

NOTICE

This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

2019 IL App (4th) 160854-U

NO. 4-16-0854

FILED
July 24, 2019
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,)	Appeal from the
Plaintiff-Appellee,)	Circuit Court of
v.)	Champaign County
PAUL A. ROUSE,)	No. 14CF1414
Defendant-Appellant.)	
)	Honorable
)	Heidi N. Ladd,
)	Judge Presiding.

JUSTICE TURNER delivered the judgment of the court.
Presiding Justice Holder White and Justice Cavanagh concurred in the judgment.

ORDER

¶ 1 *Held:* (1) The trial court did not err in finding defendant’s jury was not provided outside information during its deliberations in this case.

(2) Pursuant to Illinois Supreme Court Rule 472(e) (eff. May 17, 2019), we remand this case to the trial court for defendant to file a motion regarding his presentence custody credit should he choose to do so.

¶ 2 In January 2016, a jury found defendant Paul A. Rouse guilty on four counts of home invasion, two counts of criminal sexual abuse, and two counts of criminal sexual assault. In October 2016, the trial court sentenced defendant on two of the home invasion convictions to consecutive 15- and 20-year prison sentences. On appeal, defendant argues his convictions should be reversed because he was denied a fair trial before an impartial jury because one of the jurors knew him before the trial, lied about knowing him during *voir dire*, and brought outside information about defendant into the jury’s deliberations. In the alternative, defendant argues

this court should remand this case for the trial court to amend the written sentencing order to award defendant 592 days of presentence custody credit. We affirm defendant's convictions but remand pursuant to Illinois Supreme Court Rule 472(e) (eff. May 17, 2019).

¶ 3

I. BACKGROUND

¶ 4 In October 2014, the State charged defendant with four counts of home invasion (720 ILCS 5/19-6(a)(2) (West 2012)) in this case. In August 2015, the State charged defendant with two additional counts of criminal sexual abuse (720 ILCS 5/11-1.50(a)(1), (a)(2) (West 2012)) and two additional counts of criminal sexual assault (720 ILCS 5/11-1.20(a)(1), (a)(2) (West 2012)). Defendant was accused of knowingly and without authority entering two separate apartments in a large apartment building in Champaign. The State alleged defendant committed a criminal sexual assault on a woman in one apartment and committed an act of criminal sexual abuse on a different woman in the other apartment.

¶ 5 After these charges were reported in the media, additional women alleged defendant assaulted them. The allegations by these other women resulted in similar charges being filed against defendant in Champaign County case Nos. 15-CF-650 and 15-CF-651. Defendant's first trial was in case No. 15-CF-650 in October 2015. A jury acquitted him in that case. However, in March 2016, he was convicted in case No. 15-CF-651.

¶ 6 Prior to the trial in this case, the trial court barred both the State and defendant from presenting evidence from or referring to the other two cases.

¶ 7 Defendant proceeded *pro se* during his jury trial. Neither the State nor defendant were allowed to directly question the prospective jurors during the jury selection process. However, the trial court did allow defendant to submit questions for the court to ask prospective jurors.

¶ 8 During *voir dire*, prospective juror Masey Robeck, who was one of the first jurors questioned by the trial court during the jury selection process, stated she did not know defendant, had not heard or read anything about the case, and could not think of anything that would prevent her from being fair and impartial. She was one of the first jurors selected to serve on the jury. Defendant did not object to her serving on the jury and did not use one of his peremptory strikes against her. He did strike two other jurors who were questioned along with Robeck.

¶ 9 At trial, the State presented evidence the crimes occurred in a large apartment building in Champaign where defendant had lived approximately six months before the charged offenses occurred. On the night of the alleged crimes, a resident let defendant inside the building about 2:15 a.m. because she thought he lived in the building, recognizing him from the building, bars, and parties. The building's surveillance system recorded defendant's entry into the building.

¶ 10 The State presented the testimony of the two women who said defendant entered their respective apartments and got in their respective beds while they were sleeping. R.L.W., who lived in apartment number 1901, testified she went to bed by herself at 1:30 a.m. She woke up and felt a man behind her in bed. The man was "panting" and "spooning" her while "fondling" her breasts on the outside of her shirt. She immediately turned around in bed. The man stood up, and the woman began screaming at him to "get the f*** out." After the man left her apartment, she went downstairs to the lobby and told the security guard to call 911. She identified defendant as the man who was in her bed. A small stain from the woman's bedsheet was submitted for deoxyribonucleic acid (DNA) testing. Defendant's DNA profile matched the DNA profile obtained from the bedsheet. R.L.W. testified she had never spoken to defendant, invited him into her apartment, or invited him into her bedroom.

