2020 IL App (1st) 162433-U

Nos. 1-16-2433, 1-16-2692, & 1-16-2696 (Consol.)

Order filed April 28, 2020

Second Division

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	Nos. 14 CR 6253
	)	14 CR 6254
	)	14 CR 6256
	)	
	)	
GEORGE DOMINGUEZ,	)	Honorable
	)	Stanley J. Sacks,
Defendant-Appellant.	)	Judge, presiding.

PRESIDING JUSTICE FITZGERALD SMITH delivered the judgment of the court. Justices Lavin and Coghlan concurred in the judgment.

ORDER

¶ 1 *Held*: Defendant's convictions for aggravated criminal sexual abuse are affirmed over his contention that the State failed to prove him guilty beyond a reasonable doubt.

¶ 2 Following a consolidated bench trial, defendant George Dominguez was found guilty of multiple sexual offenses against three minor victims and sentenced to a total of 25 years'

imprisonment. On appeal, defendant contends that the State failed to prove beyond a reasonable doubt that he committed aggravated criminal sexual abuse against his two minor sons. We affirm.

¶ 3 Defendant was charged by indictment with criminal sexual conduct involving four minor victims, J.B., M.B., G.D., and R.D. (minors). Defendant is the biological father of G.D. and R.D., and during the period relevant to the charges, was in a relationship with Maria S., the biological mother of all four minors.

¶ 4 In case number 14 CR 6253, involving J.B., defendant was charged with multiple counts of predatory criminal sexual assault, criminal sexual assault, and aggravated criminal sexual abuse. In case number 14 CR 6254, involving R.D., defendant was charged with eight counts of aggravated criminal sexual abuse, comprising four counts based on R.D. being a family member under age 18 (720 ILCS 5/11-1.60(b) (West 2012)) and four counts predicated on defendant being older than age 17 and R.D. being younger than age 13 (720 ILCS 5/11-1.60(c)(1)(i) (West 2012)). In case number 14 CR 6256, involving G.D., defendant was charged with six counts of aggravated criminal sexual abuse, comprising three counts based on G.D. being a family member under age 18 (720 ILCS 5/11-1.60(b) (West 2012)) and three counts predicated on defendant being older than age 17 and G.D. being younger than age 13 (720 ILCS 5/11-1.60(c)(1)(i) (West 2012)). Finally, defendant was charged with various counts of criminal sexual conduct against M.B. in case number 14 CR 6255. The trial court granted the State's motion to join the cases for trial.

¶ 5 J.B. testified she was 23 years old at trial and was eight years old when defendant started living with her, her sister, and Maria S. on St. Louis Street in Chicago. In the summer after third grade, when J.B. was eight or nine, she was alone in the kitchen and defendant pulled down his

pants and started "playing" with his penis, "moving it around." J.B. felt scared and disgusted. Defendant exposed his penis to her approximately 30 times until she was 16 years old.

¶ 6 When J.B. was 9 or 10, defendant told her to sit on his lap and he placed her on his erect penis. Defendant was wearing baggy clothes and his penis touched J.B.'s vagina and buttocks. Defendant was touching his penis, moving it back and forth, and told her not to tell Maria S. J.B. testified defendant did that 25 to 30 times until she was 15 or 16 years old. She did not tell anyone because she felt scared of defendant, who threatened to hit her or leave her homeless.

¶ 7 In the summer when J.B. was 10 or 11, after the family moved to a residence on Hillock Avenue, defendant had her sit next to him. He pulled down his pants and underwear and guided her hand up and down on his penis. Defendant told J.B. to "keep it between" them and "not to be afraid." Defendant also told J.B. to suck his penis like a "lollipop." J.B. was disgusted and gagged. On one occasion, defendant pulled his pants and underwear down and had J.B. suck his penis while his hands were on her head. When J.B. was 13, defendant took her into the garage and had her sit next to him in his truck. Defendant made J.B. suck his penis again. Defendant did this about 50 times from the time J.B. was 8 or 9 until she was 15 or 16 years old.

