

NOTICE  
Decision filed 09/23/19. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2019 IL App (5th) 160419-U

NO. 5-16-0419

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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).

---

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Jefferson County.
	)	
v.	)	No. 14-CF-366
	)	
MICHAEL J. BELMONT,	)	Honorable
	)	Jerry E. Crisel,
Defendant-Appellant.	)	Judge, presiding.

---

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

**ORDER**

¶ 1 *Held:* Sufficient evidence supported the defendant’s conviction for aggravated battery based on an allegation that he caused great bodily harm to a child under 13.

¶ 2 The defendant, Michael J. Belmont, appeals his conviction for aggravated battery under section 12-3.05(b)(1) of the Criminal Code of 2012 which applies when an offender causes “great bodily harm” to a child under age 13. See 720 ILCS 5/12-3.05(b)(1) (West 2014). The State also charged the defendant under section 12-3.05(b)(2), which applies when there is “bodily harm” to a child under 13. See *id.* § 12-3.05(b)(2). The young child involved in this case sustained a significant head injury as well as bruises and abrasions on his skin. The defendant acknowledges that the evidence produced at his trial was sufficient to prove beyond a reasonable doubt that he inflicted the bruises and abrasions. He argues, however, that (1) the evidence was insufficient to

prove beyond a reasonable doubt that he caused the child's brain injury; and (2) the bruises and abrasions did not rise to the level of "great bodily harm." The defendant therefore urges this court to vacate his conviction based on section 12-3.05(b)(1) and remand for sentencing on the charge based on section 12-3.05(b)(2). We affirm.

¶ 3 Lukas, the child involved in this appeal, began living with the defendant and his wife, Kaysie Belmont, when he was three years old. Kaysie's stepfather, David Padget, is Lukas's biological grandfather. David's daughter is Lukas's mother. She asked David and his wife, Tina Padget, to take care of Lukas for her. They agreed to do so. In July 2014, Lukas began living with the Padgets. The Padgets became Lukas's guardians under an informal guardianship agreement with his biological parents. At that time, the Belmonts lived across the street from the Padgets in a house owned by the Padgets. Lukas soon began spending more time with the Belmonts and their two young children, six-year-old Zhayne and one-year-old Mikaela. This change took place partly because Lukas enjoyed playing with Zhayne and Mikaela and their toys, and partly because the defendant and Kaysie were not working outside the home. The defendant was seeking disability benefits due to a traumatic brain injury he suffered as a result of a 2012 three-wheeler accident, and Kaysie was apparently a stay-at-home mother. Eventually, Lukas began living primarily with the Belmonts and sharing a bedroom with their son, Zhayne. However, the Padgets remained his guardians.

¶ 4 On October 30, 2014, Tina Padget took Lukas to see Dr. David Deloso, the Belmonts' pediatrician, for a well-child examination. At that time, he was a healthy child, and Dr. Deloso observed only two superficial injuries on Lukas's face. Three days later, Lukas collapsed and began gasping for air. He was rushed to the emergency room at Good Samaritan Hospital in Mt. Vernon, Illinois. When he arrived, he had no pulse or respiration. Emergency room personnel were

able to revive and stabilize Lukas, and he was air-lifted to Cardinal Glennon for treatment of a serious brain injury.

¶ 5 In addition to brain trauma, Lukas suffered numerous bruises and abrasions on his skin. This combination of injuries led Lukas's medical providers to suspect child abuse. Emergency room personnel called the Mt. Vernon police to report the suspected abuse. Two Mt. Vernon police officers responded to the call. They first spoke with emergency room personnel and collected photographs of Lukas's injuries taken by emergency room staff. Then, in the early morning hours of November 3, 2014, they went to the Belmonts' home to check on the safety and well-being of Zhayne and Mikaela. They then turned the matter over to Detective Jeremy Reichert.

¶ 6 The State subsequently filed a three-count information charging the defendant with two counts of aggravated battery of a child (720 ILCS 5/12-3.05(b)(1), (b)(2) (West 2014)) and one count of aggravated domestic battery (*id.* § 12-3.3(a)). Count I alleged that the defendant committed aggravated battery of a child by causing great bodily harm to Lukas. Count II alleged that he committed aggravated battery of a child by causing bodily harm to Lukas. Count III alleged that the defendant committed aggravated domestic battery by inflicting great bodily harm.