¶ 11 B.L., who lived in apartment number 2204, went to bed with her boyfriend about 2:00 a.m. At about 4:00 a.m., she woke up after feeling an erect penis inside her vagina. She testified the man who penetrated her was behind her in the bed. She first thought it was her boyfriend because her eyes were closed. However, when she opened her eyes, she saw her boyfriend sleeping in front of her. She began turning in bed and the penetration stopped. She woke up her boyfriend who chased the intruder out of the room. Both the woman and her boyfriend identified defendant as the assailant. B.L. testified she did not give defendant consent to enter her apartment, her bedroom, or to touch her or interact with her in any sexual manner.

¶ 12 The jury found defendant guilty on all counts. After the jurors were polled and released, defendant made an oral motion for mistrial claiming he personally knew juror Robeck. The court denied the oral motion for mistrial.

¶ 13 The day after the trial, juror Tracey Dace called the trial court. A docket entry states: “Phone call from juror. Juror directed by the Court to send a letter to the Court.”

¶ 14 On January 12, 2016, the trial court filed an *ex parte* correspondence it received. A docket entry states: “*Ex Parte* correspondence filed this date. The Court does not consider such correspondence.” At a later hearing in February 2016, the court specified this correspondence was a letter from a spectator, not Dace.

¶ 15 On January 20, 2016, defendant filed an affidavit stating he did not recognize juror Robeck during *voir dire* or the trial. However, he also stated in the same affidavit that Robeck’s statement she did not know defendant “rested any suspicions I may have had during impaneling.” He continued, stating he became “uneasy” about Robeck during the trial but was still “not certain of any relations with [her].” He claimed he only realized he knew her after the jury was polled. According to defendant, Robeck was a friend or acquaintance of his ex-

girlfriend, and defendant came to know Robeck through various gatherings and interactions. He even claimed he set Robeck up with one of his friends. Defendant stated both he and Robeck were involved in Champaign's nightlife culture, but he and Robeck ignored each other after he was no longer dating Robeck's friend.

¶ 16 On January 27, 2016, the trial court sent the parties a letter informing them it had been contacted by a juror who expressed concerns about something that took place during the jury's deliberations. The court told the parties it had subpoenaed the juror for further inquiry.

¶ 17 On February 9, 2016, defendant filed a *pro se* motion for a new trial, arguing in part the jury was biased against him based on Robeck's participation. Defendant asked the court to issue a subpoena to Robeck and defendant's ex-girlfriend to determine the nature and extent of the relationship between defendant and Robeck.

¶ 18 On February 17, 2016, the trial court held a hearing and heard arguments on defendant's motion to subpoena Robeck and the ex-girlfriend. The trial court stated defendant had not suggested anything that would entitle him to have a subpoena issued for Robeck. The court noted Illinois Rule of Evidence 606(b) (eff. Jan. 1, 2011) is clear jurors could be asked the following: (1) whether any extraneous prejudicial information was brought to the jury's attention; (2) whether any outside influence was improperly brought to bear upon any juror; and/or (3) whether a mistake occurred entering the verdict on the verdict form. However, the court noted a juror may not testify about the effect of anything upon any juror's mind or emotions as influencing the juror to agree with or dissent from the verdict. The court noted it appeared defendant wanted to question Robeck about matters not allowed by Rule 606.

¶ 19 The trial court noted there was no suggestion juror Robeck did anything improper. Defendant was able to see the prospective jurors and listen to their responses to the court's

questions. The court made clear defendant had every right to excuse Robeck during *voir dire*, he did not do so, and he had no right after the jury entered its verdict to challenge her service because he now claimed to recognize her. According to the court, even if defendant had interacted with Robeck in the past, Robeck likely did not recognize defendant if he did not recognize her. According to the court, “There is no right here that has been suggested that the defendant has a right to have the juror testify or to any of the matters that would be inquired into.” As a result, the court denied defendant’s motion to subpoena Robeck as a witness.