¶ 8 When J.B. was 12, defendant pulled down J.B.'s pants and underwear while she was on a bed in the vacant second floor apartment of their building. Defendant got on top of J.B. and put his penis between the "lips" of her vagina. J.B. felt "a lot of pain" and "pressure" inside her vagina as defendant tried to push his penis deeper into her vagina. J.B. cried, screamed, and kicked defendant while he told her to relax. Also when J.B. was 12, defendant tried to force his penis into her anus. Defendant spit into his hand and rubbed it on her vagina and anus. Then he spit into his hand and rubbed it onto his penis. Defendant told her to relax and that "he knew what he was

doing." J.B. was in pain and scared. She told defendant to stop and ran into the bathroom, wiped herself with a tissue, and noticed she was bleeding. J.B. locked herself in the bathroom until her mother came home.

¶ 9 When J.B. was 13, defendant told her to enter the bathroom and sit on the toilet. Defendant removed her pants and underwear, spread her legs, and placed his mouth on her vagina. Defendant told J.B. that she "would enjoy it and he was preparing [J.B.] for the future." Defendant placed his tongue between the lips of her vagina and in her vagina. J.B. told defendant to stop and he did.

¶ 10 Defendant stopped touching J.B. when she got older and was able to defend herself. J.B. testified she saw defendant grab her sister M.B.'s breasts and buttocks when M.B. was 9 or 10 years old until M.B. was a teenager. J.B. also saw defendant grab G.D.'s penis and testicles when G.D. was four or five years old. J.B. testified defendant treated her better than her siblings, bought her gifts and video games, and would give her $50 to $100.

¶ 11 On cross-examination, J.B. testified she was close with Maria S. when she was about eight years old, but was "[n]ot that close" with her at trial. When J.B. was 15 or 16, defendant became stricter and would not let her go out at night. She disagreed with that policy. J.B.'s grandmother visited two or three times per week to help. In 2013, Maria S. found a new boyfriend and wanted defendant out of the house. Maria S. obtained an order of protection against defendant in January 2014. The first time J.B. told anyone about what defendant did to her was in February 2014.

¶ 12 M.B. testified she was 18 years old at trial, and was about four years old when defendant moved in with her family. In the Hillock residence, when M.B. was nine years old, defendant would "grab and squeeze" her buttocks over her clothing. She was 14 when he last squeezed her buttocks.

¶ 13 Defendant touched M.B.'s breasts with his hands about three times. Defendant would touch her breasts over and under her clothing, squeeze them for about three seconds, and let go. This made her feel uncomfortable. While she was in the kitchen, defendant leaned against her and put his hand on her breasts under her shirt for about three seconds. M.B. told him to stop and defendant said he was just playing and laughed. Defendant would touch her when no one else was around. She told J.B. that defendant touched her buttocks but never told any adults because she felt threatened by defendant, who would tell the family he would leave them in the street.

¶ 14 When M.B. was 14 and G.D. was 8, she saw defendant touch G.D.'s penis and testicles. M.B. was in her bedroom while G.D. and defendant were in the living room. G.D. was naked and preparing to shower when defendant grabbed his penis and testicles. G.D. told defendant to stop. Defendant was not bathing G.D. or putting medication on that area.

¶ 15 On cross-examination, M.B. testified she does not know the specific dates when the touching occurred. M.B.'s "nana" Victoria S. was in the home almost every day when they lived on Hillock. M.B. did not tell any adults or anyone at school about the abuse. On September 14, 2012, M.B. was interviewed by a woman from the Department of Children and Family Services (DCFS) with Maria S. present. M.B. told the woman that no one ever touched her private area or grabbed her breasts, but this was a lie.

¶ 16 On redirect examination, M.B. testified she did not know or trust the woman from DCFS, so she did not tell her about defendant's sexual touching. M.B. was also afraid that if she spoke to the woman, she "would end up in the street." On recross examination, M.B. testified she lied during the interview even though Maria S. was present.