¶ 7 At the defendant's trial, Dr. David Deloso testified that he performed a well-child examination on Lukas on Thursday, October 30, 2014. He explained that because this was the first time he saw Lukas, he performed a thorough examination to assess his overall health. As part of his examination, Dr. Deloso checked the bare skin on Lukas's entire body. He explained that he did this to check for rashes or other abnormalities. During his examination of Lukas, Dr. Deloso observed only two injuries, a small abrasion on Lukas's eyebrow and some swelling on his upper lip. He described these injuries as "very minor."

¶ 8 Dr. Deloso was asked to look at People’s Exhibit 23, a photograph that shows a dark bruise on Lukas’s ear. Dr. Deloso described the injury shown in the photograph as “a fairly significant hematoma.” He testified that the bruise was not present when he saw Lukas on October 30.

¶ 9 Tina Padget testified that Lukas came to stay with her and her husband, David, for several weeks in the spring of 2014. She noted that when he arrived, he had not been potty-trained. She testified that she, David, the defendant, and Kaysie all worked with Lukas on potty-training. She further testified that Lukas returned to live with his biological parents in May 2014, but he began living with the Padgets again in July at the request of his mother.

¶ 10 Tina was asked about the effects of the defendant’s brain injury. She first testified that he seemed different after the accident, but that it was difficult to put into words what the difference was. She then noted, however, that the defendant became “a little bit more aggressive than he was before.”

¶ 11 Tina also testified about the events that transpired between Lukas’s October 30 appointment with Dr. Deloso and his admission to the emergency room three days later. She testified that she took Lukas for his appointment with Dr. Deloso, but the defendant and Kaysie met her at the doctor’s office and drove him home. Tina testified that she saw Lukas again later that evening. He was playing with Zhayne and appeared to be in good health. Tina also saw Lukas the next night, Friday, October 31. She was working that night at a restaurant. Toward the end of her shift, David arrived to wait for her so he could drive her home. The defendant and Kaysie brought all three children to the restaurant to show David and Tina their Halloween costumes. According to Tina, Lukas appeared to be in good health at that time.

¶ 12 Tina did not see Lukas at all that Saturday. She next saw him on Sunday afternoon, November 2. She testified that when she went to the Belmonts' house to bring them an area rug, Lukas was taking a nap because he was not feeling well. She did not want to wake him up.

¶ 13 According to Tina, Kaysie called her at approximately 8:40 or 8:45 that evening. Kaysie asked her to come to the Belmonts' house because something was wrong with Lukas. When Tina arrived, she saw Lukas lying on the sofa with his eyes closed. He opened his eyes to look at her, but he was having trouble breathing. Tina and David drove Lukas to the emergency room.

¶ 14 David Padget likewise testified that Lukas seemed healthy when he and Tina saw the children after they went trick-or-treating. He testified that he saw Lukas early on the afternoon of Sunday, November 2. David was in his front yard working on his house when he saw Lukas in the Belmonts' front yard. Lukas said to David, "I been good, Grandpa." David testified that Lukas appeared healthy at this time.

¶ 15 The State also presented evidence of the defendant's three statements to police. The first statement occurred during the early morning hours of November 3, 2014, when two officers, Corporal Brian Huff and Officer Andrew Meyers, went to the Belmonts' house to check on the well-being of Zhayne and Mikaela. The officers arrived at approximately 1:45 or 2 in the morning.

¶ 16 Corporal Huff testified that when they arrived, the defendant seemed to become agitated. He raised his voice, cursed at the officers, and asked them why they were there. Corporal Huff testified that when he inquired about Lukas's injuries, the defendant replied, "That's how boys are. They fall down. They play. They ride their bikes." Corporal Huff told the defendant, "I don't know of any three-year-old that could ride a bike fast enough to cause those types of injuries." According to Corporal Huff, the defendant responded by telling him that it was a motorized bike. Corporal Huff testified that he saw the children's bikes, and none appeared to be damaged.

¶ 17 Officer Meyers' testimony was mostly consistent with that of Corporal Huff. Officer Meyers, however, noted that one of the children's bikes appeared to have minor cosmetic scratches on the plastic.

¶ 18 The defendant spoke with police a second time on the afternoon of November 3. Detective Jeremy Reichert, the lead investigator in the case, interviewed the defendant at his home. An audio recording of this interview was played for the jury during Detective Reichert's testimony. Detective Reichert testified that he was unable to make a video recording of the interview because there was no portable video recording device available to him.