¶ 20 The trial court noted it received a phone call from a juror on January 8, 2016, after the trial. As noted earlier, the juror expressed some concerns he had about things that occurred during the jury’s deliberations. The court asked the juror to put his concerns in writing and send it to the court. The court did not receive anything in writing from the juror. The court then sent the juror a letter again asking him to place his concerns in writing and provide it to the court within the next week. The court received nothing from the juror. The court then issued a subpoena for the juror to appear.

¶ 21 After recessing the hearing, the trial court came back on the record to hear testimony from juror Dace, who arrived late. Dace testified Juror No. 1 revealed during deliberations that defendant had previously been charged or tried in a similar case. We note Juror No. 1 was actually Julie Prentice, not Robeck. However, all the emphasis by the parties and the court was on Robeck, not Prentice, and it is clear Dace was referring to Robeck. When another juror asked how she knew this, “Juror No. 1” stated she got the information from her mother. A couple of other jurors started asking questions. Another juror interrupted and said the jurors should not be discussing this information. No other outside information was discussed. After excusing Dace, the trial court indicated the court needed to conduct further inquiry into

whether this occurred because of the potentially prejudicial extraneous information allegedly provided by Robeck.

¶ 22 On February 26, 2016, the trial court heard testimony from the jury foreperson, Jeffrey L. Edwards. Edwards testified no juror brought up any information he or she learned about defendant outside the courtroom during the jury's deliberations. According to Edwards, he did not remember any young female juror engaging in any discussion about improper information.

¶ 23 On March 11, 2016, the trial court held another hearing to question jurors in defendant's case. Jurors Mary Edwards, Janice Strutz, Thomas Rollinger, Kevin Hale, Daniel Szajna, and Sharon Dupuy all testified no juror brought up any information about defendant or any other outside or extraneous information not heard in the courtroom. Juror Julie Prentice testified no juror brought up any information from outside the courtroom about defendant during deliberation, including whether defendant had been tried in a similar case or had similar charges pending. However, she also stated a young female juror made a comment, but she did not remember exactly what was said or if the comment was made before or after the jury had announced its verdict. She did remember another juror responding, asking how the young juror knew the information she stated. She testified nothing else was discussed regarding outside information about defendant.

¶ 24 On March 23, 2016, juror Jeffrey D. Bennett testified he thought someone on the jury had asked if defendant had been in jail "this whole time" or something similar before the jury reached its verdict. A young female juror responded he was in jail at that time because of the case being tried. The young female juror did not mention any other cases or mention any other outside information. He testified the young female juror sat in the first seat in the back

row.

¶ 25 On March 28, 2016, juror Robeck testified she did not discuss defendant's case with anyone prior to deliberations. She testified her mother worked for the county. However, she said her mother never told her anything about defendant, the case she was a juror on, or that defendant had other pending cases. No one else told her defendant had been tried on other cases. She denied telling any other jurors defendant had any other cases. She also denied knowing defendant was in custody during the trial. She did testify that some of the jurors discussed whether defendant had been in custody and some of the jurors gave their opinions. However, this occurred after the jury had announced its verdict. Robeck testified she opined defendant had been in custody because an officer was always sitting behind defendant in the courtroom. She assumed the officer brought him to the courtroom and took him back to the jail. However, she stated she did not know this for sure. She did tell some of the other jurors her mother worked for the county in the course of conversation but denied sharing any outside information with any other jurors.

¶ 26 On May 6, 2016, the trial court held another hearing and addressed the jury issue. The court noted it had heard the testimony of all the jurors with the exception of one juror, who was out of state and submitted her answers to the court's questions in an affidavit. The court noted no other juror corroborated Juror Dace's testimony. No other juror testified any juror shared information during the jury's deliberations that defendant had been charged or tried previously on a similar charge. The court stated:

“On February 17th, 2016, Juror Dace appeared again 45 minutes late after the courtroom had been closed and the hearing ended. The court reopened court and took his testimony because it had been so difficult to have him respond to the

court's inquiries. I would describe his demeanor as unhappy and reluctant. He was—he testified then and, in summary, testified that during deliberation Juror Number 1, who it turns out to be is Juror Robeck *** revealed or shared with the jury that the defendant had previously been charged or tried for a similar case as the one that we, meaning the jury, was reviewing. She had gotten the information from her parents. He indicated a couple of the jurors had started to ask about that and one juror said we should not be discussing this. No other juror confirms that that took place. There is no juror that indicates that they asked about it, no juror indicates any other juror asked about it and no other juror testified that any juror said we should not be discussing this or that that particular discussion took place at all, so his testimony is not corroborated by the other jurors.”

