2017 IL App (2d) 150103-U
No. 2-15-0103
Order filed March 9, 2017

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, v. VERONICA WILLIS, Defendant-Appellant.	))))))))))	Appeal from the Circuit Court of Kane County. No. 13-CF-1386 Honorable John A. Barsanti, Judge, Presiding.

JUSTICE BIRKETT delivered the judgment of the court.
Justices Zenoff and Schostok concurred in the judgment.

ORDER

¶ 1 *Held*: (1) The trial court properly admitted evidence that defendant gave the police a false name: as it could be inferred that defendant knew that she was wanted by the police, the evidence was admissible to show her consciousness of guilt; (2) we vacated defendant's trauma-center-fund and spinal-cord-injury fines, as her offense did not subject her to those fines.

¶ 2 Defendant, Veronica Willis, was at a Fourth of July party on July 6, 2013, with 80 other people. One of the other partygoers was Tiffany Henderson. Defendant and Henderson got into an argument, and Henderson was struck in the head with a souvenir baseball bat. Although police talked to defendant about the incident, the evidence did not indicate that anyone ever

specifically informed defendant that she was a suspect. On August 1, 2013, defendant was a passenger in a car that the police stopped. When she was asked for her name, defendant informed the police that she was Robinette Willis.[1] Although a warrant for defendant's arrest in this case had been issued at this point, no evidence indicated that defendant was actually aware of the warrant. Following a jury trial, defendant was convicted of aggravated battery (720 ILCS 5/12-3.05(a)(1) (West 2014)), and she was sentenced to 18 months of conditional discharge. As part of the sentence, the court ordered defendant to pay a $200 fee for the term of her conditional discharge, in addition to a $5 spinal-cord-injury fine (see 730 ILCS 5/5-9-1(c-7) (West 2014)) and a $100 Trauma Center Fund fine (see 730 ILCS 5/5-9-1(c-5) (West 2014)). On appeal, defendant argues that (1) the court erred in permitting the State to present evidence that defendant gave police a false name when she was stopped a month after the aggravated battery; (2) the $100 Trauma Center Fund fine and the $5 spinal-cord-injury fine must be vacated; and (3) the $200 conditional discharge fee must be reduced to $150. For the reasons that follow, we affirm in part and vacate in part.

¶ 3 Before trial began, the State filed a motion *in limine*, seeking to present evidence that on August 1, 2013, defendant gave a false name to the police. The State sought to admit this evidence to establish defendant's consciousness of guilt with regard to the aggravated battery.

¶ 4 Evidence presented at the hearing on the State's motion revealed that a probable cause warrant for defendant's arrest was issued in the aggravated battery case on July 31, 2013. Accordingly, the parties agreed that, when the car was stopped, a warrant for defendant's arrest in the aggravated battery case had been issued. Moreover, the evidence revealed that, because Robinette Willis did not have a warrant for her arrest, the police let the car go. After the police

[1] The record indicates that Robinette Willis is defendant's cousin.

learned that defendant had given them a false name and that there was an active warrant for defendant's arrest, officers in another jurisdiction were notified, and defendant was arrested.

¶ 5 The State claimed that, after her arrest, defendant stated that her attorney told her that a warrant for her arrest had been issued. When asked to make a proffer, defendant first maintained that, although she might have made that statement, she was never told that the arrest warrant was for the aggravated battery case. Defendant later indicated that she did not know about any warrant for her arrest in any case.

¶ 6 The trial court granted the State's motion. In doing so, the court observed:

> "What I know, even just from the documents in the file, there's a warrant, a probable cause warrant issued for her arrest for this matter at that time dated July 31st. So July 31st, which is before the actual stop occurred, shortly before the actual stop occurred.
>
> So whether or not she knew there was a warrant out, I'll accept *** the defendant's point, that she was unaware there was a warrant out.
>
> I do know this, there was sufficient facts presented to a judge, who found there was sufficient information to find probable cause that she committed this offense. A logical inference can be drawn from that obviously is that the defendant was aware there was an issue. The defendant was involved.
>
> We have [a] probable cause finding that the defendant was involved in this, so she knew that something had occurred, and that something could have been communicated to the police department.