¶ 19 In the audio recording, the defendant told Detective Reichert that Lukas was sent to bed at 8 p.m. the previous night. He stated that shortly after Lukas went to bed, Kaysie asked the defendant if he remembered to make sure Lukas used the bathroom before going to bed. The defendant told her, "No," so Kaysie got Lukas out of bed to use the bathroom. According to the defendant, Kaysie called out to him from the bathroom. She told him that Lukas collapsed and was having trouble breathing. The defendant told Detective Reichert that they called Kaysie's mother, who came over and took Lukas to the hospital.

¶ 20 At this point, Detective Reichert told the defendant, "I heard somebody say something about a bike wreck or something like that." In response, the defendant said, "Naw, it was—we got a couple of \*\*\* plastic cars, and the boys, they always get in there and push each other around and put their helmets on and crash into crap. \*\*\* I'm not saying that's what caused it or anything, but that's what I know."

¶ 21 The defendant told Reichert that he and Kaysie took all three children trick-or-treating on Halloween. He noted that as they left the house, Lukas fell and "hit the concrete pretty hard." According to the defendant, Lukas seemed "a little dazed" at first, but then he was "attentive and

alert right after that.” The defendant told Reichert that Lukas seemed to be okay during the rest of the evening. Asked about the bruises and abrasions on Lukas’s legs and buttocks, the defendant replied, “I don’t know.”

¶ 22 At this point, the audio recording was paused. The prosecutor showed the jury People’s Exhibit 23, the photograph of the bruise on Lukas’s ear. Detective Reichert identified the photograph and testified that he showed it to the defendant. The audio recording then resumed. In it, the defendant told Detective Reichert that the bruise shown in Exhibit 23 likely occurred because Lukas “took a face plant pretty fast” while wearing his bike helmet. He claimed that Kaysie asked Dr. Deloso about this injury. He acknowledged, however, that during Dr. Deloso’s examination of Lukas, he was waiting in the car with Mikaela. He reiterated that Kaysie and Tina asked Dr. Deloso about the bruise on Lukas’s ear and another bruise on his forehead.

¶ 23 Asked about discipline, the defendant said, “I mean, the only discipline he really gets is standing in the corner. Because that’s—that’s—I mean, I whip my son’s butt, but he’s six years old.” Detective Reichert noted that some of the marks on Lukas looked like he was struck with an object. The defendant replied, “Not as far as my knowledge, ‘cause I don’t hit him. And Kaysie don’t.” He went on to state that he does not “really want to discipline” Lukas. He told Detective Reichert that Kaysie disciplines Lukas by putting him in the corner. Asked if Kaysie ever hits the children, the defendant replied, “I haven’t seen her do it.”

¶ 24 After the audio recording was played, Detective Reichert testified that he looked at the bikes in the Belmonts’ yard and saw no damage. He further testified that six-year-old Zhayne told police that Lukas was spanked with a belt, and he told them two places in the house where the belt was usually kept. Detective Reichert testified that when he returned to the Belmonts’ home to collect the belt as evidence, it was hanging where Zhayne said it would be. On cross-examination,

Detective Reichert noted that Kaysie gave him a statement consistent with the defendant's about Lukas falling when they began trick-or-treating.

¶ 25 The jury then saw a video-recording of the defendant's third statement to police, an interview by Detective Reichert at the police station three days later. Detective Reichert began the interview by saying to the defendant, "Take me through Sunday again." The defendant told him that Zhayne and Mikaela went across the street to their grandparents' house. He noted that during this time, Kaysie was working with Lukas on learning his colors because "he was smart as a whip."

¶ 26 The defendant told Detective Reichert that Lukas was tired all day on both Saturday and Sunday. He stated that Lukas also complained that his eyes were burning. The defendant thought that Lukas might be having an allergic reaction to something. He noted that he had been burning leaves in the yard. He told Detective Reichert that at around 8 p.m. on Sunday, Lukas went to bed. Kaysie woke Lukas shortly thereafter to make sure he went to the bathroom before sleeping through the night. According to the defendant, Lukas collapsed and was gasping for air. He explained that he and Kaysie called the Padgets to take Lukas to the hospital because they were his guardians.

¶ 27 Detective Reichert asked about discipline. The defendant replied, "I can't really go in there and whip his butt because, you know, Mom's gonna have feelings about it." He told the detective that Kaysie once "whooped" Lukas's butt because he wiped his feces all over the bathroom wall, and putting him in time-out was not working. The defendant noted that this incident took place a few months earlier. He claimed that Kaysie had not spanked Lukas in the last few months.

