

No. 1-11-2788

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 11 CR 3125
	)	
CAMILLE BRODANEX,	)	Honorable
	)	James L. Rhodes,
Defendant-Appellant.	)	Judge Presiding.

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

**O R D E R**

¶ 1 **Held:** The trial court properly entered a conviction and sentence for intentional murder when, although defendant was charged with murder under multiple theories, the jury returned a general guilty verdict; thus, there is a presumption that defendant was found guilty of the most serious offense, which is intentional murder as a result of the shooting death of the victim. Further, because defendant was convicted of intentional murder, her second conviction for aggravated battery involving a different weapon was not barred under the one-act, one-crime rule.

¶ 2 Following a jury trial, defendant Camille Brodanex was convicted of murder, pursuant to an accountability theory, and aggravated battery with a deadly weapon. She was sentenced to 20

years in prison for murder and to a consecutive term of 3 years for aggravated battery. On appeal, Brodanex contends that her murder conviction should be vacated because she was convicted of felony murder, but the predicate felony was not a valid forcible felony. In the alternative, Brodanex contends that her conviction for aggravated battery should be vacated because it is a violation of the one-act, one-crime rule. We affirm.

¶ 3 The arrest and prosecution of Brodanex and codefendant Jeffrey Bell arose from a December 2010 incident during which the victim, Marquetta Campbell, was stabbed and fatally shot. Campbell's boyfriend, Jonathan McClain, was also shot in the leg.

¶ 4 Brodanex was charged by indictment with multiple counts of murder under an accountability theory. These counts included intentional murder (count 72), knowing murder (count 74), and felony murder based upon the aggravated discharge of a firearm (count 78). Brodanex was also charged with, *inter alia*, felony murder based upon aggravated battery with a deadly weapon (count 80), and aggravated battery with a deadly weapon.

¶ 5 The evidence at trial established that Brodanex fought with the victim at a bar after the victim allegedly danced with Bell, Brodanex's fiancé. Later that evening, Brodanex and Bell confronted the victim in a restaurant parking lot. Ultimately, Brodanex stabbed the victim in the chest, and Bell fired a gun multiple times. The victim was shot in the head and died from that injury.

¶ 6 At trial, Barbara Jackson admitted that she had been charged with aiding and concealing a fugitive, *i.e.*, Brodanex, and was testifying pursuant to a cooperation agreement. On December 18, 2010, Jackson went to Knockouts Sports Bar with Brodanex, Bell, and several others. Before entering the bar, everyone was searched by security, including Bell. At one point, an altercation broke out, and Brodanex ended up on the bottom of a pile of people. After Jackson and her group

were escorted outside, Brodanex, who was angry, drove the group to Bell's "baby mama's" home at his request. Once there, Bell went inside. When he returned about a minute later, he told Brodanex to drive to Big Boy's restaurant.

¶ 7 When they arrived at the restaurant, Bell got out of the car, talked to someone in the parking lot, and went inside. When he came back outside, he was arguing with someone, so Jackson and Brodanex got out of the car and walked to the door of the restaurant. There, they joined Bell, his cousin and Brodanex's cousin, Artavia Brodanex. Ultimately, a group, which included Campbell, came outside. Words were exchanged and Brodanex hit Campbell in the chest. Campbell, saying that she had been stabbed, walked away. When a man from the other group stepped forward, Bell shot a gun in the air two or three times. At that point, everyone scattered. Jackson stood behind a car and then ran to Brodanex's car, which still had the keys in the ignition.

¶ 8 A surveillance camera maintained by a pawn shop in the same strip mall as Big Boy's captured the events on video. The video shows the confrontation outside the restaurant involving the two groups, Bell firing a gun into the air after Campbell is initially injured by Brodanex and Bell continuing to fire shots while running from the scene. Campbell can be seen slumping to the ground after she is shot. The video also shows McClain firing a gun.