So when the police department rolls up on this stop on August 1st and seeks her name at that point in time, I have a probable cause finding that she was involved in an incident, which the police were interested in.

Whether or not she knew there was a warrant doesn't matter. Whether or not she knew that the police were trying to get in touch with her doesn't matter.

I find that she had a reason to believe that there was an incident that the police would be interested in, because probable cause has been found she was involved in this incident.

So I think the fact that giving a false name is a reasonable inference to be drawn. It doesn't go to anything concerning propensity to commit a crime. I think it goes to consciousness of guilt."

¶ 7 Evidence presented at trial revealed that defendant was at a party on July 6, 2013, with her husband and some friends. While there, defendant was sitting on a bench next to Henderson. The bench was near the bar. Defendant tapped Henderson on the shoulder in an attempt to get her attention. After Henderson ignored her, defendant tapped Henderson on the shoulder again and asked her to pass her the water that was sitting on the bar. Henderson, who admitted that she and defendant were not friends, turned to defendant, waved her fingers in defendant's face, and told defendant to stop touching and talking to her.

¶ 8 Defendant and Henderson then started arguing. According to Henderson, defendant punched her in the face during this argument, and this led to Henderson hitting defendant. Many of the people at the party intervened and attempted to break up the fight, Henderson decided to leave the party, and as she was walking to her car, defendant threw a souvenir baseball bat at Henderson. Henderson testified that the bat hit her in the forehead. Henderson went to the

hospital, the quarter-inch gash on her forehead was stitched up, and she was given pain medication.

¶ 9 Witnesses for the defense, including defendant herself, indicated that Henderson touched defendant first. Moreover, according to defense witnesses, Henderson threw the bat at defendant as defendant was leaving the party. Defendant's husband was asked how Henderson cut her forehead, and he stated that Henderson injured her forehead when she fell in the bathroom and hit her head on the toilet.

¶ 10 Officers who investigated the scene and spoke to Henderson testified about Henderson's injuries, observing blood droplets on the pavement, and recovering the souvenir baseball bat. One officer, Deanna Koffenberger, testified that, after speaking to Henderson at the hospital, she went to defendant's home. Neither defendant nor her husband was there. Koffenberger asked defendant's mother-in-law if she could contact her son, and although defendant's mother-in-law got her son on the phone and the phone was eventually handed to defendant, Koffenberger's phone conversations with defendant kept getting disconnected. During what limited conversation she had with defendant, Koffenberger was not able to talk with defendant about what had happened at the party that night, and defendant testified that she never contacted the police.

¶ 11 Officer Ronald McNeff testified that he was on duty at 11:49 p.m. on August 1, 2013, when he saw a white SUV make two traffic violations. McNeff ran the license plate on the SUV, learned that defendant was the registered owner, and pulled the vehicle over. The information available to McNeff indicated that a warrant for defendant's arrest had been issued. Three people, the driver, defendant, and a child, were in the SUV. McNeff, who never advised anyone in the vehicle that a warrant for defendant's arrest had been issued, asked defendant for her

name, and she told the officer that her name was Robinette. Officer Lemanski soon arrived, and defendant told him that her name was Robinette Willis. Because the officers did not know at that time that defendant had given them a false name, they released the vehicle after giving the driver two written warnings. Later, at the police station, McNeff learned defendant's actual identity.

¶ 12 The jury found defendant guilty of aggravated battery, and defendant filed a posttrial motion, claiming that the court erred in allowing the State to present evidence that she gave a false name to the police on August 1, 2013. The trial court denied the motion and sentenced defendant to 18 months of conditional discharge. On the preprinted sentencing form, the court checked the box next to "Conditional Discharge, $100 per year fee." A printout of the various fees and fines assessed indicates that a $200 fee was imposed for the 18 months of conditional discharge, a $5 spinal-cord-injury fine was charged, and a $100 Trauma Center Fund fine was assessed. Defendant never challenged in the trial court any of the fines and fees imposed. This timely appeal followed.