¶ 28 Detective Reichert told the defendant that Zhayne said he saw the defendant hit Lukas. The defendant responded, "I mean, when I whooped Lukas, it might've been when we first got him." Detective Reichert replied, "He said this weekend." He also told the defendant that Zhayne told



him about the brown belt. In response, the defendant said, “No, I didn’t whoop Lukas because I never whoop Lukas because he’s not my child and I catch hell for whooping Zhayne.” He stated that he and Kaysie argued over how Zhayne should be disciplined. He explained that Kaysie believed that putting Zhayne in time-out was sufficient, but he did not agree.

¶ 29 The defendant went on to tell Detective Reichert that when Lukas gets out of hand, he tells Kaysie to take him across the street to get a “whooping” from his grandfather because the Padgets have custody of him. He claimed that Lukas sometimes came back from the Padgets’ house with welts on his buttocks. Finally, the defendant told Reichert that although Lukas was home all day on Sunday, he thought that Lukas went across the street to be disciplined by David on Friday or Saturday.

¶ 30 The jury also saw two video-recorded interviews with Zhayne. The first interview was conducted by Ladonna Richards at the Amy Center on November 3, 2014, the day after Lukas was admitted to the hospital. Richards began by asking Zhayne if he knew what he came to talk to her about. Zhayne replied, “Bubby had trouble breathing.” Asked if he knew Bubby’s name, Zhayne told her it was Lukas. Richards then said, “Tell me about Bubby Lukas having trouble breathing.” Zhayne told her that his mother woke Lukas up “because he forgot to go to the bathroom.” He told her that his mother had to help Lukas get to the bathroom because he was having trouble walking. He then stated, “And he just passed out.” Zhayne told Richards that he was playing a video game with his father when this occurred. He also told her that Lukas was “breathing in a weird way.” Zhayne made gasping sounds to demonstrate. He told Richards that his grandmother then took Bubby Lukas to the hospital.

¶ 31 Richards asked Zhayne what happens when he gets in trouble at home. Zhayne replied, “I get a whoopin’.” Asked who spanks him, Zhayne replied, “Usually Daddy.” He told Richards that

he sometimes has to stand in the corner when he gets in trouble. In response to further questions, Zhayne told Richards that when he gets a spanking, he is hit with a belt on his buttocks, which is the only place he is ever hit. Richards asked Zhayne if Mikaela and Lukas also get spankings. At first, he said, “no”; however, he then stated that sometimes Mikaela does get hit, but not with a belt. Richards asked what things Zhayne gets spankings with the belt for doing. He told her that he gets “whoopings” for lying, not listening to his parents, or doing something he was not supposed to do. Richards then asked what things Lukas gets spanked with a belt for doing. Zhayne replied, “Sometimes for peeing in his pants.”

¶ 32 Richards talked with Zhayne about other aspects of his home life for a while. She then came back to the topic of discipline. She asked, “Can you tell me a little bit more about when Lukas pees in his pants?” In response, Zhayne explained that Lukas usually is hit with a belt and then he has to lay down in the corner. Asked the last time Lukas was spanked, Zhayne replied, “Yesterday.” He told Richards that his father spanked Lukas because he wet his pants. He told her that Lukas had to stand in the corner after his spanking. He indicated that Lukas made whimpering sounds while he was standing in the corner. He told Richards that Lukas got a second “whoopin” for doing so.

¶ 33 In response to additional questions from Richards, Zhayne stated both of his parents spanked him, but only his father spanked Lukas. He also told Richards that although Lukas is never spanked on any part of his body other than his buttocks, he sometimes wiggles around while being spanked.

¶ 34 The second interview jurors were shown took place at Zhayne’s school two days later. He was interviewed by Detective Reichert and Vanessa Shaw, an investigator from the Department of Children and Family Services. Asked what happens when he gets in trouble, Zhayne told them that

he gets time-outs. Asked what happens to Lukas and Mikaela when they get in trouble, Zhayne replied that Lukas also gets time-outs, but nothing happens to Mikaela because she is still a baby. After being reminded that he told Richards that he got spankings, he said, "That too."

¶ 35 In response to additional questioning, Zhayne told Detective Reichert and Shaw that when he is spanked, he is hit with a brown belt. Asked where the belt is kept, Zhayne said that it sometimes hangs in his parents' bedroom, and it sometimes hangs in a room of the home called the "middle room." He told them that Lukas is also hit with the brown belt. Zhayne told them that although both parents use the belt to hit him, only his father hits Lukas.