¶ 17 G.D. testified he was 12 years old at trial. When G.D. was eight years old, defendant started touching G.D.'s penis in a way he did not like. Once, G.D. was entering the shower and defendant "flicked" his penis. The second time, G.D. was 8½ and defendant touched G.D.'s penis when G.D. was looking for clothes in the closet and wearing a towel. G.D. testified he was "[k]ind of mad" when defendant touched him. Defendant "flicked" G.D.'s penis again over his clothing while he was in bed. When G.D. was nine, defendant pulled G.D.'s pants down and touched his butt.

¶ 18 On cross-examination, G.D. testified he told Maria S. that defendant touched him, but he did not tell his grandmother or anyone at school. On September 14, 2012, he answered questions from a woman from DCFS and told her someone touched his body parts.

¶ 19 The State entered stipulations that (1) defendant's birth date is June 9, 1975; (2) Alison Alstott is employed by the Children's Advocacy Center (CAC) and conducted a taped interview with G.D. on March 3, 2014; and (3) Alstott viewed the State's DVD exhibit which contained a true and accurate recording of the interview.

¶ 20 The DVD of G.D.'s interview with Alstott is included in the record on appeal. In the video, G.D. describes three incidents where defendant touched G.D.'s bare penis and one time where G.D. was in bed and defendant touched his penis over his clothes. G.D. also describes an incident when he was nine years old where defendant pulled down G.D.'s pants and underwear and touched his buttocks. G.D. stated he told Maria S., J.B., and M.B. that defendant touched him.

¶ 21 Maria S. testified through a Spanish interpreter that she is the mother of the minors, and that R.D. was four years old at trial and born on November 26, 2011. She was in a relationship with defendant for 15 years. While she was living with defendant, he paid for the food and the rent by doing construction work. On March 3, 2014, Maria S. spoke with Chicago police detective

Manuel De La Torre at CAC. She denied telling the detective that defendant touched or kissed her sons' butts or touched and rubbed R.D.'s penis until it became erect.

¶ 22 On February 21, 2014, Maria S. spoke to Ada Perez-Al Muhtaseb from DCFS and told her about defendant touching her sons' penises and buttocks inappropriately. She testified she did not tell the woman that defendant would touch her sons' penises until they became hard or that he touched M.B. on the breasts and butt over her clothes. On March 6, 2014, after a doctor examined the minors, Maria S. told the doctor that defendant kissed the boys on their butts and genitals because she wanted defendant out of the house due to his excessive drinking.

¶ 23 The State confronted Maria S. with a transcript of her grand jury testimony from April 3, 2014. According to the transcript, she told the grand jury that defendant touched G.D.'s butt and "then [defendant] touched his penis, and then he was masturbating him." Maria S. also testified before the grand jury that she saw

> "[defendant] put [R.D.] on the floor and started giving him massage and kissing his butt. And then [defendant] grabbed [R.D.] and they went to the sofa in the living room and picked him up and he was kissing his penis, his balls. And then [defendant] sat the kid and he was masturbating to raise his penis. Not masturbating, but like moving it to the sides and pulling—pulling it a little bit down."

Maria S. denied being put under oath or giving the answers that appeared in the transcript. She also denied telling De La Torre that she saw defendant touching J.B.'s breasts and butt over her clothes, or that defendant "fondled [M.B's] butt" and "dragged his hand over to [M.B.'s] left breast and flicked her breast."

¶ 24 On cross-examination, Maria S. denied seeing defendant act inappropriately toward her daughters. Maria S.'s mother was at the apartment every day after G.D. was born. Maria S. did not get along with defendant in 2013, and in 2014, obtained an order of protection against him. She testified her allegations in obtaining the order of protection were false. In February 2014, she made certain allegations about defendant to the police that were false because she "just wanted him to get out of the house." She testified she told G.D. what to say at CAC.

