 582 N.E.2d 690 (1991), as authoritative on this issue. In *Schott*, the supreme court affirmed the appellate court's reversal of Schott's conviction of aggravated indecent liberties with a child. *Id.* at 206, 582 N.E.2d at 699. In that case, the key evidence was the testimony of the victim. *Id*. Although the defendant claims that this case is similar to *Schott* relative to the victim's testimony, we disagree. The Illinois Supreme Court found that no rational trier of fact could have found the defendant guilty in light of the victim's numerous inconsistencies in testimony, her admitted habit of frequently lying, her history of falsely accusing her uncle of sexual assault because she was angry with him, her history of created sexual accusations about others she later recanted, her admitted sexualized behavior, and her motivations to fabricate the allegations against the defendant. *Id.* at 206-07, 582 N.E.2d at 699.

¶ 28 In this case, P.C.D. contends that the victim's story contained inconsistencies and that, therefore, like *Schott*, we must conclude that his guilt was not proven beyond a reasonable doubt. While we agree with P.C.D. that there were some inconsistent statements between what this victim said immediately after the assault and what she testified to at the trial, the victim in this case never recanted her story. The relevant aspects of her testimony were

consistent and supportive of the elements of the crime with which P.C.D. was charged and the court found was established. She testified that P.C.D.'s penis penetrated her vagina and also touched her vagina and her buttocks. She claimed that he held her down and would not let her leave, despite her cries and attempts to stop the assault. She had no motivation to justify a fabrication of what happened to her. There is no history of past accusations of this nature. There is no evidence that she was a sexually aberrant child.

¶ 29 We do not find this case to be analogous to *People v. Schott*, and we hold that the evidence supported the trial court's finding of guilt on the one count of aggravated sexual assault.

¶ 30 Speedy-Trial Rights

¶ 31 P.C.D. next alleges that the conviction must be vacated because his rights to a speedy trial were violated. The speedy-trial statute (725 ILCS 5/103-5 (West 2008)) guarantees adult defendants a trial on the merits within a set number of days unless delay is attributed to the defendant. *People v. Hawkins*, 212 Ill. App. 3d 973, 979-80, 571 N.E.2d 1049, 1053 (1991).

¶ 32 In this case, P.C.D. filed a speedy-trial demand, which the court struck. As the State points out, those speedy-trial provisions are not applicable to a juvenile proceeding because they apply to an alleged offense, and under the Juvenile Court Act of 1987 (Juvenile Court Act) a minor is not deemed to be held in custody for an alleged offense. *In re R.G.*, 283 Ill. App. 3d 183, 186, 669 N.E.2d 1225, 1227 (1996); *In re Gilbert E.*, 262 Ill. App. 3d 716, 721, 635 N.E.2d 445, 449 (1994). Because P.C.D. is a juvenile, we agree that a speedy-trial demand pursuant to the Code of Criminal Procedure of 1963 was inappropriate.

¶ 33 While the Juvenile Court Act provides a similar time frame related to adjudicatory hearings, there are allowances in the statute for extensions of time. The juvenile trial must be held within 120 days of a written demand for that hearing or, under certain circumstances,

within 150 days if the State seeks additional time, which is capped at 30 days. 705 ILCS 405/5-601(1) (West 2008). In the event of DNA testing that is considered material to the case, the State is allowed to seek a continuance of the trial setting for up to an additional 120 days. 705 ILCS 405/5-601(5) (West 2008).

¶ 34 P.C.D.'s speedy-trial request appears to have been mislabeled, because the pleading used the word "speedy" but cited to the proper section of the Juvenile Court Act. P.C.D.'s attorney acknowledged this mistake at the argument on the request. The State properly sought a continuance of the setting due to DNA testing issues. The State stated in its motion for additional time, "DNA testing has in fact been delayed on the part of the Defense in order for the defense expert to coordinate with the Illinois Crime Lab per this court's order of June 25, 2008." On July 30, 2008, the trial court granted the State's request. After granting the request, the court turned to the State's motion to strike P.C.D.'s speedy-trial demand. The trial court granted the motion to strike.