¶ 36 Detective Reichert and Vanessa Shaw asked Zhayne about the events leading up to Lukas's injury. He told them that Lukas was woken up to go to the bathroom and passed out. He also told them that his father gave Lukas a bath Sunday night. Asked if Lukas got a spanking that day, Zhayne said that his father gave Lukas one spanking during the day. He told them that his father hit Lukas on his buttocks with the belt. This took place in the bedroom the boys shared while Zhayne was on the top bunk bed watching television. Asked how many times Lukas was spanked on Sunday, Zhayne initially said that he was spanked only once. Shaw asked about his statement to Richards indicating that Lukas was spanked a second time. Zhayne replied, "That was at night." He stated that Lukas was spanked after his bath. Zhayne indicated that Lukas was spanked during the day for wetting his pants, but he did not know why Lukas was spanked at night. Although Zhayne first stated that it was his mother who gave Lukas the second spanking that night, he then indicated that his mother was not in the boys' bedroom with them when the spanking occurred. Asked again who spanked Lukas the second time, Zhayne said, "Daddy."

¶ 37 Detective Reichert changed the topic to the toy cars and bikes in the Belmonts' yard. Zhayne told him that both he and Lukas liked to play with them. Asked if they wear helmets, he

said, “No.” He explained that the helmets were only used for riding bikes. He noted that Lukas did not have a helmet. He also noted that Lukas “rides slower.” Asked if Lukas ever crashed while riding a bike, Zhayne said, “No.” Detective Reichert then asked if either Zhayne or Lukas fell while they were trick-or-treating, and Zhayne said, “No.” Vanessa Shaw asked, “Did Lukas ever have any boo-boo on his head?” In response, Zhayne indicated that he got a knot on his forehead because he accidentally tripped and fell.

¶ 38 The final witness to testify about the events leading up to Lukas’s injury was Kaysie Belmont, the only witness to testify on behalf of the defendant. She testified that since the defendant’s 2012 three-wheeler accident, she has avoided leaving the children alone in his care. Asked why, she explained that the accident resulted in memory problems and seizures, although she noted that the seizures were controlled by medication. She further explained that she was afraid that the defendant might forget to feed the baby if the children were left alone in his care for more than a brief period. She denied having any concerns that the defendant might pose a danger to the children.

¶ 39 According to Kaysie, she and the defendant agreed that she would be responsible for the discipline of the children. She testified that both Zhayne and Lukas were typically put in “time-out.” However, she acknowledged that both boys received spankings for more serious misbehavior. She testified that she sometimes spanked them with her hand, and she sometimes used the belt; it depended on the magnitude of the misbehavior. Asked whether the defendant ever disciplined Lukas, Kaysie reiterated her assertion that she was responsible for discipline. She then testified, however, “I mean, I’m not saying that Michael may not have, you know, smacked a hand or something.”

¶ 40 Kaysie testified at length about the events leading up to Lukas's injury. She noted that she gave Lukas a spanking a few days before he was taken to the emergency room. She could not recall whether this occurred on Wednesday, October 29, or on Friday, October 31. She testified that she spanked him because he wet his pants, and she thought she spanked him with her hand. Asked about Lukas's appointment with Dr. Deloso, Kaysie denied that Dr. Deloso examined the skin under Lukas's clothing.

¶ 41 Much of Kaysie's testimony focused on the events of Sunday, November 2, 2014, the day Lukas went to the emergency room. According to Kaysie, Lukas told her that he was tired Sunday afternoon, before his usual nap time. She put him down for a nap, and he slept longer than one-year-old Mikaela. Kaysie testified that while Lukas continued to nap, Zhayne and Mikaela went across the street to visit their grandparents. Kaysie allowed Lukas to continue sleeping while she made dinner. She testified that when she looked in on him, he appeared to be healthy. Kaysie noted that at some point during the afternoon, she left the defendant alone in the house with Lukas while she went across the street to get a package of corn bread mix from Tina. She eventually woke Lukas up so he would be able to sleep through the night.