¶ 9 As Jackson drove Brodanex's car away, she received a call from Brodanex telling her to bring the car to Artavia's house. Jackson arrived at Artavia's house first. After Brodanex arrived she drove one person home, then picked up Bell and took Jackson to her car. Brodanex asked Jackson to drive her and Bell home because Bell's "baby mama" had given the police a description of Brodanex's car. En route, Jackson's car was pulled over by the police after they saw a woman in the rear seat wearing clothes matching the description given by witnesses, and

everyone was taken into custody. Later, while in a jail cell, Brodanex asked Jackson whether she had caused the victim's death. Jackson replied that it was not Brodanex's fault, as the victim was shot. Brodanex then stated that when she hit Campbell she was holding a knife and stabbed her. Brodanex told Jackson she was angry about events at the bar.

¶ 10 Jacqueline Marshall, Tia Trigg, and Kendralyn Green, friends of Campbell's, were also present at the bar and in the parking lot. Marshall testified that when Campbell began dancing with Bell at the bar, Brodanex "came out of nowhere" and "started swinging." Campbell and Brodanex ended up on the floor. Ultimately, as a result of the altercation, the bar was closed. Marshall, Trigg, Green, Campbell, McClain and others then went to Big Boy's. Marshall saw a car in which Artavia was riding drive into the Big Boy's parking lot, drive through and leave.

¶ 11 Later, Bell entered the restaurant and began to insult Campbell. Marshall heard Bell tell Campbell that "some guys" were going to beat her. Bell also called Campbell a "bitch" and stated he was going to "lay [her] down." Campbell responded in kind to Bell. Trigg and Green corroborated Bell's threats against Campbell. Trigg also testified that Bell stated that Campbell was "bogus" and that his "crew" was on its way, and Green testified that Bell stated that no one could touch "my" bitch. As Bell backed away toward the door, Trigg and Green saw him pull up his shirt and expose a gun in the waistband of his pants.

¶ 12 When Marshall looked outside through the restaurant's windows, she saw Brodanex and other women. Brodanex was pointing at Campbell. Campbell then went outside the restaurant with her friends. When they got outside, Marshall heard Bell say "whip that bitch" and "swing on that bitch." Marshall saw Brodanex strike Campbell in the chest, and Trigg saw something silver in Brodanex's hand as she pulled it back. Campbell grabbed her chest and said she had been stabbed. As Campbell's friends began to walk to their cars in order to take her to the hospital,

Bell began shooting a gun. Trigg testified that she heard gunshots and saw "fire in the air" above Bell's hand. Green also testified that she saw Bell shooting a gun. After about 10 gunshots, Marshall heard a scream and she ran toward it. Campbell was on the ground. McClain had also been shot.

¶ 13 Numerous shell casings fired from both .45 caliber and .25 caliber weapons were recovered at the scene.

¶ 14 Dr. Ariel Goldschmidt, who performed Campbell's autopsy, testified that the cause of death was a gunshot wound to the head. The bullet entered Campbell's head through her upper lip and broke two teeth and her jaw before it exited at the back of her skull. Based on his examination of the wound, Dr. Goldschmidt could not say whether the bullet that killed Campbell was fired from a .45 caliber or .25 caliber weapon. Campbell also had a stab wound to the chest which was not life-threatening.

¶ 15 Artavia testified for Brodanex. She stated that when a crowd of girls, which included Campbell, came outside to the restaurant's parking lot, Campbell cursed at Brodanex, called her a bitch, and punched her in the face. Brodanex responded by punching Campbell. When Artavia heard gunshots, she pulled Brodanex into her car and drove away.

¶ 16 The defense theory at trial was that Brodanex did not know that Bell had a gun or that he intended to shoot anyone and that she only struck Campbell after Campbell assaulted her in the parking lot. The defense further argued that it was McClain who accidentally shot Campbell.

¶ 17 The jury was provided a general verdict form for first degree murder. Ultimately, the jury convicted Brodanex of first degree murder and aggravated battery with a deadly weapon.