¶ 35 While we see no reason for the court to strike the actual request for a timely trial that is allowed pursuant to section 5-601(1) of the Juvenile Court Act, there is no harm that came from striking the demand. Prior to striking the "speedy trial" demand, the court granted the State's request for a continuance related to DNA testing and coordinating that testing with a defense expert. Counsel for P.C.D. agreed to the continuance on that basis. So long as the State brought P.C.D. to trial within 240 days, there would not have been any problem. P.C.D.'s trial ended up being held within 130 days of the court's original adjudication.

¶ 36 P.C.D. also claims that the State's request for a continuance for DNA testing did not contain the necessary support. Even with the acquiescence on the record to this request, we find that the State's motion for a continuance was adequately supported. The reason for the delay was clearly tied into a coordination of schedules between the State's and P.C.D.'s experts. Furthermore, counsel for P.C.D. stated on the record that she was not objecting to

the State's continuance request–but was objecting to its request for his continued detention. A court's determination to grant a continuance in a juvenile proceeding is discretionary. *In re K.O.*, 336 Ill. App. 3d 98, 104, 782 N.E.2d 835, 841 (2002). We find no abuse of discretion in granting the State's continuance motion, which was more than adequately supported.

¶ 37 Finally, P.C.D. alleges on appeal that his attorney was ineffective because he remained in custody for more than 130 days after his speedy-trial request.

¶ 38 Constitutionally competent assistance is measured by a test of whether the defendant received "reasonably effective assistance." *Strickland v. Washington*, 466 U.S. 668, 687 (1984). To prevail on an ineffective-assistance-of-counsel claim, "[the] defendant must show that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *People v. Lefler*, 294 Ill. App. 3d 305, 311, 689 N.E.2d 1209, 1214 (1998) (citing *Strickland*, 466 U.S. at 694). The term "reasonable probability" has been defined to mean "a probability sufficient to undermine confidence in trial's outcome." *Lefler*, 294 Ill. App. 3d at 311-12, 689 N.E.2d at 1214 (citing *Strickland*, 466 U.S. at 687).

¶ 39 In this case, the continuance was properly secured due to the DNA evidence. Nothing about that process on the part of P.C.D.'s attorney was ineffective.

¶ 40 Knowing and Voluntary Statements

¶ 41 P.C.D. next contends that his statement to the police was not voluntarily given. The trial court disagreed. On appeal, we must give the trial court's findings of fact on the matter of voluntariness great deference. We would only reverse the trial court's determination upon a conclusion that those factual findings were contrary to the manifest weight of the evidence. However, the issue of whether those factual findings do not amount to a voluntary statement is reviewed with a *de novo* standard. *People v. Griffin*, 327 Ill. App. 3d 538, 544, 763

N.E.2d 880, 886 (2002); *In re Marvin M.*, 383 Ill. App. 3d 693, 704, 890 N.E.2d 984, 994 (2008). The State must establish that the minor's statement was given knowingly and intelligently by the preponderance of the evidence. *Griffin*, 327 Ill. App. 3d at 544, 763 N.E.2d at 886. The court must consider the totality of the circumstances resulting in the statement. *In re Marvin M.*, 383 Ill. App. 3d at 705, 890 N.E.2d at 994; *In re G.O.*, 191 Ill. 2d 37, 54, 727 N.E.2d 1003, 1012 (2000). Generally, the factors a court should consider when considering the voluntariness of the statement include "the suspect's characteristics, such as his age, intelligence, education, experience, and physical condition at the time of the questioning; the duration of the questioning; whether he was given *Miranda* warnings; the infliction of any mental or physical abuse; and the legality and duration of the detention." *In re Marvin M.*, 383 Ill. App. 3d at 705, 890 N.E.2d at 994. The United States Supreme Court has most recently held that a minor's age is one of the relevant circumstances informing the *Miranda* custody analysis. *J.D.B. v. North Carolina*, No. 09-11121 (U.S. June 16, 2011). An additional factor when determining whether a juvenile's statement was voluntary is whether or not the juvenile had the opportunity to consult with an interested adult either before or during the interrogation. *People v. Richardson*, 234 Ill. 2d 233, 253-54, 917 N.E.2d 501, 514 (2009); *In re G.O.*, 191 Ill. 2d at 54-55, 727 N.E.2d at 1012-13. With respect to the adult interested in the minor's welfare, the court should consider if the investigating officers prevented or frustrated the consultation. *Id.*