¶ 13 On appeal, defendant essentially raises two issues. First, she argues that the trial court erred in permitting the State to present evidence that she gave police a false name on August 1, 2013. Second, she takes issue with three fines and fees imposed. She claims that the $5 spinal-cord-injury fine and the $100 Trauma Center Fund fine must be vacated, because she was not convicted of any of the offenses that warrant imposition of these charges. Defendant also contends that her $200 conditional discharge fee must be reduced to $150, as a $100 fee is imposed for each year of conditional discharge, and she was sentenced to only 1½ years of conditional discharge. We address each contention in turn.

¶ 14 The first issue we consider is whether the trial court erred in permitting the State to present evidence that defendant gave the police a false name on August 1, 2013. Generally,

evidence is admissible as long as it is relevant. *People v. Abernathy*, 402 Ill. App. 3d 736, 749 (2010); see also Ill. R. Evid. 402 (eff. Jan. 1, 2011) (relevant evidence ordinarily should be admitted unless "otherwise provided by law"). Evidence is relevant if it has any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the evidence. *Abernathy*, 402 Ill. App. 3d at 749; see also Ill. R. Evid. 401 (eff. Jan. 1, 2011). Whether evidence makes a fact at issue more or less probable depends on "logic, experience and accepted assumptions as to human behavior." *Marut v. Costello*, 34 Ill. 2d 125, 128 (1965). Evidence can be relevant even if it does not conclusively establish the fact for which a party seeks to introduce it. *People v. Prather*, 2012 IL App (2d) 111104, ¶ 22. On appeal, we will not reverse the trial court's ruling on the admissibility of evidence absent an abuse of discretion. *People v. Wheeler*, 226 Ill. 2d 92, 132 (2007). An abuse of discretion occurs only where the trial court's decision is arbitrary, fanciful, or unreasonable to the degree that no reasonable person would agree with it or where the ruling constitutes an error of law. *People v. Illgen*, 145 Ill. 2d 353, 364 (1991).

¶ 15 Defendant argues that evidence that she committed another crime, *i.e.*, that she lied to the police about her true identity, should not have been admitted. "Evidence of another crime is admissible if it is relevant for any reason other than to show the defendant's propensity to commit crime." *Abernathy*, 402 Ill. App. 3d at 749. For example, evidence of other crimes may be admitted to show the defendant's consciousness of guilt. *Id.* "The use of a false name after the commission of a crime is commonly accepted as relevant on the issue of consciousness of guilt." *People v. Coleman*, 158 Ill. 2d 319, 339 (1994).

¶ 16 Evidence of a defendant's guilty conscience "depends upon the defendant's knowledge that a crime has been committed and that [the defendant] is suspected of committing it." *People*

v. Hayes, 139 Ill. 2d 89, 132 (1990), *abrogated on other grounds by People v. Tisdel*, 201 Ill. 2d 210 (2002). Knowledge in this context does not require direct proof. See *id.* Rather, "[k]nowledge of a material fact includes awareness of the substantial probability that the fact exists." 720 ILCS 5/4-5(a) (West 2014). In assessing whether a defendant acted with knowledge, courts have recognized that the defendant need not admit that he or she acted with knowledge. *Hayes*, 139 Ill. 2d at 132; see also *People v. White*, 2016 IL App (2d) 140479, ¶ 37. Rather, a defendant's knowledge may be based on valid inferences. *Hayes*, 139 Ill. 2d at 132; see also *People v. Wilcox*, 407 Ill. App. 3d 151, 170 (2010). Although admissible, evidence tending to show a defendant's consciousness of guilt may be excluded if the trial court, after balancing the probative value of the evidence against the danger of unfair prejudice to the defendant, determines that the evidence is more prejudicial than probative. *Abernathy*, 402 Ill. App. 3d at 749.