The court noted it had heard a few versions of what occurred, none of which meshed with or corroborated juror Dace's concerns. The court also indicated it had talked to the jury after the jury had delivered its verdict and the jurors were discharged from their duties. The court noted it told the jurors defendant had been acquitted on a previous rape charge and had another rape charge pending. The court also informed the jurors defendant was in custody.

¶ 27 The trial court noted juror Robeck's testimony was direct and not evasive. According to the court, Robeck appeared neither defensive nor hesitant.

¶ 28 The trial court ruled it could not find extraneous information was brought into the jury's deliberations based on the record in this case. According to the court, any discussion which may have occurred appeared to be only speculation centered on whether defendant was in custody for the charges at issue in this case and only after the verdict had been delivered. The court noted in almost every criminal jury trial the jurors question whether the defendant is in

custody.

¶ 29 The court stated it was as non-intrusive as possible with regard to court security. Defendant was never shackled or restrained in front of the jury. Further, he wore civilian clothes and was allowed to move around while making his arguments to the court. Finally, neither the State nor defendant was allowed to approach the witnesses.

¶ 30 With respect to whether any juror discussed during the jury's deliberations whether defendant had been tried before or was being held on other charges, no one corroborated Juror Dace's testimony even though Dace indicated three other jurors were involved in the discussion.

¶ 31 Because the trial court found no outside information was considered by the jury during its deliberations, the trial court indicated the inquiry stopped there for purposes of its decision. However, the court stated that even if Dace's testimony was accurate, the information did not come from an authoritative source. Instead, it came from a lone juror who conferred with her mother who worked in the county payroll department. Further, another juror allegedly stepped into the conversation and said the jurors should not be discussing this information. Nothing else was said.

¶ 32 The trial court found this information would have been *de minimis* and not prejudicial. The court later stated:

“Even if there was some suggestion he had a pending charge or he had another charge, there's nothing about what it would be or how it would impact, impact this decision and there's simply no finding of prejudice that can be made here, especially in the light of the overwhelming evidence of the defendant's guilt of the charges he's been convicted of.

So, in totality, reviewing the evidence, I find that there was no extraneous or improper information that was brought into the jury. Any discussions that took place speculatively afterwards were after the jurors had determined their verdict and were discharged from their service and there is certainly no prejudice that comes in through this. So I deny the motion for a new trial on the basis of those grounds and I decline to set aside the jury's verdict."

¶ 33 In October 2016, the trial court sentenced defendant to 15 years' imprisonment on one home invasion count and a consecutive 20-year term of imprisonment on another home invasion count. The sentences in this case were ordered to run consecutive to defendant's sentence in case No. 15-CF-651.

¶ 34 This appeal followed.

¶ 35 II. ANALYSIS

¶ 36 A. Juror Bias

¶ 37 Generally, a jury's verdict may not be impeached by the testimony of the jurors. *People v. Hobley*, 182 Ill. 2d 404, 457, 696 N.E.2d 313, 339 (1998). However, "[t]he rule against admitting juror testimony to impeach a verdict does not *** preclude juror testimony or affidavits which are offered as proof of improper extraneous influences on the jury." *Hobley*, 182 Ill. 2d at 457-58, 696 N.E.2d at 339.

"A jury verdict will be set aside as a result of outside influences or communications only if the defendant was prejudiced as a result of the improper communication or outside influence. [Citations.] In order to demonstrate such prejudice, jurors may testify as to the nature of outside influences or communications, but evidence relating to the effect of such influences on the

mental processes of the jurors is inadmissible. [Citation.] Accordingly, because the actual effect of the conduct on the minds of the jurors cannot be proved, the standard to be applied is whether the conduct involved such a probability that prejudice will result that it is [to be] deemed inherently lacking in due process.” (Internal quotations omitted.) *Hobley*, 182 Ill. 2d at 458, 696 N.E.2d at 339.