¶ 42 The law in Illinois is settled that a juvenile is absolutely capable of knowingly and voluntarily waiving his or her rights and confessing. See *People v. Morgan*, 197 Ill. 2d 404, 758 N.E.2d 813 (2001) (14-year-old); *People v. Kolakowski*, 319 Ill. App. 3d 200, 745 N.E.2d 62 (2001) (14-year-old); *People v. Golden*, 323 Ill. App. 3d 892, 753 N.E.2d 475 (2001) (14-year-old); *In re G.O*, 191 Ill. 2d 37, 727 N.E.2d 1003 (2000) (13-year-old); *In re Potts*, 58 Ill. App. 3d 550, 374 N.E.2d 891 (1978) (12-year-old).

¶ 43 Furthermore, a minor's minimal education or mental deficiency does not automatically render a confession involuntary. *People v. Gonzalez*, 351 Ill. App. 3d 192, 201-02, 813 N.E.2d 299, 308 (2004) (a mildly mentally handicapped 16-year-old with only a ninth-grade education was capable of giving a voluntary confession); *People v. Kolakowski*, 319 Ill. App. 3d 200, 214, 745 N.E.2d 62, 75 (2001) (a low intelligence 14-year-old who could read at an eighth-grade level was capable of voluntarily confessing); *Golden*, 323 Ill. App. 3d at 901, 753 N.E.2d at 483 (the low academic abilities of a 14-year-old and a 12-year-old did not render the confessions given involuntary); *In re Potts*, 58 Ill. App. 3d 550, 555, 374 N.E.2d 891, 895-96 (1978).

¶ 44 P.C.D. is claiming police misconduct in securing his confession. He claims coercive misconduct in telling him and his aunt that he was arrested as a part of the investigation. He points to the length of his interrogation, his age, and his intellect level, as well as his diagnoses of attention deficit hyperactivity, anxiety, and bipolar disorders, as factors supportive of the involuntariness of the confession. In sum, he alleges that the police took advantage of him, lied to him, frightened him, threatened him, and made false promises to him–all done in order to secure his confession.

¶ 45 We turn to the facts in this case. The interrogation lasted for approximately 2½ hours. P.C.D. was arrested for purposes of the investigation of the alleged sexual assault. P.C.D. was 14 years of age at the time of the interrogation. He was able to read at a 12.7 grade level and could perform mathematics at an 8.1 grade level. His intellectual levels were tested with the following results: verbal (101), visual (104), and composite intelligence (102)–all results that are in the average range.

¶ 46 P.C.D. had no prior juvenile court experience. He read aloud each line of the *Miranda* warnings to the officers, and when asked to do so, he correctly explained the meaning of each line. His legal guardian–his aunt–was present in the room with him during

the earlier portions of the interrogation. However, when the topic turned to P.C.D.'s own sexual experiences, he began to feel uncomfortable in talking about the subject while being in her presence. P.C.D. was asked if he would like his aunt to step outside of the interrogation room, and he indicated that this might be better. The aunt was escorted to an adjacent room, where she could watch and listen to the remainder of the interrogation via live video, and she was instructed by the officers that, at any point, she was free to come back into the interrogation room if she became unhappy about being outside of the room.