¶ 17 Here, we determine that the evidence supported an inference that defendant knew she was a suspect in the aggravated battery case when she told the police on August 1, 2013, that her name was Robinette Willis. Specifically, the evidence showed that defendant and Henderson, who were by no means friends, got into a physical fight. That fight was serious enough that other partygoers had to intervene and separate the two women. Henderson decided to leave, and while she was walking to her car, defendant struck Henderson in the forehead with a souvenir baseball bat. Although defendant claimed that she never did this, the injuries Henderson sustained supported the conclusion that defendant did.

¶ 18 The police soon arrived, investigated the scene, and spoke to Henderson. Koffenberger then went to defendant's home to speak to her about what had happened. Defendant was not there. Koffenberger then contacted defendant's husband, communicating to him that she wanted

to speak to defendant. When defendant got on the phone, Koffenberger's phone conversation with defendant got disconnected. Koffenberger continued to call defendant, and the conversations continued to be disconnected. Eventually, Koffenberger gave up trying to speak with defendant. At no point did defendant attempt to contact Koffenberger or any other police officer or go to the police station. Rather, defendant remained in the area, and 25 days after the incident, evidence implicating defendant in the aggravated battery led to a warrant for her arrest. One day after that probable cause warrant was issued, defendant was a passenger in her own car when the car was stopped by the police. When the police asked her for her name, she gave them a false name. Given these facts, an inference certainly could be drawn that defendant knew she was a suspect in the aggravated battery case when she told the police that her name was Robinette Willis.

¶ 19 We find support for our position in *People v. Aguilar*, 396 Ill. App. 3d 43 (2009). There, the defendant shot and killed a man who was sitting in a park with three friends. *Id.* at 44-45. The victim's friends identified the defendant as the shooter, and the police went to the defendant's home and spoke to the defendant's mother and brother. *Id.* at 45-46. Two years later, the defendant was pulled over for a traffic violation two blocks away from where the victim was killed. *Id.* at 45. The police asked the defendant for his name, the defendant gave them a false name, and the defendant fled. *Id.* When the defendant was later apprehended, he again gave the police the same false name. *Id.* Evidence that the defendant had given the police a false name was presented at trial, the defendant was convicted of the victim's murder, and the defendant appealed, arguing, among other things, that evidence surrounding his arrest should not have been admitted at trial. *Id.* at 49-50, 55. The appellate court disagreed, concluding that the evidence was properly admitted to show the defendant's consciousness of guilt. *Id.* at 56. More

specifically, the court determined that, given that the police went to the defendant's home right after the shooting, told the defendant's mother and brother that they were looking for him, and continued to look for the defendant in the neighborhood over the next two years, "it [was] likely that defendant knew that he was wanted by the police." *Id.*

¶ 20 Here, as in *Aguilar*, Koffenberger went to defendant's home the night of the incident and expressed to defendant's mother-in-law and husband that she wanted to speak to defendant. She then expressed as much to defendant directly. Thus, "it [was] likely that defendant knew that [s]he was wanted by the police." *Id.*

¶ 21 Defendant argues that the evidence that she gave a false name to the police should have been excluded because no evidence indicated that she actually knew on that date that there was a warrant out for her arrest for the aggravated battery. However, as the trial court observed, she did not need to know of an actual warrant for her arrest; she needed to know only that she was wanted by the police. *Id.* As indicated above, that inference has been met here.

¶ 22 In determining that this evidence was admissible to show defendant's guilty conscience, we note that defendant, although citing relevant authority, makes but a one-sentence argument that the evidence should nevertheless have been excluded as not probative and too prejudicial. Specifically, defendant asserts only that "[t]his evidence was not probative of the defendant's consciousness of guilt, and it served only to prejudice the defendant." This court does not address such barebones contentions. See *Sakellariadis v. Campbell*, 391 Ill. App. 3d 795, 804 (2009) (the failure to assert a well-reasoned argument supported by legal authority is a violation of Illinois Supreme Court Rule 341(h)(7) (eff. Jan. 1, 2016) and results in forfeiture of the argument raised).