¶ 25 On redirect examination, Maria S. denied seeing defendant masturbate G.D. or touch his butt and kiss his testicles. She did not see defendant kiss and touch R.D.'s buttocks or penis, touch M.B.'s breasts, or touch J.B.'s buttocks. Maria S. testified she wants defendant to leave jail and be a father to the minors. On recross examination, she stated she was no longer in a relationship with defendant and did not visit him in jail.

¶ 26 The State entered a stipulation that Francisco Rodriguez, an official court interpreter translating from English to Spanish and Spanish to English, attended the grand jury proceedings on April 3, 2014, when Maria S. testified, and translated the questions from the Assistant State's Attorney (ASA). Maria S. was sworn to tell the truth and she responded to the questions asked of her. Rodriguez would testify that Maria S. was asked whether she observed defendant's sexual conduct with the minors, and responded that she observed defendant touching M.B.'s breasts and masturbating G.D. Regarding R.D., Maria S. testified she observed defendant kissing R.D.'s "penis and balls," and on two occasions, observed defendant moving R.D.'s penis "to the sides and pulling, pulling it a little down."

¶ 27 De La Torre testified that on March 3, 2014, he met with Maria S. at CAC. She told De La Torre that she saw defendant fondle M.B.'s butt and "flick***" her breast when M.B. was 16, rub

R.D.'s erect penis three times in January and February 2014, and kiss R.D.'s butt and testicles. She also told De La Torre that defendant would offer to massage G.D., massaged his butt and penis, would masturbate G.D for five minutes, and placed his mouth on G.D.'s penis.

¶ 28 On cross-examination, De La Torre testified that Maria S. initiated the complaint against defendant. De La Torre did not recall talking to the minors' grandmother Victoria S. or aunt Maria.

¶ 29 Before the State rested, the ASA informed the trial court that defense counsel had advised the State that M.B. claimed her testimony regarding defendant's conduct toward G.D. was untrue. The ASA spoke with M.B. by phone and met with her in person, and she "basically told *** the same thing." According to the State, defense counsel further advised that G.D. said "his testimony was not truthful" and Maria S. "told him to lie about what happed to him." The ASA then spoke with G.D., who said that he "lied" in court.

¶ 30 The defense recalled M.B., who stated that she lied when she testified she saw defendant touch G.D.'s penis and testicles, but what defendant did to her was true. M.B. testified Maria S. told her to tell DCFS about what she claimed to have seen defendant do to G.D.

¶ 31 In response to questions from the court, M.B. testified that "[e]verybody wanted [defendant] out of the house" and Maria S. told her to lie because Maria S. wanted defendant to look bad.

¶ 32 On cross-examination, M.B. stated that the first time she wanted to change her story was after she testified during the State's case-in-chief. After M.B. testified, Maria S. arranged a meeting with defendant's trial attorney and the attorney came to the house. Maria S. told all four minors what to tell DCFS, and fabricated that defendant sexually assaulted G.D. to force defendant from the house because the police were not doing anything about his domestic violence. When M.B.

met with the ASA on June 16, 2015, Maria S. said she wanted to drop the charges because defendant had been punished enough. M.B. spoke to the ASA alone and told him everything she told the police was true. M.B. also spoke to the ASA by phone before March 8, 2016, and never told the ASA that what she said happened to G.D. was a lie.

¶ 33 On redirect examination, M.B. stated that no one forced or threatened her to testify. Pursuant to questions from the court, M.B. stated she felt "really bad" testifying in the State's case-in-chief "knowing that it wasn't the truth" because she "didn't see anything."

¶ 34 The defense also recalled G.D., who denied defendant touched his penis or his butt and stated that he said those things in his earlier testimony because of what he said in the video interview. G.D. testified that his mother told him what to say on the video because she wanted defendant to leave the house. On cross-examination, G.D. testified that his mother told him what to say to DCFS.