¶ 47 P.C.D. contends that he was falsely imprisoned during his interrogation and as authority for this contention cites to several cases. See *Schommer v. Farwell*, 56 Ill. 542 (1869) (officers arrested the plaintiff and would not release him until he signed mortgage papers in favor of his son's employer); *People v. Scalisi*, 324 Ill. 131, 154 N.E. 715 (1926) (involving a roundup of Italian-Americans with no reason to believe that they had committed or were in the process of committing a crime); *Bailey v. Welch*, 307 Ill. App. 230, 30 N.E.2d 85 (1940) (the plaintiff was imprisoned even though there was no complaint made against him for any reason). The facts of this case simply are not analogous to the old cases cited by P.C.D. In this case, the police clearly had reasonable grounds to believe that P.C.D. had sexually assaulted the victim.

¶ 48 P.C.D. complains that the officers made various false statements and promises to him. From our extensive review of the interrogation, we conclude that some of the statements made by the officers during the interrogation were not entirely truthful. However, Illinois cases have held that "police trickery or deception will not invalidate a minor's statement as a matter of law, but is only one factor to consider in the totality of the circumstances." *In re Marvin M.*, 383 Ill. App. 3d at 719, 890 N.E.2d at 1006; *People v. Minniti*, 373 Ill. App. 3d 55, 69-71, 867 N.E.2d 1237, 1250-51 (2007); *People v. Johnson*, 368 Ill. App. 3d 1073, 1088, 859 N.E.2d 153, 167 (2006).

¶ 49 P.C.D. also complains that the officers accused him of lying on several occasions during the interrogation. This statement is accurate, but upon a careful review of the recording, we conclude that the statements were an acceptable characterization in light of his ever-changing version of the events. During the interrogation, his aunt encouraged him to tell exactly what transpired.

¶ 50 We have reviewed the video of the interrogation. At no time did P.C.D. ask that the questioning end. He did not behave in a manner suggesting that he was confused by the process. While he became uncomfortable when the questioning turned to his own sexual experiences, as soon as his aunt left the room, he again began answering the questions posed to him. The duration of the questioning was approximately 2½ hours. The officers did not yell at P.C.D. Overall, he appeared alert and engaged in the process. While P.C.D. has been diagnosed with various psychological disorders, that fact alone is insufficient to call into question the voluntariness of his confession. Counsel for P.C.D. cites no authority that minors with psychological disorders are incapable of making voluntarily confessions.

¶ 51 Accordingly, viewing the totality of the circumstances surrounding P.C.D.'s interrogation which resulted in his confession, we conclude that the process was not tainted and that P.C.D.'s confession was knowing and voluntary.

¶ 52 Removal of Aunt From Trial

¶ 53 The aunt who was removed from the courtroom in this juvenile proceeding was not the aunt who is P.C.D.'s legal guardian. Despite this fact, P.C.D. complains that the removal of the nonguardian aunt denied his constitutional rights to a public trial. U.S. Const., amend. VI; Ill. Const. 1970, art. I, §8. P.C.D. argues that as a result of the denial of his constitutional rights, this court should vacate the court's finding of delinquency. We disagree with P.C.D.'s argument.

¶ 54 Juvenile court proceedings are not open to the public. *In re Minor*, 205 Ill. App. 3d

480, 488, 563 N.E.2d 1069, 1074 (1990), *aff'd*, 149 Ill. 2d 247, 595 N.E.2d 1052 (1992). A trial court is therefore allowed to limit who has access to the proceedings. *In re Robert K.*, 336 Ill. App. 3d 867, 874, 785 N.E.2d 562, 568 (2003). In Illinois, the general public is excluded from juvenile hearings. 705 ILCS 405/1-5(6) (West 2006).

¶ 55 The State objected to the presence of P.C.D.'s nonguardian aunt, because she was not there to testify and was not his guardian. The trial court agreed with this objection and asked this aunt to exit the courtroom.

¶ 56 The law in Illinois is clear that unless the person present in the courtroom is a victim or a member of the media, a member of the general public is simply not allowed. Accordingly, we find no error in the trial court's decision.

¶ 57 CONCLUSION

¶ 58 For the foregoing reasons, the judgment of the circuit court of St. Clair County is hereby affirmed.

¶ 59 Affirmed.