¶ 23 We now address the fines and fees that defendant raises. As noted, defendant never challenged any of the fines or fees in the trial court. To preserve a claim of sentencing error, both a contemporaneous objection and a written postsentencing motion raising the issue are required. *People v. Bannister*, 232 Ill. 2d 52, 76 (2008); see also 730 ILCS 5/5-8-1(c) (West 2014). When a claim is not properly preserved, the issue is considered forfeited on appeal. *People v. Hillier*, 237 Ill. 2d 539, 545 (2010). Defendant claims that we may nevertheless consider the issues she raises under the plain-error rule. See *id.* (outlining requirements of the plain-error rule). In response, the State does not argue that the claims were not preserved in the trial court. Rather, it concedes error as to the $100 Trauma Center Fund fine and the $5 spinal-cord-injury fine and contends that defendant's argument concerning the $200 conditional discharge fee is forfeited only because she fails to cite any authority to support her position. See Ill. S. Ct. R. 341(h)(7) (eff. Jan. 1, 2016); *Vilardo v. Barrington Community School District 220*, 406 Ill. App. 3d 713, 720 (2010) (an appellant forfeits a claim of error if he fails to cite relevant authority). Thus, we may address these claims without invoking the plain-error rule. See *People v. Buffkin*, 2016 IL App (2d) 140792, ¶ 11 (confession of error permits review of otherwise precluded claim); see also *People v. Whitfield*, 228 Ill. 2d 502, 509 (2007) (State may forfeit claim that issue the defendant raises is forfeited if the State does not argue forfeiture on appeal). We review *de novo* the propriety of the fines and fees assessed. *People v. Reed*, 2016 IL App (1st) 140498, ¶ 13.

¶ 24 First, we consider whether the $100 Trauma Center Fund fine and the $5 spinal-cord-injury fine were properly assessed. Defendant argues that they were not, as she was not convicted of any of the offenses that mandate imposition of these charges. Specifically, the Trauma Center Fund fine may be imposed only upon those convicted of driving under the

influence of alcohol or drugs (730 ILCS 5/5-9-1(c-5) (West 2014)), certain drug-related offenses (730 ILCS 5/5-9-1.1(b) (West 2014)), or certain weapons offenses (730 ILCS 5/5-9-1.10 (West 2014)). *People v. Valle*, 405 Ill. App. 3d 46, 61 (2010). Similarly, the spinal-cord-injury fine may be imposed only upon those convicted of driving under the influence of alcohol or drugs (730 ILCS 5/5-9-1(c-7) (West 2014)) or certain drug-related offenses (730 ILCS 5/5-9-1.1(c) (West 2014)). Defendant was not convicted of any of these crimes. Accordingly, the $100 Trauma Center Fund fine and the $5 spinal-cord-injury fine must be vacated. See *Valle*, 405 Ill. App. 3d at 61.

¶ 25 Second, we address whether the $200 conditional discharge fee was proper. As noted, the State argues that this issue is forfeited, as defendant fails to cite any authority to support her position. In her reply, defendant observes that she did cite authority, but she admits that this authority concerns general forfeiture and mathematic principles. That is, defendant concedes that she cited no authority indicating, for example, how the "$100 per year fee" should be calculated given that her 18 months of conditional discharge is less than two full years. Without some authority indicating how fees for sentences of conditional discharge made up of less than full years should be calculated, we simply cannot accept defendant's position that her fee should be $150, *i.e.*, $100 for the first year plus a prorated amount of $50 for the remaining six months. *Roe v. Jewish Children's Bureau of Chicago*, 339 Ill. App. 3d 119, 127 (2003) (argument forfeited on appeal where party cited only general authority and provided no authority addressing specific issue raised). Accordingly, we will not address the merits of this claim. *People v. Trimble*, 181 Ill. App. 3d 355, 356-57 (1989).

¶ 26 For the above-stated reasons, we vacate the $100 Trauma Center Fund fine and the $5 spinal-cord-injury fine. In all other respects, the judgment of the circuit court of Kane County is

affirmed. As part of our judgment, we grant the State's request that defendant be assessed $50 as costs for this appeal. 55 ILCS 5/4-2002(a) (West 2012); see also *People v. Nicholls*, 71 Ill. 2d 166, 178 (1978).

¶ 27 Affirmed in part and vacated in part.