¶ 42 Kaysie testified that the family ate dinner at around 6 p.m. and then watched a movie together. After that, Kaysie gave Lukas a bath while the defendant stayed in the living room with Mikaela and Zhayne. Then, she sent Lukas to bed and got Mikaela ready for her bath. Kaysie testified that while she was attending to Mikaela, she remembered that she did not ask Lukas to go to the bathroom before going to bed. She asked the defendant if he had done so, and he told her, "No." According to Kaysie, she woke Lukas and asked him to go to the bathroom, which he did. Kaysie next testified that Mikaela "escaped the bathtub," so she left Lukas alone in the bathroom while she went to retrieve Mikaela. When she returned, she saw Lukas passed out on the bathroom

floor. According to Kaysie, she yelled for the defendant and began dialing 9-1-1, but she hung up because Lukas “started responding” to her. However, he then began to breathe “a little funny.” Kaysie stated that she called Tina for advice on what she should do. The Padgets took Lukas to the emergency room. Kaysie and the defendant stayed home to care for the two other children.

¶ 43 Dr. Linda Shaw testified for the State. Dr. Shaw is a pediatrician and professor of pediatrics who works in the Division of Child Protection within the Department of Pediatrics at Cardinal Glennon. She performs consultations in cases of suspected child abuse due to her expertise in that area. Although Dr. Shaw was not one of Lukas’s treating physicians when he was admitted to Cardinal Glennon, she did perform a consultation in his case. She reviewed Lukas’s records and saw him in the pediatric intensive care unit on November 3, 2014. She also reviewed the photographs of his injuries.

¶ 44 Dr. Shaw testified that when Lukas arrived at Cardinal Glennon, he had a significant brain injury with bleeding. She explained that swelling in Lukas’s brain caused his brain to “shift,” which put pressure on areas of his brain. Those areas did not receive the blood flow and oxygen they needed. This caused damage to the brain tissue, which in turn led to Lukas’s respiratory distress. Dr. Shaw further testified that Lukas’s heart was not functioning well. As a result, he required blood pressure medication and other medical intervention. In addition, Lukas had widespread bruising and abrasions on his lower back, buttocks, and thighs; a bruise on his left ear; and bruising and ecchymosis on his forehead. She explained that ecchymosis is caused by blood pooling under the skin.

¶ 45 Dr. Shaw opined that these injuries were consistent with child abuse. She reached this conclusion due to the severity of Lukas’s head injury and the locations of his other injuries. She testified, “There was no accident presented that would explain this combination of injuries.” She

explained that significant head trauma such as that suffered by Lukas raises concerns of child abuse unless there was a motor vehicle accident “or some other significant explanation.” Dr. Shaw further testified that the bruises and abrasions on Lukas’s back, buttocks, and thighs were “very hard to explain in any other way than by a beating.” This was so, she explained, because accidental injuries usually involve exposed areas of the body. She noted that the abrasions were linear, which suggested that he was struck with a belt or strap. She also noted that the injury to Lukas’s ear was particularly unlikely to occur accidentally. She testified that it was consistent with being punched.

¶ 46 Dr. Shaw testified that the explanations for Lukas’s injuries given by the family were not plausible. She noted that the hospital social worker was told that Lukas rode his bike into a tree several days before he collapsed and that he fell and landed on the back of his head a day or two after that. She rejected these explanations for three reasons. First, she explained, these alleged incidents would not explain the severity of the brain trauma Lukas suffered. Second, they would not explain the injuries to his skin. Third, she opined that the brain injury “would have had to be relatively close in time to the time he collapsed.” She explained that it was highly unlikely that Lukas could have spent the whole evening on Halloween trick-or-treating if he had a serious head injury at that time.

¶ 47 On cross-examination, Dr. Shaw was asked to narrow down the time frame within which she believed the head trauma occurred. She testified that she believed the injury occurred during the 48-hour interval between when Lukas finished trick-or-treating on Halloween and when he went to the emergency room on November 2. She explained that it was difficult to determine whether the brain injury was the result of one major trauma or multiple injuries. As a result, she explained, it was difficult to make a more precise determination as to the timing.

¶ 48 The jury returned guilty verdicts on all three counts. The court entered a judgment of conviction on count I, which alleged aggravated battery of a child based on great bodily harm. The court sentenced the defendant to 30 years in prison. The defendant filed a motion to reconsider that sentence, which the court denied. This appeal followed.

