

NOTICE

This Order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

2022 IL App (4th) 210097-U

NO. 4-21-0097

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

February 7, 2022

Carla Bender
4th District Appellate
Court, IL

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
Plaintiff-Appellee,)	Circuit Court of
v.)	Livingston County
CHARLES ELLIS,)	No. 19CF43
Defendant-Appellant.)	
)	Honorable
)	Jennifer H. Bauknecht,
)	Judge Presiding.

PRESIDING JUSTICE KNECHT delivered the judgment of the court.
Justices Cavanagh and Harris concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed the trial court’s judgment, finding the State’s evidence proved defendant guilty beyond a reasonable doubt.

¶ 2 Following a July 2020 bench trial, the trial court found defendant, Charles Ellis, guilty of one count of aggravated criminal sexual abuse. The court sentenced defendant to three years and six months’ imprisonment in the Illinois Department of Corrections. Defendant appeals, arguing the State failed to prove beyond a reasonable doubt he was at least five years older than the victim. We affirm.

¶ 3 I. BACKGROUND

¶ 4 In March 2019, the State charged defendant with one count of aggravated criminal sexual abuse (720 ILCS 5/11-1.60(d) (West 2018)). The State alleged defendant committed an act of sexual penetration with A.G.H. “who was at least 13 years of age but under

17 years of age and the defendant was at least 5 years older than the victim, in that the defendant knowingly placed his penis into the vagina of A.G.H.”

¶ 5 In July 2020, the case proceeded to a bench trial. A.G.H. testified she was born on March 27, 2003. A.G.H. met defendant during the summer of 2018, when she was 15 years old. She and defendant began a dating relationship in approximately June or July of 2018. They talked to each other every day and told each other how old they were. A.G.H. testified defendant’s birthday was June 16, 1994, and thus, defendant was 24 years old during the summer of 2018. A.G.H. and defendant discussed their ages. Defendant told A.G.H. he “was scared to get with me because of my age, because of the age differences because he did not want a case.” A.G.H. testified she and defendant had sexual intercourse about one month after they began dating. They had sexual intercourse three times over the course of their relationship. They lived in an apartment together before A.G.H. went to live with her grandmother. In the winter of 2018, while living with her grandmother, A.G.H. learned she was pregnant. A.G.H. testified when she told defendant she was pregnant, “[defendant] was scared because he didn’t want, he didn’t want to get in trouble.” A.G.H. testified the child, C.E., was born on March 25, 2019. When asked if she knew who C.E.’s father was, A.G.H. stated defendant was the father “[b]ecause I only had sex with one person.”

¶ 6 Detective Michael Henson of the Pontiac Police Department testified he interviewed defendant at the police department. The interview was recorded. The State introduced and published to the trial court the video recording of the interview, and the recording was played in open court. During the interview, Henson asked defendant how long he had been in a relationship with A.G.H. Defendant responded, “Well, I’m already going to jail, so it doesn’t

even matter. A year and six months.” When Henson asked defendant why he believed he was going to jail, defendant stated, “Because it’s—the age.”

¶ 7 Defendant did not testify or present any other evidence on his behalf.

¶ 8 Following closing arguments, the trial court found defendant guilty of aggravated criminal sexual abuse. The court found A.G.H.’s testimony “very credible and *** not rebutted in any fashion.” The court further found “no doubt, based upon the testimony of [A.G.H.] as well as the incriminating statements that [defendant] made *** at the police department, he was well aware of the age difference and chose to go forward anyways, knew he shouldn’t go forward but did it anyways.” Following a sentencing hearing, the trial court sentenced defendant to three years and six months’ imprisonment.

¶ 9 This appeal followed.

¶ 10 II. ANALYSIS

¶ 11 On appeal, defendant argues the State failed to prove beyond a reasonable doubt he was at least five years older than A.G.H. We disagree.

¶ 12 “When reviewing a challenge to the sufficiency of the evidence in a criminal case, the relevant inquiry is whether, when viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” (Internal quotation marks omitted.) *People v. Hinthorn*, 2019 IL App (4th) 160818, ¶ 89, 146 N.E.3d 122. “It is not the role of the reviewing court to retry the defendant.” *People v. Gray*, 2017 IL 120958, ¶ 35, 91 N.E.3d 876. “A conviction will be reversed only where the evidence is so unreasonable, improbable, or unsatisfactory that it justifies a reasonable doubt of the defendant’s guilt.” *People v. Belknap*, 2014 IL 117094, ¶ 67, 23 N.E.3d 325.

¶ 13 “Due process requires that to sustain a conviction of a criminal offense, the State must prove defendant guilty of every element of an offense beyond a reasonable doubt.” *People v. Roberson*, 401 Ill. App. 3d 758, 772, 927 N.E.2d 1277, 1290 (2010). The State may properly rely on inferences in proving those elements. *People v. Woodrum*, 223 Ill. 2d 286, 308, 860 N.E.2d 259, 274 (2006). Under section 11-1.60(d) of the Criminal Code of 2012, a person “commits aggravated criminal sexual abuse if [(1)] that person commits an act of sexual penetration or sexual conduct with [(2)] a victim who was at least 13 years of age but under 17 years of age and [(3)] the person is at least 5 years older than the victim.” 720 ILCS 5/11-1.60(d) (West 2018). In this case, the victim was 15 years old. Thus, the State had to prove beyond a reasonable doubt defendant was at least 20 years old.

¶ 14 A.G.H. testified she met defendant in the summer of 2018, when she was 15 years old, and talked to defendant every day. She and defendant told each other how old they were and discussed their ages. A.G.H. testified she was born on March 27, 2003, and defendant’s birthday was June 16, 1994, which would make defendant 24 years old as of the date of the offense. She and defendant started a dating relationship in approximately June or July 2018 and engaged in sexual intercourse approximately one month later. A.G.H. reported they engaged in sexual intercourse three times. In addition, A.G.H. stated defendant was initially hesitant to start a relationship with her because he was “scared to get with me because of my age, because of the age differences because [defendant] did not want a case.” Moreover, defendant advised Detective Henson he had been in a relationship with A.G.H. for 18 months and believed he would go to jail “[b]ecause it’s—the age.”

¶ 15 We find the State presented sufficient evidence to establish defendant was at least five years older than A.G.H. A.G.H. testified as to her date of birth and defendant’s date of birth.

A.G.H. and defendant began a dating relationship in June or July 2018 and first engaged in sexual intercourse one month later. Defendant expressed concerns he might get into trouble if he had sexual intercourse with A.G.H. because of her age. Taken with defendant's statements to Detective Henson during his interview, we cannot say the evidence presented was so unreasonable, improbable, or unsatisfactory that it warrants a reasonable doubt of defendant's guilt. See *Belknap*, 2014 IL 117094, ¶ 67.

¶ 16

III. CONCLUSION

¶ 17

For the reasons stated, we affirm the trial court's judgment.

¶ 18

Affirmed.