¶ 35 Victoria S. testified she is the mother of Maria S. and grandmother of the minors. Victoria S. babysat the minors after G.D.'s birth. Defendant was always a good father to M.B. and J.B., and defendant and J.B. acted "normal" together. Victoria S. denied seeing defendant touch the minors inappropriately and stated J.B. and M.B. never complained to her. She never saw defendant act inappropriately toward G.D. or M.B. On cross-examination, Victoria S. testified she was not at the house everyday but would babysit for about seven hours at a time.

¶ 36 Defendant testified he dated Maria S. for about two months and then moved in with her, M.B., and J.B. While living with Maria S. and the minors, defendant never exposed himself to J.B., touched her inappropriately, had J.B. touch his penis, or touched his penis to her vagina or her anus. Defendant denied committing the acts J.B. described. Defendant testified he never

touched M.B.'s breasts or buttocks and never touched G.D.'s penis, pulled his towel or pants down, or grabbed his butt. Defendant never touched R.D. in a sexual manner, but did change his diaper and put medication on him. Defendant never threatened to throw the minors out of the house.

¶ 37 Defendant testified that he once drove to pick up J.B. at her friend's house when she was 14, but she was not there. Defendant found J.B. on 22nd Street and Western Avenue at about 9:30 p.m. walking with her male friend and holding hands. Defendant got "real mad," slapped her face and butt, and drove her home. Defendant parked in the garage and they started arguing. J.B. said "[y]ou're not my dad," so he slapped her and she ran upstairs. Defendant testified their relationship changed "a lot" after that incident. Defendant lost his job so his relationship with Maria S. and the girls also changed. Defendant began working part-time and his relationship with Maria S. further deteriorated to the point where he was sleeping in the living room and then on the back porch.

¶ 38 On cross-examination, defendant testified he slapped both M.B. and J.B. more than once and at times was alone with J.B. at the Hillock residence. Defendant gave "a lot of stuff," including a phone, video games, and money, to M.B., J.B., and Maria S. Defendant testified he sometimes showered with G.D., but J.B. and M.B. never sat on his lap.

¶ 39 On redirect examination, defendant testified that when he met Maria S., J.B. was eight and M.B. was 3½, and it took a while for his relationship with them to develop.

¶ 40 In rebuttal, the State recalled J.B., who testified that in February or March 2014, she went to CAC with M.B., G.D., R.D., and Maria S., who never told J.B. and M.B. to lie about seeing defendant touch G.D.'s penis. Maria S. also did not tell G.D. to lie and say defendant touched him in that manner.

¶ 41 Ada Perez-Al Muhtaseb testified she works for DCFS and investigated an alleged sexual molestation on February 21, 2014, involving defendant and three of the minors. Perez-Al Muhtaseb interviewed M.B. alone in a room at CAC. M.B. did not say she saw defendant touch G.D.'s penis, and Perez-Al Muhtaseb did not ask M.B. any question in March 2014 when De La Torre was interviewing M.B.

¶ 42 On cross-examination, Perez-Al Muhtaseb denied that J.B. said defendant touched G.D.'s penis. On redirect examination, Perez Al-Muhtaseb stated she did not ask J.B. that question. Pursuant to a question by the court, Perez-Al Muhtaseb testified the information as to who called the hotline was redacted from her report.

¶ 43 The court found defendant guilty of predatory criminal sexual assault to J.B., aggravated criminal sexual abuse to G.D., and aggravated criminal sexual abuse to R.D. The court found defendant not guilty as to the counts related to M.B.

¶ 44 In relevant part, the court stated that Maria S. "made the choice as to what she wants to testify about and whose side she wants to be on," and chose defendant over her children. The court noted Maria S. told the prosecution that "she didn't want to prosecute because [defendant] had enough. Not that [defendant] didn't do anything, but [defendant] had enough." The court found Maria S.'s testimony before the grand jury to be truthful and that it supported defendant's guilt for aggravated criminal sexual abuse of R.D. and G.D.