¶ 18 At a later hearing, the court noted that the jury had convicted Brodanex of aggravated battery with a deadly weapon and first degree murder, but found her not guilty of the aggravated

discharge of a firearm. The court then asked the State how Brodanex could be guilty of murder when the victim's death followed the aggravated discharge of a firearm and the jury did not find Brodanex guilty on that count. The State responded that the aggravated discharge count related to McClain, but that the jury must have thought that the victim was the target. The State argued that the verdicts were not inconsistent because the aggravated discharge was "an element different than the murder" and that one could not speculate as to why the jury acquitted Brodanex of aggravated discharge. The State further argued that when a general murder verdict is submitted, a defendant is guilty on all counts, but presumed to be guilty as to the most serious count, *i.e.*, intentional murder.

¶ 19 The trial court entered verdicts of not guilty to felony murder based upon the aggravated discharge of a firearm (count 78), and aggravated discharge of a firearm in the direction of Jonathan McClain (count 96). The court also indicated that Brodanex was convicted of intentional murder (count 72), knowing murder (count 74), felony murder based upon aggravated battery with a deadly weapon (count 80), and aggravated battery with a deadly weapon (count 104). The trial court sentenced Brodanex to 20 years in prison for intentional murder (count 72), and to a consecutive term of 3 years for aggravated battery with a deadly weapon (count 104).

¶ 20 On appeal, Brodanex contends that her conviction for felony murder must be vacated because the predicate felony, aggravated battery with a deadly weapon, cannot serve as the requisite predicate forcible felony in this case. See 720 ILCS 5/2-8 (West 2010); 720 ILCS 5/9-1(a)(3) (West 2010) (listing aggravated battery "resulting in great bodily harm," but not aggravated battery with a deadly weapon as included within the definition of "forcible felonies"). Brodanex acknowledges that the jury returned a general verdict, but argues that the evidence was insufficient to support a conviction for intentional or knowing murder because she was found not

guilty of aggravated discharge of a firearm. In other words, because the jury did not hold her accountable for Bell's discharge of the gun, Brodanex contends that she could not be found guilty of any crime arising out of those gunshots (which killed Campbell) and could only have been found guilty of felony murder predicated upon aggravated battery with a deadly weapon. Based on that reasoning, Brodanex argues that such a conviction cannot stand because the jury did not find that she caused great bodily harm when she stabbed the victim and the testimony at trial established that the victim's stab wound was non-life threatening.

¶ 21 The State responds by characterizing Brodanex's argument as a challenge to the verdicts on the ground that they are inconsistent. The State points out that even though the jury concluded the State failed to establish that Brodanex was accountable for Bell's discharge of a firearm at McClain, this finding was not legally inconsistent with the verdict that Brodanex was accountable for the shooting death of Campbell. The State then discusses the difference between legally inconsistent and logically inconsistent verdicts, and correctly points out that Brodanex cannot challenge verdicts when they are merely logically inconsistent.

¶ 22 Inconsistent verdicts may be logically inconsistent or legally inconsistent. *People v. Gorka*, 374 Ill. App. 3d 85, 90-91 (2007). But consistency in verdicts is not required as a matter of constitutional law and inconsistent verdicts may often be explained as a result of juror lenity. *People v. Jones*, 207 Ill. 2d 122, 130 (2003). Logically inconsistent verdicts may stand as long as they are legally consistent. *People v. D.D.R.*, 258 Ill. App. 3d 282, 288 (1994). Verdicts are legally inconsistent when they "necessarily involve the conclusion that the same essential element or elements of each crime were found both to exist and not to exist." *Id.* A defendant may not challenge a conviction on the sole basis that it is inconsistent with her acquittal on another charge. *Jones*, 207 Ill. 2d at 133-34.

¶ 23 Although we agree that the verdicts are logically inconsistent, in that Brodanex was found accountable for Campbell's death by gunshot, but not accountable for Bell's aggravated discharge of a gun, we disagree with her conclusion that this inconsistency makes it "apparent" that the jury convicted her of felony murder based upon the stab wound to Campbell. A verdict of acquittal on one charge is generally not legally inconsistent with a conviction on a separate charge, even if each charge is based upon the same set of facts. See *People v. Wilson*, 257 Ill. App. 3d 670, 703 (1993).