¶ 49 When a defendant challenges the sufficiency of the evidence, the question before this court is whether any rational trier of fact could have found all the essential elements of the offense beyond a reasonable doubt. In answering that question, we must consider the evidence in the light most favorable to the prosecution. *People v. Collins*, 106 Ill. 2d 237, 261 (1985). We must also draw all reasonable inferences in favor of the prosecution. *People v. Wheeler*, 226 Ill. 2d 92, 116-17 (2007). However, we are only required to draw inferences in favor of the State if those inferences are, in fact, reasonable. We must not rely on “mere speculation” to affirm a defendant’s conviction. *People v. Gharrett*, 2016 IL App (4th) 140315, ¶ 29.

¶ 50 Our review encompasses all of the evidence in the record. *Wheeler*, 226 Ill. 2d at 117. However, we need not evaluate each individual piece of evidence or consider “every possible inference that could be drawn therefrom.” *Id.* The question is not whether reasonable jurors could be convinced beyond a reasonable doubt “ ‘as to each link in the chain of circumstances.’ ” *Id.* (quoting *People v. Hall*, 194 Ill. 2d 305, 330 (2000)). Rather, the question is “whether the record evidence could reasonably support a finding of guilt beyond a reasonable doubt.” *Id.* at 117-18. We will only reverse a defendant’s conviction if the evidence is so improbable, unreasonable, or unsatisfactory that it raises a reasonable doubt as to his guilt. *Collins*, 106 Ill. 2d at 261. This standard of review is equally applicable whether the evidence is direct or circumstantial. *Wheeler*, 226 Ill. 2d at 114.



¶ 51 The defendant argues that Dr. Shaw’s testimony was not credible. As such, he contends, her opinion was not sufficient to prove beyond a reasonable doubt that Lukas’s brain injury resulted from child abuse. We note that it is the role of the jury, not this court, to determine the credibility of witnesses. *Collins*, 106 Ill. 2d at 261-62. Although a jury’s credibility determinations are entitled to great deference, this deference is not unlimited. Thus, the jury’s decision to find Dr. Shaw’s testimony credible is not binding on this court. *Wheeler*, 226 Ill. 2d at 115. However, we find no reason to disturb the jury’s decision to accept her testimony.

¶ 52 There are two components to the defendant’s contention that Dr. Shaw’s testimony was not credible. First, he notes that she was unable to pinpoint precisely when the injury occurred. He further notes that Dr. Shaw testified that Lukas’s brain injury may have resulted from one incident or from multiple incidents. The defendant argues that Dr. Shaw’s opinion is contradicted by “evidence of multiple accidental head traumas within the relevant time period.” We are not persuaded.

¶ 53 Although both Kaysie and the defendant claimed that Lukas fell while trick-or-treating and that he ran into a tree on his bike a few days earlier, the jury was not required to believe their statements. Their claims were contradicted by Zhayne’s statements, and there were reasons to find Kaysie and the defendant not to be credible. For example, when confronted with Detective Reichert’s comment that most three-year-olds cannot ride a bike fast enough to sustain the kind of injury Lukas sustained, the defendant claimed that Lukas ran into the tree on a motorized bike. However, none of the three officers who saw the children’s bikes saw either a motorized bike or a bike with significant damage. In addition, they gave conflicting statements on the type of discipline the children received. The defendant told Detective Reichert that although he “whipped” Zhayne, he never disciplined Lukas. When confronted with Zhayne’s statement, however, he admitted that

he “whooped” Lukas at least once a few months earlier. Similarly, the defendant said that he never saw Kaysie strike any of the children. However, it was later revealed that Zhayne told police about the brown belt. Kaysie subsequently testified that she was solely responsible for disciplining the children and that she did in fact use the brown belt to spank the boys.

¶ 54 Moreover, Dr. Shaw specifically testified that Lukas’s severe brain trauma could not have been caused by a small child falling or riding his bike into a tree. The defendant argues that “common sense and common knowledge” indicate “that people can and do suffer serious head injuries from falls on pavement.” However, Dr. Shaw testified that brain trauma *as severe* as that suffered by Lukas ordinarily occurs only if the injured individual has been in a motor vehicle accident or there is some other “significant explanation” for the injury. This testimony was not refuted by any evidence presented at trial.

¶ 55 It is also worth emphasizing that these incidents were alleged to have occurred *before* the relevant time period. As we have discussed, several witnesses indicated that Lukas appeared to be healthy during and immediately after trick-or-treating, and both David Padget and Kaysie testified that Lukas seemed to be healthy earlier on the day he collapsed. As we also discussed, Dr. Shaw opined that in light of the severity of Lukas’s brain injury, he could not have spent the whole evening trick-or-treating had he sustained the injury earlier.