¶ 45 As to M.B., the court stated it believed that defendant abused her as she testified. Notwithstanding, the court also found M.B. claimed she "lied to DCFS," and when she was recalled during defendant's case-in-chief, also claimed she lied to [the court] *** about what happened to [G.D.]." Therefore, the court found defendant not guilty on the counts involving M.B.

¶ 46 Regarding G.D., the court found he testified credibly during the State's case-in-chief and that "the video corroborates it." According to the court, "[t]here's no way in the world that [G.D.] made up [his] recantation on his own." Instead, Maria S., "the person who arranges things," told G.D. to say "it didn't happen. *** And [G.D.] being a dutiful son, came into court and said [G.D.] was lying."

¶ 47 The court merged certain counts, and following a hearing, sentenced defendant to three consecutive terms of seven years' imprisonment for predatory criminal sexual assault against J.B. (case number 14 CR 6253); three concurrent terms of four years' imprisonment for aggravated criminal sexual abuse of a family member under age 18 against G.D. (case number 14 CR 6256), and a concurrent term of four years' imprisonment for aggravated criminal sexual abuse of a family member under age 18 against R.D. (case number 14 CR 6254). The three consecutive sentences of seven years were to run consecutively to the concurrent four-year sentences for a total of 25 years' imprisonment.

¶ 48 On appeal, defendant contends that the State failed to prove him guilty beyond a reasonable doubt of the aggravated criminal sexual abuse of G.D. (appeal number 1-16-2696) and R.D. (appeal number 1-16-2692) where G.D. recanted his statements implicating defendant, and M.B. and Maria S. recanted their prior testimony regarding the sexual abuse of G.D. and R.D.[1]

¶ 49 The standard of review on a challenge to the sufficiency of the evidence is whether after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *People v. Wheeler*, 226

[1] Defendant does not challenge his conviction for the predatory criminal sexual assault of J.B. (appellate number 1-16-2433).

Ill. 2d 92, 114 (2007). This standard is applicable in all criminal cases whether the evidence is direct or circumstantial. *People v. Campbell*, 146 Ill. 2d 363, 374 (1992). The trier of fact is responsible for assessing the credibility of the witnesses, weighing the testimony, and drawing reasonable inferences from the evidence. *People v. Ortiz*, 196 Ill. 2d 236, 259 (2001). The State must prove each element of an offense beyond a reasonable doubt. *People v. Siguenza-Brito*, 235 Ill. 2d 213, 224 (2009). When considering the sufficiency of the evidence, it is not the reviewing court's duty to retry the defendant. *People v. Beauchamp*, 241 Ill. 2d 1, 8 (2011). A reviewing court will only reverse a criminal conviction when the evidence is so improbable or unsatisfactory that there remains a reasonable doubt as to the defendant's guilt. *Id*.

¶ 50 In this case, defendant was found guilty of aggravated criminal sexual abuse of G.D. and R.D. In order to sustain defendant's conviction, the State was required to prove beyond a reasonable doubt that "[defendant] commit[ed] an act of sexual conduct with a victim who is under 18 years of age and the [defendant] is a family member." 720 ILCS 5/11-1.60(b) (West 2012); *People v. Ostrowski*, 394 Ill. App. 3d 82, 91 (2009). The statute defines a "family member" as "a parent, grandparent, child, aunt, uncle, great-aunt, or great-uncle, whether by whole blood, half-blood, or adoption, and includes a step-grandparent, step-parent, or step-child." 720 ILCS 5/11-0.1 (West 2012).

¶ 51 Under section 115-10.1 of the Code of Criminal Procedure (725 ILCS 5/115-10.1 (West 2016)), a witness's prior inconsistent statement may be admitted as substantive evidence when, as relevant here, the witness is subject to cross-examination regarding the statement and it was made under oath at a prior proceeding or was accurately recorded on video. "Prior inconsistent statements alone may be sufficient to support a conviction," and it is for the trier of fact to weigh

the conflicting statements and determine which is more credible. *People v. Williams*, 332 Ill. App. 3d 693, 696-97 (2002).