¶ 38 “[T]he question of whether jurors have been influenced and prejudiced to such an extent that they would not, or could not, be fair and impartial involves a determination that must rest in sound judicial discretion.” *People v. Runge*, 234 Ill. 2d 68, 104, 917 N.E.2d 940, 960 (2009). The trial court’s discretion begins with its initial decision whether to question the jurors. *Runge*, 234 Ill. 2d at 105, 917 N.E.2d at 961. According to our supreme court:

“The applicable standard of review, after the trial judge has made an appropriate inquiry, is an abuse of discretion standard, which recognizes that the trial court has wide discretion in deciding how to handle and respond to allegations of juror bias and misconduct that arise during a trial. [Citation.] After an inquiry, significant deference must be accorded the judgment of the trial judge on the question of bias because he or she can appraise the jurors face to face [citation], something a court of review obviously cannot do. [Citation.] That determination requires ‘an inference, from the facts and circumstances, that a fair trial had or had not been interfered with.’ [Citation.] The most controlling facts or circumstances involve the character and nature of the allegedly prejudicial information or acts. [Citation.] Each case must be determined on its own facts and circumstances.” *Runge*, 234 Ill. 2d at 105-06, 917 N.E.2d at 961.

¶ 39

1. *Jury Selection*

¶ 40 We first examine defendant's argument juror Robeck lied in *voir dire* by saying she did not know defendant and concealed her bias against defendant. Defendant told the court he did not realize he knew Robeck until after the jury had entered its verdict and the jurors were being polled.

¶ 41 We agree with the State defendant forfeited any objection to Robeck serving on the jury. See *People v. Macri*, 185 Ill. 2d 1, 40, 705 N.E.2d 772, 790 (1998) (defendant waives objection to juror if he fails to challenge juror for cause or by peremptory challenge). During jury selection, Robeck testified she did not know defendant. Defendant does not argue Robeck told anyone differently during the trial. Instead, defendant only points to his own self-serving claim made after the jury entered its verdict.

¶ 42 Regardless of forfeiture, the trial court did not abuse its discretion by not asking Robeck after the trial whether she knew defendant before the trial. If defendant truly did not recognize Robeck during *voir dire* but had met her at some point prior to trial, this does not mean Robeck recognized him and lied during *voir dire*. As the court noted, she likely did not recognize defendant either.

¶ 43 If defendant recognized Robeck during *voir dire*, he had the ability to ask the court to remove her for cause or use one of his peremptory challenges to dismiss her. He did not do so. A defendant cannot be allowed to challenge a juror after the jury returned a verdict against him based on information available to the defendant during the jury selection process. Any other decision would encourage defendants not to challenge potential jurors they knew, knowing they later could challenge an adverse verdict on that ground.

¶ 44 *2. Outside Information During the Trial*

¶ 45 We next examine defendant's claim he was denied a fair trial before an impartial

jury because juror Robeck brought outside information into the jury's deliberations. Unlike defendant's unsupported and self-serving claim Robeck lied about not knowing defendant during *voir dire*, his claim a juror brought outside information into the jury's deliberations was not based solely on his own allegation.

¶ 46 Defendant argues, “[d]espite the fact that Dace’s testimony was corroborated by four other members of the jury, the trial court erroneously accepted Robeck’s denials of misconduct.” We disagree.

¶ 47 The trial court in this case conducted a thorough inquiry to determine whether any juror brought outside information into the jury's deliberations. It questioned all but one of the jurors in person. The final juror, who was out-of-state, provided sworn written answers to the court's questions. Seven jurors testified no juror mentioned any outside information about defendant. Another juror, Julie Prentice, testified a young female juror did make a comment which caught Prentice's attention. However, Prentice could not remember what was said, whether the comment was made before or after the jury announced its verdict, and heard no other outside information discussed. Prentice's testimony did not corroborate Dace's testimony as to the substance of anything a juror may have said during the jury's deliberations.

¶ 48 Juror Jeffrey D. Bennett testified the topic of whether defendant was in custody came up during the jury's deliberations. However, Dace did not testify any juror mentioned defendant was in custody during the trial. According to Bennett, a young female juror stated defendant was in jail at the time of trial because of the charges he faced in that case. Bennett stated the young juror did not mention any other cases or other outside information. Again, Bennett's testimony did not corroborate Dace's testimony.