¶ 56 This brings us to the second component of the defendant’s argument concerning Dr. Shaw’s credibility. He complains that her conclusion that the injury resulted from abuse was premised on the fact “that she was not provided with a more satisfactory explanation, not that medical evidence supported her conclusion.” We disagree with this characterization of Dr. Shaw’s testimony. She specifically testified that the dark bruise on Lukas’s ear was consistent with being punched in the ear; that the abrasions on Lukas’s body were consistent with being struck by a belt;

and that the type of severe head trauma suffered by Lukas was consistent with a motor vehicle accident or other similarly “significant” event or with physical abuse. These opinions were based on the medical evidence, and her conclusion that Lukas’s injuries were caused by abuse was supported by her consideration of this evidence. We will not find her opinion to be based on speculation merely because she testified that the injury could have been explained by other factors had those factors been present. We emphasize that Dr. Shaw is recognized as an expert in the field of child abuse, an area of medicine she has specialized in for much of her 30-year career. We therefore conclude that reasonable jurors could have found Dr. Shaw to be credible. As such, her testimony was sufficient to support a finding that Lukas’s brain injury resulted from physical abuse.

¶ 57 The defendant further contends that, assuming the evidence was sufficient to prove that Lukas’s injury was caused by child abuse, there was no evidence to prove that he was the individual who inflicted that abuse. This is so, he contends, because the only evidence that the defendant struck Lukas at all came from Zhayne, who stated that he only saw the defendant hit Lukas on the buttocks. Again, we disagree.

¶ 58 We have reviewed the record evidence in its entirety, and we believe it supports a reasonable inference that the defendant inflicted a severe brain injury on Lukas while beating him. Although Zhayne stated that he only saw his father strike Lukas on the buttocks, he also said that Lukas sometimes wiggled around while being spanked, and it is reasonable to presume that Zhayne was not always present when Lukas was hit. The severe bruises on Lukas’s ear and forehead, which were not present when he was examined days earlier by Dr. Deloso, certainly support an inference that Lukas was struck on the head during a spanking, whether intentionally or as a result of wiggling around.

¶ 59 Additional evidence supported the inference that the defendant was the person who inflicted these injuries. Both the defendant and Kaysie gave inconsistent statements regarding discipline in the household. First the defendant said that he never hit Lukas, then he admitted that he “whooped” him when Lukas first came to live with the Belmonts, then he again said he never hit him. Kaysie stated that she was responsible for all discipline in the house, but the defendant admitted that he “whipped” Zhayne’s butt and told police that he argued with Kaysie about discipline because she believed time-outs were sufficient and he disagreed. All of this evidence could lead reasonable jurors to conclude that the defendant does, indeed, punish Lukas by striking him with the belt, despite statements to the contrary by both the defendant and Kaysie.

¶ 60 In addition, the defendant told Detective Reichert that he “caught hell” from Kaysie for physically disciplining Zhayne. He also told him that he did not believe time-outs were effective discipline. Further, Tina testified that the defendant became “more aggressive” as a result of his own brain injury. This evidence supports a reasonable inference that the defendant was prone to using excessive force when striking the children, including Lukas.

¶ 61 Significantly, Zhayne told Detective Reichert that the defendant gave Lukas a spanking after his bath the night he went to the emergency room. That means that there is evidence that the defendant struck Zhayne minutes before his injury manifested itself. This evidence, considered together with the evidence that the defendant hit Zhayne hard enough to “catch hell” from Kaysie and the inconsistent statements given by both Kaysie and the defendant, was sufficient to support a reasonable inference that the defendant struck Lukas with sufficient force to cause his brain injury on the evening of November 2, 2014. Although it may be possible to draw other inferences from the evidence presented, we find these inferences were reasonable. Thus, we conclude that reasonable jurors could have found beyond a reasonable doubt that the defendant inflicted great

bodily harm on Lukas. See *Wheeler*, 226 Ill. 2d at 120. As such, the evidence was sufficient to support his conviction on count I.

¶ 62 We note that the defendant does not attempt to argue that the traumatic brain injury suffered by Lukas did not constitute “great bodily harm.” Thus, in light of our conclusion that the evidence was sufficient to prove beyond a reasonable doubt that the defendant caused that injury, we need not consider his argument that the bruises and abrasions did not constitute great bodily harm.

¶ 63 For the foregoing reasons, we affirm the defendant’s conviction.

¶ 64 Affirmed.