¶ 52 Defendant does not dispute he was G.D.'s or R.D.'s father or that they were under 18 years of age during the relevant period. Instead, defendant challenges the State's evidence regarding his conduct where G.D., M.B., and Maria S. recanted their testimony that he committed sexual conduct with G.D. and R.D. Defendant argues we should disregard the prior testimony of G.D. and M.B. in the State's case-in-chief, and Maria S.'s testimony to the grand jury, and find their recantation testimony is more credible.

¶ 53 Viewing the evidence in the light most favorable to the State, we find that a rational trier of fact could have concluded that defendant committed aggravated criminal sexual abuse against his sons G.D. and R.D. At trial, the State presented the testimony of J.B., M.B., and G.D., the video of G.D.'s interview with a DCFS investigator, Maria S.'s grand jury testimony, and her statement to De La Torre regarding defendant's sexual acts against G.D. and R.D. Defendant elicited recantation testimony from G.D. and M.B., but the trial court found their testimony in the State's case-in-chief to be credible. Likewise, the court found Maria S.'s statements to the police and her testimony to the grand jury to be credible, and found her testimony at trial to be incredible.

¶ 54 As we have stated, the trier of fact is responsible for assessing the credibility of the witnesses, weighing the testimony, and drawing reasonable inferences from the evidence. *Ortiz*, 196 Ill. 2d at 259. Minor inconsistencies between witnesses' testimony or within one witness' testimony affect the weight of the evidence, but do not automatically create a reasonable doubt of guilt. *People v. Adams*, 109 Ill. 2d 102, 115 (1985). It is the trier of fact that weighs how flaws in part of a witness' testimony, including inconsistencies with prior statements, affect the credibility

of the whole. *People v. Cunningham*, 212 Ill. 2d 274, 283 (2004). "A trier of fact is free to accept or reject 'as much or as little' of a witness's testimony as it likes." *People v. Rouse*, 2014 IL App (1st) 121462, ¶ 46 (quoting *People v. Logan*, 352 Ill. App. 3d 73, 81 (2004)). Here, the inconsistencies in and between the evidence of G.D., Maria S., and M.B. were fully explored during cross-examination. The court chose to accept the prior testimony and statements of G.D. and Maria S. in finding defendant guilty of aggravated criminal sexual abuse. In view of the record and the court's credibility determinations, we cannot say the evidence was so improbable or unsatisfactory as to render the trier of fact's conclusion unreasonable.

¶ 55 Essentially, defendant asks this court to substitute our judgment by accepting Maria S.'s, M.B.'s, and G.D.'s recantation testimony to reverse his convictions for aggravated criminal sexual abuse. Our supreme court, however, has recognized that recantation testimony is "inherently unreliable." *People v. Morgan*, 212 Ill. 2d 148, 155 (2004). Only in "extraordinary circumstances" will courts grant a new trial on the basis of recantation testimony. *Id*. at 155.

¶ 56 Here, the trial court heard the testimony and recantations of the witnesses and viewed their demeanor in court. "The trier of fact is best equipped to judge the credibility of witnesses, and due consideration must be given to the fact that it was the trial court *** that saw and heard the witnesses." *Wheeler*, 226 Ill. 2d at 114-15. We will not retry defendant or substitute our judgment for that of the trier of fact on questions involving the weight of evidence, conflicts in testimony, or the credibility of witnesses as defendant asks we do now. *Beauchamp*, 241 Ill. 2d at 8.