¶ 24 Brodanex may not challenge her conviction for murder on the sole basis that it is inconsistent with her acquittal for aggravated discharge (see *Jones*, 207 Ill. 2d at 133-34), and to the extent that her argument is based upon the "inconsistency" of the verdicts, it must fail. See *Wilson*, 257 Ill. App. 3d at 703 (a verdict will only be set aside if it is legally inconsistent; logical inconsistency does not provide a sufficient basis upon which to set aside a verdict).

¶ 25 In any event, the record reveals that a general verdict form was presented to the jury and the jury convicted Brodanex of murder. When a defendant is charged with murder under multiple theories, intentional, knowing and felony, and the jury returns a general verdict of guilty of first degree murder, the defendant is found to be guilty as charged in each count and there is a presumption that she has been found guilty of the most serious offense, which is intentional murder. See *People v. Davis*, 233 Ill. 2d 244, 263 (2009); see also *People v. Perry*, 2011 IL App (1st) 081228, ¶ 54 (when the jury returns a general verdict of guilty of murder "we presume that they found defendant guilty of the most serious offense, intentional murder").

¶ 26 *People v. Smith*, 233 Ill. 2d 1 (2009) is instructive. In that case, our supreme court found that "when a defendant is charged with murder in multiple counts based on different theories, a general verdict finding the defendant guilty does not mean that the jury unanimously agreed that

any one of the alleged means of committing the offense was proven beyond a reasonable doubt." *Smith*, 233 Ill. 2d at 27. Rather, the verdict simply means that the jury unanimously agreed that the offense of murder was proven beyond a reasonable doubt and that conclusion can be based upon any combination of findings with respect to the separate theories under which defendant was charged. *Smith*, 233 Ill. 2d at 27.

¶ 27 Here, Brodanex was charged in separate counts with intentional, knowing, and felony murder, and the jury's general verdict of guilty as to murder ultimately resulted in a conviction for the most serious offense, that is, intentional murder. See *Davis*, 233 Ill. 2d at 263 (a general verdict of guilty as to murder, when a defendant is charged under multiple theories, means that defendant was found guilty as to each count and there is a presumption that she was guilty of the most serious crime). To the extent Brodanex argues that it was "apparent" she was found guilty of felony murder, we find that no such finding is apparent so as to defeat the one good count rule. See *Perry*, 2011 IL App (1st) 081228, ¶ 56 (pursuant to the one good count rule established in *People v. Lymore*, 25 Ill. 2d 305 (1962), "a general finding of guilt may be affirmed where proof is sufficient on one good count in an indictment"). Moreover, to the extent Brodanex's argument is nothing more than an "inconsistent verdicts" argument disguised as a discussion of felony murder, we reject it on the basis that inconsistent verdicts provide no basis for challenging a conviction. See *Jones*, 207 Ill. 2d at 133-34.

¶ 28 Brodanex next contends that her conviction for aggravated battery with a deadly weapon must be vacated as a violation of the one-act, one-crime rule when it is based upon the same act, *i.e.*, the stabbing of the victim, which formed the basis for her conviction for felony murder.

¶ 29 But the success of this argument depends on our acceptance of Brodanex's initial premise: that she was found guilty of felony murder. As we have noted, under *Davis* ( 233 Ill. 2d

at 263), we must presume the jury found Brodanex guilty of intentional murder. The trial court acknowledged this fact when it imposed sentence for intentional murder. Because the commission of an underlying felony is not an element of intentional murder (see 720 ILCS 5/9-1(a)(1) (West 2010)), judgment and sentence were properly entered upon both intentional murder and aggravated battery (see *People v. Braboy*, 393 Ill. App. 3d 100, 107 (2009)), and Brodanex's argument must fail.

¶ 30 For the reasons stated above, we affirm the judgment of the circuit court of Cook County.

¶ 31 Affirmed.