¶ 49 Robeck admitted to the trial court she told some other jurors she believed

defendant was in custody. However, she told the court she was only speculating after the jury had been discharged. She testified she did not actually know whether defendant was in custody.

¶ 50 Juror Doris Gebnuer, who submitted her answers to the trial court's questions via an affidavit stated the following:

“After the jury deliberation was over and the trial was over, and we gave our decision to the judge, I heard [a young female] mention that someone she knew, perhaps her mom??, worked at the court or somehow knew [defendant] had been tried before or had another case pending. However, I never heard her mention anything during the trial or deliberation or course of the trial.”

Again, Doris Gebnuer's affidavit does not corroborate Dace's testimony because Gebnuer testified nothing was said about defendant being tried before or having another case pending during defendant's trial or the jury's deliberations. Robeck testified she had mentioned her mother worked for the county to some of the other jurors. However, Robeck denied saying anything about defendant having been tried before or having another case pending.

¶ 51 After questioning all but one of the jurors in person, the trial court found no juror brought any outside information into the jury's deliberations. According to the court, if anything was discussed, it was only whether defendant was in custody, which may have occurred after the jury's verdict had been delivered. As the trial court was in a better position to judge the credibility of the witnesses and assess their testimony, we do not conclude it erred in finding nothing improper was brought to the jury's attention during the trial or its deliberations.

¶ 52 The trial court also noted the recollection of individual jurors as to what occurred at trial may have been affected by the court talking to the jurors after they had been discharged. The court noted it told the jurors defendant had been acquitted on a previous rape charge and he

had another pending rape charge. The court also told the jurors defendant was in custody. According to the court, this might have affected the testimony of some of the jurors.

¶ 53 The trial court noted it believed the jurors were well-motivated. However, juror Dace, who started this whole process with his phone call to the court, was the only juror who seemed reluctant to testify. In contrast, the court appears to have found Robeck's testimony to be credible.

¶ 54 The trial court did not abuse its discretion in how it responded to the allegations of juror misconduct. Further, the trial court's determination no outside information entered the jury's deliberations is entitled to significant deference as the court observed the individual juror's testimony. As a result, we will not disturb the trial court's ruling.

¶ 55 Even if we found the trial court erred in finding nothing improper was brought to the jury's attention and concluded at least some of the jurors were told by a juror that defendant was in custody and/or had other similar pending charges against him, we agree with the trial court this information would have had no prejudicial impact on the jury. The alleged information was vague, the information would have been introduced by another juror and not an authoritative source, and the State presented overwhelming evidence of defendant's guilt, including the eyewitness testimony of the two victims and the fact defendant's DNA profile was a match for the DNA profile extracted from the bedsheet of one of the victims.

¶ 56 B. Presentence Custody Credit

¶ 57 Defendant next argues the trial court did not award him the proper amount of presentence custody credit in its written sentencing order.

¶ 58 Recently, our supreme court amended Illinois Supreme Court Rule 472 (eff. May 17, 2019). Pursuant to this rule, we will not address defendant's argument. Rule 472 states:

“(a) In criminal cases, the circuit court retains jurisdiction to correct the following sentencing errors at any time following judgment and after notice to the parties, including during the pendency of an appeal, on the court’s own motion, or on motion of any party:

* * *

(3) Errors in the calculation of presentence custody credit; and

(4) Clerical errors in the written sentencing order or other part of the record resulting in a discrepancy between the record and the actual judgment of the court.

* * *

(c) No appeal may be taken by a party from a judgment of conviction on the ground of any sentencing error specified above unless such alleged error has first been raised in the circuit court. When a post-judgment motion has been filed by a party pursuant to this rule, any claim of error not raised in that motion shall be deemed forfeited.” Ill. S. Ct. R. 472(a), (c) (eff. May 17, 2019).

Pursuant to subsection (e) of this same rule, we remand this case to the trial court to allow defendant to file a motion challenging the amount of presentence custody credit he was awarded.

¶ 59

III. CONCLUSION

¶ 60

For the reasons stated, we affirm the trial court’s judgment in this case. However, pursuant to Illinois Supreme Court Rule 472(e) (eff. May 17, 2019), we remand this case to the trial court so defendant can file a motion asking the court to correct the amount of presentence custody credit he was awarded.

¶ 61

Affirmed and remanded.