¶ 57 We are likewise not persuaded by defendant's argument that the evidence implicating him in the sexual abuse of G.D. and R.D. was uncorroborated, and therefore, insufficient, particularly where none of the minors testified to the sexual abuse of R.D. The State, however, has no added

burden in a sexual assault case to demonstrate that the complainant's testimony is substantially corroborated. *People v. Schott*, 145 Ill. 2d 188, 202-03 (1991). Minor inconsistencies in the testimony of a witness do not render the testimony unworthy of belief and affect only the weight to be given the testimony. *People v. Roper*, 116 Ill. App. 3d 821, 824 (1983). Moreover, when a defendant is convicted on the basis of a witness's recanted prior inconsistent statement, the question for the reviewing court is not whether any evidence existed to corroborate the statement; rather, the inquiry is whether, after viewing the evidence in the light most favorable to the State, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *People v. Zizzo*, 301 Ill. App. 3d 481, 489 (1998). Here, G.D.'s testimony about defendant "flicking" G.D.'s penis and touching his buttocks when he was preparing to shower was both credible and corroborated by J.B.'s testimony. Defendant also argues that only Maria S. purported to observe him abusing R.D., and she recanted her statement to the detective and her testimony to the grand jury. The trial court, however, also found that Maria S.'s grand jury testimony regarding the sexual abuse to R.D. was credible. We cannot say the evidence was so improbable or unsatisfactory that there remains a doubt as to defendant's guilt. *Beauchamp*, 241 Ill. 2d at 8.

¶ 58 Defendant also notes inconsistencies in G.D.'s and Maria S.'s statements as to when the abuse began. G.D. testified in the State's case-in-chief that the abuse started when he was about eight years old, which according to defendant, would have been in 2012. In contrast, defendant notes that Maria S. reported the abuse in 2014. Our supreme court, however, has affirmed convictions in similar cases where discrepancies in the details described by the witnesses were conflicting and found that it is the function of the trier of fact to "weigh the evidence, assess the

credibility of the witnesses, resolve conflicts in the evidence, and draw reasonable inferences therefrom." *People v. Washington*, 2012 IL 110283, ¶ 60.

¶ 59 Here, the trial court found G.D.'s videotaped interview, statement to the DCFS investigator, and testimony in the State's case-in-chief to be credible and his recantation to be incredible. Likewise, the trial court found Maria S.'s statement to the detective and her grand jury testimony to be credible. Construing the evidence in the light most favorable to the prosecution, we cannot say minor inconsistencies make G.D.'s and Maria S.'s testimony incredible or render the evidence less than sufficient to sustain the convictions. *People v. Brown*, 2013 IL 114196, ¶ 48.

¶ 60 We are not persuaded by defendant's reliance on *Schott*. In *Schott*, the reviewing court found the victim was "impeached to such a degree" that the evidence did not establish the defendant was guilty of aggravated indecent liberties with a child beyond a reasonable doubt. *Schott*, 145 Ill. 2d at 209. There, the victim admitted herself to be a person who lies "a lot," her trial testimony was impeached numerous times with her prior testimony at a juvenile proceeding, and her account was "so fraught with inconsistencies and contradictions" that it lacked credibility. *Id*. at 206-07. Here, unlike in *Schott*, G.D.'s videotaped interview was consistent with his initial testimony in court. Moreover, Maria S.'s statements to the police and DCFS, and her grand jury testimony, were consistent with G.D.'s and M.B.'s testimony in the State's case-in-chief. *Ortiz*, 196 Ill. 2d at 259.

¶ 61 Defendant's arguments regarding the witnesses' credibility essentially ask this court to substitute its credibility determinations for those of the trial court. This we cannot do. See *Siguenza-Brito*, 235 Ill. 2d at 224-25. Given its ruling, the trial court clearly found G.D.'s testimony in the State's case-in-chief and his statements in his interview at CAC to be credible.

The court also found Maria S.'s grand jury testimony and her statement to the police to be credible. The court disregarded their recantations. A conviction will be overturned only if the evidence is so unreasonable, improbable, or unsatisfactory that there remains a reasonable doubt of guilt. *Beauchamp*, 241 Ill. 2d at 8. This is not one of those cases.

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

¶ 63 Affirmed.